



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

A Resolution Entitled: "Employee Free Choice Act; Tribes call upon Congress to enact an Amendment to the National Labor Relations Act/Employee Free Choice Act"

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, Federally recognized Indian Tribes are authorized by tribal and federal law to govern tribal nations and operate programs, services and activities for the benefit of the tribes and their members; and

WHEREAS, These Tribes are authorized by Tribal Law and the Federal Indian Gaming Regulatory Act to conduct gaming within their territory as a governmental activity, and are required to use gaming proceeds exclusively for governmental purposes; and

WHEREAS, The Indian Reorganization Act of 1934 affirmed the inherent sovereign authority of Indian tribes as governments; and

WHEREAS, The National Labor Relations Act does not apply to governments, and from 1935 until 2004 the National Labor Relations Board consistently held that the Act does not apply to tribal governments; and

WHEREAS, In 2004 the National Labor Relations Board improperly reversed decades of precedent in deciding that tribes are subject to the National Labor Relations Act; and

WHEREAS, The United States has a treaty-based obligations to protect Indian tribal sovereignty within reservation set apart for the use and occupancy of Indian tribes;



NOW, THEREFORE, BE IT RESOLVED, that Congress must affirm the original construction of the National Labor Relations Act that treats Indian as Governments for all purposes; and

BE IT FURTHER REVOLVED, that Indian Tribes call upon congress to enact an amendment to he National Labor Relations Act/Employee Free Choice Act to accomplish the above purpose, to read as follows:


“The term ‘employer’ includes any person acting as an agent of an employer, directly or indirectly, but shall not include the United States or any wholly owned Government corporation, or any Federal Reserve Bank, or any state or local subdivision thereof, or any federally recognized Indian tribe, or political subdivision, agency or instrumentality thereof, or any wholly owned tribal government corporation, including corporation organized under 25USC§477, or any person subject to the Railway Labor Act [45USC§151 et eq.], as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization”.

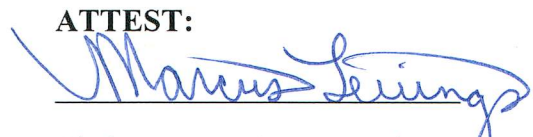
CERTIFICATION

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, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 9th day of April 2009; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 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 9th day of April 2009


Secretary, V. Judy Brugh
Tribal Business Council

ATTEST:

Chairman, Marcus D. Levings
Tribal Business Council