

## UNITED TRIBES OF NORTH DAKOTA

### Resolution No. 09-12-\_\_

***Title: Urging Congress to immediately enact the legislation called for in the settlement of the Cobell litigation relating to an accounting of funds placed into Individual Indian Money Accounts by the Bureau of Indian Affairs as announced on Tuesday, December 8, 2009***

**WHEREAS,** United Tribes of North Dakota ("United Tribes") is an association of the five federally recognized Tribes located in North Dakota, each of which has a government-to-government relationship with the United States established by Treaty, including the Three Affiliated Tribes, the Sisseton Wahpeton Oyaté, the Standing Rock Sioux Tribe, the Spirit Lake Tribe and the Turtle Mountain Band of Chippewa, with a Board of Directors composed of the Chairman and one council member from each member Tribe; and

**WHEREAS,** United Tribes exists to assist in furthering the common goals of the North Dakota Indian Tribes and Nations; and

**WHEREAS,** In 1996, Eloise Cobell, on her own behalf and on behalf of the more than 300,000 owners of Individual Indian Money (IIM) accounts into which are deposited by the Bureau of Indian Affairs the funds that are earned from lands and resources held in trust for individual Tribal citizens by the United States, filed a lawsuit in Federal District Court in Washington, D.C. requesting, among other things, an accounting of those IIM account funds by the United States government; and

**WHEREAS,** In the course of the litigation, it was learned that the United States could not provide such an accounting as would otherwise be required of any ordinary trustee of funds, and the United States had mismanaged the funds entrusted to it over the course of the past 150 years; and

**WHEREAS,** Following more than 10 separate appeals and several months of trials in the case over the past 13 years, the parties have reached a settlement that was announced on December 8, 2009, in Washington, D.C.; and

**WHEREAS,** The settlement requires Congress to enact legislation authorizing approximately \$3.4 billion to be set aside to satisfy the various terms of the settlement, which will, among other provisions, include direct payments to each IIM account holder who had a valid account as of a date certain as specified in the settlement documents, and which will also include a \$2 billion fund for land consolidation that will be distributed to Tribes where the lands within the reservation have many individual owners who own the land in common, which are called highly fractionated lands; and

**WHEREAS,** The settlement deadline for enacting the legislation required by Congress is December 31, 2009, after which the settlement agreement is considered null and void.

**NOW THEREFORE BE IT RESOLVED** by the Board of Directors of United Tribes of North Dakota that Congress is requested to immediately enact the legislation required by the *Cobell* litigation settlement, before the settlement deadline of December 31, 2009; and

**NOW THEREFORE BE IT FURTHER RESOLVED** by the Board of Directors of United Tribes of North Dakota that the North Dakota and South Dakota delegations, and particularly the Chairman of the Senate Committee on Indian Affairs, Byron Dorgan, are hereby urged to sponsor such legislation, hold emergency hearings if necessary, and ensure that the appropriate legislation is enacted before the legislation deadline of December 31, 2009.

**NOW THEREFORE BE IT FINALLY RESOLVED** that the President of United Tribes is hereby authorized to take such action as may be necessary to assist in carrying out this resolution.

#### **CERTIFICATION**

As Chairman of the Board of Directors of United Tribes of North Dakota, I hereby certify that the foregoing resolution was duly passed at a meeting of the United Tribes Technical College Board of Directors at which a quorum was present, held on the 11<sup>th</sup> day of December, 2009, at the campus of United Tribes Technical College in Bismarck, North Dakota, with a vote of \_\_\_ in favor, \_\_\_ opposed, \_\_\_ abstaining, and \_\_\_ not present.

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Myra Pearson  
Chairman, Board of Directors  
United Tribes Technical College

ATTEST:

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Marcus D. Levings,  
Secretary, Board of Directors  
United Tribes Technical College