



2009 Annual Conference Tacoma, Washington

RESOLUTION #09- 81

“ACCEPTING THE ATNI TRUST REFORM COMMITTEE REPORT”

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 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, the Affiliated Tribes of Northwest Indians is a regional organization comprised of American Indians 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 Affiliated Tribes of Northwest Indians; and

WHEREAS, the ATNI Trust Reform Committee met on September 22 and filed a report and recommendations with the ATNI General Assembly; now

THEREFORE BE IT RESOLVED, that the ATNI General Assembly accepts the ATNI Trust Reform Committee report and recommendations, attached hereto, and approves said report for incorporation into the ATNI position regarding trust reform.

AND BE IT FURTHER RESOLVED, that ATNI approves the submission of ATNI's position on trust reform for submission to the National Congress of American Indians for consideration and recommended adoption.

CERTIFICATION

The foregoing resolution was adopted at the 2009 Annual Conference of the Affiliated Tribes of Northwest Indians, held at the Greater Tacoma Convention & Trade Center, Tacoma, Washington on September 21 - 24, 2009 with a quorum present.

Brian Cladoosby
Brian Cladoosby, President

Norma Jean Louie
Norma Jean Louie, Secretary

ATNI TRUST REFORM COMMITTEE REPORT

September 22, 2009

Trust reform is an important concern to ATNI tribes because of its impact on the role of tribal governments to manage trust resources. ATNI has been a national leader in the trust reform arena in efforts to preserve and protect our inherent tribal sovereign powers to regulate trust activities and to hold the Federal Government accountable for proper management of trust responsibilities. ATNI formed a standing trust reform committee last year as way of actively monitoring trust activities and making recommendations to the Executive Board and ATNI tribal leadership on trust issues. The ANTI Trust Reform Committee met on September 22 and makes the following recommendations by the ATNI tribal leadership:

1. Appointment of a Special Trustee for American Indians. No appointment has been made to replace the Special Trustee. ATNI's position is that the Special Trustee should not be filled and the entire functions of the Office of Special Trustee be terminated and its FTEs and funding be merged into the BIA. Verbal reports are that several individuals have been approached by the Obama Administration for a Special Trustee replacement, however no one has yet to be selected. One candidate under consideration is a law professor at the University of Houston. Some unconfirmed reports are that this candidate may be interested in working with tribes to merge OST functions into the BIA. It is recommended that ATNI tribal leadership contact this Special Trustee candidate to determine how, if appointed, he would work to integrate tribal leaders into future trust reform plans. The ATNI Trust Reform Committee will be working to design transition plans for merging OST functions back into the BIA structure.
2. National Tribal Leaders Trust Reform Meeting. The ATNI Trust Reform Committee recommends that ATNI sponsor a national trust reform tribal leaders meeting during the NCAI meeting in October. This effort is designed to coordinate activities among ATNI, the Great Plains Tribal Chairmen's Association, United South Eastern Tribes, and Inter-Tribal Monitoring Association, Self-Governance tribes, Indian Land Working Group, and others. The focus of this inter-tribal meeting is to prepare for a meeting with the Obama Administration, Special Trustee Candidate, and House and Senate Indian staff about the future direction of trust reform.
3. Meeting with Obama Administration. The ATNI Trust Reform Committee recommends that tribal leaders meet soon with Obama Administration representatives on trust reform issues, specifically with David Hayes, Deputy Secretary of the Interior. Among the highest priorities for this meeting will be to establish an agreement with the Administration that: 1) the previous OST efforts to marginalize and downgrade tribal authority to regulate trust activities be abandoned, and 2) that the new trust reform plan be designed to fully integrate tribal government as partners in new trust reform efforts. Reaching such an agreement with the Administration will significantly change how ATNI will address trust reform efforts in the future. Above all, the Administration must understand that ATNI will continue aggressively oppose any trust reform efforts that have the effect of undermining the inherent authority of our tribal governments to manage all activities that occur within our territories, including the management of our trust resources. The Federal Government has had three Special Trustees since 1997, each having an agenda that undermines the ability of tribal governments to manage trust resources and significantly altering the structure of federal/tribal relations. We are pleased to report that tribes around the Nation have consistently united to prevented each of those plans to be fully implemented. ATNI has been a leader in each of these efforts. We strongly believe that if the Administration is willing to reach an agreement with ATNI that integrates tribes as partners in trust reform, without compromising the goals and priorities of tribes, we can work collectively with the Obama Administration to create a realistic trust reform initiative that works for both

tribes and the Federal Government. Many of the adverse positions taken by the past three Special Trustees have been done using administrative, not legislative, authorities. Therefore, we believe that the Administration can also exercise its authorities to reverse the negative impacts on Indian programs cause by the trust reform reorganization proposals of the past few years.

4. Trust Reform Legislation. Verbal reports from the House and Senate Indian staff indicate that they may be interested in proceeding with a new trust bill in the near future. The scope of this legislation will be determined by responses from the Obama Administration and Special Trustee candidates. Some options that the ATNI Trust Reform Committee is presently investigating are options for including trust reform issues in the Energy Bill or in stand-alone legislation. The scope of trust legislation will depend on the degree that the Obama Administration is willing to work with tribes to reverse the negative impacts on Indian programs cause by the previous Administration's adverse trust reform reorganization efforts.