



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

A Resolution entitled: *“Approval of Amendment to the Mandan, Hidatsa and Arikara Nation Public 101-630 Background Investigations Policy and Procedure”*

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, pursuant to Article III, Section 1 of the Constitution of the Three Affiliated Tribes the Tribal Business Council is the governing body of the Tribe; 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 best interest of the welfare and the benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article VI, Section 5 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

WHEREAS, Public 101-630, 25 U.S.C. 3207, and 25 CFR Part 63 require that Indian Tribes that receive funds under Indian Self Determination and Education Assistance Act and the Tribally Controlled Schools Act of 1988 conduct background investigations on individuals employed in positions when the duties of such positions require regular contact with or control over Indian children; and

WHEREAS, 25 CFR 63.17 (c) requires that Indian Tribes appoint an adjudicating official to determine suitability for employment who shall be subject to a favorable background investigation; and

WHEREAS, The Tribal Business Council in order to comply with federal law and ensure uniform and fair decision making in employment decision, adopted a policy and procedure for conducting background investigations entitled the MHA Public Law 101-630 Background Investigation Policy and Procedure; and

WHEREAS, It has been determined that the Tribe’s Policy which is consistent with the federal regulations set out in 25 CFR § 63.12 is more stringent than the federal statute set out at 25 U.S.C. 3207 which was amended by Congress in 2000 in that the Tribes



Policy prohibits employment of a covered employee when the individual has a conviction for any covered offense while the federal statute prohibits employment when an individual has a conviction for any felonious offense or two or more misdemeanors for a covered offense; and

WHEREAS, The Background Investigation Policy and Procedure does not currently address the issue of what action should be taken when an individual is currently employed and the results of the background investigation determine that the individual is unsuitable for employment;

WHEREAS, The Tribal Business Council has determined that the Tribe's Policy should be amended so that it is consistent with the less stringent minimum standards of character for employment set out in 25 U.S.C. 3207; and

WHEREAS, The Tribal Business Council has further determined that the Policy should be amended to provide that upon a determination of unsuitability, the employee shall be suspended pending approval of termination from employment by the Tribal Business Council.

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby amends Section VI (B) of the *Mandan, Hidatsa and Arikara Nation Public 101-630 Background Investigations Policy and Procedure* as follows:

B. A covered employee shall be determined unsuitable and disqualified for employment in a covered position if the background investigation report reveals that the individual has ever been found guilty of, or entered a plea of nolo contendere or guilty to, any felonious offense, or any of two or more misdemeanor offenses, under federal, state or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or offenses committed against children.

BE IT FURTHER RESOLVED, that Section VI is hereby amended by adding the following language to the end of the second to the last paragraph:

Upon a finding of unsuitability for employment of an individual who has been employed pending a background investigation, the individual shall be suspended without pay with a recommendation for termination to the Tribal Business Council. Termination from employment shall only be approved by the Tribal Business Council.

BE IT FINALLY RESOLVED, that these amendments are hereby incorporated into and made a part of the *MHA Nation Public Law 101-630 Background Investigations Policy and Procedure* which is attached hereto as amended by this Resolution and said amendments shall become effective upon the date of the adoption of this Resolution.

MEMORANDUM

TO: Tribal Business Council
FROM: Jennifer Fyten, Staff Attorney
DATE: December 13, 2006
RE: Proposed Changes to Background Investigation Policy

Attached please find various documents for a proposed change to the Tribe's Public Law 101-630 Background Investigation Policy. The amendment would make the policy consistent with the Federal Statute governing and requiring background investigations. The proposed amendment was the result of action taken by the Judicial Committee on December 12th, 2006 which will be placed on the agenda for December 14th, 2006.

I am enclosing the following documents:

1. Proposed resolution to amend Policy.
2. Copy of proposed amended Policy
3. Copy of exiting Policy
4. Copy of email sent to Steve Kelly explaining the discrepancies in tribal policy vs. federal law
5. Copy of federal statute (25 USC 3702) governing background investigations
6. Copy of federal regulation (25 CFR 63.12) governing background investigations.

Please review and if you have any questions please let me know.

