



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

***A Resolution Entitled: "Tribal Business Council Support of Enforcement of North Dakota High School Activities Association Policy Regarding Use of Alcohol and Drugs by Students and Recommendation that Barriers to Enforcement of this Policy at the Schools on the Fort Berthold Indian Reservation be Addressed".***

**WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

**WHEREAS,** Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** The Constitution of the Three Affiliated Tribes 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,** 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,** The North Dakota High School Activities Association has adopted policies that require all North Dakota School Districts to adopt policies that require students participating in any extra curricular activities to meet certain criteria including refraining from alcohol, tobacco and drug use and that require sanctions for violations of such prohibitions; and

**WHEREAS,** The five public schools on the Fort Berthold Indian Reservation have adopted strong policies prohibiting alcohol, tobacco and drug use by students participating in extra curricular activities; and

**WHEREAS,** The Tribal Business Council strongly supports educational policies that encourage youth to be alcohol, tobacco and drug free and that provide consequences for violations of such policies; and



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**WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

**WHEREAS,** Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** The Constitution of the Three Affiliated Tribes 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,** 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,** The North Dakota High School Activities Association has adopted policies that require all North Dakota School Districts to adopt policies that require students participating in any extra curricular activities to meet certain criteria including refraining from alcohol, tobacco and drug use and that require sanctions for violations of such prohibitions; and

**WHEREAS,** The five public schools on the Fort Berthold Indian Reservation have adopted strong policies prohibiting alcohol, tobacco and drug use by students participating in extra curricular activities; and

**WHEREAS,** The Tribal Business Council strongly supports educational policies that encourage youth to be alcohol, tobacco and drug free and that provide consequences for violations of such policies; and



**WHEREAS,** North Dakota law requires that North Dakota law enforcement agencies provide information to public schools regarding alcohol and drug violations by students participating in high school activities; and

**WHEREAS,** The Bureau of Indian Affairs, Division of Law Enforcement, is the lead law enforcement agency on the Fort Berthold Indian Reservation and as a federal agency is required to comply with the federal Privacy Act which prohibits the disclosure of information contained in federal records to outside agencies expect under certain circumstances; and

**WHEREAS,** The Tribal Business Council believes that federal laws that inhibit the enforcement of the North Dakota High School Activities policy by the schools on the Reservation need to be addressed and solutions need to be developed by the Bureau of Indian Affairs and the local school districts so that alcohol and drug policies can be adequately enforced; and

**WHEREAS,** The Tribal Business Council believes that Privacy Act issues could be resolved through the use of prior written consents to release of information signed by the student or parent as set out in 5 U.S.C. 552a (b) as a condition of participating in high school activities or alternatively through the use of cooperative governmental agreements.

*whereas...*  
**NOW THEREFORE BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes fully supports the alcohol, tobacco and drug free policies of the North Dakota High School Activities Association and of the five local school districts on the Reservation and believes that these policies should be enforced consistently both within the Reservations and outside of the Reservation; and

**BE IT FURTHER RESOLVED,** that the Tribal Business Council encourages and requests that the Bureau of Indian Affairs Division of Law Enforcement and the local school districts develop a solution to this problem by use of prior written consents to release of information or by cooperative agreements between the schools and the B.I.A.

**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, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the \_\_\_ day of April 2006; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of \_\_\_ members, \_\_\_ members opposed, \_\_\_ members abstained, \_\_\_ members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [ ] voting. [ ] not voting.



**Resolution No. 06\_\_NH**

Dated this \_\_\_ day of April 2006.

**ATTEST:**

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Secretary, Nathan Hale  
Tribal Business Council

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Chairman, Tex G. Hall  
Tribal Business Council



**WHEREAS,** North Dakota law requires that North Dakota law enforcement agencies provide information to public schools regarding alcohol and drug violations by students participating in high school activities; and

**WHEREAS,** The Bureau of Indian Affairs, Division of Law Enforcement, is the lead law enforcement agency on the Fort Berthold Indian Reservation and as a federal agency is required to comply with the federal Privacy Act which prohibits the disclosure of information contained in federal records to outside agencies except under certain circumstances; and

**WHEREAS,** The Tribal Business Council believes that federal laws that inhibit the enforcement of the North Dakota High School Activities policy by the schools on the Reservation need to be addressed and solutions need to be developed by the Bureau of Indian Affairs and the local school districts so that alcohol and drug policies can be adequately enforced; and

**WHEREAS,** The Tribal Business Council believes that Privacy Act issues could be resolved through the use of prior written consents to release of information signed by the student or parent as set out in 5 U.S.C. 552a (b) as a condition of participating in high school activities or alternatively through the use of cooperative governmental agreements.

**NOW THEREFORE BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes fully supports the alcohol, tobacco and drug free policies of the North Dakota High School Activities Association and of the five local school districts on the Reservation and believes that these policies should be enforced consistently both within the Reservations and outside of the Reservation; and

**BE IT FURTHER RESOLVED,** that the Tribal Business Council encourages and requests that the Bureau of Indian Affairs Division of Law Enforcement and the local school districts develop a solution to this problem by use of prior written consents to release of information or by cooperative agreements between the schools and the B.I.A; and

**BE IT FURTHER RESOLVED,** that the Bureau of Indian Affairs and the local schools develop and implement such plan prior to the beginning of the next school year and that the Bureau of Indian Affairs Division of Law Enforcement and the local schools provide a timely response to the Tribal Business Council on how this problem will be addressed; and

**BE IT FINALLY RESOLVED,** that the Tribe's Judicial Committee and Health and Human Services Committee will work with the Fort Berthold Indian School Board Association to facilitate this process.

**CERTIFICATION**



I, Nathan Hale, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Belknap 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 24<sup>th</sup> day of April 2006; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 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 24<sup>th</sup> day of April 2006.

ATTEST:

Handwritten signature of Nathan Hale, Secretary of the Tribal Business Council.

Secretary, Nathan Hale  
Tribal Business Council

Handwritten signature of Tex G. Hall, Chairman of the Tribal Business Council.

Chairman, Tex G. Hall  
Tribal Business Council