

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 operate Indian gaming pursuant to the Indian Gaming Regulatory Act (25 U.S.C. §2701 et seq.), a Tribal/State Compact between the Three Affiliated Tribes and the State of North Dakota, and a Tribal Gaming Ordinance approved by the National Indian Gaming Commission on November 17, 1994; and,
- WHEREAS, The Three Affiliated Tribes may not employ, at its gaming operations, individuals whose criminal record includes convictions of or guilty pleas or pleas of no contest to felony crimes; and,
- WHEREAS, It is the policy of the Three Affiliated Tribes that its gaming operations be free of employees who have been convicted of, or plead guilty, or no contest to crimes including misdemeanors, gross misdemeanors, and felonies; and,
- WHEREAS, In fulfillment of its regulatory duties under the Indian Gaming Regulatory Act, the Tribal/State Compact between the Three Affiliated Tribes and the State of North Dakota, and the Tribal Gaming Ordinance approved by the National Indian Gaming Commission on November 17, 1994, the Three Affiliated Tribes have established and delegated regulatory authority over gaming on the Fort Berthold Reservation to the Three Affiliated Tribes Gaming Commission; and,
- WHEREAS, In fulfillment of its delegated regulatory functions, the Three Affiliated Tribes Gaming Commission must request and have processed fingerprint cards through the Federal Bureau of Investigation via the National Indian Gaming Commission so as uncover any criminal history of employees at its Indian gaming operation; and

**NATIONAL INDIAN GAMING COMMISSION
BULLETIN**

No. 93-2

June 22, 1993

Subject: Procedures for Processing Fingerprint Cards

The National Indian Gaming Commission (NIGC) is currently implementing procedures to process fingerprint cards submitted by tribes as part of their employee background investigations. This bulletin is intended to provide you with information concerning the steps to be followed to ensure the prompt processing of all submitted fingerprint cards.

Under the NIGC's ordinance regulations, prior to the issuance of a license, a tribe is required to perform a fingerprint check, through the FBI records system, as part of the background investigation on each individual who has applied for a position as a key employee or primary management official in its gaming operation[s]. The information obtained as a result of this fingerprint check will assist the tribe in determining the applicant's suitability for employment.

The FBI has recently issued a policy statement concerning access to criminal history record information (CHRI) by the NIGC, state agencies and tribal governments. A copy of this policy statement is enclosed for your information. As you will note, under this policy the NIGC is authorized to process fingerprint cards and issue copies of the reports of the fingerprint checks directly to the requesting tribes. Because of the highly sensitive nature of the reports, the FBI has required the NIGC to take steps to ensure that there is no improper dissemination of CHRI, that the information is used only for authorized purposes, and that the CHRI is securely maintained.

In order to ensure compliance with these FBI requirements, it is necessary for each tribe receiving CHRI to execute the enclosed Memorandum of Understanding (MOU). The MOU also places certain restrictions on the use of CHRI in administrative and judicial proceedings, reserves NIGC's right to furnish the tribe CHRI in the form of summary memoranda, restricts the availability of NIGC employees to testify relative to CHRI, reserves NIGC's right to discontinue providing CHRI where a tribe has failed to comply with the terms of the MOU, and acknowledges the FBI's right to impose additional restrictions on the release of CHRI.

FBI policy also authorizes CHRI access by state regulatory agencies and tribal governments under certain specified conditions (see Policy Statement at pages 4-5). Tribes should determine if the conditions exist which would permit them to process fingerprint cards directly or through a state agency. Where the qualifying conditions have been met, the tribe may elect to use such agencies to process its fingerprint cards. It should be noted, however, that under current FBI policy, such requests will not routinely be processed through Bureau of Indian Affairs (BIA) law enforcement offices. The language contained in the Preamble to the NIGC's final ordinance regulations indicating that the BIA is available for such purposes is inaccurate and should be disregarded. BIA law enforcement offices may, however, continue to take the fingerprints of applicants for key employee and primary management official positions and forward the subject fingerprint cards to the NIGC for processing.

Set forth below are the steps to be followed whenever a tribe elects to use the NIGC to process the fingerprints cards of applicants for employment in its gaming operations:

1. A duly authorized official of the tribe should execute the enclosed MOU and return it to the NIGC at the earliest possible date. No copies of criminal history reports will be forwarded to a tribe until the NIGC has received a properly executed MOU.
2. The tribe should notify the NIGC which law enforcement agency/office(s) will be taking the fingerprints for the tribe and designate a contact person at the identified agency/office(s). In addition, the tribe should indicate the number of cards which the NIGC should send to this agency/office making allowances for lost or damaged cards. The forwarded cards will reflect the Originating Agency Identifier (ORI) number assigned to the NIGC by the FBI.
3. The tribe should provide NIGC with a list of individuals whose fingerprint cards the NIGC will be receiving from the law enforcement agency/office and a check to the National Indian Gaming Commission to cover the cost of processing those cards (number of cards X \$35.00). The list should also contain the social security number and date of birth of each listed individual and the name of the law enforcement agency/office taking the fingerprints. The \$35.00 per card charge for processing consists of a \$17.00 fee charged by the FBI and \$18.00 to cover NIGC's costs, including personnel, postage and telephone.
4. Once fingerprints have been taken, the agency taking the prints should forward the completed cards directly to the NIGC. The NIGC will process only those cards received directly from a law enforcement agency.