AMENDED
MANDAN, HIDATSA & ARIKARA NATION
PUBLIC LAW 101-630
BACKGROUND INVESTIGATIONS
Policy and Procedure

I. PURPOSE

The Purpose of this Policy and Procedure is to ensure compliance with the Indian Child Welfare and Family Prevention Act and the Tribes' various Indian Self Determination and Education Assistance Act 638 Contracts with the federal government by conducting background investigations on applicants for employment and employees whose duties and responsibilities allow them regular contact with and control over children. This Policy prescribes the minimum standards of character and suitability for individuals employed in such positions. This Policy is adopted by the Three Affiliated Tribes Tribal Business Council in accordance with the Article VI, § 5 (1) of the Constitution of the Three Affiliated Tribes and in accordance with 25 U.S.C. 3201, 3211 and the implementing regulations at 25 CFR Part 63.

II. POLICY

The Mandan, Hidatsa and Arikara Nation shall not employ any individual in a position where the duties and responsibilities for such position allows the individual regular contact with or control over children if the individual has been determined unsuitable for employment according to the terms of this Policy.

A covered employee shall be required to undergo a background investigation upon selection for hire, which shall include at a minimum a criminal history records check and an investigation into the individual's previous employment. An offer for employment to a covered employee shall be conditioned upon meeting the requirements for suitability set out in this Policy. Additional background requirements shall also be required for certain positions as required by the Tribe's I.S.D.E.A 638 Contracts with the federal government.

Investigations and adjudications shall be completed in accordance with this Policy, 25 U.S.C. 3201 and 25 CFR Part 63. In the event this Policy shall in anyway conflict with the federal regulations, the federal regulations will control.

Covered employees shall be required to undergo an updated background investigation every five years.

III. COVERED EMPLOYEES

A covered employee is any applicant for employment, volunteer or employee employed in a position whose duties and responsibilities require or allow regular contact with or control over children.

The Human Resources Department shall compile a list of all positions within the Tribe who meet the definition of a covered employee. The Human Resources Department shall regularly update the list to include new positions within the Tribe that meet the definition of a covered employee. The Human Resource Department shall ensure that each position included on the list has undergone the background investigation and has been determined suitable for employment.

IV. APPLICATIONS FOR EMPLOYMENT/RELEASE OF INFORMATION

Employment applications for covered employees shall contain a question asking whether the individual has ever been arrested for or charged under tribal, federal or state law with any one or more of the following:

1. A crime involving a child;
2. A sex crime, including but not limited to, rape, sexual assault, molestation, exploitation, sexual contact or prostitution;
3. A crime involving violence, including but not limited to, assault in any degree, homicide or manslaughter, domestic or family violence, robbery, kidnapping, and arson;
4. Any crime against another person;
5. Any drug felony.
6. Any crime which constitutes a felony.

The application shall require that if the applicant responds positively to the above question that the applicant provide a description of the disposition of the arrest or charge. The application shall also ask whether the applicant has ever been terminated or disciplined by a former employer for misconduct involving a child or an offense against another individual.

The application shall include a statement verifying the truth of all information provided in the application and a statement that it is being signed under penalty of perjury with the applicable tribal punishment for perjury stated on the application.

The application shall inform the applicant that a criminal history record check is a condition of employment and that any offer of employment is contingent upon passing the background investigation and being determined suitable in accordance with this Policy.

The applicant shall be required to complete and execute a release of information and comply with all procedures necessary to conduct a criminal records check including providing fingerprints to the authorized law enforcement agency.

V. PROCEDURE FOR CONDUCTING BACKGROUND INVESTIGATION

The Tribe's Criminal Investigator shall conduct the criminal history background investigation. Other background investigative information may be obtained by either Criminal Investigator or the Human Resources Department. The background investigation shall include at a minimum an investigation into the applicant's employment history and a criminal history record check. The investigation may cover other matters if there is any information regarding the applicant indicating that the applicant may be unsuitable for employment according to the terms of this Policy.

The criminal history check shall be based on a set of the applicant's fingerprints obtained by a law enforcement officer and other identifying information. The investigation shall be conducted through the Identification Division of the Federal Bureau of Investigation and through the State criminal history repository or the National Crime Information Center.

