

Commission on Indian Trust Administration and Reform

DRAFT Work Plan Approach for 2012 V2

Guiding Principle (from Secretary): Consider what is in best interest of tribes and Indian people

Goals: Provide good service to tribes, how can, or should, Interior best perform its services?

Recommendations that support self-determination and the government-to-government relationship

The Commission duties as outlined in its charter are to:

- Conduct a comprehensive evaluation of DOI's management and administration of the trust administration system including a review of the report of a management consultant hired in accordance with Secretarial Order 3292 (*paragraph 4A*);
 - Review the DOI provision of services to trust beneficiaries (*paragraph 4B*);
 - Review input from the public, interested parties and trust beneficiaries, which should involve conducting a number of regional listening sessions (*paragraph 4C*);
- Consider the nature and scope of necessary audits of the Department's trust administration systems (*paragraph 4D*);
- Consider the provisions of the American Indian Trust Fund Management Reform Act of 1994 providing for the termination of the Office of Special Trustee for American Indians (*paragraph 4G*)

Recommend options to the Secretary:

- To improve the DOI management and administration of the trust administration systems based on the information obtained from the above activities. Recommendations should include whether any legislative or regulatory changes are necessary to permanently implement such improvements. (*paragraph 4E links to 4A-C*)
- On the need for and scope of audits on the effectiveness of all management reforms implemented as a result of Secretarial Order 3292. The Department shall consider these recommendations in performing an audit of the effectiveness of such reforms. (*paragraph 4F links to 4D*)
- Consider the provisions of the American Indian Trust Fund Management Reform Act of 1994 providing for the termination of the Office of Special Trustee for American Indians, and making recommendations to the Secretary regarding any such termination (*paragraph 4G*).

Possible Commission product(s): [To be Decided by Commission]

- A. A series of recommendations on: trust management and administration organized by asset class; provisions for termination of OST; recommendations for broader improvement of the relationship; need and scope for audits

OR

- B. A single report consisting of three chapters responsive to the above bulleted requested recommendations.

OR

- C. Single reports responsive to each of the above bulleted requested recommendations.

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Proposed Timeline, Tasks, Products

The following table outlines an approach to the work of the Commission through December 2012. The document is draft and is contingent on review of the Commissioners and DOI. The format is based on preliminary ideas from Commissioners discussed on March 1. The draft approach is intended to illustrate a way for the Commission to organize its work, while being inclusive and transparent.

Date	Tasks/Product
March 1, 2	<p>Commission in-person meeting</p> <ol style="list-style-type: none"> 1. Outline communication plan. 2. Decide on preliminary approach to recommendations/products 3. Establish work plan and schedule for calls, webinars, meetings 4. Identify any technical, substantive presentations for April webinar/conference call 5. Decide on possible subcommittees: 6. Research subcommittee –Anderson and Leeds and legal students 7. Trust relationship/definition – Sharp, Anderson: two pager product standing reports on each webinar 8. Trust model subcommittee: look at trust models outside of Indian Country and in federal and other gov't e.g., social security – Leeds, Zah – report at webinar <p>May add others to subcommittee after checking for possible conflicts of interest, notify DFO of subcommittee membership report at April</p> <p>Formulate a clear charge statement for each subcommittee report at April</p> <ul style="list-style-type: none"> • Suggestions: a) operations such as budget, recommendation format; b) Trust Mgmt; c) OST; d) Audits
<p>Late March</p> <p><i>March 21, 22, 23 proposed</i></p>	<p>Commission Call (administrative) to:</p> <ol style="list-style-type: none"> 1. Brainstorm scope of work for management consultant(s), selection and contracting process <ul style="list-style-type: none"> • Discuss possible expertise of consultants/selection criteria • Possible contractor task: Literature review of work already completed, e.g., management reports, as-is/to-be, ILIP (identify key studies to include in review). Goals: identify where there additional information is needed and proposed a range of possible solutions • Identify /propose greatest need/priority by asset class, include that asset

	<p>class in the scope of work for DOI and then contractor to: identify work that has been done already, where there are gaps and offer solutions (products)</p> <ul style="list-style-type: none"> ○ Asset classes: oil & gas, timber, grazing, minerals & mining, cultural resource protection, subsistence resources, others? ● Review provisions of American Indian Trust Fund Management Reform Act of 1994 providing for the termination of the Office of Special Trustee for American Indians <ul style="list-style-type: none"> ○ Develop range of criteria to assess provisions <p>2. DOI: Develop draft commission budget (includes consultant(s)/evaluators, outreach, facilitator, directs costs for Commissioner travel)</p> <p>3. Develop letter from Commission to Indian Country (tribal leaders, individual Indians, tribal organizations, stakeholders) re:</p> <ul style="list-style-type: none"> ● Broad ideas on role of consultant(s), and possible tasks noting that Commission is interested in solution oriented ideas and recommendations ● Invite to June Commission meeting to share: <ul style="list-style-type: none"> ○ What topics, related to the duties of the Commission, that they think the Commission should focus on in order to achieve implementable recommendations in 2012. ○ Identify a set of questions to solicit written feedback from tribes, individual Indians, tribal organizations, stakeholders (possible May deadline). Possible example questions: Given duties of Commission, what would they like the Commission to accomplish?; With respect of trust administration and management system what works well? What suggestions do they have for how to improve the following aspects of trust management and administration: asset ownership, asset management, contracts (leasing and managing funds), how might one define trust duty; What are thoughts about the role of the Secretary and role of the Department of the Interior; presence and appropriate role of staff <p>Individual Commissioner Outreach</p> <ul style="list-style-type: none"> ● Individual Commissioner briefings, reports to constituents including ITBC, other sessions
<p>April <i>TBD</i></p> <p>Possible regular schedule? e.g. third</p>	<p>Commission call and webinar (open session)</p> <ol style="list-style-type: none"> 1. Review, discuss, approve management consultant(s)

