

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

A Resolution entitled "Pension for Former Living Tribal Council Members and Chairman"

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934 and the Authority under said Act; and
- WHEREAS,** Since accepting a written form of Government, the members of the Three Affiliated Tribes have elected the Tribal Business Council members and Chairman to represent them; and
- WHEREAS,** The Tribal Business Council and Chairman in the past fifty years through the Indian Claims Commission, and Equitable Compensation Act have established Permanent Funds of 192 million dollars of which only the interest earned annually can be used ensuring a secure financial future for the members of the Three Affiliated Tribes; and
- WHEREAS,** The Federal Government Compensates members of the U.S. Congress and the President with annual pensions, which average \$50,616.00 as of 1998; and
- WHEREAS,** The elected members of the Tribal Business Council and Chairman via of the Fort Laramie Treaty of 1851 are of the same status as members of Congress and the President; and
- WHEREAS,** The current Tribal Business Council acknowledges that the past Tribal Business Council members and Chairman were not compensated adequately; 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, part c, of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to administer any funds or property within the exclusive control of the Tribes and to make expenditures from available Tribal funds for the public purpose of the Tribes; and

**THREE AFFILIATED TRIBES
PENSION PLAN FOR FORMER LIVING TRIBAL
COUNCIL MEMBERS AND CHAIRMAN**

The Pension Plan Schedule will be a base of \$5,000.00 plus \$750.00 per year served shall be paid to any Tribal member elected Council Member, a base of \$7,500.00 plus \$1,000.00 per years served shall be paid to any Tribal member elected Tribal Chairman. In the event a Tribal member has been elected Council member and Chairman at separate times they shall be paid the base authorized for the Chairman and \$750.00 for each year served as Council Member.

<i>Example:</i>	<i>Served as Council Member</i>	<i>Base</i>	<i>\$ 5,000.00</i>
	<i>Years served</i>	<i>4 X \$750.00 =</i>	<i>\$ 3,000.00</i>
		<i>Total</i>	<i>\$ 8,000.00</i>
	<i>Served as Chairman</i>	<i>Base</i>	<i>\$ 7,500.00</i>
	<i>Years served</i>	<i>4 X \$1,000</i>	<i>\$ 4,000.00</i>
			<i>\$11,500.00</i>

Criteria for Tribal Elected Members to be eligible

1. Must be elected to the Tribal Business Council as Council Member or Chairman.
2. Payment of Pension begins at the age of 55.
3. Payment shall be pro-rated monthly based upon the number of years elected as Council Member or Chairman.
4. Payment shall be made to former living Council Members and Chairman.
5. Any Council Member or Chairman who is elected and still in office shall not be paid.
6. The Treasurer shall include in the annual budgets necessary funds to make the monthly payments in accordance with each member's earned pension.
7. Payment shall be made to all living Council Members and Chairmen who have served on the Tribal Business Council. (Attachment Congressional Pension Plan.)
8. Future Council Members and Chairman will be automatically eligible when they are no longer in office.
9. Pension will cease upon the death of a Council Member or Chairman with no survivorship to be paid.



Eligible Council Members and Chairmen

White Shield

- 1. Thomas Eagle Jr. \$12,500.00
- 2. Austin Gillette
- 3. Donald Malnourie \$ 8,000.00
- 4. Gerald White Sr. \$ 8,000.00
- 5. Wilbur Wilkinson \$11,500.00

Twin Buttes

- 1. Dennis Huber \$ 8,000.00
- 2. August Little Soldier \$15,500.00
- 3. James M. Mossett
- 4. Gerald Nagel \$ 8,000.00
- 5. Ronald S. Little Owl \$ 8,000.00
- 6. Alice Spotted Bear \$11,500.00
- 7. Daylon Spotted Bear

Mandaree

- 1. Roy Bird Bear \$14,000.00
- 2. Theodore Bolman \$ 8,000.00
- ~~3. Tex G. Hall~~
- 4. Edward Lone Fight \$11,500.00
- 5. Nathan Lone Fight \$ 5,000.00
- 6. Theodore Lone Fight III
- 7. Ivan Johnson
- 8. Adam T. Mandan \$ 8,000.00
- ~~9. Randy Phelan~~
- 10. Tillie Walker \$11,000.00

Four Bears *Hugh*

- 1. Lawrence Baker \$ 8,000.00
- 2. Roger Bird Bear
- 3. Thomas Bird Bear
- 4. Edwin A. Hall \$ 8,000.00
- ~~5. Marcus Wells Jr.~~

New Town/Little Shell

- 1. Gordon Blake
- 2. John Charging
- 3. Elgin Crows Breast
- 4. George Fast Dog \$ 8,000.00
- 5. Titus Hall \$ 8,000.00
- 6. Matthew Mason \$ 8,000.00
- 7. Russell Mason Sr. \$11,500.00
- ~~8. Malcolm Wolf~~

Parshall/Lucky Mound

- 1. Adrian Foote Sr. \$ 8,000.00
- 2. Mark Fox
- 3. Delvin Driver Sr. \$ 8,000.00
- 4. Mickey Packineau \$ 8,000.00
- ~~5. Mervin Packineau~~
- 6. Marie Wells \$11,000.00
- 7. John Jack Rabbit Head

5 Chairmen
20 Council Members
25 Total

Report for Congress

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Retirement Benefits for Members of Congress

Updated September 26, 2002

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Retirement Benefits for Members of Congress

Summary

Prior to 1984, neither federal civil service workers nor Members of Congress paid taxes to Social Security, nor were they eligible for Social Security benefits. Members of Congress and other federal employees were instead covered by a separate pension plan called the Civil Service Retirement System (CSRS). The 1983 amendments to the Social Security Act (P.L. 98-21) required federal employees first hired after 1983 to participate in Social Security. These amendments also required all Members of Congress to participate in Social Security as of January 1, 1984, regardless of when they first entered Congress. Because the CSRS was not designed to coordinate with Social Security, Congress directed the development of a new retirement plan for federal workers. The result was the *Federal Employees' Retirement System Act of 1986* (P.L. 99-335).

Members of Congress first elected in 1984 or later are covered automatically under the Federal Employees' Retirement System (FERS), unless they decline this coverage. Those who already were in Congress when Social Security coverage went into effect could either remain in CSRS or change their coverage to FERS. Members are now covered under one of four different retirement arrangements:

- Full coverage under both CSRS and Social Security;
- The "CSRS Offset" plan, which includes both CSRS and Social Security, but with CSRS contributions and benefits reduced by Social Security contributions and benefits;
- FERS plus Social Security; or
- Social Security alone.

Congressional pensions, like those of other federal employees, are financed through a combination of employee and employer contributions. All members pay Social Security payroll taxes equal to 6.2% of the Social Security taxable wage base (\$84,900 in 2002). Members covered by FERS also pay 1.3% of full salary to the Civil Service Retirement and Disability Fund. Members covered by CSRS Offset pay 1.8% of the first \$84,900 of salary, and 8.0% of salary above this amount, into the Civil Service Retirement and Disability Fund. An additional 0.5% of pay is being deducted from all Members' pay until January 1, 2003, as required by P.L. 105-33.

Under both CSRS and FERS, Members of Congress are eligible for a pension at age 62 if they have completed at least 5 years of service. Members are eligible for a pension at age 50 if they have completed 20 years of service, or at any age after completing 25 years of service. The amount of the pension depends on years of service and the average of the highest 3 years of salary. By law, the starting amount of a Member's retirement annuity may not exceed 80% of his or her final salary.

As of October 1, 2000, 409 retired Members of Congress were receiving federal pensions based fully or in part on their congressional service. Of this number, 356 had retired under CSRS and were receiving an average annual pension of \$52,464. Fifty-three Members had retired either with service under both CSRS and FERS or with service under FERS only. Their average annual pension was \$46,932 in 2000.

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Retirement Benefits for Members of Congress

Background on Congressional Pensions

The *Civil Service Retirement Act of 1920* (P.L. 66-215) established a pension system for federal employees in the executive branch of government. Coverage under the Civil Service Retirement System (CSRS) was extended to Congress in January 1942 by P.L. 77-411. That law was repealed just 2 months later in response to adverse public opinion. In 1946, P.L. 79-601 again extended CSRS coverage to Congress, at the option of Members, with higher contributions and greater benefits than those applicable to regular federal employees. In reference to that legislation, Senate Report 79-1400 (May 31, 1946) stated that a retirement plan for Congress:

would contribute to independence of thought and action, [be] an inducement for retirement for those of retiring age or with other infirmities, [and] bring into the legislative service a larger number of younger Members with fresh energy and new viewpoints concerning the economic, social, and political problems of the Nation.

The *Social Security Amendments of 1983* (P.L. 98-21) required all federal employees hired in 1984 or later to participate in Social Security. These amendments also required all Members of Congress to participate in Social Security as of January 1, 1984, regardless of when they first entered Congress. The Civil Service Retirement System, having been established in 1920, predated passage of the Social Security Act by 15 years. Requiring federal workers to participate in both CSRS and Social Security would have duplicated some benefits and would have resulted in employee payroll deductions for the two programs that in 2002 would exceed 13% of pay. After mandating Social Security coverage of new federal employees beginning in 1984, Congress directed the development of a new retirement plan for federal workers with Social Security coverage as its foundation. The result of this effort was the *Federal Employees' Retirement System Act of 1986* (P.L. 99-335).

The Federal Employees' Retirement System (FERS) went into effect in 1987, and employees first hired in 1984 or later were automatically enrolled in this plan. Employees who had been in the federal government before 1984 were given the option to remain in CSRS – without Social Security coverage – or to switch to FERS. The options for Members of Congress differed from those available to other federal employees, because the 1983 amendments required all Members of Congress to participate in Social Security. Members first elected in 1984 or later were given the option to enroll in FERS as well as being covered by Social Security, or to be covered only by Social Security. Members who had been in Congress before 1984 could elect to stay in CSRS in addition to being covered by Social Security; to elect coverage under an “offset plan” that integrates CSRS and Social Security; to elect

coverage under FERS in addition to being covered by Social Security; or to be covered *only* by Social Security.¹

Because of the uncertain tenure of congressional service, FERS was designed, as CSRS had been, to provide a larger benefit for each year of service to Members of Congress and congressional staff than to most other federal employees. Members of Congress also become eligible for retirement annuities under CSRS and FERS at an earlier age and with fewer years of service than most other federal employees. However, Members of Congress and congressional staff pay a higher percentage of salary for their retirement benefits than do most other federal employees.

As of October 1, 2000, 409 retired Members of Congress were receiving federal pensions based fully or in part on their congressional service. Of this number, 356 had retired under CSRS and 53 had retired either with service under both CSRS and FERS or with service under FERS only. Members who had retired under CSRS had completed, on average, 20.1 years of federal service. Their average annual CSRS annuity in 2000 was \$52,464. Those who had retired under FERS had completed, on average, 21.1 years of federal service. Their average retirement annuity in 2000 (not including Social Security) was \$46,932. The average age of retired Members of Congress receiving retirement annuities in 2000 was 76.1 for those who had retired under CSRS and 69.6 for those who had retired under FERS.

Retirement Plans Available to Members of Congress

Members First Elected Before 1984. Members of Congress who were first elected before 1984 may be covered under one of four retirement plans:

- ***Dual coverage.*** This is full coverage by both CSRS and Social Security.
- ***CSRS Offset.*** This is coverage by CSRS and Social Security, but with CSRS contributions and benefits reduced (“offset”) by the amount of Social Security contributions and benefits.
- ***FERS.*** This is comprised of the FERS basic annuity, Social Security, and the Thrift Savings Plan (TSP).
- ***Social Security only.*** This occurs if the Member declines other coverage.

Members and other federal employees who were covered under CSRS had the opportunity to switch to FERS during two 6-month “open seasons” in 1987 and 1998.

Members First Elected Since 1984. Members of Congress who were first elected in 1984 or later are covered by the Federal Employees’ Retirement System unless they decline this coverage, in which case they are covered only by Social Security. FERS is comprised of three elements:

¹ Under the “Offset Plan,” payroll deductions go partly to Social Security and partly to the Civil Service Retirement and Disability Fund. In retirement, the individual’s CSRS pension is reduced (“offset”) by the amount of his or her Social Security benefit.

