



KAW NATION

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Hello, I am Guy Munroe Chair of Kaw Nation, in response to the solicitation by the ITC relating to the Department's administration and management of trust assets and how the Department has or has not been carrying out its fiduciary trust responsibility to the Kaw Nation I will respond as follows:

Question 1. Do you have any recommendations to improve or streamline delivery of services to trust beneficiaries? This includes matters related to financial management and accounting functions, as well as natural resource management functions.

The Kaw Nation has continually struggled to understand exactly how and who in the Interior Department/BIA deals with the financial management and accounting functions, as well as natural resource management functions of the Kaw Nation. During the past six years that the Kaw Nation has maintained two lawsuits related to the failure of the United States to properly account for the management of the assets of the Kaw Nation it has become painfully obvious to us at Kaw Nation that there has been no coherent policy on the part of the Department related to these issues. We would recommend to the Department that it describe to us in detail the management system as it exist and who in the Department is responsible for these activities. Our general impression is that the Department believes the extent of their responsibility in this regard is to send someone from the Department with a summary spreadsheet to meet with us once a year. We would like to see a more meaningful explanation of the Departments chain of command and an explanation of the perceived responsibilities of the Department regarding financial management and accounting functions, as well as natural resource management functions as it relates to the Department fiduciary responsibilities to the Kaw Nation

Question 2. Are there any other trust administration models the ITC should examine as it looks towards improving the Department of the Interior's trust administration and management?

We are aware that in December of 2004 the Department published a Fiduciary Trust Model that seemed to encapsulate many good ideas as how to deal with the issues of trust management, but we are not aware that any meaningful efforts were made to actually implement this Model. Rather than undertake yet another time consuming exercise in developing a new Model we would suggest an analysis of why the 2004 Fiduciary Trust Model was not implemented or why its implementation was not realized be completed.

Question 3. Given that the sunset provision in the American Indian Trust fund Management Reform Act of 1994 was predicated on OST's oversight and reform

responsibilities, and that OST now has additional operational duties, should the Commission recommend sun setting the OST?

The Commission should undertake a critical review of the activities, outcomes, accomplishments and cost of the OST since its inception. Merely suggesting to sunset or not sunset the OST without such a review seems illogical and a waste of an opportunity. Such a review should include Tribes and third Parties so a meaningful critique of the OST can be made.

Question 4. Do you have any recommendations and/or suggestions that would improve the nation-to- nation relationship between DOI and Tribes with respect to trust administration?

It is the opinion of the Kaw Nation that the current State of the government to government relationship is a mere exercise in semantics. We have been involved in many such discussions which generally consist of a "canned" consultation with no generally definable goals other that the Interior can "check a box" for the purposes of reporting that Tribes were involved in that a meeting was held. No real responsibilities are placed on the Department for turning these discussion into quantifiable outcomes. Unless the Department is accountable for developing action items which result from these consultations no real progress will result on the Tribal side of this relationship.

Question 5. Do you have any recommendations to improve or strengthen trust management and/or administration based on information gathered in the course of litigation and settlement of the recent tribal breach of trust cases announced in early April of this year.

We would suggest that a survey of Tribes and individuals that have been involved in the Trust litigation be conducted and a report be generated outlining the process. The Cobell case is very troubling in that it seems that a handful of Plaintiffs and some Law Firms were the only winners in that case. Those in the Government that were responsible for the mismanagement should be held accountable. Until the employees of the Department are held accountable for their inaction or malfeasance the current system will never be beneficial to Tribes or individual Indians.

On behalf of the Kaw Nation I thank you for this opportunity to comment on these matters and I look forward to a time we the bureaucracy of the Department is turned into a beneficial system for Indian Country and the Kaw Nation in particular. Thank you!

Sincerely



Guy Munroe

Chair of Kaw Nation