



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

A Resolution entitled, "Authorization for a one-time Disbursement of Funds from American Rescue Plan Act (ARPA) funding to All Enrolled Members of the Three Affiliated Tribes."

- WHEREAS,** The Three Affiliated Tribes ("Tribes" or "MHA Nation"), having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and
- WHEREAS,** The Constitution of the MHA Nation 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 MHA Nation and of the enrolled members thereof; and
- WHEREAS,** Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and
- WHEREAS,** Pursuant to Article VI, Section 5(c) of the MHA's Constitution the Tribal Business Council is authorized to administer and make expenditures from available Tribal funds for public purposes of the MHA Nation; and
- WHEREAS,** On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by the President; Section 9901 of ARPA amended Title VI of the Social Security Act to add section 602, which establishes the Coronavirus State Fiscal Recovery Fund (CSFRF); and
- WHEREAS,** The CSFRF built on and expands the support provided to state, local and tribal governments over the last year, including through the Coronavirus Relief Fund (CRF); and
- WHEREAS,** The CRF was established by the section 601 of the Act as added by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136, 134 Stat. 281 (2020), and
- WHEREAS,** Through CSFRF and CRF ("Fiscal Recovery Funds"), Congress provided state, local, and tribal governments with significant resources to respond to the COVID-19 public health emergency and its economic impacts; and
- WHEREAS,** Section 602(c)(1) of the CSFRF establishes a fund for states, territories, and tribal governments and provides that funds may be used:



- a. **Public Health Response:** To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- b. **Essential Workers:** To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- c. **Government Services:** For the provision of government services to the extent of the reduction in revenue (“Revenue Loss”) due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and
- d. **Infrastructure:** To make necessary investments in water, sewer, or broadband infrastructure.
- e. **Administration:** To administer and report on Fiscal Recovery Funds.

WHEREAS, The Three Affiliated Tribes received its share of the \$20 billion tribal set aside appropriated in the CSFRF to address COVID-19 pandemic effects on public health and the impacts to the economy of the Three Affiliated Tribes; and

WHEREAS, The Three Affiliated Tribes may only use funds to cover costs incurred during the period beginning March 3, 2021, and ending December 31, 2024, for one or more of the purposes enumerated in sections 602(c)(1); and

WHEREAS, The Fiscal Recovery Funds give state, local, and tribal governments flexibility to determine how best to meet the needs of their communities and populations within the eligible use categories as set forth in the U.S. Department of Treasury Final Rule; and

WHEREAS, The Final Rule takes into consideration the disproportionate impacts the COVID-19 public health emergency has had on certain populations, geographies, and economic sectors and recognizes a broad range of eligible uses; and

WHEREAS, The Tribal Business Council wishes to respond to this public health emergency in accordance with 31 CFR Part 35 Final Rule issued by the United States Department of the Treasury stating that “recipients may use funds to respond to the public health emergency with respect to COVID-19 or its negative economic impacts including assistance to households,”; and

WHEREAS, The United States Department of the Treasury presumes that Households receiving services provided by tribal governments are disproportionately impacted by the pandemic and are, therefore, automatically eligible to receive responsive services, such as assistance to households; and



WHEREAS, The Tribal Business Council has deemed its entire membership, as of the enrollment dates included herein, an eligible class for this response effort; and

WHEREAS, The proposed response effort was submitted to Tribal Legal Counsel to ensure compliance with the funding requirements and guidelines issued by the Department of Treasury.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby formally approves a one-time disbursement of funds from the American Rescue Plan Act (ARPA) funding received to all affected enrolled members of the Three Affiliated Tribes as stated in accordance with the Three Affiliated Tribes COVID-19 Relief Specifications letter.

BE IT FURTHER RESOLVED, that each enrolled member of the Three Affiliated Tribes as of August 15, 2022, and regardless of age shall be eligible to receive a one-time disbursement in the amount of One Thousand Dollars and No Cents (\$1,000.00).

BE IT FURTHER RESOLVED, that no Tribal delinquencies will be deducted from any member's disbursement.