- *Social Security*,
- the FERS *basic annuity*, a monthly pension based on years of service and the average of the 3 highest consecutive years of basic pay,
- the Thrift Savings Plan (TSP), into which participants can deposit up to 12% of base pay in 2002 while receiving employer matching contributions of up to 5% of pay.

Members who enter Congress with at least 5 years of previous federal employment covered by CSRS can choose to participate in the CSRS Offset plan rather than FERS.

Age and Length-of-Service Requirements

Members become vested in (legally entitled to) pension benefits under CSRS or FERS after 5 years of service. The age and service requirements for retirement eligibility are determined by the plan under which a Member is covered at the time of retirement, regardless of whether he or she has previous service covered under a different plan.² Depending on a Member's age and years of service, a pension can be taken immediately upon retirement or only on a deferred basis. Likewise, the Member's age and years of service, as well as the starting date of the annuity, will determine whether he or she is eligible for a full pension or a reduced pension.

Retirement Under CSRS. Four retirement scenarios are possible for Members covered by CSRS or the CSRS Offset Plan:

Retirement with an immediate, full pension is available to Members age 60 or over with 10 years of service in Congress, or age 62 with 5 years of civilian federal service, including service in Congress.

Retirement with an immediate, reduced pension is available to Members ages 55 to 59 with at least 30 years of service. It is also allowed if the Member separates for a reason other than resignation or expulsion after having completed 25 years of service, or after reaching age 50 and with 20 years of service, or after having served in nine Congresses.³

² In general, active duty military service can be counted toward retirement *eligibility*, but not toward 5-year vesting. In order for military service to count toward the *amount* of one's retirement annuity, the individual must make a deposit to the Civil Service Retirement and Disability Fund in the amount that would have been withheld if retirement deductions had been made during the person's years of military service, plus accrued interest on this amount.

³ The pension is reduced by 1/12 of 1% for each month not in excess of 60 months, and 1/6 of 1% for each month in excess of 60 months that the Member is under age 60 at the date of separation. Reasons for separation "other than resignation or expulsion" include both choosing not to seek re-election and not winning re-election.

Retirement with a deferred, full pension is available if the Member leaves Congress before reaching the minimum age required to receive an immediate, unreduced pension and delays receipt until reaching the age at which full benefits are paid. A full pension can be taken at age 62 if the Member had 5 through 9 years of federal service, or at age 60 if the Member had at least 10 years of service in Congress. At the time of separation, the Member must leave all contributions in the plan in order to be eligible for the deferred pension.

Retirement with a deferred, reduced pension is available to a Member at age 50 if he or she retired before that age and had at least 20 years of federal service, including at least 10 years as a Member of Congress.

Retirement Under FERS. There are four possible retirement scenarios for Members who are covered by FERS:

Retirement with an immediate, full pension is available to Members at age 62 or older with at least 5 years of federal service; at age 50 or older with at least 20 years of service; and at any age to Members with at least 25 years of service.

Retirement with an immediate, reduced pension is available at age 55 to Members born before 1948 with at least 10 years of service. The minimum age will increase to 56 for Members born from 1953 through 1964 and to 57 for those born in 1970 or later.

Retirement with a deferred, full pension is available at age 62 to former Members of Congress with at least 5 years of federal service.

Retirement with a deferred, reduced pension is available at the minimum retirement age of 55 to 57 (depending on year of birth) to a former Member who has completed at least 10 years of federal service. The pension annuity will be permanently reduced if it begins before age 62.⁴

Coordination of FERS Benefits with Social Security. The FERS basic annuity was designed to supplement Social Security retirement benefits. FERS retirees under age 62 who retire with an unreduced pension are eligible for a temporary supplement to their FERS pension to fill in until Social Security eligibility is reached at age 62. The supplement is an amount estimated to equal the Social Security benefits accrued from federal service, and is paid from the time of retirement until age 62. The FERS supplement ends at age 62 regardless of whether the individual applies for Social Security at that time. Like Social Security benefits paid before the full retirement age (currently 65), the supplement reduced if the retiree has earnings above a specified annual limit. This "FERS supplement" is payable to Members who retire at ages 55 to 57 (depending on year of birth) or older with at

⁴The pension is reduced by 5% for each year the Member is under age 62 when the pension begins (unless he or she has completed 20 or more years of service).

least 20 years of service. A former Member with at least 20 years of service also may begin to draw the supplement upon reaching age 55-57.⁵

Social Security Retirement Benefits. Since January 1, 1984, all Members of Congress have been required to pay Social Security taxes. The laws governing payment of Social Security taxes and eligibility for Social Security benefits apply to Members of Congress in the same way they apply to any other covered worker.

Retirement with full benefits. The “full retirement age” under Social Security is currently 65. Forty quarters of covered employment are required to be eligible for retired worker benefits.⁶ Under current law, the age for full benefits will gradually increase, beginning with people born in 1937, until it reaches age 67 for those born in 1960 or later.

Retirement with reduced benefits. The earliest that retired worker benefits can be taken under Social Security is age 62. Benefits taken at 62 are permanently reduced to approximately 80% of the full benefit that would be payable at age 65. Reduced Social Security benefits still will be available at age 62 after the age for full benefits has been raised to 67; however, the monthly benefit paid at 62 then will be only 70% of the amount that would be paid if benefits were deferred until age 67.

Social Security Earnings Limit. Social Security benefits are reduced for beneficiaries under age 65 who have earnings from paid employment that exceed thresholds that are defined in statute. In 2002, Social Security beneficiaries under age 65 are subject to a reduction in benefits if their annual earnings exceed \$11,280 (\$940 per month). The earnings threshold is adjusted annually for average wage growth in the U.S. economy. Beneficiaries under age 65 lose \$1 in benefits for every \$2 in earnings above the threshold. Retirees age 65 or older receive full benefits regardless of earnings.

The Thrift Savings Plan: An Integral Component of FERS. The Thrift Savings Plan (TSP) is a defined contribution retirement plan similar to those authorized under Section 401(k) of the tax code for employers in the private sector. For all federal employees covered by FERS, their employing agency contributes an amount equal to 1% of base pay to the TSP, whether or not the employee chooses to contribute anything to the plan. In 2002, employees covered by FERS can make voluntary contributions of as much as 12% of pay up to an annual limit that is defined in section 402(g) of the Internal Revenue Code (\$11,000 in 2002). Employee contributions of up to 5% of pay are matched by the employing agency. Contributions are made on a pre-tax basis, and neither the contributions nor investment earnings that accrue to the plan are taxed until the money is withdrawn.

⁵ Members, former Members, and Congressional staff can receive an unreduced annuity (and the FERS supplement) with at least 20 years of service, provided they have reached the minimum retirement age of 55-57. Regular federal employees must complete at least 30 years of service and reach the minimum retirement age of 55-57 before they are eligible to receive an unreduced retirement annuity and the FERS supplement.

⁶ Fewer quarters of covered employment are required for individuals born before 1929.

Total Payroll Deductions. Total payroll deductions for federal retirement programs depend on the combination of programs by which a Member is covered. The required payments are exclusive of any voluntary investments in the Thrift Savings Plan (TSP). These are the required contributions in 2002, including the additional contributions to CSRS and FERS mandated by the Balanced Budget Act:

Dual Coverage. Members with full CSRS coverage plus Social Security contribute 14.7% of the first \$84,900 of salary (8.5% to CSRS plus 6.2% to Social Security). They pay 8.5% to CSRS on salary above \$84,900.

CSRS Offset. Members in the CSRS Offset Plan pay 6.2% to Social Security and 2.3% to CSRS on the first \$84,900 of salary. They pay 8.5% to CSRS on salary above \$84,900.

FERS. Members covered by FERS pay 6.2% to Social Security and 1.8% to FERS on the first \$84,900 of salary. They pay 1.8% to FERS on salary above \$84,900.

Social Security. All Members pay 6.2% of their first \$84,900 in gross wages to Social Security. The taxable wage base of \$84,900 is indexed to national average wage growth and is adjusted annually.

Pension Plan Benefit Formulas

Pension benefits under both CSRS and FERS are computed according to: (1) the retiree's average annual salary for the 3 consecutive years of highest pay (known as "high-3" salary); (2) the number of years of service covered by the pension plan; and, (3) the "accrual rate" at which benefits accumulate for each year of service. The pension is the product of these factors, expressed as:

$$\begin{array}{rcccccc} \text{High-3} & & \text{Years of} & & \text{Accrual} & & \text{Annual} \\ \text{Salary} & \times & \text{Service} & \times & \text{Rate} & = & \text{Pension} \end{array}$$

Pension Benefits under CSRS. The accrual rate for each year of congressional service covered by CSRS is 2.5%. Therefore, the CSRS pension equals:

$$\begin{array}{rcccccc} \text{High-3} & & \text{Years of} & & & & \text{CSRS} \\ \text{Salary} & \times & \text{Service} & \times & .025 & = & \text{Pension} \end{array}$$

For example, after 26 years of congressional service and a high-3 average salary of \$145,467, the initial annual CSRS pension for a Member who retires in December 2002 at the end of the 107th Congress would be:⁹

$$\$145,467 \times 26 \times .025 = \$94,553$$

⁹ Base pay for Representatives and Senators was \$141,300 in 2000, \$145,100 in 2001, and \$150,000 in 2002. Pay for House and Senate leadership positions is higher.

Federal law limits the maximum CSRS pension that may be paid at the start of retirement to 80% of the Member's final annual salary (5 U.S.C. § 8339(f)). To receive an initial pension equal to 80% of final salary, a Member must complete 32 years of congressional service covered by CSRS ($32 \times .025 = .80$). The smallest starting pension under CSRS is 12.5% of high-3 salary for a Member with 5 years service. (Pensions based on less than 10 years of service cannot begin before age 62).

Most Members who entered Congress before 1984 and who chose to stay in the CSRS elected the "CSRS offset" plan, described on page 9. When a Member who has retired under the offset plan is age 62 or over, the CSRS pension is reduced by the amount of Social Security benefits that he or she earned during congressional service. In the example above, the offset would be approximately \$10,800 in 2003.

Pension Benefits under FERS. The accrual rate for congressional service covered by FERS is 1.7% for the first 20 years and 1.0% for each year beyond the 20th. The basic retirement annuity under FERS is equal to:

$$\left[\text{High-3 Salary} \times .017 \times \begin{array}{c} \text{Years of} \\ \text{Service} \\ \text{through} \\ 20 \end{array} \right] + \left[\text{High-3 Salary} \times .01 \times \begin{array}{c} \text{Years of} \\ \text{Service over} \\ 20 \end{array} \right] = \text{Annual Pension}$$

Members who began congressional service before 1984 and who elected to join FERS will receive credit under FERS from January 1, 1984, forward. Thus, at the close of the 107th Congress in December 2002, FERS participants will have a maximum of 19 years of service under FERS. Nevertheless, as an example of the difference in benefits between FERS and CSRS, assume that a Member retired at the end of 20002 with a full 26-year career under FERS. After 26 years of congressional service covered under FERS and a high-3 average salary of \$145,467, the hypothetical initial annual FERS pension in 2003 would be:

$$[\$145,467 \times .017 \times 20] + [\$145,467 \times .01 \times 6] = \$58,186$$

There is no maximum pension under FERS. (It would take 66 years of service under FERS to reach the 80% maximum permissible under CSRS.) The smallest unreduced FERS pension is 8.5% of high-3 salary with 5 years of service ($.017 \times 5$ years), which is payable no earlier than age 62. A Member with 10 years of service who takes a FERS pension at the earliest allowable age of 55 would receive a reduced pension equal to 11% of high-3 salary ($.017 \times 10$ years, reduced by .05 times the 7-year difference between the individual's age at retirement and age 62).