5. Once the NIGC receives: 1) the completed fingerprint card; 2) the required list of the individuals whose fingerprint cards the NIGC will be receiving and 3) a check to cover costs. it will forward the fingerprint cards to the FBI for processing. The FBI is currently averaging 21 working days to process a fingerprint card.

6. Upon completion of the fingerprint check, the FBI will forward a report of the findings to the NIGC. Subject to compliance with the conditions set forth in the enclosed Memorandum of Understanding (MOU), NIGC will forward a copy of this report to the submitting tribe to be used in determining of the suitability of the applicant for employment in the tribe's gaming operation.

7. The NIGC will retain the original reports and the processed fingerprint cards and will incorporate them into the Indian Gaming Individual Records System. This system will be subject to the Commission's Privacy Act Procedures. see 25 CFR Sections 515.1-12 (58 FR 5814-5818, January 22, 1993).

NIGC regulations require a tribe to perform a background check on applicants for key employee or management official positions following approval of a tribal ordinance by the Chairman. In order to facilitate the prompt distribution of CHRI, however, the NIGC will process fingerprint card submissions which meet the requirements of Paragraph 5 prior the approval of a gaming ordinance.

It is important to note, however, that until such time a tribe's gaming ordinance has been approved by the Chairman, the procedures for forwarding employee applications and investigative reports set forth in Sections 558.3 and 558.4 cannot be initiated by the tribe and the time periods contained in those provisions do not begin to run. It should be further noted that if the tribe is conducting a background investigation consistent with the requirements of Part 556, the CHRI constitutes only one of a number of sources of information which the tribe must consider in making eligibility determinations for employment in its gaming operation.

These procedures are effective immediately.

For additional information contact Fingerprint Processing at (202) 632-7003.

PURCHASE ORDER

THREE AFFILIATED TRIBES

FEDERAL TAX EXEMPT #: 45-8300 43K

ORDER NO.
32557

DEPARTMENT ORDERING: TAT Gaming Commission

Vendor # 79756

Box # 999

City, State, Zip New Town, North Dakota 58763

VENDOR	TAT Gaming Commission
ADDRESS	P.O. Box 999
ADDRESS	New Town, N.D. 58763
CITY, STATE, ZIP	

Order Date: July 1, 1996

Item #	Quantity		Description	Total Cost	Charge - To Code	Invoice #
	Ordered	Rec'd				
1.			N.I.G.C. Fingerprint Cards			
2.			\$35.00 @ x 130 =	4550.00		
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						

Total Amount \$ 4550.00

NOTE: Items not received on this order are to be re-ordered on NEW P.O.

Director Approval: *Edward Whitehead*

Date: 7-1-96

Administrator Approval: _____

Date: _____

Finance Approval: _____

Date: _____

WHEREAS, The cost for processing fingerprint cards through the Federal Bureau of Investigation and the National Indian Gaming Commission costs \$35.00 per card as indicated by the attached National Indian Gaming Commission Bulletin No. 93-2 (dated June 22, 1993); and,

WHEREAS, An estimated 130 fingerprint cards must be processed through the Federal Bureau of Investigation and the National Indian Gaming Commission in the immediate future; and,

WHEREAS, The Three Affiliated Tribes Gaming Commission has submitted a purchase order requesting \$4,550.00 to cover the processing of 130 fingerprint card at \$35.00 per card, which purchase order is attached hereto;

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council hereby approves disbursement of \$4,550.00 to the Three Affiliated Tribes Gaming Commission, which monies are to be used in covering the cost of processing fingerprint cards through the Federal Bureau of Investigation and the National Indian Gaming Commission.

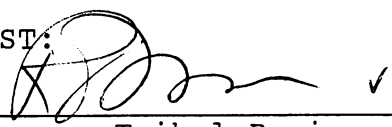
C E R T I F I C A T I O N

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 Regular Meeting thereof duly called, noticed, convened, and held on the 11th day of July, 1996; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 11th day of July, 1996.

Dayton Spotted Bear
Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council

**Three Affiliated Tribes Gaming Commission
Proposed Budget
July, August, September 1996**

Commissioners

Chairman	14 wks x 400 p/wk	5600.00
Comptroller	14 wks x 400 p/wk	5600.00
Member	14 wks x 400 p/wk	5600.00
Member	14 wks x 400 p/wk	5600.00
Four Commissioners @ 400 x 14 wks	Total	\$22,400.00

Investigator	360.00	5040.00
Asst. Investigator	30 hr p/wk @ 8.00 x 14 wks	3360.00
Auditor (PT)	225.00	3150.00
Secretary	320.00	4480.00
Bookkeeping (PT)	20 hr x 10 x 14	3920.00

Staff **Total 19,950.00**

\$42,350.00

Fringe	6.20 F.I.C.A.	
	1.45 Medical	
	1.10 Job Service	
	8.75	
	est	
	<hr style="width: 10%; margin-left: 0;"/>	
	22%	\$9,317.00

General Operations 3 months @ 2500.00 \$7,500.00

Telephone 3 months @ 500.00 p/mon \$1,500.00

Copier Rental 3 months @ 250.00 \$ 750.00

Computer \$3,500.00

Travel \$3,000.00

Training \$3,000.00

Total \$70,917.00