The applicant shall sign a release of information that includes the following information:

1. Acknowledgment that the applicant has been notified of the Tribe's obligation to require a record check as a condition of employment;
2. Notification of the applicants right to obtain a copy of the criminal history report provided to the Tribe; and
3. Notification of the right to challenge the accuracy and completeness of any information contained in the report.

The Criminal Investigator shall also complete a local background investigation that includes a search of local tribal court records for any disqualifying convictions. If a covered employee previously resided on another Indian Reservation the Criminal Investigator shall conduct a local background investigation through the tribal court of that Reservation.

VI. SUITABILITY DETERMINATION

Upon completion of the background investigation a suitability determination shall be made on all covered employees. The suitability determination shall be conducted through an adjudication process. The adjudication process provides a uniform evaluation to ensure fair and consistent judgment. The Tribal Business Council designates the Tribe's Human Resources Department to act as the adjudicating official. The adjudicating official shall be responsible for making the suitability determination. The adjudicating official must be qualified and trained to make determinations and must be thoroughly familiar with all laws, regulations, and criteria involved with making a suitability determination.

Upon completion of the background investigation, the designated investigator shall provide a written report to the adjudicating official. If the results of the background investigation reveal information that may result in a determination of unsuitability, the adjudicating official shall first provide written notice to the individual of the right to explain, deny or refute any unfavorable or incorrect information gathered through the investigation. The individual shall be given five working days from the date of receipt of the notice to provide a written response explaining, denying or refuting any unfavorable or incorrect information. The notice shall include the written summary required by Section VII of this Policy. If the individual is currently employed in a covered position, the individual may be placed on administrative leave pending a final adjudication or if possible detailed or reassigned to other duties that do not involve contact with or control over children.

When conducting a suitability determination on a covered employee of the Tribes' Adult and Juvenile Detention Center, the adjudicating official shall, in addition to the requirements set out in this Policy, ensure compliance with Section 2, Part K.(1) (2) & (6). Personnel Standards, of the Tribes PL 93-638 Contract with the Bureau of Indian Affairs, Law Enforcement Services, Contract No. CTAO4T30166.

The adjudicating official shall make a final determination according to the following rules:

- A. A covered employee shall be determined suitable if the background investigation report does not include any information that may result in a determination of unsuitability as provided in this Section.
- B. A covered employee shall be determined unsuitable and disqualified for employment in a covered position if the background investigation report reveals that the individual has ever been found guilty of, or entered a plea of nolo contendere or guilty to, any felonious offense, or any of two or more misdemeanor offenses, under federal, state or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or offenses committed against children.
- C. A covered employee may also be determined unsuitable and disqualified from employment in a covered position if the background investigation report reveals that:
 - 1. The individual has a prior record of misconduct in previous job positions that would indicate that the individual poses a danger or an immediate or long term risk to children; or
 - 2. The individual has a prior record supported by documented evidence of child abuse or sexual abuse that did not result in a criminal conviction; or
 - 3. The individual has a record or history of alcohol or substance abuse of a nature or duration that suggests the individual cannot perform the duties of the position or would directly threaten the safety of children; or

- D. The individual has illegally used narcotics, drugs, or other controlled substances without evidence of rehabilitation.

The adjudicating official shall make a suitability determination if one or more of the above reasons exists and shall make a final determination based on the response of the individual and on any of the following applicable criteria:

1. The nature and seriousness of the conduct in question;
2. The recency and circumstances surrounding the conduct in question;
3. The age of the individual at the time of incident(s)
4. Societal conditions that may have contributed to the nature of the conduct;
5. The probability that the individual will continue the type of behavior in question;
6. The individual's commitment to rehabilitation and a change in the behavior in question; and
7. The likelihood that the individual will pose an immediate or long-term risk to children.

The adjudicating official's suitability determination shall be subject to final review by the Personnel Rating Team which consists of the Tribal CEO, Federal Programs Manager, Human Resources Manager and the applicable supervisor. The Human Resources Department shall notify the individual of the results of the suitability determination and shall also notify the Department or Program Director for which the individual is employed or is being considered for hire. Upon a finding of unsuitability for employment of an individual who has been employed pending a background investigation, the individual shall be suspended without pay with a recommendation for termination to the Tribal Business Council. Termination from employment shall only be approved by the Tribal Business Council.