Social Security Benefits. Social Security benefits are determined by a formula based on earnings in all Social Security-covered employment. The benefit structure of Social Security was designed to replace a higher proportion of earnings for lower- paid workers than for the higher-paid. For example, the initial benefit payable to a low-wage worker retiring at age 65 in 2002 is \$682 per month, or \$8,184

per year.¹⁰ This is equivalent to about 76% of the annual earnings of a worker employed year-round, full-time at the minimum wage in 2002.¹¹ For a worker whose earnings each year were equal to or greater than the Social Security maximum taxable wage base for that year, the initial benefit paid to a new retiree at age 65 in 2002 is \$1,660 per month, or \$19,920 per year. This is equal to about 24% of the maximum taxable wage base of \$84,900 in 2002. It would represent a still smaller percentage of the annual wages of workers whose earnings exceeded the taxable wage base.

Pensions for Members with Service Under Both CSRS and FERS

Members who were participating in CSRS when the FERS plan went into effect in 1987 could elect to leave CSRS and join FERS during a 6-month "open season" in 1987.¹² Members who switched to FERS are entitled to a CSRS pension for the years before 1984, provided that they had completed at least 5 years of service under CSRS by December 31, 1983. Their service from January 1, 1984 onward is covered under FERS. When these Members retire, their pension is computed using the CSRS formula for the CSRS-covered years and the FERS formula for the years covered by FERS. The same high-3 salary is used in both formulas, which is generally the salary earned in the 3 years preceding retirement. The two pension amounts (CSRS and FERS) are then added together. For Members who switched from CSRS to FERS, FERS rules govern the age and years of service for retirement eligibility.

For example, the pension for a Representative or Senator who retires in December 2002 at the end of the 107th Congress with a total of 26 years of service (7 years covered under CSRS and 19 years covered under FERS) and a high-3 salary of \$138,233 would be:

$$\begin{array}{r}
 \$145,467 \times .025 \times 7 = \$25,456 \text{ (CSRS)} \\
 + \quad \underline{\$145,467 \times .017 \times 19 = \$46,986 \text{ (FERS)}} \\
 \text{Total pension} = \$72,442
 \end{array}$$

Retirement Benefits under the CSRS Offset Plan

Members who were participating in CSRS before January 1, 1984 and chose not to switch to FERS could elect either to have full coverage under both CSRS and Social Security or to stay in CSRS and have their CSRS contributions and benefits reduced ("offset") by the amount of Social Security taxes paid and Social Security benefits received. New Members who enter Congress with at least 5 years of previous civilian federal employment that was covered under CSRS also may join the CSRS Offset plan. Under this plan, a Member pays 6.2% of salary up to the Social Security taxable maximum (\$84,900 in 2002) to Social Security and 1.8% of salary

¹⁰ For illustrative purposes, the Social Security Administration defines a "low-wage" worker as one who earns 45% of the national average wage.

¹¹ \$5.15 per hour X 40 hours per week X 52 weeks = \$10,712. \$8,184/\$10,712 = .764.

¹² P.L. 105-61, enacted on October 10, 1997, authorized a second open season from July through December 1998 during which employees covered by CSRS could switch to FERS.

up to this earnings level to CSRS. When annual earnings reach the maximum amount taxable under Social Security, the Member pays 8.0% of salary for the rest of the year to CSRS. During retirement, the individual's CSRS pension is reduced by the amount of the Social Security benefit that is attributable to their federal service. The reduction in the CSRS annuity begins at age 62 whether or not the retiree actually begins to draw Social Security at that time.

As an example of the CSRS offset plan, assume that a Representative or Senator retires at the end of the 107th Congress with 26 years of congressional service. According to the illustration of CSRS pensions on page 8, this Member's initial retirement annuity would be \$94,553. However, if he or she were age 62 or over, this amount would be reduced by approximately \$10,800, representing the amount of Social Security benefits earned from congressional service from January 1, 1984 through December 31, 2002.

Replacement Rates

The adequacy of pension plans is often evaluated by comparing the benefits paid at the time of retirement with pre-retirement wages. The initial annual pension is computed as a percentage of final annual pay to derive the "replacement rate." This is the proportion of pre-retirement wages replaced by the pension. In both CSRS and FERS, pensions are based on the average of the highest 3 consecutive years of earnings, which are usually the final 3 years before retirement.

Table 1 shows the percentage of high-3 average pay replaced by a congressional pension for a Member retiring with an immediate pension under CSRS or FERS at specified ages and years of service. (Note that because FERS is still a relatively new system, no one will have completed 20 years of service under that plan until 2004, and no one will have completed 30 years under FERS until 2014.)

Table 1. Replacement Rates for Members Retiring with an Immediate Annuity

	CSRS	FERS
Age 50, 20 years in Congress	42.5%	34.0%
Age 55, 30 years in Congress	75.0%	44.0%
Age 60, 10 years in Congress	25.0%	15.3%
Age 62, 5 years in Congress	12.5%	8.5%

Cost-of-Living Adjustments. CSRS annuities are adjusted for inflation once each year on the same schedule and by the same percentage as Social Security benefits. These "cost-of-living adjustments," or COLAs, are based on the rate of increase in the Consumer Price Index for Urban Wage Earners (CPI-W). CSRS annuities and Social Security benefits are increased each January by the percentage change in the CPI-W over the 12-month period ending on the preceding September 30. FERS annuities also are adjusted for inflation, but as a cost-control measure, Congress has mandated that FERS annuities will increase by less than the percentage change in the CPI-W whenever the annual rate of increase in that index exceeds

2.0%. If the CPI-W rises by 2% or less, FERS annuities are increased by the same percentage as the increase in the CPI. If the CPI rises by 2.1% to 3%, FERS annuities are increased by 2%. If the CPI rises by more than 3%, FERS annuities are increased by one percentage point less than the rate of increase in the CPI.

Initial CSRS annuities may not exceed 80% of a Member's final pay. Over time, however, if Congressional pay were to remain unchanged, a retired Member's CSRS pension could exceed the nominal amount of his or her final pay. Nevertheless, because COLAs merely prevent the purchasing power of an annuity from being eroded by inflation, the real value of a CSRS pension does not increase or decrease during retirement, provided that the price index on which the COLA is based is an accurate measure of the rate of inflation.

The Thrift Savings Plan

The Thrift Savings Plan (TSP) is a tax-deferred investment program through which federal employees can save money to supplement their pension income.¹³ The TSP is open to participants in both CSRS and FERS, but in consideration of the smaller pensions paid by FERS, Congress has authorized more generous incentives for workers covered by FERS to save for retirement through the TSP. In 2002, FERS participants may invest up to 12% of their salary in the TSP, subject to a maximum (\$11,000) that is indexed to inflation. Individuals covered by FERS who invest in the TSP also receive a matching contribution from their employing agency on the first 5% of pay that they invest in the plan. CSRS participants may invest up to 7% of their gross salary to the TSP (\$10,500 for Representatives and Senators in 2002), but they receive no employer matching contributions.

The government automatically deposits into the TSP an amount equal to 1.0% of basic pay on behalf of all employees enrolled in FERS, regardless of whether the individual voluntarily invests additional sums. Members of Congress and congressional staff become vested in this 1.0% "agency automatic contribution," plus any investment earnings on it after completing 2 years of service. All participants in FERS are immediately vested in their own contributions and in government matching contributions to the TSP, as well as any investment earnings on these contributions. Contributions to the TSP are made on a pre-tax basis, and neither the contributions nor the investment earnings are taxable until money is withdrawn from the plan.

Employees who leave federal service before age 55 can continue to defer taxes on their accounts either by leaving the money in the TSP or by transferring all or part of these funds to an Individual Retirement Account (IRA) or other eligible retirement arrangement, such as a 401(k) plan. Withdrawals from the TSP before age 55 are subject to a 10% tax penalty unless they are in the form of a life annuity or in a series

¹³ For a more thorough description of the Thrift Savings Plan, See CRS Report RL30387, *Federal Employees' Retirement System: Role of the Thrift Savings Plan*, by Patrick Purcell.

of payments based on the individual's remaining life expectancy.¹⁴ At retirement, participants may withdraw money from their TSP accounts in any of three ways:

- They can receive their account balance in a single payment;
- They can receive a series of monthly payments. (Payments may be for a fixed number of months or a fixed dollar amount. Monthly payments also can be based on an IRS life expectancy table.); or
- They can purchase a life annuity.

All withdrawals from the TSP are subject to the federal income tax, and withdrawals before age 55 that are not made on a schedule based on remaining life expectancy are subject to a 10% tax penalty. Participants who have separated from federal service must make an election for withdrawing funds from the TSP no later than February 1 of the year following the year in which the later of two events occurs: (1) the individual turns 65, (2) the individual reaches the 10th anniversary of the first contribution to his or her account. Separated employees must begin withdrawals no later than age 70½, at which time the TSP will begin to distribute funds to the participant automatically if he or she has not yet made a withdrawal election. Until an employee separates from the federal government, he or she can continue to contribute to the TSP, regardless of age.

Increase in allowable contributions to the TSP. P.L. 106-554, the *FY2001 Appropriations Act for the Departments of Labor, Health and Human Services, and Education*, increased the maximum allowable employee contribution to the TSP. The maximum permissible salary deferral will rise by 1 percentage point each year for 5 years. The percentage-of-pay limits on contributions to the TSP then will be eliminated, and employee contributions will be subject only to the limits applicable under section 402(g) of the Internal Revenue Code. Beginning in July 2001, employees covered by FERS could contribute up to 11% of pay to the TSP, and employees covered by CSRS could contribute up to 6% of pay to the TSP. The maximum permissible contribution will rise by 1 percentage point each fiscal year until reaching 15% for FERS and 10% for CSRS in FY2005. In fiscal year 2006, the percentage-of-pay limits will be eliminated, but, the contribution limits under IRC § 402(g) will continue to apply.

In 2002, the limit on annual elective deferrals under Section 401(k) plans, Section 403(b) annuities, simplified employee pensions (SEPs), and the federal Thrift Savings Plan is \$11,000. The *Economic Growth and Tax Relief Reconciliation Act of 2001* (P.L. 107-16) amended section 402(g) of the Internal Revenue Code to increase this limit by \$1,000 each year until it reaches \$15,000 in 2006. In years after 2006, the annual limit on salary deferrals under §402(g) will be indexed for inflation in \$500 increments.

¹⁴ Individuals who separate from federal service before age 55 can receive monthly payments based on life expectancy without a tax penalty and withdraw the remaining balance at age 59½ in a lump sum. If the individual elects a life annuity, remaining undistributed amounts cannot later be withdrawn as a lump sum.

RESOLUTION # 03-109 -RP

NOW, THEREFORE BE IT FURTHER RESOLVED, The Tribal Business Council authorizes a Permanent Pension Plan for former living Council members and Chairmen who were duly elected by the members of the Three Affiliated Tribes; and

BE IT FURTHER RESOLVED, That the following attached Plan shall be used for eligibility; and

BE IT FURTHER RESOLVED, That the Secretary of the Tribal Business Council shall verify the term and eligibility of members who have served and pension to be paid and the Treasurer shall disburse monthly payments from Tribal Funds to be budgeted beginning FY03 with payments to begin April 1, 2003.

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 seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting, thereof duly called, noticed, convened, and held on the 14th day of March, 2003; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 4 members, 3 opposed, 0 members abstained, 0 not voting and that said Resolution has not been rescinded or amended in any way.

Chairman: (X) voting () not voting

Dated this 14th day of March, 2003

Secretary, Tribal Business Council

Attest:

Chairman, Tribal Business Council

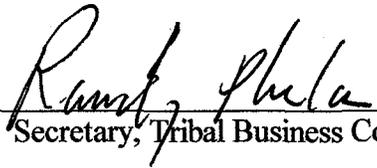
RESOLUTION OF THE GOVERNING BODY OF THE
THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD INDIAN RESERVATION

- WHEREAS, This nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS, This Constitution of the Three Affiliated Tribes generally Authorizes and empowers the Tribal Business Council to engage In activities on behalf of the Tribes and of the enrolled members Thereof; and
- WHEREAS, The Beaumont Foundation of America has \$350 million in Funds to provide state of the art Toshiba branded equipment to institutions and individuals in all 50 states. The Three Affiliated Tribes are eligible in 2003; and
- WHEREAS, The Three Affiliated Tribal Business Council's goal is to advance the Technology, Economic and Community Development of the Mandan, Hidatsa and Arikara Nation and improve the economic well-being of the residents of the Fort Berthold Indian Reservation; and
- WHEREAS, The Tribal Enrollment Office has applied for funding for The Mandan, Hidatsa and Arikara Nation, a federally-recognized Tribal Sovereign Community,
- NOW, THEREFORE, BE IT RESOLVED, the Three Affiliated Tribes Tribal Business Council authorizes the Tribal Enrollment Office, to apply to The Beaumont Foundation of America for funding for 2003.

