

Congress of the United States
Washington, DC 20510

March 21, 2006

The Honorable David L. Bernhardt
Solicitor, Acting
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Mr. Bernhardt:

We are writing in regard to the Hoopa-Yurok Settlement Act (P.L. 100-580) and the dispensation of monies remaining in the Hoopa-Yurok Settlement Act Fund.

Since the Secretary of Interior's Report to Congress was issued in March 2002, there has been no agreement between the two tribes on how to dispense of the remaining Settlement Act funds. Various legislative proposals have been advanced, but none of these has gained traction in Congress.

We understand that in an effort to reach a judgment, recent discussions have been held between the Solicitor's Office and the individual tribes. However, given the historic stalemate between the tribes, and to further our understanding of the legal ramifications surrounding the distribution process, we are seeking clarification on several issues and request your response to the following:

- 1) Of the original balance of the Settlement Fund, what was determined to be the Yurok share? And, what is the total value of the Settlement Fund today?
- 2) Is it the Solicitor's opinion that Congressional action is required to establish a distribution process for the Hoopa-Yurok Settlement Fund? Or, under the terms of the Act, does the Secretary continue to have the authority to make a determination on the status of the Fund?
- 3) Is it the Solicitor's opinion that the waiver provided for in the Hoopa-Yurok Settlement Act of 1988 remains an exercisable option for the Yurok tribe? If so, what is the legal basis for this conclusion?

The Honorable David L. Bernhardt
March 21, 2006
Page 2

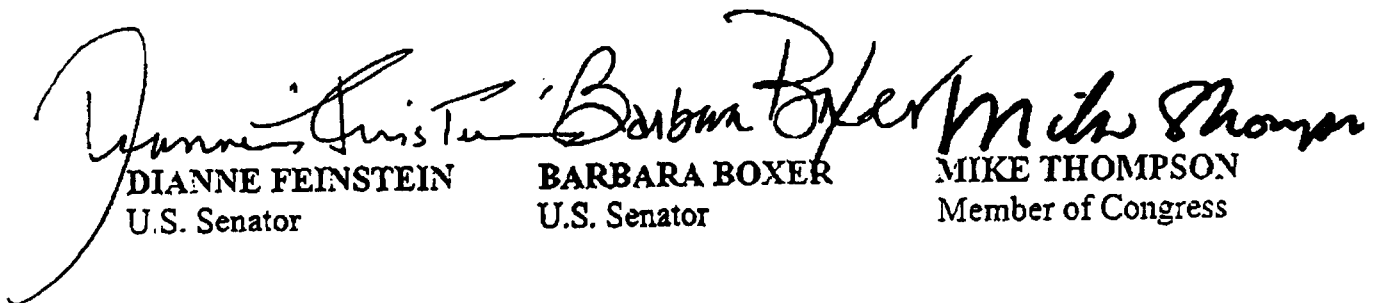
4) Is it the Solicitor's opinion that the Hoopa Valley tribe has legal claim to a portion of the remaining funds, including interest accrued, since the initial dispersal of funds to the Hoopa in 1988?

5) Should the Secretary reach a decision, without benefit of additional Congressional action, is legal recourse available to either tribe to challenge the decision?

Nearly two decades have passed since the enactment of the 1988 Hoopa-Yurok Settlement Act. It was the intent of Congress to resolve the long-standing legal conflicts between these two tribes and to provide a mechanism for the equitable distribution of the trust funds set aside to benefit tribal members. In our opinion, a settlement needs to be reached and we welcome the Department of Interior's renewed participation at this time.

We look forward to your response to our inquiry and are available to answer any questions you may have.

Sincerely,


DIANNE FEINSTEIN BARBARA BOXER MIKE THOMPSON
U.S. Senator U.S. Senator Member of Congress