A covered employee is not entitled to file a grievance under the procedures set out in the Tribes' Personnel Policies and Procedures Manual for a suitability determination and resulting employment termination made under this Policy.

VII. COVERED EMPLOYEES RIGHTS

Covered employees have the right to receive notice of any unfavorable information as set out in Section VI of this Policy and shall have the right to explain, deny, or refute unfavorable or incorrect information gathered in an investigation prior to making a final determination. The individual shall receive a written summary of all derogatory information and be advised of the process for explaining, denying or refuting unfavorable information. The individual shall not be given the actual background investigative report and may only request a copy from the originating agency (federal, state or tribal) and

challenge the accuracy and completeness of any information maintained by that agency with that agency.

The results of the investigation cannot be used for any purpose other than to determine suitability.

VIII. CONFIDENTIALITY

Investigative reports contain highly confidential information and shall be maintained confidentially in secured locked files. Investigative reports and information contained in background investigation shall only be reviewed by individuals who have a need for the information to perform their duties under this Policy. Any individual who has access to information contained in a background investigation or investigative report shall maintain that information in a confidential manner and shall not reveal or disclose such information in any manner to any individual except as provided for in this Policy. Violation of this provision shall result in disciplinary action up to and including termination.

As amended by Resolution #06-__ VJB on December 14th, 2006.

Current Policy
adopted
in
04

MANDAN, HIDATSA & ARIKARA NATION
PUBLIC LAW 101-630
BACKGROUND INVESTIGATIONS
Policy and Procedure

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The adjudicating official shall make a final determination according to the following rules:

- A. A covered employee shall be determined suitable if the background investigation report does not include any information that may result in a determination of unsuitability as provided in this Section.
- B. A covered employee shall be determined unsuitable and disqualified for employment in a covered position if the background investigation report reveals that the individual has ever been convicted, found guilty of or entered a plea of nolo contendere or guilty to any of the following crimes or types of crimes:
 - 1. A crime involving a child;
 - 2. A sex crime including but not limited to rape, sexual assault, molestation, exploitation, sexual contact or prostitution;
 - 3. A crime involving violence including but not limited to assault in any degree, homicide or manslaughter, domestic or family violence, robbery, kidnapping and arson;
 - 4. A crime against another person;
 - 5. Any drug or narcotics felony.
- C. A covered employee may also be determined unsuitable and disqualified from employment in a covered position if the background investigation report reveals that:

1. The individual has a prior record of misconduct in previous job positions that would indicate that the individual poses a danger or an immediate or long term risk to children; or
2. The individual has a prior record supported by documented evidence of child abuse or sexual abuse that did not result in a criminal conviction; or
3. The individual has a record or history of alcohol or substance abuse of a nature or duration that suggests the individual cannot perform the duties of the position or would directly threaten the safety of children; or
4. The individual has illegally used narcotics, drugs, or other controlled substances without evidence of rehabilitation.

The adjudicating official shall make a suitability determination if one or more of the above reasons exists and shall make a final determination based on the response of the individual and on any of the following applicable criteria:

1. The nature and seriousness of the conduct in question;
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3. The age of the individual at the time of incident(s)
4. Societal conditions that may have contributed to the nature of the conduct;
5. The probability that the individual will continue the type of behavior in question;
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The adjudicating official's suitability determination shall be subject to final review by the Personnel Rating Team which consists of the Tribal CEO, Federal Programs Manager, Human Resources Manager and the applicable supervisor.

The Human Resources Department shall notify the individual of the results of the suitability determination and shall also notify the Department or Program Director for which the individual is employed or is being considered for hire.

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The results of the investigation cannot be used for any purpose other than to determine suitability.

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Jennifer Fyten

From: Steve Kelly
Sent: Monday, November 27, 2006 10:21 AM
To: Jennifer Fyten
Subject: FW: Confidential Personnel Issue.