CERTIFICATION

I, 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, notice, convened, and held on Monday, Regular, 2003; 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. Chairman (voting) (not voting).

Dated the 19th day of March 2003.


Secretary, Tribal Business Council

ATTEST:

Chairman, Tribal Business Council

RESOLUTION OF THE GOVERING 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 enrolled members; and
- WHEREAS, The Constitution and By-Laws of the Three Affiliated Tribes empowers the Tribal Business Council to revise the membership rolls and to govern future membership rolls and;
- WHEREAS, A. Roland Miguel III, 301U - 9091 requested relinquishment of his/her membership from the Three Affiliated Tribes, Membership has been requested and approved with Salt River Pima-Maricopa Indian Tribe, Phoenix, AZ, and
- WHEREAS, A copy has been received of application confirmation from the Salt River Pima-Maricopa Indian Tribe.

NOW THEREFORE BE IT RESOLVED, that A. Roland Miguel III, 301U - 9091 is hereby relinquished from the official membership roll of the Three Affiliated Tribes.

BE IT FURTHER RESOLVED, that the Salt River Pima-Maricopa Indian Tribe is to be advised by a copy of this resolution.

CERTIFICATION

I, the undersigned, as secretary of the Tribal Business Council of the Three Affiliated Tribes of 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 13th day of March, 2003; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 1 members opposed,



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

HC3 Box 2 • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL

(701) 627-4781

Fax (701) 627-3805

CONDITIONAL RELINQUISHMENT

I, the undersigned Roland Miguel, a duly enrolled member of the

Three Affiliated Tribes do hereby relinquish all rights, titles, and
(Tribe Currently Enrolled With)

interests, which I may have had as a member of the Three Affiliated Tribes
(Tribe Relinquishing From)

This relinquishment will become effective on the date that the Salt River Pima Maricopa
(Tribe Enrolling With)
Indian Community
accept me as a member of their Tribe.

Yehmin Reyes
Father

12-6-02
Date

Debra Good Bird
Mother

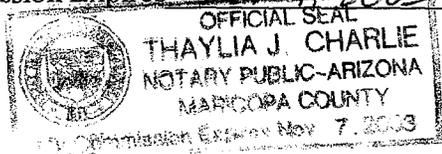
12-06-02
Date

For the State of: ARIZONA

For the County of: MARICOPA

SUBSCRIBED AND SWORN BEFORE ME THIS 6TH DAY OF Dec, 2002.

Notary Public Thaylia J. Charlie
For the State Of ARIZONA
Residing at 57 N. Alma School Mesa Az 85201
Commission Expires Nov 7, 2003



0 members abstained, and 1 members not voting and that said Resolution in has not been rescinded or amended in any way.

Resolution# 03-111-RP

Dated this 13th day of March, 2003.

Randy Pluta
Secretary, Tribal Business Council

ATTEST:

[Signature]
Chairman, Tribal Business Council

RESOLUTION OF THE GOVERING 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 enrolled members; and
- WHEREAS, The Constitution and By-Laws of the Three Affiliated Tribes empowers the Tribal Business Council to revise the membership rolls and to govern future membership rolls and;
- WHEREAS, Rose Marie Star, 3 0 1 U - 2 9 4 8 requested relinquishment of his/her membership from the Three Affiliated Tribes, Membership has been requested and approved with the Umatilla Indian Reservation, Pendleton OR, and
- WHEREAS, A copy has been received of application confirmation from the Umatilla Indian Reservation.

NOW THEREFORE BE IT RESOLVED, that Rose Marie Star, 3 0 1 U - 2 9 4 8 is hereby relinquished from the official membership roll of the Three Affiliated Tribes.

BE IT FURTHER RESOLVED, that the Umatilla Indian Reservation is to be advised by a copy of this resolution.

CERTIFICATION

I, the undersigned, as secretary of the Tribal Business Council of the Three Affiliated Tribes of 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 19th day of March, 2003; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of members, members opposed,



CONFEDERATED TRIBES
of the
Umatilla Indian Reservation

P.O. Box 638
PENDLETON, OREGON 97801
Area Code 541 Phone 276-3099 FAX 278-5393

RELINQUISHMENT

Rose Marie Star
Applicants Name

2-19-1952
Date of Birth

TO WHOM IT MAY CONCERN:

This is to certify the following:

I, the above named applicant, am enrolled with the Three Affiliated Tribes, Fort
Reservation, Address Bureau of Indian Affairs, Newtown, ND; AND Berthold

I do hereby relinquish all right and title to my enrollment with the above mentioned Tribe upon the consideration that I be enrolled with the Confederated Tribes of the Umatilla Indian Reservation,

where my parent named Theresa M. Eagle is an enrolled member.

PLACE

Rose M. Star
Signature of Applicant

SEAL

Hc 74 Box 7
Address

HERE

Nakpala SD 57658
City State Zip

Suscribed and sworn to before me this 3rd day of May, 19 2002.

Andre L. Watson

Notary Public for State of ND My Commission expires on Term of Office

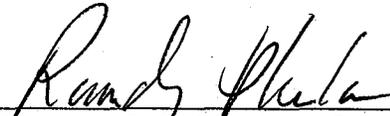
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ERFRM 901

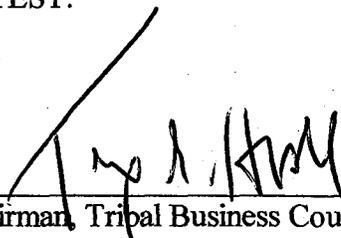
_____ members abstained, and _____ members not voting and that said Resolution in has not been rescinded or amended in any way.

Resolution # 03-112-RP

Dated this 17th day of March, 2003.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council

RESOLUTION OF THE GOVERING 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 enrolled members; and
- WHEREAS, The Constitution and By-Laws of the Three Affiliated Tribes empowers the Tribal Business Council to revise the membership rolls and to govern future membership rolls and;
- WHEREAS, Anita R. McDonald, 3 0 1 U - 4 3 1 1 requested relinquishment of his/her membership from the Three Affiliated Tribes, Membership has been requested and approved with Spirit Lake Sioux Tribe, Ft. Totten ND, and
- WHEREAS, A copy has been received of application confirmation from the Spirit Lake Sioux Tribe.

NOW THEREFORE BE IT RESOLVED, that Anita R. McDonald, 3 0 1 U - 4 3 1 1 is hereby relinquished from the official membership roll of the Three Affiliated Tribes.

BE IT FURTHER RESOLVED, that the Spirit Lake Sioux Tribe is to be advised by a copy of this resolution.

CERTIFICATION

I, the undersigned, as secretary of the Tribal Business Council of the Three Affiliated Tribes of 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 14th day of March, 2003; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of _____ members, _____ members opposed,



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

HC3 Box 2 • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL

(701) 627-4781

Fax (701) 627-3805

CONDITIONAL RELINQUISHMENT

I, the undersigned Anita R. McDonald, a duly enrolled member of the

Fort Berthold-Three Affiliated Tribes do hereby relinquish all rights, titles, and

interests which I may have had as a member of the Fort Berthold
(Tribe Relinquishing from)

This relinquishment will become effective on the date that the Spirit Lake Tribe
(Tribe Enrolling with)

accept me as a member of their Tribe.

Anita McDonald
SIGNATURE

02-04-03
DATE
Conditional Relinquishment Signed

For the State of:

For the County of:

SUBSCRIBED AND SWORN BEFORE ME THIS 4th DAY OF Feb, 2003

Notary Public James Leeley
For the State Of ND
Residing at Walter
Commission expires 12-17-08

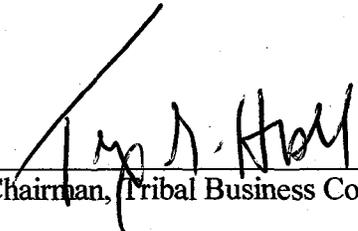
_____ members abstained, and _____ members not voting and that said Resolution in has not been rescinded or amended in any way.

Resolution # 03-113-RP

Dated this 14th day of March, 2003.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council

RESOLUTION OF THE GOVERING 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 enrolled members; and
- WHEREAS, The Constitution and By-Laws of the Three Affiliated Tribes empowers the Tribal Business Council to revise the membership rolls and to govern future membership rolls and;
- WHEREAS, Terrence Lee Herman Jr, 301U - 8472 requested relinquishment of his/her membership from the Three Affiliated Tribes, Membership has been requested and approved with the Spirit Lake Sioux Nation of Fort Totten, ND, and
- WHEREAS, A copy has been received of application confirmation from the Spirit Lake Sioux Nation for Terrence Lee Herman Jr.

NOW THEREFORE BE IT RESOLVED, that Terrence Lee Herman Jr, 301U-8472 is hereby relinquished from the official membership roll of the Three Affiliated Tribes.

BE IT FURTHER RESOLVED, that the Spirit Lake Sioux Nation is to be advised by a copy of this resolution.

CERTIFICATION

I, the undersigned, as secretary of the Tribal Business Council of the Three Affiliated Tribes of 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 14th day of March, 2003; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of members, members opposed, members abstained, and members not voting and that said Resolution in has not been rescinded or amended in any way.



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

HC3 Box 2 • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL

(701) 627-4781

Fax (701) 627-3805

CONDITIONAL RELINQUISHMENT

I, the undersigned Terrence L. Herman, Jr., a duly enrolled member of the

Three Affiliated Tribes, do hereby relinquish all rights, titles, and interests,

which I may have had as a member of the Three Affiliated Tribes.

This relinquishment will become effective on the date that the Spirit Lake Tribes,
(Tribe Enrolling With)

accept me as a member of their Tribe.

Terrence Herman Jr.
Father

Catalina Herman
Mother

1-16-03
Date

1-16-03
Date

For the State of: North Dakota

For the County of: Benson

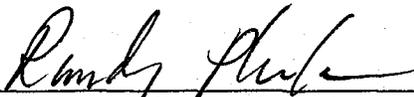
SUBSCRIBED AND SWORN BEFORE ME THIS 16th DAY OF Jan, 2003.

Notary Public Lili M. Demarce
For the State Of North Dakota
Residing at Fort Totten
Commission Expires 04-03-2006

LILI M DEMARCE
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires April 3, 2006

Resolution # 03-114-RP

Dated this 14th day of March, 2003.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council

RESOLUTION OF THE GOVERING 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 enrolled members; and
- WHEREAS, The Constitution and By-Laws of the Three Affiliated Tribes empowers the Tribal Business Council to revise the membership rolls and to govern future membership rolls and;
- WHEREAS, Chanze Martin Herman, 301U – 8901 requested relinquishment of his/her membership from the Three Affiliated Tribes, Membership has been requested and approved with the Spirit Lake Sioux Nation of Fort Totten, ND, and
- WHEREAS, A copy has been received of application confirmation from the Spirit Lake Sioux Nation for Chanze Martin Herman.

NOW THEREFORE BE IT RESOLVED, that Chanze Martin Herman, 301U- 8901 is hereby relinquished from the official membership roll of the Three Affiliated Tribes.

BE IT FURTHER RESOLVED, that the Spirit Lake Sioux Nation is to be advised by a copy of this resolution.

CERTIFICATION

I, the undersigned, as secretary of the Tribal Business Council of the Three Affiliated Tribes of 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 14th day of March, 2003; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of members, members opposed, members abstained, and members not voting and that said Resolution in has not been rescinded or amended in any way.



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

HC3 Box 2 • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL

(701) 627-4781

Fax (701) 627-3805

CONDITIONAL RELINQUISHMENT

I, the undersigned Chance M. Herman, a duly enrolled member of the

Three Affiliated Tribes, do hereby relinquish all rights, titles, and interests,

which I may have had as a member of the Three Affiliated Tribes.

