



LITTLE RIVER BAND OF OTTAWA INDIANS

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Resolution # 01-1205-02

Opposing the U.S. Department of Interior's Proposed Creation of the Bureau of Indian Trust Asset Management

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. §1300k et seq.); and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribal Council is delegated responsibility under Article IV, Section 7(a) of the Constitution to "protect and provide for public health, peace, morals, education and general welfare of the Little River Band and its members;" and

WHEREAS, the Department of Interior is delegated the responsibility regarding certain aspects of the trust relationship between the United States and Tribes; and

WHEREAS, the Department of Interior has historically been responsible for managing funds belonging to individuals and to Tribes; and

WHEREAS, individual Indians have brought suit against the Secretary of the Interior, and other federal agencies, for mismanaging individual Indian money accounts in order to obtain an accurate accounting of each account (Cobell v. Norton, et al, hereinafter Cobell); and

WHEREAS, throughout the process of this litigation action has been taken to correct the information related to the individual Indian money accounts by –

- the Department of Interior through implementation of the TAAMS program;
- Congress through adoption of the Trust Reform Act of 1994; and
- the District Court through appointment of a monitor; and

WHEREAS, all of these actions have been driven by the Cobell litigation which has resulted in competing and conflicting actions by the Department of Interior in regards to individual Indian money accounts accounting and other trust responsibilities related to both individuals and Tribes; and

WHEREAS, the Secretary of the Interior, on November 15th, released information regarding the re-organization of the Department of Interior to separate the 'trust responsibilities' into a separate and new Bureau of Indian Trust Assets Management; and

WHEREAS, as stated by the Secretary, and/or her representatives, this action is being guided and

directed by the deadlines and issues raised in the Cobell litigation; and

WHEREAS, the Tribal Council finds that re-organizing the Department of Interior to create the Bureau of Indian Trust Assets Management and moving 'trust responsibilities' without any consultation with the primary recipients of those activities in the review of reports and development of proposed plans violates the government-to-government relationship historically in place and violates the very trust responsibilities the Department of Interior is re-organizing; and

WHEREAS, the Tribal Council opposes the Department of Interior's co-mingling of individual Indian money account responsibilities with responsibilities to Tribes; and

WHEREAS, the Tribal Council finds that **all** activities of the federal government, including but not limited to health, housing, education, land, economic development and governmental services, are **trust** responsibilities; and

WHEREAS, the Tribal Council finds that consultation regarding the proposed Bureau of Indian Trust Assets Management and re-organization plans after the creation of the proposal is unacceptable and does not respect the commitment to Tribal consultation; and

WHEREAS, the Tribal Council is concerned that a re-organization plan of any governmental agency, especially one entrusted with special trust responsibilities, is being driven by a federal lawsuit which encompasses only a single element of the activities of the governmental agency; and

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby objects to the presentation of a re-organization plan and creation of the Bureau of Indian Trust Assets Management without prior meaningful consultation with Tribes; and

IT IS FURTHER RESOLVED THAT the Tribal Council hereby objects to the limited and shortened Tribal consultation period as an ineffective amount of time in which to obtain effective insight into the thoughts and ideas of Tribes regarding the proposed re-organization plan or potential alternatives that might be offered by Tribes given a reasonable and sufficient amount of time in which to consult; and

IT IS FURTHER RESOLVED THAT the Tribal Council hereby requests the Secretary of the Interior to withdraw the proposed creation of the Bureau of Indian Trust Assets Management and re-organization plans and to begin the process of meaningful Tribal consultation to develop a proposed response to the limited concerns raised by the Cobell litigation.

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CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSENT, and 0 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held at the Little River Band Community Center on Dec 5, 2001, with a quorum being present for such vote.



Council Recorder

Attest:



Council Speaker