<p>Wednesday of each month</p>	<ul style="list-style-type: none"> • Selection and contracting process • Scope of work as well as priority focus for asset review • Discuss roles of management consultant(s) and relationship to Commission and DOI <ol style="list-style-type: none"> 2. Review, discuss, approve letter to Indian Country <ul style="list-style-type: none"> • Confirm audiences, who signs, who sends, post to ITC website 3. Review, discuss, and approve draft Commission operating budget 4. DOI: report out on action items from March 1-2 meeting. 5. Discuss structure, approach, timing of field hearings, consultation and collaboration with stakeholders for fact finding resulting in a communications plan and interface with media. 6. Possible subject matter webinar(s) to hear from tribal orgs involved in trust reform. What suggestions do they have for the Commission to prioritize their work? What solutions do they think would improve trust management and administration? 7. Report from Commission subcommittees (if applicable) 8. Identify information needs and possible subject matter & technical experts for tasks (ongoing)
<p>May TBD</p>	<p>Commission call and webinar (open session)</p> <ol style="list-style-type: none"> 1. Status update on solicitation for consultant(s) 2. Status update on comments and input received from letter 3. Subject matter and technical expert panel from Dept of Treasure, Dept of Ag, OMB (focus is TBD). (Have Secretary’s office make request) What suggestions do they have for priority topics related to Commission duties? What solutions do they think would improve trust management and administration? 4. Provide responses to questions posed from previous webinar (tease out process, post approach on website)
<p>June 11, 12 Rapid City</p>	<p>Commission in-person meeting</p> <ol style="list-style-type: none"> 1. Status update, report on consultant(s) selection 2. Review key themes organized around: trust management and administration and the continuation of the OST from written comments submitted. Identify and agree on solution oriented ideas for further analysis and consideration.

	<ol style="list-style-type: none"> 3. Status update on settlement. 4. Discuss and agree on outline and format for recommendations/ report(s) outline 5. Discuss objective criteria for guiding decision making for each task (if different) 6. Individual Commissioner Outreach: briefings, reports to constituents <ul style="list-style-type: none"> • NCAI mid-year meeting June 17-20 Lincoln NE
July TBD	<p>Commission call and webinar (open session)</p> <ol style="list-style-type: none"> 1. Progress report update from consultant(s) 2. Briefing on additional analysis of solution oriented ideas. 3. Subject matter and technical expert panel if needed.
August TBD	<p>Commission call and webinar (open session)</p> <ol style="list-style-type: none"> 1. Progress report update from consultant(s) 2. Briefing on additional analysis of solution oriented ideas. 3. Subject matter and technical expert panel if needed.
September 13, 14 Albuquerque	<p>Commission in-person meeting</p> <ol style="list-style-type: none"> 1. Report/briefing from consultant(s) regarding: <ul style="list-style-type: none"> • “Study/Literature” review <ul style="list-style-type: none"> ○ Alternatives, options ○ Determine additional information needs, initial analysis of strengths and weaknesses of options and implications • Asset class <ul style="list-style-type: none"> ○ Alternatives, options ○ Determine additional information needs, initial analysis of strengths and weaknesses of options and implications • Provisions in American Indian Trust Fund Management Reform Act of 1994 providing for the termination of the Office of Special Trustee: <ul style="list-style-type: none"> ○ Alternatives, options ○ Determine additional information needs, initial analysis of strengths and weaknesses of options and implications 2. Discussion and formulation of provisional recommendation for consideration regarding priority asset class topic, broad reform needs, options that are responsive to appropriate role of Department, Secretary <ul style="list-style-type: none"> • Agree on strategy to gather input on provisional recommendation(s)

	<ol style="list-style-type: none"> 3. Briefing(s) on scope and nature of necessary audits <ul style="list-style-type: none"> • Discuss additional information needs • Initiate Audit Subcommittee work 4. Identify additional asset class(es) for evaluation 5. Commissioner outreach reports 6. Regional consultation/listening session/engagement 7. Schedule 2013 meetings and work schedule
October <i>TBD</i>	<p>Commission call and webinar (open session)</p> <ol style="list-style-type: none"> 1. Discussion of inputs on provisional recommendation, refinements of recommendation(s); transmit to Secretary as draft or final 2. Briefing and report on scope and nature of necessary audits 3. Briefing and information sharing on evaluation of additional asset class(es)
November <i>TBD</i>	<p>Commission call and webinar (open session)</p> <ol style="list-style-type: none"> 1. Finalize transmittal of initial recommendation(s), to Secretary final 2. Briefing and report on scope and nature of necessary audits 3. Briefing and information sharing on evaluation of additional asset class(es)
December 6-7 Seattle	<p>Commission in-person meeting</p> <ol style="list-style-type: none"> 1. Secretary's response to first set of final recommendations 2. Consultant report analysis of additional asset classes 3. Input from tribes, individual Indians, tribal organizations re new asset class(es) topics 4. Commissioner reports on outreach