This relinquishment will become effective on the date that the Spirit Lake Tribe,
(Tribe Enrolling With)

accept me as a member of their Tribe.

Terrence Herman Sr.
Father

1-16-03
Date

Catalina Herman
Mother

1-16-03
Date

For the State of: North Dakota

For the County of: Benson

SUBSCRIBED AND SWORN BEFORE ME THIS 16th DAY OF Jan, 2003.

Notary Public Lili Demarce
For the State Of North Dakota
Residing at Fort Totten
Commission Expires 04-03-2006

LILI M DEMARCE
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires April 3, 2006

Resolution# 03-115-RP

Dated this 14th day of March, 20 03.

Randy Phila
Secretary, Tribal Business Council

ATTEST:

Tex D. Hall
Chairman, Tribal Business Council

3/14/02

Resolution # 116-RP

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

M
S
D
U
(70)

- 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 enrolled members thereof; and
- WHEREAS, According to the Article II, Section I: Membership: The membership of The Three Affiliated Tribes shall consist of:
- A. All persons whose names appear on the membership of the Tribe as of October 2, 1974.
 - B. Any person born before the effective date of the amendment and to any member of the Tribe who was a resident of the reservation at the time of birth of said person.
 - C. All persons of at least 1/4 degree Indian blood of a federally recognized tribe, provided that at least 1/8 be of the Hidatsa, Mandan, or Arikara Tribe.

AMENDMENT VII, DUAL ENROLLMENT:

- A. Persons enrolled with another Tribe and who have received benefits From another Tribe in the form of land or payments shall not be eligible for enrollment with the Three Affiliated Tribes of the Fort Berthold Reservation, provided that inherited interests shall not be considered as being such benefits.
- B. Persons eligible for enrollment with the Three Affiliated Tribes of the Fort Berthold Reservation shall relinquish whatever rights he/she may hold in the other Tribe as condition of his/her enrollment with the Three Affiliated Tribes of the Fort Berthold Reservation.

Three Affiliated Tribes

Tribal Members (Pending) In Alphabetical Order

Page 1 of 1 (34 records)

Friday, March 14, 2003

Three Affiliated Tribes
 2576 Hannell Ave., Suite 6
 Redding, CA 99002
 Phone (530)222-2984
 Fax (530)222-8413
 E-Mail: tdr@tdronline.com



DOB	ENROLL STAT.	GENDER	FULL NAME
03/11/1995	Pending	Female	Bird, Tashena Marie
10/20/1995	Pending	Female	Black Hawk, Amber Dawn
10/12/1993	Pending	Female	Deschamp, Mary Jane
06/21/1997	Pending	Female	Foote, Celina Ailene
08/20/2002	Pending	Female	Fox, Katherine Leona
10/30/1992	Pending	Female	Fox, Shayreen Ajay Denny
02/26/1977	Pending	Female	Huntsalong, Tika Marie
06/04/2002	Pending	Female	Hurkes, Ceara Marie
08/02/1999	Pending	Male	Johnson Jr, William James
03/04/2002	Pending	Female	Lanza, Antonia Rae
04/05/1988	Pending	Female	Lockwood, Raeann
04/10/1991	Pending	Female	Lockwood, Renae
08/08/1996	Pending	Male	McFadden Jr, James Albert
06/20/1987	Pending	Female	Mendoza, Jackie Joanna
12/25/1984	Pending	Male	Mendoza, John Clifford
11/27/2001	Pending	Male	Moore, Dylan Patrick
08/21/2002	Pending	Male	Moran, Taysean Allen
05/09/2002	Pending	Male	Pfliger, Jordan Noah
03/05/2001	Pending	Female	Quarry, Nevaeh Destiny
08/29/2002	Pending	Male	Serdahl, Daysha Ailet
09/26/2002	Pending	Female	Stearns, Sarah Nicole
10/31/2002	Pending	Female	Talavera, Marie Veronica
10/22/2000	Pending	Female	Thomas, Jaeyona
11/17/1999	Pending	Female	Thomas, Savannah
12/13/1998	Pending	Male	Thompson, Colton Dale
01/29/2000	Pending	Female	Trujillo, Anjelita G.
01/26/2002	Pending	Male	Trujillo, Jerome
07/01/1976	Pending	Male	Turner, Lee Angelo Davonn
04/27/1992	Pending	Female	Two Crow, April Starr
07/21/2000	Pending	Male	Uran, Colten James
08/18/2001	Pending	Female	Vigen, Hailey Rebecca
10/08/2002	Pending	Female	Vigen, Jessee Lillian
12/22/2002	Pending	Male	Wolf, Dalton Rope
12/29/1998	Pending	Female	Young Bird, Adrianna Rae
	(Pending) - 34	Gender: (Female) - 22 Gender: (Male) - 12	

Resolution # _____

WHEREAS, On _____, 20__ the Tribal Business Council reviewed a Resolution for eligible participants for enrollment with the Three Affiliated Tribes.

NOW THEREFORE BE IT RESOLVED, That at the Tribal Business Council duly and officially approves the enrollment of the following _____ applicants.

CERTIFICATION

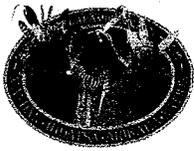
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, _____ were present at a _____ meeting. Thereof duly called, noticed, convened, and held on the _____ Day of _____, 20____; that the foregoing Resolution was Duly adopted at such meeting by the affirmative vote of _____ members, _____ members opposed, _____ members abstained, and _____ members not voting and that said Resolution has not been rescinded or amended in anyway.

Dated this _____ day of _____, 20_____.

Secretary, Tribal Business Council

ATTEST:

Chairman, Tribal Business Council



Resolution No. 03-117-RP

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

A Resolution entitled "Approval of Rural Development Loan in the amount of \$3.5 million for Rural Water Projects"

WHEREAS, The Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Three Affiliated Tribes' Constitution authorizes and empowers the Mandan, Hidatsa & Arikara Tribal Business Council to engage in activity 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 and its members lost more than 155,000 acres of prime bottom lands along the Missouri River as a result of the construction of Garrison Dam in the early 1950's, forcing its members onto much less desirable lands away from the Missouri River, and which also meant the loss of immediate access by Tribal members to the good water of the Missouri River; and

WHEREAS, As documented in the Garrison Unit Joint Tribal Advisory Committee (JTAC) report issued in May, 1986, as a result of the Garrison Dam and the flooding of their prime lands, the Three Affiliated Tribes and its members were promised a water distribution system to allow all rural residents free access to the water of Lake Sakakawea, the reservoir behind the Garrison Dam; and

WHEREAS, In December, 2000, Congress enacted into law the Dakota Water Resources Act of 2000, which authorizes an additional \$70 million for MR&I projects on the Fort Berthold Reservation of the Mandan, Hidatsa and Arikara Nation and \$200 million over all for all Indian MR&I projects within the State of North Dakota, which will allow substantial completion of a rural water system serving all of the Tribal members residing on the Fort Berthold Reservation; and

WHEREAS, Congress has not appropriated sufficient funds for FY 2003 and it is likely it will not authorize sufficient funds in FY 2004 to satisfy the needs of the Three Affiliated Tribes concerning construction of the rural water distribution project, although engineering and construction designs for the initial elements of the project are completed and construction can begin as soon as funds are made available; and

WHEREAS, The Three Affiliated Tribes is eligible to apply for a loan from the United States Department of Agriculture in the amount of \$3.5 million to be used for the construction of selection water supply and distribution projects for the Fort

Berthold Rural Water System of the Three Affiliated Tribes, the principal terms of which are that the loan is amortized over 40 years at an approximate annual interest of 4.625%, provided that the Tribe must show a source of repayment for the loan, and which terms also include a provision for a deferral of principal payments on the loan for up to two years following the date of funding of the loan; and

WHEREAS, The Tribe has previously approved an application for a loan and grant for USDA for this purpose in Resolution No. 02-206-MWJR which funds are not available at this time; and

WHEREAS, The Tribe believes that the source of repayment of this loan should be funds appropriated by Congress and administered by the Bureau of Reclamation of the Department of Interior to fulfill the commitment made to the Tribe in the Dakota Water Resource Act of 2000; and

WHEREAS, The Tribe has already submitted all documents required by Rural Development regarding the pre-application process for the previous loan approved by Resolution No. 02-206-MWJR, and those documents should be sufficient for the application for the \$3.5 million loan described above; and

WHEREAS, The Tribe believes that in addition to funds appropriated under the Dakota Water Resources Act for water distribution projects, there are at least five other sources of repayment for the loan, upon which the Tribe will rely either in whole or in part or in combination with each other if appropriations under the Dakota Water Resources Act are insufficient to meet the need for repayment of this loan: 1) Other non-Tribal users of the water from the project who live off the Fort Berthold Reservation; 2) general funds available to the Tribe after all other current legal obligations of the Tribe have been met; and 3) other state and Federal programs made available to the Tribe for water development; and

WHEREAS, It is the intention of the Tribe in receiving this loan to make maximum effort to secure sufficient appropriations from the Dakota Water Resources Act to repay this loan without resorting to any of the other sources of repayment mentioned in the preceding paragraph; and

WHEREAS, the Tribe intends by this resolution to make a pledge for repayment of the above described loan of all of the above mentioned sources of repayment as may be necessary to secure this loan, but this pledge is contingent upon a favorable determination that funds appropriated pursuant to the authority granted in the Dakota Water Resources Act may be used for repayment of the loan.

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby approves the application for a loan with the Rural Development program of the United States Department of Agriculture on the terms as described herein, including a 40 year amortization of the loan, an interest rate of approximately 4.625%, an up to two year deferral of the principal owing on the loan, and a pledge of the assets of the Tribe as mentioned above to secure the loan, which approval is contingent

**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 and Bylaws of the Three Affiliated generally authorized 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 is eligible to apply for a loan and grant from the United States Department of Agriculture, (USDA) Development, in the amounts of \$4,325,750, and \$3,539,250 respectively to be used for construction of selected water supply and distribution projects for the Fort Berthold Rural Water System of the Three Affiliated Tribes, the principal terms of which are that the loan is amortized over 40 years at an approximate annual interest rate of 4.75%; and

WHEREAS, This loan will be paid back from general funds of the Tribe as they become available; and

WHEREAS, This loan requires the Tribe to demonstrate the ability to identify and dedicate an amount of 10% of the annual loan payment to a loan reserve fund and an additional 10% of the annual loan payment to a emergency and extension fund, each such fund to remain the property of the Tribe and each such fund to be established and funded on an annual basis not to exceed 10 annual appropriations, or until the full amount of the loan is repaid to the USDA, and

WHEREAS, The Tribe agrees to a limited waiver of sovereign rights applicable only to the facilities funded by this project and only to the extend that loan obligations are in effect between the Tribe and the USDA, and

WHEREAS, In order to obtain these funds, the Tribe must submit a variety of forms required by the USDA, as per the attached, including:

1. Notice of Intent to File an Application
2. Copy of Notice of Intent to File an Application as it will appear in the newspaper
3. Evidence of Solicitation of Engineering Services

Resolution No. 02 - 206 - MWJR
Page 2 of 3

4. Articles of Incorporation and Bylaws/Certificate of Incorporation/Organizational Certificate
5. Attorney's opinion that applicant is a duly organized body politic
6. NDRUS Bulletin 1780-2 – Fact Sheet
7. Intergovernmental Clearance
8. RD Instruction 1900-D Documentation
9. RD 442-3, Balance Sheet/Current Financial Statement
10. Last years financial audit
11. Test for credit: RUS Bulletin 1780-22, Water and Wastewater Eligibility
12. Exhibit A-1 of RD Instruction 1940-Q, Restrictions on Lobbying
13. Notice of Eligibility Determination
14. SF 424.2 – Application for Federal Assistance

WHEREAS, The Tribal Business Council has determined that, based on the interest rate and long-term payback of the loan, and in order to obtain the necessary funding for selected water supply and distribution projects for the Fort Berthold Rural Water System, it is in the Tribes' best interest to enter into and execute the aforementioned documents and Agreements with the USDA;

NOW, THEREFORE, BE IT RESOLVED That the Tribal Business Council hereby approves a loan and grant with the U.S. Department of Agriculture in the amount of \$4,325,750, and \$3,539,250 respectively, to be used for selected water supply and distribution projects for the Fort Berthold Rural Water System, the principal terms of which are that the loan is amortized over 40 years at an approximate annual interest rate of 4.75%, with the final loan documents subject to approval of the Tribal Business Council; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby approves the following loan documents necessary to apply for the loan from Rural Development:

1. Notice of Intent to File an Application
2. Copy of Notice of Intent to File an Application as it will appear in the newspaper
3. Evidence of Solicitation of Engineering Services
4. Articles of Incorporation and Bylaws/Certificate of Incorporation/Organizational Certificate

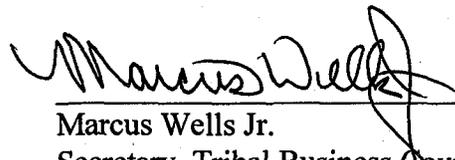
5. Attorney's opinion that applicant is a duly organized body politic
6. NDRUS Bulletin 1780-2 – Fact Sheet
7. Intergovernmental Clearance
8. RD Instruction 1900-D Documentation
9. RD 442-3, Balance Sheet/Current Financial Statement
10. Last year's financial audit
11. Test for credit: RUS Bulletin 1780-22, Water and Wastewater Eligibility
12. Exhibit A-1 of RD Instruction 1940-Q, Restrictions on Lobbying
13. Notice of Eligibility Determination
14. SF 424.2 – Application for Federal Assistance

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Tribal Business Council hereby authorizes the Chairman, Vice-Chairman, Secretary and Treasurer of the Tribal Business Council to execute the aforementioned documents, as may be necessary, on behalf of the Three Affiliated Tribes of the Fort Berthold Reservation, and to further execute such other documents as may be necessary to obtain the aforementioned loan.

