

Statement of Ben Nighthorse Campbell
Chairman, Committee on Indian Affairs
Hearing on GAO and BIA Reports on Tribal Tort Liability Insurance

July 12, 2000

Good afternoon. Today the Committee will receive testimony on two reports that deal with the extent and degree of liability insurance Tribal governments have in order to provide compensation for people injured as a result of accidents or torts committed by Tribal employees.

These reports were launched two years ago in the midst of the Congressional debate over the doctrine of Tribal sovereign immunity.

In the last Congress, the Committee convened hearings on legislation that would have waived Tribal sovereign immunity from lawsuits to provide remedies to injured persons.

As an alternative to broad sovereign immunity waivers in tort matters, I introduced a bill (S.2097) that would have required Tribes to secure tort liability insurance to provide a remedy for injured parties.

This legislation was amended to direct the Interior Secretary to conduct a "Comprehensive Survey" of the degree, type, and adequacy of liability insurance in place.

Though this Survey was due in June, 1999, as of this morning it has not been submitted.

In addition to the Interior Department Survey, I asked the General Accounting Office to review the interaction of insurance coverage made available to Tribal contractors as a result of the *Federal Tort Claims Act*, and whatever private insurance the Tribes have.

The GAO Report was submitted on July 5, 2000.

The findings of the GAO Report are interesting and provide this Committee with the opportunity to act to make sure there are no "gaps" in insurance coverage for Tribal activities, and at the same time make sure that there is an efficient use of both Tribal and Federal funds in the purchase of insurance.