From: Jennifer Fyten
Sent: Thursday, October 12, 2006 5:45 PM
To: Steve Kelly
Cc: Barlow Wells; Mervin Packineau
Subject: Confidential Personnel Issue.

Steve:

This is in regard to our discussion last week regarding whether a misdemeanor involving an assault by itself would disqualify an individual from employment when their job position requires that they undergo a background investigation under Public Law 101-630 The Indian Child Welfare and Family Violence Prevention Act (25 U.S.C. 3207) . You asked me to look at the statute itself to see if it distinguished between a felony and misdemeanors.

You know I always hate to admit it when you are right; but you were right, it does state "any felonious offense or any of two or more misdemeanors offenses, under federal, state or tribal law involving crimes of violence; sexual assault, molestation, etc." I would point out however, that my position was also correct and the reason for that is explained below.

There is a conflict between the current statute and the implementing regulations set out in 25 CFR part 63. The Tribes Policy which was duly adopted by the Tribal Council pursuant to a Resolution, adopted language that is similar to the current version of the CFR which sets the minimum standards of character for BIA, I.H.S. and employees of Tribes who receive funding under PL 93-638. 25 CFR 63.12:

Minimum standards of character ensure that no applicant, volunteer, or Employee will be place in a position with regular contact with or control Over Indian children if he/she has been found guilty of or entered a plea of guilty to **any offense** under federal, state or tribal law involving crimes of violence, sexual assault, sexual molestation, sexual exploitation, sexual contact or prostitution, or crimes against persons>

The Tribe's policy is similar but more expansive and provides for the following types of crimes:

1. A crime involving a child;
2. A sex crime including but not limited to rape, sexual assault, molestation, exploitation, sexual contact or prostitution;
3. A crime involving violence including but not limited to assault in any degree, homicide or manslaughter, domestic or family violence, robbery, kidnapping and arson; and
4. A crime against another person; and
5. A drug or narcotics felony.

The issue is whether one misdemeanor would disqualify an individual. According to the Tribe's policy and the CFR it would. The Tribe is required by both the Statute and the CFR to adopt standards that meet the minimum standards of the BIA as set out in its regulations. The question is why is the CFR more stringent then the Statute and I figured that out. The original Statute which was adopted in 1990 was identical to what is in the CFR, i.e. it said *any offense*. However, the statute was amended in 2000 to eliminate the language *any offense* and replace it with *any felony or any two or more misdemeanors...* The BIA's regulations were adopted in 1996 and have not been updated to comply with the 2000 amendment to the statute. So I guess we can blame this problem on the BIA.

When I wrote the policy I followed the CFR as it was current and said that tribes had to follow the standards set out in the CFR. The 638 contract for Detention also required that we follow that part of the CFR but in its personnel standards, states what the 2000 amendments provide. When I reviewed the personnel standards for the Contract, I assumed these were additional requirements for corrections officers, in addition to the limitations set by the statute.

This situation presents somewhat of a quandary at this point. Obviously, if Ms. Bird Bears assault offense is merely a misdemeanor (which has not yet been verified) then she is eligible under the statute but not under the CFR or the Tribe's Policy. I don't know why the BIA has not changed the regulations but we would need to amend the policy.

If she does in fact have only a misdemeanor, would you concur with me that I could give an opinion that she is suitable since the statute would be complied with even if we have not yet changed the policy?. I am waiting on HR to get further clarification from the Criminal Investigator regarding the offense and whether it is a felony or misdemeanor. The FBI record itself that was reviewed was not clear as it merely stated she was charged with aggravated assault but did not provide a conviction date but said something to the effect of: Disposition. Assault by striking, 5 months on each count for a total of 10 months. So even if the offense was a misdemeanor, it is possible that it was for more than one. I have requested that HR get clarification on this matter.

On another note, the Judicial Chairman asked me about this situation today, apparently there are individuals that want her gone and want to submit a petition to have her removed and are aware she has a record. The Judicial Committee appointed her to the position. I advised Mervin that we don't have a policy that allows members to petition for the termination of an employee but that I was working on an opinion on the background issue. I will give an opinion when I receive the final clarification on her record.

If you have any questions please let me know.

Jennifer

25 U.S.C
3207

Westlaw.

