

INTERTRIBAL MONITORING ASSOCIATION on Indian Trust Funds

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RESOLUTION #07-ITMA-02

RE: ITMA urges the Congress of the United States to reset by statute the date of receipt by tribes of the 'reconciliation reports' prepared by Arthur Andersen & Co. and hereby directs ITMA staff to work cooperatively with the Congress and the Executive Branch in this effort.

WHEREAS, at the request of the Department of the Interior (DOI), ITMA has been working on a cooperative agreement for more than two years to develop a methodology by which tribes and the government can come to settlement on trust fund balances; and

WHEREAS, if successful, this methodology can be used by tribes and the government to come to agreement on historic trust fund account balances and close the books on historic trust accounting periods; and

WHEREAS, the intent of both ITMA and the Department has been to provide a means for tribes and the government to resolve trust fund balances without resort to litigation; and

WHEREAS, the prospect that tribes would be barred from pursuing claims in court by the possible running of the statute of limitations has prompted tribes to file more than 100 currently pending lawsuits against the government; and

WHEREAS, the prospect that receipt on December 31, 1999 of so-called 'reconciliation reports' prepared by Arthur Andersen might be deemed an accounting for purposes of the statute of limitations, many of these lawsuits were filed in December 2006; and

WHEREAS, Congress has previously twice set the date for receipt of the Arthur Andersen reports by statute precisely to encourage the negotiated settlement of tribal trust fund account balances; and

WHEREAS, Congress declined to consider resetting the statutory December 31, 1999 receipt date in the 109th Congress, resulting in dozens of lawsuits in December 2006; and

WHEREAS, Congress could reset the receipt date of the Arthur Andersen reports by statute in the 110th Congress; and

WHEREAS, perhaps dozens of the pending lawsuits might be withdrawn if tribes did not feel compelled to maintain them as a defensive measure,

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Intertribal Monitoring Association on Indian Trust Funds does hereby urge the Congress of the United States to reset by statute the date of receipt by tribes of the 'reconciliation reports' prepared by Arthur Andersen & Co., in order to encourage a renewed effort to resolve tribal trust fund claims by negotiated settlement, as contemplated by the cooperative effort between ITMA and the Department of the Interior; and

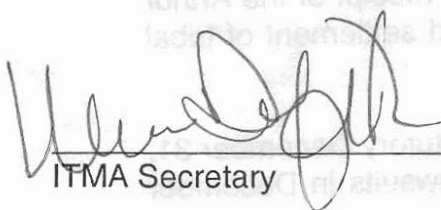
BE IT FURTHER RESOLVED, that the Board of Directors of the Intertribal Monitoring Association on Indian Trust Funds does hereby encourage all tribes to consider lifting their pending trust fund-related lawsuits if Congress provides relief from the concern that compelled them to file before December 31, 2006; and

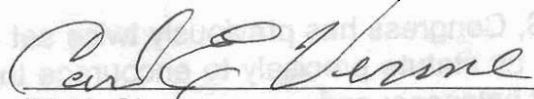
BE IT FURTHER RESOLVED, that the Board of Directors of the Intertribal Monitoring Association on Indian Trust Funds does hereby urge the Executive Branch of the federal government to cooperate in seeking to reset by statute the date of receipt of the Arthur Andersen & Co. reports; and

BE IT FINALLY RESOLVED, that the Executive Director and staff of the Intertribal Monitoring Association on Indian Trust Funds are hereby directed to cooperate fully with the Congress and the Executive Branch in any effort to reset by statute the receipt date of the Arthur Andersen & Co. tribal reconciliation reports, and to assist in any requested deliberations designed to alleviate the currently congested and onerous litigation dockets of tribes and the federal government.

CERTIFICATION

The foregoing ITMA Resolution #07ITMA02 was duly adopted at an official meeting of the Board of Directors of the Intertribal Monitoring Association on Indian Trust Funds at which a quorum was present on February 9, 2007, in Albuquerque, New Mexico, by a vote of _____ for, _____ against, and 1 abstaining.


ITMA Secretary


ITMA Chairman