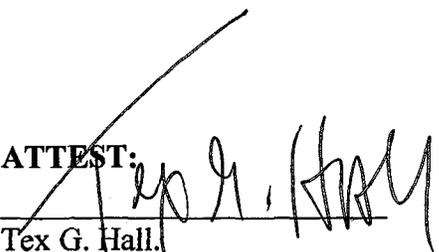
CERTIFICATION

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, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 12th day of September 2002; 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 said Resolution has not been rescinded or amended in any way.

Dated the 12th day of September 2002



Marcus Wells Jr.
Secretary, Tribal Business Council

ATTEST:


Tex G. Hall,
Chairman, Tribal Business Council

upon a determination being made by the appropriate Federal agencies that funds appropriated pursuant to the authority granted in the Dakota Water Resources Act may be used for repayment of the loan.

NOW THEREFORE BE IT FURTHER RESOLVED, that provided the determination mentioned in the preceding paragraph is satisfactory to the Tribe, and based on review of the loan by legal counsel for the Tribe, the Tribal Business Council hereby authorizes the Chairman, Vice-Chairman, Secretary or Treasurer of the Tribal Business Council to execute, on behalf of the Three Affiliated Tribes any and all documents that may be necessary to obtain this loan as described herein.

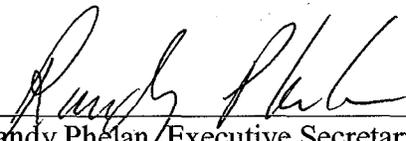
CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum; 7 members were present at a Regular Meeting thereof duly called, noticed, convened and held on the 14th day of March 2003; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 abstained, 0 members not voting; and that said Resolution has not been rescinded or amended in any way.

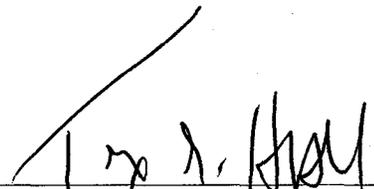
Chairman Voting Not Voting

Dated this 14th day of March, 2003.

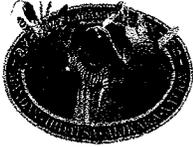
ATTEST:



Randy Phelan, Executive Secretary
Tribal Business Council



Chairman, Tex C. Hall
Tribal Business Council



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

A Resolution entitled, "The Art of Quill Work"

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Three Affiliated Tribes Constitution authorizes and empowers the Mandan, Hidatsa & Arikara Tribal Business Council to engage in activity 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(c) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council shall have the power to administer funds and make expenditures; and

WHEREAS, The Tribal Business Council will approve a small business loan in the amount of \$5,000 for an enrolled member of the Three Affiliated Tribes, Darlene Perkins, which will be combined with the current outstanding loan in the Small Loans Department and will be issued under the Small Loans Department repayment guidelines; and

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council will allow one (1) exception, to approve this Small Business Loan for Darlene Perkins that will allow her to meet her needs for completion of The Quill Work Project.



CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 14th day of March, 2003, 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.

Chairman [] Voting. [] Not Voting.

Dated this 14th day of March, 2003.

ATTEST:

Randy Phelan
Executive Secretary, Randy Phelan
Tribal Business Council

Tex G. Hall
Chairman, Tex G. Hall
Tribal Business Council



**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 Tribal Business Council has previously chartered Fort Berthold Development Corporation (FBDC) as a fully Tribally owned corporation whose primary business is building construction and modification, primarily on the Fort Berthold Reservation; and

WHEREAS, FBDC needs to renew its active line of credit with Community First National Bank of Dickinson (the "Bank") in the amount of \$250,000, with an interest on funds advanced against the line of credit of 4.25% above secured by a Certificate of Deposit in that amount with the Bank in order for work in progress and other contracts it has obtained to go forward; and

WHEREAS, The Council believes and understands that FBDC will be in a position to repay the line of credit needed from contracts and projects it has in hand or will receive in the near future; and

WHEREAS, The Tribe understands that except as mentioned above, the advances or loans made to FBDC pursuant to this Resolution will generally not be made unless FBDC has in hand written contracts assuring FBDC of a source of repayment of the funds advanced, but no assignment of FBDC's right to receive funds under any contract it has executed or which it anticipates executing should be required to receive an advance from Community First National Bank on the line of credit authorized by this resolution; and

NOW, THEREFORE, BE IT RESOLVED, that for the benefit of Fort Berthold Development Corporation, the Tribal Business Council of the Three Affiliated Tribes hereby agrees to renew the current line of credit available to Fort Berthold Development Corporation by \$250,000 (Two hundred and fifty thousand dollars), with that amount to be secured by a Certificate of Deposit of Tribal funds that is already in place at Community First National Bank of Dickinson; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Tribal Chairman, Vice-Chairman or Treasurer are hereby authorized to execute any and all such

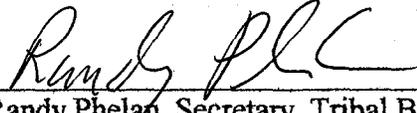


documents as may be needed to perfect the loan or loans being obtained on behalf of FBDC pursuant to this Resolution.

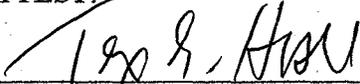
CERTIFICATION

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 Regular Meeting thereof duly called, noticed, convened, and held on the 14th day of March, 2003; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 4 members, 0 members opposed, 1 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 14th day of March, 2003.


Randy Phelan, Secretary, Tribal Business Council

ATTEST:


Tex G. Hall, Chairman, Tribal Business Council



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

A Resolution entitled, "Request to put land into trust needed as site for Tribally owned refinery"

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 are currently working on a Clean Fuels Refinery Project; have started the necessary Front End Engineering Design (FEED) for the project, and further have selected a site for the project which consists of three tracts with the following legal descriptions:

10.8 acres Outlot 1 of NE/4, Section 19, T152N, R87W

309.57 acres N/2, Section 19, T152N, R87W

148.39 acres NW/4 Section 20, T152N, R87W, all located within Ward County, North Dakota and within the exterior boundaries of the Fort Berthold Reservation of the Three Affiliated Tribes; and

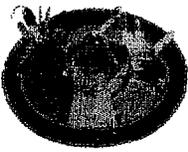
WHEREAS, The future site for the refinery is now in fee simple status, owned by the Three Affiliated Tribes; and

WHEREAS, The refinery project, and in turn the Three Affiliated Tribes, would benefit substantially economically if the fee land owned by the Tribe were placed into trust with the United States, and in addition, it could enhance the possibilities of obtaining financing for the project; and

WHEREAS, The Tribe is ready to discuss with local jurisdictions any concerns about loss of tax revenue and other issues related to the refinery if the land on which the refinery is to be located is placed in trust status with the United States;

WHEREAS, The Bureau of Indian Affairs' Fort Berthold Agency has trust responsibilities for the Three Affiliated Tribes and serves as the Federal Government representative for the Tribe; and

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby authorizes a complete application to be submitted to the Bureau of Indian Affairs, pursuant to Title 25 of the Code of Federal Regulations, Part 151 and pursuant to Section 465 of Title 25 of the United States Code, to place into trust with the United



States the land as described above, which is to be used exclusively for the site of a refinery to be owned and constructed by the Tribe and not for any other purpose; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby further authorizes the transfer of title to the land described above to the United States Department of Interior to be held in trust for the benefit of the Three Affiliated Tribes, and requests that the Fort Berthold Agency perform their trust responsibility and expedite the process to place the land described above in trust status with the United States; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby authorizes the Chairman or whomever he designates to discuss this application to put land into trust with the local jurisdictions near the site of the refinery and, subject to the approval of the Tribal Business Council to work out agreements with local jurisdictions as may be necessary to gain approval from the United States to place the land into trust status; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby further authorizes the Tribal Chairman or Vice-Chairman to execute any and all documents that may be necessary in order for the land described above to be placed into the status of land held in trust by the United States for the benefit of the Tribe.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 14th day of March, 2003, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman Voting. [] Not Voting.

Dated this 14th day of March, 2003.

ATTEST:

Tex G. Hall
Chairman, Tex G. Hall
Tribal Business Council

Randy Phelan
Executive Secretary, Randy Phelan
Tribal Business Council



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

A Resolution entitled, "Wind and Renewable Power Feasibility Study"

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, In the interest of economic development and self sufficiency the Three Affiliated Tribes are examining their energy management strategies and investigating the possibility of developing renewable electric power generation and transmission facilities on the Reservation for sole use by the Three Affiliated Tribes and for the potential export of energy; and

WHEREAS, The Tribal Business Council held a regular meeting on March 14, 2003 and has heard a presentation from Mr. Eric Simons, Director of Business Development of Distributed Generation Systems, Inc. (Disgen) regarding energy generation and management on the Reservation and in particular the potential for developing large scale wind power generation facilities as well as other renewable energy power technologies on the Reservation; and

WHEREAS, The Three Affiliated Tribes are interested in entering into an Energy Services Agreement (ESA) with Disgen for the purpose of collaborating on an application to the United States Department of Energy (DOE) for funds to be made available in 2003, pursuant to DOE solicitation #DE-PS36-03GO93002 specifically for the study of the feasibility of developing wind power generation capability on tribal lands and upon the award of the grant of such monies to engage the services of Disgen to conduct said feasibility study; and

WHEREAS, A motion was made and passed in a regularly scheduled meeting of the Tribal Business Council held on March 14, 2003 to recommend as legislation a resolution to engage the services of Disgen to assist in the writing of the aforementioned grant application, at no cost to the Tribe, and to engage the services of Disgen pursuant to the aforementioned ESA, for which Disgen will be compensated solely out of monies available to the Tribe under the aforementioned grant and Disgen fees not to exceed Twenty-Five Thousand Dollars (\$25,000.); and negotiable thereafter.



NOW THEREFORE BE IT RESOLVED, the Tribal Business Council hereby agrees to engage the services of Disgen, as set forth above, to assist in the writing of the aforementioned grant application and to enter into the aforementioned ESA.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 14th day of March, 2003, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman Voting. [] Not Voting.

Dated this 14th day of March, 2003.

