

**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,** the Three Affiliated Tribes has been informed that the Bureau of Indian Affairs has proposed a Reorganization Plan for the Office of Indian Education Programs which contains some generally positive initiatives such as elevation of the Office of Indian Programs to full "Bureau" status and the elimination of Area Office education related functions; and
- WHEREAS,** The Bureau of Indian Affairs' rationale for the Reorganization Plan is primarily based upon problems encountered in the coordination of educational related administrative services between the Office of Indian Education Programs and the balance of the Bureau structure; and
- WHEREAS,** That Plan also specifically proposes elimination of the Element 10 - Education Administration funding - for the Fort Berthold Agency which will have a deleterious upon the Three Affiliated Tribes Tribal Education Department currently operating with funding obtained through a P.L. 93-638 Contract of the Element 10 Functions; and
- WHEREAS,** The Bureau of Indian Affairs' faulty rationale for elimination of the Fort Berthold Agency level Element 10 funding is twofold: 1) contracting of all of the education functions by the Three Affiliated Tribes has left only residual functions which could be handled out of the Turtle Mountain Reservation Agency, 2) the P.L. 93-638 Contract for Element 10 issued to the Three Affiliated Tribes is considered a "fluke" and will be disallowed by a Draft Solicitor's Opinion, or restricted to only 71% through a Directive of the Office of Indian Education; and

WHEREAS, The Bureau of Indian Affairs approved the contracting of Element 10, despite the "Fluke" designation the BIA applied to their action, the Bureau reviewed and approved the contract. The BIA action/approval should not in any way jeopardize the Tribes's need to secure the full amount of funds required to administer and operate. The BIA is in fact directly responsible for the problems encountered by the Tribe in this matter; and

WHEREAS, The Element 10 Contract of the Three Affiliated Tribes is essential since it provides for Tribal Education Department administrative services for Reservation education functions, on-going development and implementation of the Tribal Education Department, direct services to Higher Education students, etc. all of which would be severely curtailed or eliminated by cancelling that Contract in FY 1991; and

WHEREAS, The Turtle Mountain Chippewa Tribal Council has stated that the transfer of Fort Berthold Agency Element 10 functions to their Agency will create problems in the provision of services on their Reservation, so they vehemently oppose such a transfer; and

WHEREAS, Public Law 100-472, the Amendments to P.L. 93-638 specifically prohibits the Bureau of Indian Affairs from utilizing contract funds to support its administrative functions; and

WHEREAS, The Bureau of Indian Affairs' so-called "consultation process" for the entire Education Reorganization initiative has, as personally observed or experienced by Three Affiliated Tribes Council Members and Staff, been fraught with misstatements, contradictions, and the lack of a timely distribution of draft Plan Documents; and

WHEREAS, It generally appears that the Three Affiliated Tribes and the Fort Berthold Reservation have been penalized, contrary to the language and philosophy of P.L. 93-638 As Amended, for taking the initiative in contracting all Education functions.,

NOW, THEREFORE, BE IT RESOLVED, the Tribal Business Council of the Three Affiliated Tribes hereby expresses its opposition to the Bureau of Indian Affairs' Reorganization Plan Component for eliminating the Element 10 Education Administration funds at the Fort Berthold Agency Level and the subsequent elimination of the Tribes Element 10 Contract,

BE IT FURTHER RESOLVED, that the Tribal Chairman and Tribal Legal Department are authorized and directed to take all necessary steps to prevent the implementation of the elimination of the Ft. Berthold Element 10 Funds and Contract, including seeking injunctive relief.

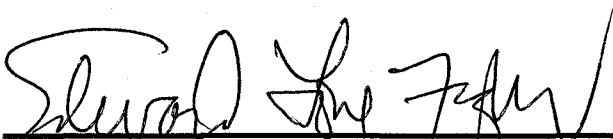
C E R T I F I C A T I O N

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, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 20th day of September, 1990; 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.

Dated the 20th day of September, 1990.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council