

**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,** Article VI, Section 5(d) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to advise and consult with representatives of the federal government on all activities of federal agencies which affect the Three Affiliated Tribes; and
- WHEREAS,** Representatives of the Confederated Tribes and Bands of the Yakima Indian Nation have recently approached the Tribal Business Council with a request that the Three Affiliated Tribes provide support to the Yakima Indian Nation in its attempt to secure the enactment by the United States Congress of an amendment to the United States Code, whereby individual Indian income, up to the amount of Four Thousand and 00/100 Dollars (\$4,000.00) per annum, derived from allotted trust land would be exempt from and not considered a countable resource or income in the determination of eligibility for assistance under the Social Security Act or any other federal or federally-assisted program; and
- WHEREAS,** A vast number of members of the Three Affiliated Tribes, the majority of whom are Tribal elders, have been and are currently receiving public benefits under the Supplemental Security Income Program of the Social Security Administration, the Improved Pension Program of the Veterans Administration, and other public benefits programs, and, in the case of most such recipients, such public benefits constitute the exclusive source of their total income, with the exception of intermittent and minimal trust income derived from their fractionated interests in allotted trust lands; and
- WHEREAS,** Although federal law recognizes that (1) individual Indian income directly derived from Indian trust land is not subject to federal income taxation [see Squire v. Capoeman, 351 U.S. 1 (1956)] and (2) interests of individual Indians in Indian trust land is not considered a countable resource

in determining eligibility for assistance under the Social Security Act or any other federal or federally-assisted public benefits program (see 25 U.S.C. §1408), current federal law and administrative agency policy inconsistently authorizes trust income derived from trust land to be taken into consideration in the determination of eligibility for assistance under such federal or federally-assisted public benefits programs; and

**WHEREAS,** The Tribal Business Council, over the years, has been periodically informed by attorneys with North Dakota Legal Services and the Legal Department of the Three Affiliated Tribes that the implementation of such inconsistent federal policy has resulted in financial, physical, and emotional hardship for numerous Tribal member recipients of such federal benefits in the contexts of decrease in benefit amounts, termination of benefits altogether, and institution of collection actions arising out of benefit overpayments; and

**WHEREAS,** In 1982, the Three Affiliated Tribes supported and certain representatives of the Tribes provided affirmative legal assistance in the enactment by Congress of certain legislation currently codified in 25 U.S.C. §1408, which federal statutory law provides that

"(i)nterests of individual Indians in trust or restricted lands shall not be considered a resource in determining eligibility for assistance under the Social Security Act [42 USCS §§301 et seq.] or any other Federal or federally assisted program;"

and

**WHEREAS,** Although such recent legislative effort of the Three Affiliated Tribes has proven to ameliorate, to some extent, the substantial burden imposed upon our Tribal elders at issue herein, the Tribal Business Council has determined that the continued implementation of incongruous federal policy warrants an additional legislative effort to secure an amendment to 25 U.S.C. §1408, whereby, in addition to interests in Indian trust land, individual Indian income derived therefrom would be exempt, to a certain monetary extent, in the determination of eligibility for assistance under the Social Security Act or any other federal or federally-assisted public benefits program;


**NOW, THEREFORE, BE IT RESOLVED,** That the Tribal Business Council of the Three Affiliated Tribes hereby formally manifests the support by the Three Affiliated Tribes of the effort of the Confederated Tribes and Bands of the Yakima Indian Nation to

lobby for and secure the enactment by the United States Congress of an amendment to 25 U.S.C. §1408, whereby individual Indian income, up to the amount of Four Thousand and 00/100 Dollars (\$4,000.00) per annum, derived from interests in Indian trust or restricted land shall not be considered either as a countable resource or as countable income in the determination of eligibility for assistance under the Social Security Act or any other federally-assisted public benefits program.

C E R T I F I C A T I O N

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 Special Meeting thereof duly called, noticed, convened, and held on the 1st day of October, 1987; 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.

Dated the 1st day of October, 1987.

  
Secretary, Tribal Business Council

ATTEST:

  
Chairman, Tribal Business Council