BE IT FURTHER RESOLVED, that the enrolled members under the age of 14 as of November 1, 2022 will be required to have a legal guardian fill out an "Minor Disbursement Acknowledgement Form" and return to the Tribal Finance Department. Forms will be available at the Tribal Finance Department, Segment Offices and the MHA website.

BE IT FURTHER RESOLVED, that the enrolled members under the age of 14 as of November 1, 2022, that do not have a completed "Instruction for Disbursement Form" returned to the Tribal Finance Department by December 31, 2024, will forfeit disbursement or be assumed that minor child did not require COVID-19 pandemic assistance.

BE IT FURTHER RESOLVED, that any enrolled member disbursements not claimed by the December 31, 2024, deadline will be assumed not requiring assistance.

BE IT FURTHER RESOLVED, that the authorized one-time disbursement shall be taken exclusively from American Rescue Plan Act (ARPA) funding received by the Three Affiliated Tribes.

BE IT FURTHER RESOLVED, that no funds for the one-time disbursement approved by this Resolution shall be taken from any funds on deposit for the benefit of the



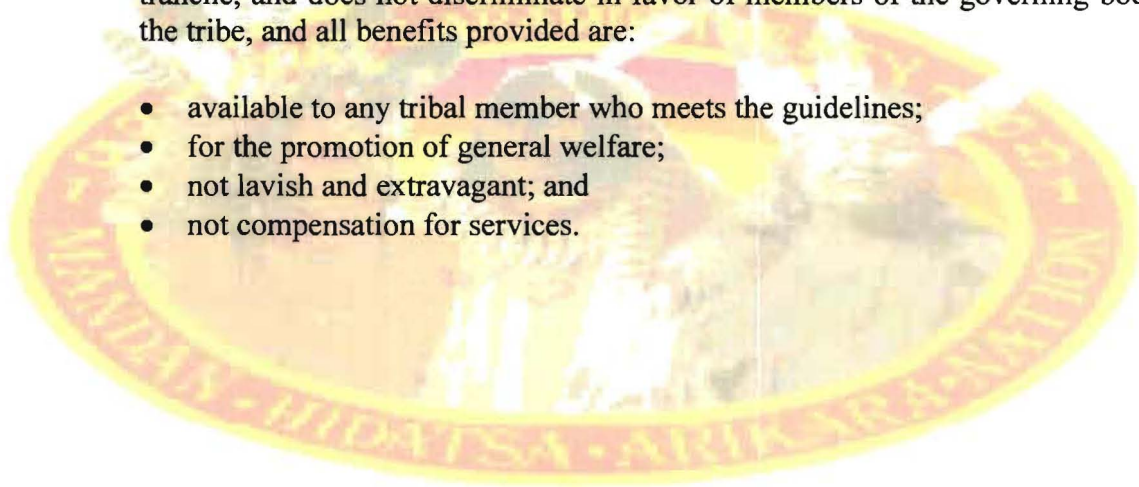
Nuxbaaga Iidaa Uuh Waa Zaah, Sahnis waaplsis, Aki numuk aki tawatesh sha geddish, The People's Fund.

BE IT FURTHER RESOLVED, that the Chief Financial Officer of the Three Affiliated Tribes shall work to identify the appropriate accounts and to make ready for issuance of the one-time disbursement in accordance with this Resolution.

BE IT FURTHER RESOLVED, that the Disbursement authorized by this Resolution shall be sent via U.S. Mail to the last known address of the recipient individuals no later than September 14, 2022.

BE IT FINALLY RESOLVED, that the Tribal Business Council does hereby approve provision of financial assistance to households pursuant to the Tribal General Welfare Exclusion Act of 2014, and Section 139E to the Internal Revenue Code for enrolled tribal members, which will be administered under specific guidelines of this fiscal tranche, and does not discriminate in favor of members of the governing body of the tribe, and all benefits provided are:

- available to any tribal member who meets the guidelines;
- for the promotion of general welfare;
- not lavish and extravagant; and
- not compensation for services.



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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 15th day of August 2022; 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 [X] voting. [] not voting.

Dated this 15th day of August 2022.

ATTEST:

Executive Secretary Fred Fox
Tribal Business Council
Three Affiliated Tribes

Tribal Chairman, Mark N. Fox
Tribal Business Council
Three Affiliated Tribes