



NATIONAL CONGRESS OF AMERICAN INDIANS

THE NATIONAL CONGRESS OF AMERICAN INDIANS

RESOLUTION #MSH-01-043

Title: To repeal the Authority of the Secretary of the Interior to Impose Administrative Fees on Indian Trust Transactions

WHEREAS, we, the members of the National Congress of American 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 the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United 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; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest, largest, and most representative national American Indian and Alaska Native tribal government organization; and

WHEREAS, the trust relationship of the United States to Indian tribes, Indian people, and Indian trust lands arises from contractually binding treaties supported by massive land cessions as consideration, and from federal statutes and a federally created and Congressionally self-imposed relationship of a trustee vis a vis Indian trust resources; and

WHEREAS, the Congress of the United States has authorized the Secretary of the Interior to impose administrative fees on the administration of Indian trust assets; and

WHEREAS, until calendar year 2000, no Secretary of the Interior had ever proposed regulations to make the collection of administrative fees a legal requirement for every trust transaction; and

WHEREAS, under final regulations published on January 22, 2001, it is now a federal requirement that an administrative fee be imposed on every Indian lease, amendment, assignment, sublease, mortgage, or related document; and

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WHEREAS, under these regulations Indian landowners may be required to pay an administrative fee to use their own land; and

WHEREAS, the membership of the National Congress regards this provision of the regulations to be an outrageous, unjustified, unexamined, and totally unwarranted burden on the birthright of Indian landowners and a shift of the trustee's burden to the beneficiaries.

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby call upon the Congress of the United States to repeal the authority previously conferred upon the Secretary of the Interior to impose administrative fees upon Indian trust transactions; and

BE IT FINALLY RESOLVED, that NCAI hereby directs its officers and staff to utilize their best efforts to achieve the purposes of this resolution.

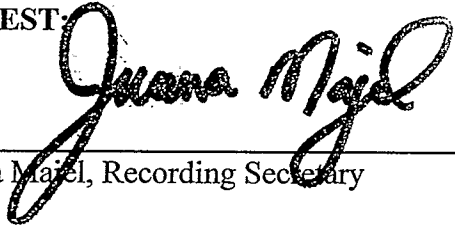
CERTIFICATION

The foregoing resolution was adopted at the 2001 Mid-Year Session of the National Congress of American Indians, held at Foxwoods Resort Casino in Mashantucket, Connecticut on May 13-16, 2001, with a quorum present.



Susan Masten, President

ATTEST:



Juana Majel, Recording Secretary

Adopted by the General Assembly during the 2001 Mid-Year Session of the National Congress of American Indians, held in Mashantucket, Connecticut on May 13-16, 2001.