



# GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION

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## **Resolution No. 45-8-23-12**

### **GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION (GPTCA)**

#### **Support for returning the functions of the Office of the Special Trustee, part of the U.S. Department of Interior, to the Bureau of Indian Affairs (BIA), under the direction of the Assistant Secretary of Interior for Indian Affairs, and to return, as appropriate, funding to the BIA Regional and Agency levels for trust services now carried out by the Office of the Special Trustee**

**WHEREAS**, the Great Plains Tribal Chairman's Association (GPTCA) is composed of the 16 elected Chairs and Presidents or their duly appointed representatives of the sovereign Indian Tribes and Nations recognized by Treaties entered into with the United States that are within the Great Plains Region of the Bureau of Indian Affairs; and

**WHEREAS**, the Great Plains Tribal Chairman's Association was formed to promote the common interests of the Great Plains sovereign Indian Tribes and their members in the states of ND, SD and NE; and

**WHEREAS**, the United States has developed a complex "trust" relationship with the Tribal Nations within its boundaries, in which the United States manages, on behalf both the Tribal Nations and individual Tribal citizens, lands, funds, facilities and services; and

**WHEREAS**, in fulfilling that trust responsibility, the U.S. has, in many respects, not handled it according to the ordinary standards of trust to which any beneficiary of that trust would expect, causing lands and funds to lose value or not to gain the value that it should, a problem exacerbated by the complex ownership structure of many of the trust lands held by the United States for the benefit of Tribal Nations and Tribal citizens pursuant to federal law; and

**WHEREAS**, recognizing the past failures of the U.S. in managing its trust responsibilities for funds held on behalf of Tribal Nations and Tribal citizens, the U.S. Congress passed the American Indian Trust Funds Reform Act in 1994 that separated the management of trust funds function from the Bureau of Indian Affairs and placed that responsibility with a special trustee; and

**WHEREAS**, the position of the Special Trustee under the Reform Act was supposed to be temporary, as the Trustee was to complete a report to Congress of how the problems with trust funds management could be fixed and how a proper trust fund management system could be established; and

**WHEREAS**, the first trustee wrote a report and provided recommendations that neither the Department of Interior nor Congress were willing to support, and the position of the Office of the Special Trustee has since that time become entrenched in the bureaucracy managing Indian affairs in the United States, and has continued to absorb ever increasing appropriations from Congress, with little oversight by either the Department of Interior or, more appropriately, by the Tribal Nations and Tribal citizens served by the Office of the Special Trustee; and

**WHEREAS**, following the Congressionally mandated settlement in the landmark class action case involving trust funds held on behalf of Tribal citizens, the U.S. Department of Interior established a trust commission that is examining the trust management process of the U.S. and is expected to come up with recommendations for appropriate reform to prevent trust mismanagement from occurring in the future, and this trust commission is meeting in Bismarck on September 13, 2012; and

**WHEREAS**, one of the actions taken within the federal bureaucracy has been to create a separate function within the Department of Interior to handle trust funds and trust lands, and such a division of functions has created a great deal of confusion among Tribal citizens and others, and has led to delays in the approval of simple transactions involving trust lands and trust accounts and also created a silo effect in which trust transactions involving land and funds are being separately considered from all other trust functions of the Bureau of Indian Affairs; and

**WHEREAS**, the Tribal Nations in the Great Plains have long advocated for a return of the trust functions within the Bureau of Indian Affairs, saving considerable costs and returning such functions to local accountability and control.

**NOW THEREFORE BE IT RESOLVED** by the Great Plains Tribal Chairman's Association that the present administration is urged to return the functions of the Office of the Special Trustee to the Bureau of Indian Affairs (BIA) and to seek, if necessary, legislation from Congress to accomplish that purpose; and

**BE IT FURTHER RESOLVED** that the individual trust functions now being carried out by the Office of the Special Trustee should be returned to the Regional and Agency offices as appropriate, with the express understanding that funds for such functions will be returned to the Regional and Agency offices as may be necessary to carry out the functions; and

**BE IT FURTHER RESOLVED** that the Congressional delegations of North Dakota, South Dakota, and Nebraska are hereby urged to sponsor and support such legislation as may be necessary to carry out the return of the functions of the

Office of the Special Trustee to the Bureau of Indian Affairs as soon as may be practicable; and

**BE IT FURTHER RESOLVED** that this Resolution may be presented to the meeting of the Trust Reform Commission that is meeting in Bismarck, North Dakota on September 13, 2012.

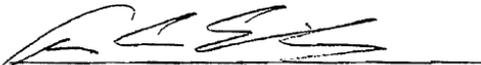
**NOW THEREFORE BE IT FINALLY RESOLVED** that this resolution shall be the policy of the Great Plains Tribal Chairman's Association until otherwise amended or rescinded or until the goal of this Resolution has been accomplished.

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#### CERTIFICATION

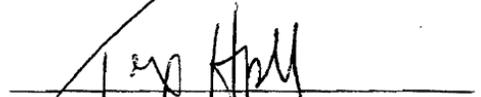
This resolution was enacted at a duly called meeting of the Great Plains Tribal Chairman's Association held at Lower Brule, South Dakota, on August 23, 2012, which a quorum was present, with 11 members voting in favor, 0 members opposed, 0 members abstaining, and 5 members not present.

Dated this 23 day of August, 2012.



Secretary,  
Great Plains Tribal Chairman's Association

Attest:



Chairman, Tex Hall, Chairman, Mandan, Hidatsa and Arikara Nations (Three  
Affiliated Tribes)  
Great Plains Tribal Chairman's Association