

INTERTRIBAL MONITORING ASSOCIATION on Indian Trust Funds

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01 RESOLUTION #13

Opposing the reprogramming of \$300 million of Interior Department appropriations in FY 2002 and the creation of a Bureau of Indian Trust Management out of the Bureau of Indian Affairs until Congress shall have held hearings and given its affirmative consent.

WHEREAS, the Intertribal Monitoring Association on Indian Trust Funds (ITMA) is a tribal organization composed of fifty-three federally recognized tribes, including the largest tribal trust fund account holders; and

WHEREAS, the ITMA has spent more than ten years studying the trust reform needs of the Department of the Interior and monitoring that Department's trust reform efforts; and

WHEREAS, the Department has not advanced any credible reasons to believe that simply creating a new agency will improve either the maintenance of the trust relationship between the United States and its Indian tribes and Alaska Native communities and their members, or the administration of the Indian and Alaska Native trust estate; and

WHEREAS, the Department has, on the other hand, acknowledged that this reorganization of the Indian trust functions of the Department is driven in large part by the threat of federal court intervention in pending litigation involving, among other things, the Individual Indian Money trust accounts; and

WHEREAS, the Federal District Court for the District of Columbia has recently added to the charges which the Secretary must answer in order to avoid being found in contempt of court the charge of committing a fraud upon the court in the conduct of litigation involving Individual Indian Money trust accounts and the security of trust data; and

WHEREAS, the Department has never advised the beneficiaries of the Indian trust estate that it has requested the reprogramming for the purpose of reorganizing the Indian trust of \$300 million appropriated for the administration of that trust; and

WHEREAS, the matters of fraudulent representations in the administration of the trust, maintaining a culture of secrecy and less than full disclosure to the beneficiaries of the trust, and the general lack of transparency in the deliberations leading up the Secretary's proposal all raise basic questions about the candor and transparency of the Department's reprogramming proposal; and

WHEREAS, repeated Acts of Congress over the last 20 years have urged and directed the Department of the Interior to utilize the capabilities of Indian tribes in designing programs and procedures for the administration of their trust estate, and the Department has failed utterly to so in crafting this proposal; and

WHEREAS, there is absolutely no purpose that might be served by this proposal, other than the self-serving purposes of the Department and the Secretary in litigation challenging their suitability to administer portions of the trust at all, that would not be equally well served if this proposal were subjected to more transparency, deliberation, and consultation with the trust beneficiaries than are provided by the fewer than two weeks notice of the reprogramming request that tribes have been provided; and

WHEREAS, any reprogramming of \$300 million and tacit approval of such a far-ranging reorganization of Indian trust administration including the creation of a new federal agency will have far-reaching and permanent effects that cannot be reasonably assessed within the time available under this reprogramming request;

NOW, THEREFORE, BE IT RESOLVED BY THE INTERTRIBAL MONITORING ASSOCIATION ON INDIAN TRUST FUNDS, that ITMA is unequivocally opposed to Interior Secretary Norton's present proposals to reorganize Indian trust functions within the Department for the purpose of establishing a new Bureau of Indian Trust Asset Management within Interior and to the reprogramming of \$300 million of appropriated funds available in Fiscal Year 2002 toward this effort, and

BE IT FURTHER RESOLVED that ITMA strongly requests the appropriations committees of Congress to reject the Secretary's request of November 20, 2001 to reprogram the \$300 million for the purposes of establishing a new Bureau of Indian Trust Asset Management within Interior; and

BE IT FINALLY RESOLVED that the Executive Director of ITMA is hereby directed to provide a copy of this resolution as part of any response to inquiries from the press, public, Indian tribes or individuals, Congressional Committees, or Executive Branch agencies.

CERTIFICATION

The foregoing ITMA 01Resolution #13 was duly adopted at an official meeting of the board of directors of the Intertribal Monitoring Association on Indian Trust Funds held in Albuquerque, New Mexico on December 11, 2001, at which time a quorum was present, with 10 voting for; 0 voting against, and 0 abstaining.

A T T E S T :

Secretary, ITMA

Chairman, ITMA