ATTEST:

[Signature]
Chairman, Tex G. Hall
Tribal Business Council

[Signature]
Executive Secretary, Randy Phelan
Tribal Business Council

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 governmental activities on behalf of and in the interest of the benefit and welfare of the Tribes thereof; and
- WHEREAS, The Congress has recognized that the history of past educational policies of the United States toward the Mandan, Hidatsa and Arikara tribal languages has resulted in a dramatic decrease in the knowledge and use of the fundamental cultural practice amongst the Three Affiliated Tribes enrolled membership; and
- WHEREAS, The Fort Berthold Community College must work hand-in-hand with the Three Affiliated Tribes to continue community based language restoration programs; develop approaches and methods of the tribal teaching of the native languages in assuring the survival and continuing vitality of the Mandan, Hidatsa and Arikara languages.
- WHEREAS, The Three Affiliated Tribes recognizes that it is the responsibility of the educational leadership of the college and other educational partners to develop language plans, technical capabilities, and access to the necessary resources in order to assure the survival and continuing vitality of the Mandan, Hidatsa and Arikara Languages.
- NOW THEREFORE BE IT RESOLVED, That the Three Affiliated Tribes Business Council supports this critical tribal educational goal and will provide support as deemed necessary to complete grant application.
- NOW THEREFORE BE IT RESOLVED, that the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby authorizes the Fort Berthold Community College to submit a Language Grant Application to the Administration for Native Americans.

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 is composed of seven (7) member of whom five (5) constitutes a quorum, 7 were present a the regular meeting thereof duly called, convened, notices and held on the 14th day of March 2003 2003; 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.

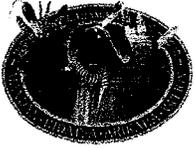
Dated this 14th day of March, 2003

Randy Phelan / 96

Secretary, Tribal Business Council

Attest:

[Signature]
Chairman, Tribal Business Council



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

A Resolution Entitled "Approval of consultant contract with Robert Lattergrass"

- 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,** Grants for technical assistance to develop this capability are available through the Native American CDFI Development Program of the U.S. Department of the Treasury; and
- WHEREAS,** Robert Lattergrass of Grand Forks has been a Tribal grants writer for many years and has assisted the Three Affiliated Tribes on occasion in the past as a grants writer, and is fully capable of preparing the grant application for up to \$100,000 for technical assistance in developing a CDFI; and
- WHEREAS,** Robert Lattergrass has prepared a consultant contract in the total amount of \$5,500, including expenses, to prepare the grant application on behalf of the Tribe and get it submitted to the U.S. Department of the Treasury by April 15, 2003; and
- WHEREAS,** Mr. Lattergrass's contract conforms to the standards for consultant contracts developed by the Tribal legal department, and the contract has been reviewed by the legal department and is legally sufficient.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Mandan, Hidatsa, and Arikara Tribal Business Council hereby approves the attached consultant contract with Robert Lattergrass to develop a grant application for technical assistance in creating a Community Development Financial Institution; and

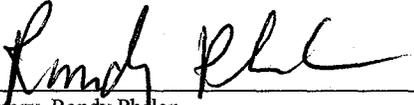
NOW THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby authorizes the Chairman to execute the attached contract on behalf of the Tribe and further authorizes the Chairman or his designee to monitor the progress of this consultant contract and ensure its completion.

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, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 14th day of March, 2003; 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.

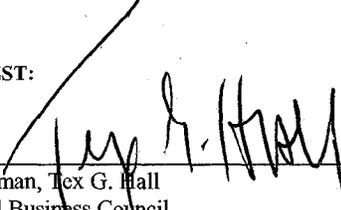
Chairman Voting. [] Not Voting.

Dated this 14th day of March, 2003.



Secretary, Randy Phelan
Tribal Business Council

ATTEST:



Chairman, Tex G. Hall
Tribal Business Council

Agreement between The Three Affiliated Tribes and IMR Services for consulting services dated March 14, 2003.

This Agreement is to furnish certain consulting services is by and between THE THREE AFFILIATED TRIBES, a Tribal Governing Body (hereinafter called "the TAT") and IMR Services, hereinafter called (the "Consultant") located at 319 Stanford Road; Grand Forks, ND.

I. NATURE OF SERVICE

A. The Consultant shall furnish to the TAT the following described services:

Prepare a grant proposal for the TAT to be submitted to the U.S. Department of the Treasury, Community Development Financial Institutions Program. The grant application shall consist of all the items required under the Notice of Funding Availability and which is attached to this agreement.

The grant request will be for a maximum of \$100,000.00.

B. The Consultant shall provide the completed grant proposal to the TAT for signature(s) and for submission 3 days prior to the deadline of April 14, 2003.

C. The Consultant shall prepare the necessary TAT Tribal Resolution for the TAT Tribal Business Council

II. TERM OF AGREEMENT

A. The period of performance for this Agreement shall be from March 14, 2003 through April 14, 2003.

B. If one party gives 10 days' notice to the other of a breach of this Agreement and the breaching party fails to cure said breach within said 10 day period, this Agreement may be terminated by the non-breaching party.

III. COMPENSATION AND REIMBURSEMENT OF EXPENSES

A. The TAT will pay the following to the Consultant for services performed:

1. Professional Fees:

\$4,500.00 with a \$1,500.00 down payment, an additional \$1,500.00 due based upon a satisfactory progress report and \$1,500.00 due upon completion and acceptance of the grant proposal by TAT.

2. Other Expenses:

Per Diem at \$90 for a maximum of 5 days; travel expenses (3 trips to New Town from Grand Forks, ND and other expenses; printing, phone calls, binding and faxes. Subtotal \$ 1,000.00

MAXIMUM TO BE PAID UNDER THIS AGREEMENT: TOTAL: \$ 5,500.00

IV. REPORTING

In performing consulting services hereunder, the Consultant shall report to:

Ms. Karen Stevens, TAT

VI. NOTIFICATION

Any written notification required hereunder shall be personally served or mailed by certified mail, return receipt requested, to the following:

*For the TAT Tribe: Chairman Tex Hall
Three Affiliated Tribes
New Town, ND*

*For the Consultant: Robert Lattergrass, dba
IMR Services
319 Stanford Road
Grand Forks, ND 58203*

V. TAXES

The compensation stated in Article III. of this Agreement includes all applicable taxes and will not be changed hereafter as the result of Consultant's failure to include any applicable tax, or as the result of any changes in the Consultant's tax liabilities.

VI. ASSIGNMENT OR SUBCONTRACTING

The Consultant may not assign or transfer this agreement, or any interest therein or claim thereunder, or subcontract any portion of the work thereunder, without the prior written approval of the TAT. If the TAT consents to such assignment or transfer, the terms and conditions of this Agreement shall be binding upon any assignee or transferee.

VII. COPYRIGHT AND OWNERSHIP

The TAT shall own, solely and exclusively, the copyright and all copyright rights to any written or otherwise copyrightable material delivered under this Agreement. The Consultant warrants that all creators of copyrightable material delivered under this Agreement to the TAT are, at the time of the material's creation, bona fide employees or subcontractors of the Consultant, and that such creation is within the course and scope of the creator's employment.

While ownership of confidential or personal information about individuals shall be subject to negotiated agreement between the TAT and the Consultant, records will normally become the property of the TAT and subject to tribal law and TAT policies governing privacy and access to files.

VIII. CONFLICT OF INTEREST

1. The Consultant shall not hire any officer or employee of the TAT to perform any service covered by this Agreement. If the work is to be performed in connection with a Federal contract or grant, the Consultant shall not hire any employee of the United States government to perform any service covered by this agreement.

IX. CONFIDENTIALITY

The Consultant shall use his or her best efforts to keep confidential any information provided by the TAT and marked "Confidential Information," or any oral information conveyed to the Consultant by the TAT and followed by a written communication within thirty (30) days that said information shall be considered Confidential Information. This non-disclosure provision shall not apply to any of the following:

1. Information which the Consultant can demonstrate by written records was known to him or her prior to the effective date of this Agreement;
2. Is currently in, or in the future enters, the public domain other than through a breach of this Agreement or through other acts or omissions of Consultant; or
3. Is obtained lawfully from a third party.

X. TIME IS OF THE ESSENCE

Time is of the essence in this Agreement.

XI. STANDARD FOR PERFORMANCE

The parties acknowledge that the TAT, in selecting the Consultant to perform the services hereunder, is relying upon the Consultant's reputation for excellence in the performance of the services required hereunder. The Consultant shall perform the services in the manner of one who is a recognized specialist in the types of services to be performed. All deadlines set forth in the Agreement are binding and may be modified only by subsequent written agreement of the parties. The Consultant shall devote such time to performance of its, her, or his duties under this Agreement as is reasonably necessary for the satisfactory performance of such duties within the deadlines set forth herein. Nothing in the foregoing shall be construed to alter the requirement that time is of the essence in this Agreement.

XII. DISPUTE RESOLUTION

Any dispute arising regarding the interpretation or implementation of this Agreement, including any claims for breach of this Agreement, shall be resolved by submitting the claim for arbitration to the American Arbitration Association in accordance with its rules and procedures applicable to commercial disputes. The location of any arbitration hearing shall Tribal Court of the Three Affiliated Tribes, New Town, ND, and any enforcement of the arbitrator's decision shall be brought in the Tribal Court of the Three Affiliated Tribes, New Town, ND.

XIII. ATTORNEY'S FEES

In any action brought by a party to enforce the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs. The prevailing party shall be entitled to the reasonable value of any services provided to it by in-house counsel. The reasonable value of services provided by in-house counsel shall be calculated by applying an hourly rate commensurate with prevailing market rates charged by attorneys in private practice for such services.

XIV. AMENDMENTS

Any amendments to this Agreement must be made, in writing, and approved by the authorized representatives of the consultant and the TAT Tribe.

XXV. ENTIRE AGREEMENT

This Agreement contains the entire Agreement between the parties and supersedes all prior written or oral agreements with respect to the subject matter herein. Any modification to this Agreement must be on Amendment forms.

XVI. APPLICABLE LAW

This agreement shall be governed by the laws of the Three Affiliated Tribes of the Fort Berthold Reservation, New Town, ND.

IMR SERVICES

THE CHAIRMAN OF THE THREE
AFFILIATED TRIBES

(Signature) (Date)

(Signature) (Date)

501-72-4881
Social Security Number

Title

Phone #: (701) 777-9773

Retention Period: Office of Record, Accounting, Executing Office, 5 years following termination, subject to Federal contract and grant requirements. Other Copies, 0-5 years.

*PRIVACY NOTICE

If the Employer Identification Number is not used, the Social Security Number must be shown. Pursuant to Federal Privacy Act of 1974, you are hereby notified that disclosure of your Social Security number is required pursuant to Sections 6011 and 6051 of Subtitle F of the Internal Revenue Code and Regulation 4, Section 404, 1256, Code of Federal Regulations, under Section 218, Title II of the Social Security Act, as amended. The principal use of the number shall be to report payments you have received to Federal, Tribal and State governments.



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

A Resolution entitled, "A Resolution Confirming that Classified Information in the Custody of Mandaree Enterprise Corporation Shall Be Confidential and Unavailable to the Three Affiliated Tribes and Its Officers."

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 Mandaree Enterprise Corporation is in the process of securing contracts with the Department of Defense; and

WHEREAS, The Department of Defense is required to take certain security precautions and conduct investigations of individuals that may have access to classified information provided to its contractors; and

WHEREAS, The Tribal Council desires to confirm that classified information in the custody of Mandaree Enterprise Corporation shall be confidential and unavailable to the Three Affiliated Tribes and its Councilmen and Officers.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council hereby mandates that the Three Affiliated Tribes and its Councilmen and Officers, as such, shall not require and shall not have access to classified information in the custody of Mandaree Enterprise Corporation, 1 Community Center Road; P.O. Box 427, Mandaree ND 58757, a subsidiary corporation, and further that Mandaree Enterprise Corporation is delegated full authority to act completely independent of the Three Affiliated Tribes in all matters which involve or relate to Mandaree Enterprise Corporation's responsibility to safeguard classified information.

BE IT FINALLY RESOLVED, that this action of the Tribal Business Council is taken for the purpose of exempting the Three Affiliated Tribes from the necessity of a facility security conformity with the DoD 5220.22-M "National Industrial Security Program Operating Manual."

