

**INTERTRIBAL MONITORING ASSOCIATION on Indian Trust Funds**

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**RESOLUTION #01-ITMA-11**

**RE: Authorization for the Intertribal Monitoring Association on Indian Trust Funds to Support Tribes in their Efforts to Preclude the Assessment of Administrative Fees by the Bureau of Indian Affairs in Relation to Tribal Trust Property.**

**WHEREAS**, the United States acts as a fiduciary with respect to land and other assets held in trust for Indian tribes; and

**WHEREAS**, under recent amendments to regulations regarding leasing and permitting on tribal trust lands, the Bureau of Indian Affairs is authorized to charge certain administrative fees with regard to leasing and permitting tribal trust lands (25 C.F.R. Part 162); and

**WHEREAS**, the exaction of such fees is contrary to the nature of the trust relationship between tribes and the United States because the tribes have already paid for the trust with their lands and human lives; and

**WHEREAS**, Congress created the trust relationship through treaties and statutes, and any change in that relationship is for Congress to make in consultation with tribes; it is not the province of an office of the executive branch to alter the relationship unilaterally; and meet the applicable fiduciary standards; and

**WHEREAS**, furthermore, the Bureau of Indian Affairs' history of mismanagement of trust assets suggests that it would be inappropriate to charge a fee for services that do not meet the applicable fiduciary standards; and

**WHEREAS**, the exaction of such fees of necessity decreases the amount that can be collected by tribes pursuant to such leases and permits; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Directors of the Intertribal Monitoring Association on Indian Trust Funds, that the Association hereby supports the efforts of tribes to prevent the Bureau of Indian Affairs from collecting fees for the administration of funds or assets held in trust for Indian tribes or individual Indians.

**ITMA Resolution #01-ITMA-11**

**CERTIFICATION**

The foregoing ITMA Resolution #01-ITMA-11 was adopted by the ITMA Board of Directors by means of a duly sanctioned Board Telephone/Fax Poll conducted on July 6, 2001. The official action was constituted by means of \_\_\_\_\_ voting for, \_\_\_\_\_ opposed, \_\_\_\_\_ absent, and \_\_\_\_\_ abstaining.

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SECRETARY  
(Governor) Harry D. Early

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CHAIRMAN  
(Chief) Charles O. Tillman