

INTERTRIBAL MONITORING ASSOCIATION on Indian Trust Funds

Phone: 505/247-1447 Fax: 505/247-1449 e-mail: itma@flash.net

Resolution #01-ITMA-12

RE: Authorization for the Intertribal Monitoring Association on Indian Trust Funds to Support Tribes Efforts to Extend or Toll Any Statute of Limitations that Might be Asserted in Any Action Regarding the Respective Tribe's Trust Funds

WHEREAS, In 1996 various tribes received from the United States and Arthur Andersen LLP a report which purported to reconcile tribes trust fund balance but which failed to adhere to accepted audit standards; and

WHEREAS, pursuant to the American Indian Trust Fund Management Reform Act of 1994, 25 U.S.C. # 4044, tribes were to either accept the purported balance of state its reasons for disagreeing with the report's conclusion; and

WHEREAS, the agreed-upon procedures used by Arthur Andersen in preparing the reconciliation report undermine the validity of that report and constitute an admission by Arthur Andersen and the United States that the report is not an accurate or complete accounting of tribes trust funds; and

WHEREAS, in order to vindicate tribes rights regarding its trust funds, it may be necessary for the tribe to file a suit for money damages in the Court of Federal Claims; and

WHEREAS, such a suit may have to be filed within six years of the date the Arthur Andersen report was presented to the tribe; and

WHEREAS, tribes believe that it would be desirable to have more time to continue the evaluation of the Arthur Andersen report, to prepare for litigation if necessary, and to pursue any other acceptable avenue for resolution of the trust fund issues; and

WHEREAS, tribes believe that it would be unjust and dishonorable for the United States to assert any statute of limitations defense given the mismanagement of tribal trust funds and asses by the United States, the admitted insufficiency of Arthur Andersen reconciliation project, and the United States' inability to provide the records requested by the tribes to asses their position;

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NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Intertribal Monitoring Association on Indian Trust Funds (ITMA) that the Association hereby supports the tribes efforts to extend or toll any statute of limitations applicable to any action that may be brought by the tribes with regard to its trust funds and assets.

CERTIFICATION

The foregoing ITMA **Resolution #01-ITMA-12** was adopted by the ITMA Board of Directors by means of a duly sanctioned Board Telephone/Fax Poll conducted on July 6, 2001. The official action was constituted by means of _____ voting for, _____ opposed, _____ absent, and _____ abstaining.

a t t e s t

SECRETARY
(Governor) Harry D. Early

CHAIRMAN
(Chief) Charles O. Tillman