

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL  
OF THE OGLALA SIOUX TRIBE  
(An Unincorporated Tribe)

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL OF THE OGLALA SIOUX TRIBE ESTABLISHING DEPARTMENT OF TREASURY EMERGENCY RENTAL ASSISTANCE REQUIREMENTS AND CALLING UPON THE UNITED STATES TO MEET ITS TRUST RESPONSIBILITIES TO THE OGLALA SIOUX TRIBE BY AFFIRMING THE TRIBE'S RIGHT TO ESTABLISH ERA PROGRAM ELIGIBILITY REQUIREMENTS

WHEREAS, the Oglala Sioux Tribe adopted its Constitution and By-laws by referendum vote on December 14, 1935, in accordance with Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 5123), and under Article III of the Constitution, the Oglala Sioux Tribal Council is the governing body of the Oglala Sioux Tribe, and

WHEREAS, pursuant to the Constitution and By-laws of the Oglala Sioux Tribe, the Oglala Sioux Tribal Council exercises legislative powers to enact and promulgate resolutions and ordinance, and

WHEREAS, Article IV, Sections 1(f) and 1(w) of the Constitution empower the Tribal Council to manage the economic affairs of the Tribe, and adopt laws protecting and promoting the health and general welfare of the Oglala Sioux Tribe and its membership, and

WHEREAS, Articles IV, VI, and X of the 1868 Treaty of Fort Laramie establish the obligation of the United States to provide ongoing appropriations and the means necessary to construct housing necessary for the OST and its members to make the Great Sioux Reservation a permanent home, and

WHEREAS, in Section 2 of the Native American Housing Assistance and Self-Determination Act of 1996 ("NAHASDA") (25 USC §4101) "CONGRESSIONAL FINDINGS", Congress both reasserted and acknowledged that "there exists a unique relationship between the Government of the United States and the governments of Indian tribes and a unique Federal responsibility to Indian people;. . . and through treaties, statutes, and historical relations with Indian tribes, the United States has undertaken a unique trust responsibility to protect and support Indian tribes and Indian people;. . .and has assumed a trust responsibility for the protection and preservation of Indian tribes and for working with tribes and their members to improve their housing conditions...", and

WHEREAS, the Tribal Council adopted Resolution No. 20-70 affirming the Declaration of a State of Emergency on the Pine Ridge Indian Reservation due to the novel coronavirus named SARS-CoV-2 and the disease it causes, "coronavirus disease 2019" or "COVID-19", and

WHEREAS, the Oglala Sioux Lakota Housing (OSLH)CEO made a declaration of need for emergency assistance on February 6, 2021 due to the effect of the subzero temperatures on housing infrastructure including furnaces, water lines, and septic tanks which had ceased to work, or could not be pumped thereby placing all Tribal members occupying their housing units at great risk of freezing to death, having no access to water, or being exposed to hazardous substances contained in human waste known now to carry COVID-19, and

WHEREAS, due to the economic consequence of COVID-19 including, but not limited to, the loss of employment, and the prolonged subzero temperatures, many tribal members are at risk of becoming homeless, or of dying from lack of heat because they lack the funds to pay for their utility bills including, but not limited to, electric and propane, and

WHEREAS, Congress enacted the Emergency Rental Assistance Program and ordered disbursement to Tribes and/or Tribally-Designated Housing Entities for distribution within thirty (30) days of the application deadline of January 26, 2021, and

WHEREAS, On January 26, 2021, President Biden issued a Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, 86 Fed. Reg. 7491 (Jan. 26, 2021) reaffirming tribal sovereignty and self-governance as "cornerstones of Federal Indian policy," and reaffirming the obligation of federal agencies to consult with Tribes, and

WHEREAS, on January 14, 2021, OSLH submitted three critical ERA Program decisions that must be made in order for OSLH to administer the ERA Program to the U.S. Treasury Department, and requested consultation with Treasury, but has yet to receive any response from regarding these critical program requirements (See Attachment 1), and

WHEREAS, as a direct result of Treasury's lack of response to the OSLH request for Treasury to affirm the three critical program eligibility decisions OSLH is unable to distribute ERA program funds to families the program was intended to serve, and the United States Department of Treasury has failed to fulfill its trust responsibilities to the Oglala Sioux Tribe thereby, and

WHEREAS, the Oglala Sioux Tribe has the authority to take such actions as are necessary to protect the health and safety of its tribal members; now

THEREFORE BE IT RESOLVED, that the Oglala Sioux Tribe hereby affirms its inherent right to establish program eligibility requirements for the ERA Program necessary and critical to the provision of ERA assistance to tribal members and residents of the Pine Ridge Indian reservation where the United State has failed in its trust responsibility to the Tribe and its members, and

BE IT FURTHER RESOLVED, that the Oglala Sioux Tribe calls upon the United States to meet its trust responsibilities to the Oglala Sioux Tribe by affirming the Tribe's right to establish the three critical ERA program eligibility determinations, and

BE IT FURTHER RESOLVED, that the Oglala Sioux Tribe hereby affirms the three critical OSLH ERA Program eligibility determinations set forth herein in order to ensure the ERA program is fully implemented forthwith and in conformance with the intent of Congress in enacting the program, as follows:

1. The OSLH ERA Program will serve tribal member households located within the original boundaries of the 1868 Treaty of Fort Laramie;
2. The OSLH ERA Program will serve households whose income is at or below 80% of the local or national Area Median Income (AMI), whichever is greater, in accordance with 24 C.F.R. §1000.10; and
3. The OSLH ERA Program will serve households located within the exterior boundaries of the Pine Ridge Indian Reservation regardless of tribal enrollment status.

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C-E-R-T-I-F-I-C-A-T-I-O-N

I, as undersigned Secretary of the Oglala Sioux Tribal Council, of the Oglala Sioux Tribe, hereby certify that this Resolution was adopted by a vote of: 19 For; 0 Against; 0 Abstain; 0 Not Voting; during a REGULAR SESSION held on the 24<sup>th</sup> day of FEBRUARY, 2021.



STACY L. TWO LANCE  
Secretary  
Oglala Sioux Tribe

A-T-T-E-S-T:

  
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KEVIN KILLER  
President  
Oglala Sioux Tribe

FEB 24 2021  
RESOLUTIONS  
ABS-PROCEEDING SECRETARY