



2022 Virtual Winter Convention

RESOLUTION #2022 –09

“REAFFIRMING OPPOSITION TO THE BUREAU OF TRUST FUNDS MANAGEMENT AND NEED FOR IMMEDIATE CONSULTATION ON DUPLICATIVE FUNCTIONS OF THE OFFICE OF THE SPECIAL TRUSTEE”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of ATNI; and

WHEREAS, ATNI drafted, advocated for, and secured passage of the legislation that was ultimately signed into federal law as the *Indian Trust Asset Reform Act* (ITARA) in 2016; and

WHEREAS, the requirement in the ITARA that the Department of the Interior (DOI) provide a report identifying the duplicative functions of the Office of the Special Trustee (OST) was a key component of the ITARA and the last two administrations, as well as the current Administration, have never complied with and, to the contrary, have frustrated that requirement; and

WHEREAS, the last administration and the current administration have proposed transferring all current OST functions, fully intact and without further discussion and deliberation with Indian country on duplicative functions, to an entity it calls the Bureau of Trust Funds Administration (BTFA); and

WHEREAS, the longtime position of ATNI has been that the core financial functions of OST should continue but that many of the more than 430 FTEs within OST appear to be no longer necessary or duplicative of functions that would be better utilized elsewhere in Indian Affairs, specifically Bureau of Indian Affairs (BIA) Trust Services programs; and

WHEREAS, ATNI has expressed concerns and remains concerned that the establishment of the BTFA will administratively memorialize duplicative and redundant OST functions and make it more difficult, if not impossible, for those functions to be transferred to other Indian programs where those resources would be better utilized by Indian country; and

WHEREAS, Congress has rejected the establishment of the BTFA and, instead, has ordered DOI to provide a report that details, among other things, the amounts and sources of funds expended in the creation of BTFA and the legal authority upon which they were based and a complete workforce analysis that details current OST FTEs by grade, position title, and duty station, and a justification of why each position must be retained by OST or a successor organization rather than be combined with or performed by existing Indian Affairs FTEs; and

WHEREAS, Congress also directed the Government Accountability Office (GAO) to prepare a report that examines, among other things, whether BTFA functions are duplicative, overlap, or result in fragmentation with duties, activities, or functions performed by Indian Affairs, and that summarizes and examines tribal perspectives on these issues; and

WHEREAS, DOI is more than seven months overdue in finalizing the reports that Congress ordered it to provide, and the GAO is currently conducting outreach to Indian tribes and tribal organizations as it prepares its separate, independent report; now

THEREFORE BE IT RESOLVED, that ATNI does not acknowledge the legitimacy of the BTFA and objects to the continued efforts by the Administration to establish it; and

BE IT FURTHER RESOLVED, that ATNI reaffirms its position that any discussion of the BTFA is premature until (a) DOI finalizes all reports Congress has ordered it to provide; and (b) DOI meaningfully consults with Indian country on duplicative and unnecessary OST FTEs and provides a plan to implement Indian country recommendations for transferring those FTEs to the appropriate BIA or Indian Affairs programs where those positions would be better utilized for Indian country.

CERTIFICATION

The foregoing resolution was adopted at the 2022 Virtual Winter Convention of the Affiliated Tribes of Northwest Indians, Portland, Oregon, on January 24-27, 2022, with a quorum approving.

Leonard Forsman, President

Norma Jean Louie, Secretary