

**U.S. Department of Justice Tribal Consultation on Risk
Management
October 28-29, 2021**

Framing Paper

The U.S. Department of Justice (DOJ) welcomes opportunities to consult with Tribal governments, including as required by federal law and DOJ policy. Earlier this year, Congress passed the Fiscal Year 2021 appropriation bill, which directed the “Office of Tribal Justice... to consult with Tribal entities concerning risk management, loss prevention, the resolution of tort claims, alternative dispute resolution, and protecting and managing tribal sovereign immunity in the context of economic development. ”

In order to obtain information that would be helpful in developing this framing paper, OTJ coordinated with the Department of the Interior’s Bureau of Indian Affairs, Office of Economic Development. This coordination process led to the development of some specific topics for consideration in advance of the consultation sessions. These questions are not intended to limit feedback; although the legislation focuses on Tribal risk management, DOJ welcomes input on any related aspects of this multi-faceted issue.

- What are the risks that Tribal governments face that could negatively impact tribal economic development?
- What are some of the best practices that Tribal governments can exercise in order to manage risk and prevent loss?
- Are there best practices regarding records management that Tribal governments should employ to protect records?
- Are there best practices for Information Technology (IT) security that Tribal governments should employ to deal with ransomware, protect data, and respond to data loss?
- What best practices could be employed to prevent and respond to civil tort claims?
- Should alternative dispute resolution play a role?
- What role should Tribal sovereign immunity play? When is partial waiver of Tribal sovereign immunity appropriate?
- Are there best practices for Tribes regarding insurance coverage to protect against loss?

DOJ strongly encourages submission of comments in advance of the scheduled discussion. Submission of feedback prior to our discussions will help ensure DOJ representatives are able to address specific concerns and, where possible, ensure the right agency representatives are in attendance to address specific topics of concern. Tribes are welcome to submit multiple times, before and after consultation discussions. Please submit advance feedback via email to OTJ@usdoj.gov.