

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

- WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS, the Constitution and Bylaws of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities for the welfare and benefit of the tribes and tribal members; and
- WHEREAS, "Weatherization Assistance For Low Income Persons" was authorized under PL 94-385, with subsequent amendments and reauthorizations, for the purpose of weatherizing the homes of low-income persons to conserve energy; and
- WHEREAS, "Weatherization Assistance For Low Income Persons" is administered by the U.S. Department of Energy as a grant program; and
- WHEREAS, the Three Affiliated Tribes, since 1975, has received a direct grant from the Department of Energy for the Weatherization Program through the DOE's Denver Support Office; and
- WHEREAS, the Weatherization Program, as a part of the Three Affiliated Tribes Material Resource Department, has preformed the required weatherization services in compliance with the regulations stated in 10 CFR Part 440 to an average of 40 to 50 eligible households annually; and
- WHEREAS, The Denver Region Support Office issued a Letter 2/5/87 that stated DOE's intention to eliminate all direct grants to Indian Tribes in North Dakota for reasons such as limited allocations, administrative funding restrictions, lack of cost-effectiveness, etc.; and
- WHEREAS, DOE's plan is to provide the State of North Dakota with the former Direct Tribal Funding Allocations to continue to Weatherization Services on the affected Reservations; possibly through the State's existing Community Action Agencies; and
- WHEREAS, the Department of Energy, through its actions, has totally ignored the principle of the "Government-To-Government Relationship" which exists between the Three Affiliated Tribes and the Federal Government by:
- o arranging for State control of the Weatherization Program well before the Three Affiliated Tribes was informed
 - o decided by itself that the Three Affiliated Tribes would not accept a reduced Weatherization Program allocation
 - o decided by itself that the Three Affiliated Tribes considered the Program's Administrative Costs limitations were to restrictive
 - o stated that the North Dakota could provide more cost-effective services than the Three Affiliated Tribes without explaining its rationale nor allowing the Tribes to respond to that comment

WHEREAS, the Denver Support Office has failed to provide detailed responses to the Letter and Telephone inquiries of the Three Affiliated Tribes; and

WHEREAS, the State of North Dakota, through its OMB Office Of Intergovernmental Assistance, has failed to properly notify the Three Affiliated Tribes of the State's role in this matter and should have at least arranged for transitional meetings between the affected governmental bodies

THEREFORE BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby formally protests the Department of Energy's elimination of Direct Weatherization Program Funding to Tribes and the transfer of its Allocation to the State of North Dakota

FURTHER RESOLVED, That the Tribal Business Council requests an immediate meeting take place between the affected Governmental Entities to discuss resumption of Direct Funding; and if necessary, an Interim Direct Funding allocation be made to the Three Affiliated Tribes until the matter is resolved;

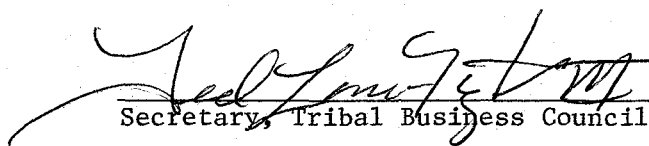
FURTHER RESOLVED, That Members of the Material Resource Committee and Material Resource Department Staff are authorized to make the necessary contacts, travel to meetings, or take any other appropriate steps to ensure that the intent of this Resolution is fulfilled.

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

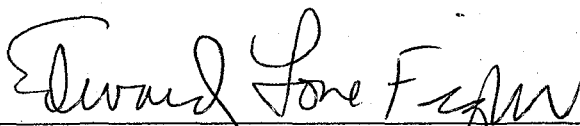
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constituting a quorum, 7 were present at a Regular Meeting, thereof duly called, noticed, convened, and held on the 24 day of March 1987; 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 (voting) (not voting)

Dated this 24th day of March, 1987


Secretary, Tribal Business Council

ATTEST:


CHAIRMAN, Tribal Business Council