

**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 (the "Tribe") 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 United States of America has the responsibility of being a trustee for assets held on behalf of individual Indian persons and Tribal Nations within its borders, including the Three Affiliated Tribes, as established by the U.S. Constitution, various Treaties, including the Fort Laramie Treaty of 1851, laws, regulations, executive orders, federal policies and numerous court opinions; and
- WHEREAS,** On November 6, 2000, the President of the United States signed Executive Order 13175, which mandates consultation with affected Indian Tribes by all Executive agencies when any agency formulates or implements policies or proposes to take other actions that have a substantial effect on any Indian tribe; and
- WHEREAS,** On November 14, 2001, with virtually no consultation with affected tribal governments or their members, the U.S. Department of Interior, acting through the U.S. Department of Justice, as part of its response to the recent Motion for Receivership of the Plaintiffs in the *Cobell v. Norton* litigation pending before Judge Lamberth in the U.S. District Court for the District of Columbia, announced that it was creating a new Bureau of Indian Trust Assets Management within the Department of Interior to handle all trust management functions of the United States government for Native Americans and tribal governments, thereby radically changing how the Bureau of Indian Affairs operates with regard to its trust functions; and
- WHEREAS,** No meaningful consultation with Indian tribes occurred prior to the statement being set forth before the U.S. District Court that the Department of Interior was reorganizing how its trust responsibilities to Indian persons and Tribes would be carried out; and
- WHEREAS,** Any proposal to reorganize the manner in which trust responsibilities are to be carried to Tribal Nations raises many questions and issues that should be worked out in a comprehensive, formal consultation process between the Department of Interior and Indian tribal governments; and

WHEREAS, Among the many questions raised by the stated reorganization of trust responsibilities efforts are: 1) Whether such reorganization is authorized by the Courts, Congress and by Federal statutes; 2) Whether such reorganization is consistent with, or in compliance with the orders of the court in the *Cobell* litigation; 3) Whether such reorganization was proposed with prior consultation or significant review within the Department, including consultation with those who carry out the trust responsibilities on a day-to-day basis; 4) Whether the reorganization effort will produce meaningful trust asset management reform within the Department for both individuals and Tribes; 5) What effect the reorganization effort will have on tribes that are contracting or wish to contract with the Federal government for some of the trust functions of the Department of Interior, including both tribes that are participating in a self-governance compact and those which have self-determination contracts under P.L. 93-638; and 6) Whether taking the trust management responsibilities out of the BIA and into a new Bureau of Indian Trust Assets Management will act to reduce trust responsibility of the United States to tribal governments and their members; and

WHEREAS, Tribal governments have no reason to believe that the new Bureau of Indian Trust Assets Management will operate any more effectively than the BIA in meeting the fundamental trust management responsibilities of the United States for tribes and their members; and

WHEREAS, Tribal governments have no reason to believe that the reorganization effort announced by the Secretary of Interior on November 14, 2001, will meet the need of tribes and their members for appropriate trust fund management;

NOW, THEREFORE IT RESOLVED, that the Three Affiliated Tribes, acting through its duly elected Tribal Business Council, hereby opposes the transfer of the Department of Interior's fundamental trust obligations to a new agency within the Department of Interior, pending consultation with any and all Indian tribes over the next several months or more; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Three Affiliated Tribes urges its individual Tribal members, its Congressional delegation and all members of the United States Congress to oppose the reorganization effort and to state clearly that the BIA must provide meaningful consultation before any changes in tribal trust services can take place, and further, to use all means at their disposal to prevent the reorganization announced on November 14, 2001 from taking place; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Three Affiliated Tribes recognizes the consultation efforts the Department of Interior is now undertaking and authorizes its elected leaders to take part in the effort to fashion a mechanism for trust asset management reform that will be both effective and consistent with what Tribal members and Tribal governments believe to be the trust responsibility of the United States towards Tribes and their members, in accordance with the principles enunciated at the first Tribal leaders meeting with the Secretary of Interior regarding the reorganization proposal of the Department held in Albuquerque, New Mexico on December 13, 2001;

NOW, THEREFORE BE IT FINALLY RESOLVED, that the Three Affiliated Tribes hereby authorizes and directs its Chairman to forward a copy of this resolution to President Bush, members of Congress, BIA officials, the attorneys representing the Plaintiffs in the *Cobell* case, along with a cover letter that will express the Three Affiliated Tribes' concern about this reorganization and reflect the lack of meaningful tribal consultation, among other things; and further demanding that: 1) The reorganization effort be halted until the tribal nations have had an opportunity for meaningful consultation with the Department of Interior; 2) No funds be allowed to be used by the Department of Interior for the reorganization effort; and 3) That the appropriate Department of Interior officials continue to meet with as many Tribes as possible, in each BIA Region, to allow Tribes an opportunity to express their views concerning the Department's proposal.

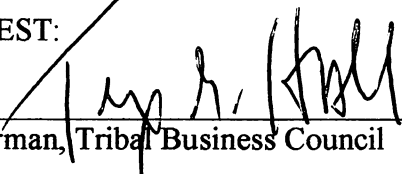
CERTIFICATION

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 Regular Meeting thereof duly called, noticed, convened, and held on the 11 day of January, 2002; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 11 day of January, 2002.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council