

STATEMENT OF PHIL HOGEN
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U.S. DEPARTMENT OF THE INTERIOR
ON S. 1857,
AN ACT TO ENCOURAGE THE SETTLEMENT OF TRIBAL CLAIMS,
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS
February 7, 2002

Good morning, Mr. Chairman and members of the Committee. My name is Phil Hogen. I am the Associate Solicitor for Indian Affairs at the Department of the Interior. Thank you for the opportunity to present the Department of the Interior's views on S. 1857, an act "To Encourage the Settlement of Tribal Claims."

The Department supports the intent of S. 1857, although we suggest clarifying changes in order to make the language of the bill consistent with the intent. S. 1857 attempts to establish a date certain on which the statute of limitations would commence to run on claims concerning alleged losses to or mismanagement of tribal trust funds. The bill seeks to provide the Tribes and the Government with additional time to address and determine a process to encourage and facilitate the resolution of tribal trust fund mismanagement claims based on the results of the Arthur Andersen reconciliation reports that were provided to the Tribes in 1996. The proposed legislation would also provide Tribes that have already filed litigation with a sufficient basis to obtain a stay of their pending claims, until the Tribes and the Department have had further opportunity to engage in attempts to resolve those claims, before resorting to what will almost certainly be expensive and burdensome litigation for both sides. We support this approach, but recommended the following changes:

With respect to subsection (a), we recommend that the language be amended to state as follows:

(a) IN GENERAL - Solely for purposes of providing an opportunity to explore the settlement of tribal claims, the statute of limitations shall be tolled through September 30, 2003, for any claim not already time-barred concerning losses to or mismanagement of tribal trust funds.

This recommended change would obviate the need for the language currently found in subsection (b) of the bill. As such, we recommend that subsection (b) be deleted.

Once again, I would like to thank you the opportunity to testify on this legislation. I would be pleased to answer any questions you may have.