

**RESOLUTION OF THE GOVERNING BODY OF
THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION**

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS,** The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS,** The Secretary of the Interior, acting through the Bureau of Indian Affairs, has proposed a draft Secretarial Order setting forth Principles for Discharge of the Secretary's Trust Responsibilities, and at the end of March, made available for the first time to Tribal leaders four sets of proposed regulations relating to the discharge of those trust responsibilities, including draft regulations replacing 25 CFR Part 15 relating to probate, Part 115 relating to trust funds management, Part 162 relating to leasing and Part 166 relating to grazing, and has requested Tribal comments regarding each of these draft regulations and the statement of trust principles; and
- WHEREAS,** The Secretary has requested that comments concerning these draft regulations be returned to the Bureau of Indian Affairs no later than May 19, 2000, ss he intends to publish the proposed regulations in draft form no later than July 1, 2000, and has in addition held a series of meetings about the draft regulations, both in Washington and regionally; and
- WHEREAS,** The regulations proposed by the Secretary are in part a response to a national class action lawsuit involving the failure of the Department of Interior to account for funds belonging to individual Tribal members known as Individual Indian Money (IIM) accounts, in part in response to the High Level Implementation Plan of the Special Trustee which was mandated by the Trust Fund Reform Act of 1994, and in part due to the need as expressed by the Assistant Secretary to act on some of these issues before the end of the current Presidential administration; and
- WHEREAS,** The regional meetings were not held on the reservations most affected by the proposed changes in regulations, did not have adequate staff from the BIA in attendance at the meetings, no recording equipment or personnel were present to note the concerns raised by those present, and staff in attendance were not adequately prepared to address many of the questions about the regulation process raised at the meetings by tribal members from the affected tribes; and

WHEREAS, Within the meaning of Executive Order 13084 requiring the establishment and implementation of a government-to-government relationship between each Executive Agency and the various Federally recognized Indian tribes of the United States adequate consultation between the United States and the Three Affiliated Tribes on the issue of the proposed regulations relating to the trust responsibility of the United States has not yet taken place; and

WHEREAS, The time table of the Department of Interior for providing comments concerning these proposed regulations is far shorter than is necessary to achieve proper consultation and review of the regulations, to determine the long term consequences of adopting such regulations, and to provide to the Department meaningful alternatives and modifications to the regulations that would be in the interest of both the tribes, their members, and the United States in its position as trustee; and

WHEREAS, The Tribe has been informed that if the proposed regulations were adopted as proposed by the Bureau of Indian Affairs, the local BIA agency for the Fort Berthold Reservation would need at least seven (7) additional positions to fulfill the responsibilities imposed by the regulations at a cost of at least \$235,000, and it is unlikely that such funds would ever be appropriated by Congress to meet those needs

WHEREAS, No rational reason, other than the political reason that the end of the present Presidential administration is coming to an end, has been given as to why more time should not be taken to assemble a set of regulations that will help solve longstanding problems in trust asset management for the members of Indian tribes throughout the United States;

NOW, THEREFORE, BE IT RESOLVED, that the Three Affiliated Tribes, acting through its duly elected Tribal Business Council, hereby requests that the Secretary of Interior 1) provides meaningful consultation on all of the proposed regulations to all of the tribes affected, and 2) that at least an additional 60 days from May 19, 2000 be provided for comment on the proposed regulations by all affected tribes.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 4th day of May, 2000;

that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 4th day of May, 2000.

Daylon Spotted Bear
Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

Tex G. Hall
Chairman, Tribal Business Council