



February 8, 2013

Lizzie Marsters, Designated Federal Official
Secretarial Commission on Indian Trust Administration and Reform
United States Department of Interior
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Washington, DC 20240
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Dear Ms. Marsters:

This letter follows up on comments previously submitted on behalf of the Navajo Nation to the Secretarial Commission on Indian Trust Reform (“Commission”) regarding meaningful reform of federal management and administration of Indian trust assets.

The foundational principles of the federal-tribal relationship —federal protection and tribal sovereignty—seem to have been lost or forgotten by two branches of the federal government, thereby requiring the one remaining branch with express constitutional authority here to reassert its authority and those principles. The current system for management of Indian trust assets is not effective or sustainable, and is due for a generational paradigm shift that provides greater respect for and implementation of foundational principles. The Navajo Nation therefore strongly urges the Commission to make a prompt recommendation that Congress enact meaningful trust asset reform legislation.

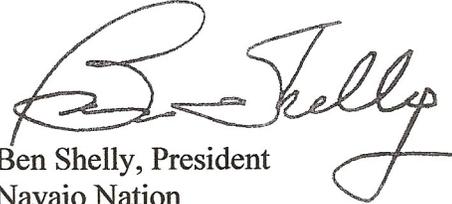
It is my position that any legislation must reaffirm foundational history and principles; provide true tribal self-determination over trust asset management and eliminate federal and state barriers; elevate the Assistant Secretary for Indian Affairs (“ASIA”) to a Deputy Secretary to reintegrate and improve federal trust asset management; and establish a permanent Indian Trust Oversight Commission to ensure greater accountability. Legislation already has been introduced in the current Congress that would accomplish much of these goals, namely, H.R. 409 and S. 165, the Indian Trust Asset Reform Act (“ITARA”). While that proposed legislation provides an excellent foundation there are number of provisions that could be beneficial to trust reform: (1) reinforce existing provisions that reaffirm the trust responsibility and reorganize the Department of the Interior; (2) allow tribes to opt out of onerous federal statutory regimes; (3) preempt state and local taxes for federally approved tribal trust asset management plans; and (4) establish the oversight commission noted above.

The Navajo Nation very much appreciates all that the members of the current Commission have undertaken to address the significant structural issues that have developed over many years of federal mismanagement of Indian trust assets. We also recognize that there is no simple or quick solution, and that there are many details to be assessed by the Commission over

the remaining term of the Commission. The need for such ongoing review should not preclude the Commission from making prompt recommendations on key issues.

Thank you very much for your attention to these important matters.

Respectfully,

A handwritten signature in black ink, appearing to read "Ben Shelly". The signature is fluid and cursive, with a large initial "B" and a long, sweeping tail.

Ben Shelly, President
Navajo Nation

cc: President Barak Obama
Assistant Secretary for Indian Affairs Kevin Washburn
Arizona, New Mexico, and Utah congressional delegations
Senate Committee on Indian Affairs members
House of Representatives Subcommittee on Indian and Alaska Native Affairs members