25 USCA § 3207

25 U.S.C.A. § 3207

Page 1

P

Effective: December 27, 2000

United States Code Annotated Currentness
Title 25. Indians
Chapter 34. Indian Child Protection and Family Violence Prevention

→ § 3207. Character investigations

(a) By Secretary of the Interior and the Secretary of Health and Human Services

The Secretary and the Secretary of Health and Human Services shall--

- (1) compile a list of all authorized positions within their respective departments the duties and responsibilities of which involve regular contact with, or control over, Indian children,
- (2) conduct an investigation of the character of each individual who is employed, or is being considered for employment, by the respective Secretary in a position listed pursuant to paragraph (1), and
- (3) prescribe by regulations minimum standards of character that each of such individuals must meet to be appointed to such positions.

(b) Criminal records

X

The minimum standards of character that are to be prescribed under this section shall ensure that none of the individuals appointed to positions described in subsection (a) of this section have been found guilty of, or entered a plea of nolo contendere or guilty to, any felonious offense, or any of two or more misdemeanor offenses, under Federal, State, or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or offenses committed against children.

(c) Investigations by Indian tribes and tribal organizations

Each Indian tribe or tribal organization that receives funds under the Indian Self-Determination and Education Assistance Act [25 U.S.C.A. § 450 et seq.] or the Tribally Controlled Schools Act of 1988 [25 U.S.C.A. § 2501 et seq.] shall--

- (1) conduct an investigation of the character of each individual who is employed, or is being considered for employment, by such tribe or tribal organization in a position that involves regular contact with, or control over, Indian children, and
- (2) employ individuals in those positions only if the individuals meet standards of character, no less stringent than those prescribed under subsection (a) of this section, as the Indian tribe or tribal organization shall establish.

CREDIT(S)

(Pub.L. 101-630, Title IV, § 408, Nov. 28, 1990, 104 Stat. 4551; Pub.L. 106-568, Title VIII, § 814, Dec. 27,

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Westlaw.

25
CFR
63.12

Page 1

25 C.F.R. § 63.12

Current through November 21, 2006; 71 FR 67427

C

Effective: [See Text Amendments]

Code of Federal Regulations Currentness

Title 25. Indians

Chapter I. Bureau of Indian Affairs,
Department of the Interior

Subchapter F. Tribal Government

▣ Part 63. Indian Child Protection and
Family Violence Prevention (Refs &
Annos)

▣ Subpart B. Minimum Standards of
Character and Suitability for
Employment

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END OF DOCUMENT

→§ 63.12 What are minimum
standards of character?

Minimum standards of character are established by an employer and refer to identifiable character traits and past conduct. An employer may use character traits and past conduct to determine whether an applicant, volunteer, or employee can effectively perform the duties of a particular position without risk of harm to others. Minimum standards of character ensure that no applicant, volunteer, or employee will be placed in a position with regular contact with or control over Indian children if he/she has been found guilty of or entered a plea of nolo contendere or guilty to any offense under Federal, state, or tribal law involving crimes of violence, sexual assault, sexual molestation, sexual exploitation, sexual contact or prostitution, or crimes against persons.

627-4662

SOURCE: 61 FR 32274, June 21, 1996, unless otherwise noted.

AUTHORITY: 5 U.S.C. 301; 25 U.S.C. 2, 9, 13, 200, 3201 et seq.; 42 U.S.C. 13041.

25 C. F. R. § 63.12, 25 CFR § 63.12

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CERTIFICATION

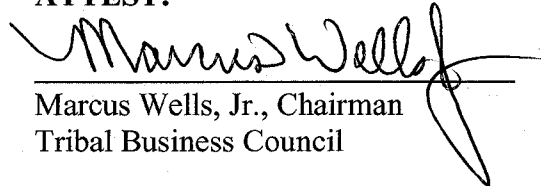
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Reg. TBC Meeting thereof duly called, noticed, convened and held on the 20th day of December, 2006, 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.

Chairman Voting. [] Not Voting.

Dated this 20th day of December, 2006.



V. Judy Brugh, Secretary
Tribal Business Council

ATTEST:


Marcus Wells, Jr., Chairman
Tribal Business Council