

**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,** Over 20,000 acres of trust land held by members of the Three Affiliated Tribes is in various stages of foreclosure by the Department of Agriculture; and
- WHEREAS,** The 1996 Farm Bill, P.L. 104-127, changed the mechanism by which such land, if foreclosed upon, would be returned to the Department of Interior to be retained in trust status, by providing that a Tribal member borrower from the Department of Agriculture who owned the land subject to a judicial foreclosure sale, at least 30 days prior to such sale, would have the option of offering the land and the debt associated with it, not to exceed the present market value of the land, to the Department of Interior or to the Tribe of which the borrower was a member. It is the purpose of this mechanism to prevent the possibility of the land passing out of trust by purchase of the land at the sale by someone other than the Department of Agriculture or the Tribe; and
- WHEREAS,** On August 19, 1996, the Assistant Secretary of Interior for Indian Affairs, Ada Deer, indicated to the Intertribal Agriculture Council that the Department of Interior would decline any offer of such lands to the Department of Interior made under the new procedure of the 1996 Farm Bill, citing a lack of funds to handle such lands; and
- WHEREAS,** It is as yet unclear how such lands would be handled following a judicial sale in which such lands became part of the inventory of lands held by the Department of Agriculture, if the Secretary of Interior refused any lands offered to them prior to the sale by Tribal member borrowers; and
- WHEREAS,** The Secretary of Interior, who originally approved those mortgages that resulted in foreclosure actions against trust land held by Tribal members, has an ongoing trust responsibility concerning trust lands held by members of the Three Affiliated Tribes, which were part of the Secretary's trust responsibility before they were mortgaged, as well as for trust lands held by members of other tribes which are in a similar position; and

WHEREAS, At this time, no notices offering the option of transfer of the lands to the Department of Interior or to the Tribe have been sent to Tribal members on the Fort Berthold Reservation, pending resolution of the issue of acceptance of such lands by the Department of Interior or the Tribe; and

WHEREAS, A new Assistant Secretary of Interior for Indian Affairs has been appointed and is now in office, Kevin Gover;

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby urges Kevin Gover to rescind the policy of non-acceptance of trust lands previously mortgaged to the Department of Agriculture by the Secretary of Interior announced by his predecessor on August 19, 1996; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes urges the Department of Interior to devote such resources as are necessary to put such trust lands as have been mortgaged to the Department of Agriculture and which are subject to foreclosure sale back into the inventory of the Department of Interior, to be held in trust for the benefit of the Three Affiliated Tribes and its members, should it be requested to do so by Tribal members who are subject to foreclosure or should such lands be transferred to them by the Department of Agriculture following the foreclosure sale as provided by law.

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, 7 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 13th day of February, 1998; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 1 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 13th day of February, 1998.

Daylen Spotted Bear
Secretary, Tribal Business Council

ATTEST:



Chairman, Tribal Business Council