Reso 03-134-RP

RESOLUTION FOR EXEMPTION OF PARENT ORGANIZATION

I, Jude R. Phelan of Three Affiliated Tribes, hereby certify that the following is a true and exact extract of a resolution adopted at a meeting of the Board of Directors of said corporation held on March 14, 2003

RESOLVED that Three Affiliated Tribes its officers and directors, as such, shall not require and shall not have access to classified information in the custody of Mandaree Enterprise Corporation, 1 Community Center Road, Mandaree ND 58757 a subsidiary corporation, and further that Mandaree Enterprise Corporation has been delegated full authority to act completely independent of Three Affiliated Tribes in all matters which involve or relate to Mandaree Enterprise Corporation responsibility to safeguard classified information.

BE IT FURTHER RESOLVED that his action of the Board of Directors of the Three Affiliated Tribes is taken for the purpose of exempting the Three Affiliated Tribes from the necessity of a Facility Security conformity with the DoD 5220.22-M "National Industrial Security Program Operating Manual."

In witness whereof, I have signed and hereunto affixed the corporate seal.

Signature

Date



CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 14th day of March, 2003, 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 14th day of March, 2003.

ATTEST:

Tex G. Hall
Chairman, Tex G. Hall
Tribal Business Council

Daylon Spotted Bear
Acting Executive Secretary, Daylon Spotted Bear
Tribal Business Council



Mandan, Hidatsa, & Arikara Nation

*Three Affiliated Tribes * Fort Berthold Indian Reservation*
404 Frontage Road * New Town, North Dakota 58763-9402

Belle Chase, Tribal Records Manager
E-mail: bchase@mhanation.com

F A C S I M I L E
CONFIDENTIAL

The contents of this fax transmission are confidential. If this transmission has been directed to the wrong office, please destroy the contents of this fax immediately and notify Belle Chase at (701) 62-4781-Ext.8058.

URGENT - PLEASE DELIVER

DATE: 6/4/2003 10:35 AM

TO: CLARENCE O'BERRY

OF: MANDAREE ENTERPRISES CORPORATION

FAX NO: (701) 759-3399

TELEPHONE: (701) 759-3307

FROM: BELLE D. CHASE

FAX NO: (701) 627-4884

TELEPHONE: (701) 627-4781 Ext. 8058

NO. OF PAGES (INCLUDING COVER): 3

Copy of Resolution No. 03-034-DSB



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

A Resolution entitled, "A Resolution Confirming that Classified Information in the Custody of Mandaree Enterprise Corporation Shall Be Confidential and Unavailable to the Three Affiliated Tribes and Its Officers."

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 Mandaree Enterprise Corporation is in the process of securing contracts with the Department of Defense; and

WHEREAS, The Department of Defense is required to take certain security precautions and conduct investigations of individuals that may have access to classified information provided to its contractors; and

WHEREAS, The Tribal Council desires to confirm that classified information in the custody of Mandaree Enterprise Corporation shall be confidential and unavailable to the Three Affiliated Tribes and its Councilmen and Officers.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council hereby mandates that the Three Affiliated Tribes and its Councilmen and Officers, as such, shall not require and shall not have access to classified information in the custody of Mandaree Enterprise Corporation, 1 Community Center Road; P.O. Box 427, Mandaree ND 58757, a subsidiary corporation, and further that Mandaree Enterprise Corporation is delegated full authority to act completely independent of the Three Affiliated Tribes in all matters which involve or relate to Mandaree Enterprise Corporation's responsibility to safeguard classified information.

BE IT FINALLY RESOLVED, that this action of the Tribal Business Council is taken for the purpose of exempting the Three Affiliated Tribes from the necessity of a facility security conformity with the DoD 5220.22-M "National Industrial Security Program Operating Manual."



CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 14th day of March, 2003, 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 14th day of March, 2003.

ATTEST:

[Signature]
Chairman, Tex G. Hall
Tribal Business Council

Acting Executive Secretary, Daylon Spotted Bear
Tribal Business Council



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

A Resolution entitled, "Requiring the Fort Berthold Housing Authority to provide for housing on the Fort Berthold Reservation in a manner that maximizes the use of Tribally owned businesses and other Tribally owned entities as contractors to provide construction and other services"

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Three Affiliated Tribes Constitution authorizes and empowers the Mandan, Hidatsa & Arikara Tribal Business Council to engage in activity on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

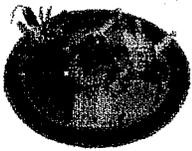
WHEREAS, In the "Native American Housing Assistance Self-Determination Act of 1996", (NAHASDA) Congress recognized the United States' trust responsibility for "the protection and preservation of Indian tribes" and further recognized that "providing affordable homes in safe and healthy environments is an essential element" of this trust responsibility; and

WHEREAS, Within the same legislation, Congress determined that the provisions of federal assistance to meet these responsibilities should be in a manner that recognizes the right of Native American self-determination and tribal self-governance by making such assistance directly available to tribes or their designated entities under authorities similar to those accorded tribes in Public Law 93-638 (25 U.S.C. 450 et seq.); and

WHEREAS, The Tribe agrees with the findings in NAHASDA that the provision of affordable housing in safe and healthy environments is an essential element of the United States' trust responsibility and agrees that provision of affordable housing should be done in a manner which advances self-determination and self-sufficiency; and

WHEREAS, The Tribe has previously approved by Resolution No. 97-114-DSB the Fort Berthold Housing Authority (FBHA) to be a "tribally designated housing entity" under NAHASDA acting on behalf of the Three Affiliated Tribes for the purpose of receiving Federal funds under NAHASDA; and

WHEREAS, The FBHA, as a tribally chartered entity functioning on behalf of the Tribe, and in advancement of the concepts of self-determination and self-sufficiency, can assist the Tribe and its members economically in its effort to provide affordable housing to Tribal members by recognizing where possible the capabilities and services of Tribally owned businesses and entities in the award of its contracts for providing housing and housing assistance and other services to Tribal members; and



WHEREAS, Tribally owned companies are in place which can provide construction and other services needed for the FBHA to carry out its work to provide affordable housing and housing assistance to Tribal members.

NOW THEREFOR BE IT RESOLVED, That the Tribal Business Council, on behalf of the Three Affiliated Tribes, hereby directs the Fort Berthold Housing Authority, consistent with any regulations and statutes to which it is subject, to design all housing projects and to design all other contracts it might award in a manner that will recognize the capabilities of any existing Tribally owned and operated enterprises, including, but not limited to, providing for designs of projects FBHA may be seeking to construct in a manner which accommodates modular built structures that are within the capability of Twin Buttes Custom Homes to provide.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 14th day of March, 2003, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 4 members, 0 members opposed, 1 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

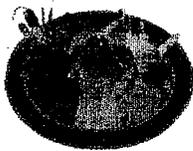
Chairman Voting. [] Not Voting.

Dated this 14th day of March, 2003.

Randy Phelan
Executive Secretary, Randy Phelan
Tribal Business Council

ATTEST:

Tex G. Hall
Chairman, Tex G. Hall
Tribal Business Council



**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

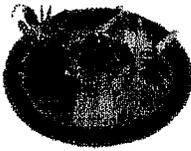
WHEREAS, On or about October 1, 1999, Tre White Owl allegedly fell on the playground of the Little Lodge Headstart Program, operated under the authority of the Three Affiliated Tribes, while a student;

WHEREAS, Shanda Lee, mother of Tre White Owl, has asserted various claims against the Little Lodge Headstart Program and St. Paul Fire & Marine Insurance Company for alleged injuries and actions related to the alleged fall; and

WHEREAS, Defendants Little Lodge Headstart and St. Paul Fire & Marine Insurance Co. have requested the Tribal Business Council to assert the sovereign immunity of the Three Affiliated Tribes on their behalf in this case;

WHEREAS, It is in the best interests of the Three Affiliated Tribes to assert its sovereign immunity on behalf of a Tribal program such as the Little Lodge Headstart to protect the program against further liability in this and other similar lawsuits against the Headstart program in the future which could affect the viability of the Headstart program.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Tribal Business Council of Three Affiliated Tribes, acting on behalf of the Three Affiliated Tribes and its Little Lodge Headstart program, does hereby agree that its sovereign immunity may be raised by the Defendants in the lawsuit pending in the Tribal Court of the Fort Berthold Reservation, brought by Shanda Lee against the Little Lodge Headstart program and the St. Paul Fire & Marine Insurance Co.



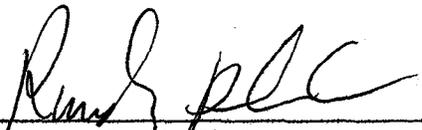
CERTIFICATION

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 14th day of March, 2003; 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.

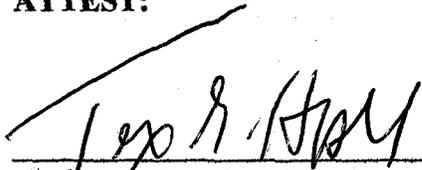
Chairman [] Voting. [] Not Voting.

Dated this 14th day of March, 2003.

ATTEST:



Secretary, Randy Phelan
Tribal Business Council



Chairman, Tex G. Hall
Tribal Business Council



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

A Resolution entitled, "Mandaree Community TERO Commission Board Appointment"

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Three Affiliated Tribes Constitution authorizes and empowers the Mandan, Hidatsa & Arikara Tribal Business Council to engage in activity 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(1) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to adopt resolutions regulating the procedures of the Tribal Business Council, other Tribal Government entities, and Tribal Officials; and

NOW, THEREFORE BE IT RESOLVED, that the Mandaree Community Representative hereby does approve and appoint Ronald Brugh to serve as commissioner of the TERO Commission.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 14th day of March, 2003, 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 14th day of March, 2003.

Randy Phelan
Executive Secretary, Randy Phelan
Tribal Business Council

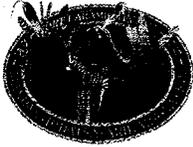
ATTEST:
Tex G. Hall
Chairman, Tex G. Hall
Tribal Business Council



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

A Resolution entitled, "Dreamcatchers Daycare-Part-time Employee Pool"

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS,** The Three Affiliated Tribes Constitution authorizes and empowers the Mandan, Hidatsa & Arikara Tribal Business Council to engage in activity 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 specifically empowers the Tribal Business Council to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials of the Fort Berthold Indian Reservation; and
- WHEREAS,** It is important for Dreamcatchers Daycare, a daycare of the Tribes, to be fully staffed on the weekdays, and in the past, the Daycare has had to fill positions on short notice due to employee illness, suspension, etc.; and
- WHEREAS,** The establishment of a part-time pool of employees at the Daycare is an effective way to make sure that the Daycare will be fully staffed on weekdays; and
- WHEREAS,** Salary authorizations for the part-time pool employees will be submitted to the appropriate Tribal Offices in New Town, North Dakota and the necessary fingerprinting and background checks will be performed before the part-time pool employees will be used; and
- WHEREAS,** Dreamcatchers Daycare has its own line item in the Three Affiliated Tribes' Tribal Budget and it is necessary that the salaries of its part-time pool employees are paid out of that line item; and
- WHEREAS,** Dreamcatchers Daycare will submit the necessary documentation to the appropriate Tribal Offices documenting the hours the part-time pool employees are on the job; and
- WHEREAS,** The Tribal Business Council has considered the matter and believes that it is in the interest of the benefit and welfare of the Tribes that Dreamcatchers Daycare have a part-time pool of qualified employees to ensure that the Daycare is fully staffed on weekdays and that the salaries of these employees be paid out of the Dreamcatchers Daycare line item in the Tribal budget;



NOW, THEREFORE BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby authorizes the establishment of a part-time pool of employees at Dreamcatchers Daycare, and directs that the salaries for these part-time pool employees be paid out of the Dreamcatchers Daycare line item of the Tribal budget of the Three Affiliated Tribes after submission to the appropriate Tribal Offices of documentation of work hours of these employees; and

FINALLY, BE IT RESOLVED, That the South Segment Tribal Councilman and the Dreamcatchers Daycare Director have authority to hire and fire part-time pool employees for Dreamcatchers Daycare.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 14th day of March, 2003, 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 14th day of March, 2003.

Randy PLL
Executive Secretary,
Tribal Business Council

ATTEST:
Tex G. Hall
Chairman, Tex G. Hall
Tribal Business Council