

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 APPROVING LITIGATION IN THE FEDERAL DISTRICT COURT TO CHALLENGE THE SECRETARY'S DECISION TO DISAPPROVE THE OGLALA SIOUX TRIBE'S 93-638 PROPOSAL FOR TELECOMMUNICATIONS SERVICES PROVIDED BY THE BIA ON THE PINE RIDGE RESERVATION.

WHEREAS, the Oglala Sioux Tribe is a sovereign tribal nation that has entered into treaties as the "supreme law of the land" with the United States government pursuant to the U.S. Constitution Article VI, and is a signatory to the Treaty of Fort Laramie of 1851, 1 Stat. 749 (Sept.17, 1851), and the Treaty of Fort Laramie of 1868, 15 Stat. 635 (Apr. 29, 1868) and continues the nation to nation relationship with the federal government, and

WHEREAS, the Oglala Sioux Tribe organized under Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 5123), by adopting a federally approved Constitution and By-Laws, and under Article III of the Tribal Constitution, the Oglala Sioux Tribal Council is the governing body of the Tribe, and

WHEREAS, Article IV, Sections 1(f), 1(k), 1(m), and 1(w) empower the Tribal Council to manage the economic affairs of the Tribe, protect and preserve the property of the Tribe, adopt laws governing the conduct of persons on the Pine Ridge Indian Reservation, and adopt laws protecting and promoting the health and general welfare of the Oglala Sioux Tribe and its membership, and

WHEREAS, the Oglala Sioux Tribe adopted Ordinance 12-08 to establish a centralized information technology division of the Oglala Sioux Tribe and provide telecommunications and broadband services on the Pine Ridge Reservation as an exercise of Tribal sovereignty, and

WHEREAS, the Oglala Sioux Tribe was without sufficient funding to fully implement Ordinance 12-08 due to costs of infrastructure and personnel until the recent availability of federal awards for Tribal broadband systems and enhancement connectivity for the OST population on the Pine Ridge Reservation, and

WHEREAS, On November 27, 2023, the Oglala Sioux Tribe sent a Letter of Intent to Contract all programs, functions, services, and activities (PFSAs) related to BIA Land Mobile Radio Towers and the Incident Management, Analysis, and Reporting System (IMARS) on the Pine Ridge Reservation including specific positions to implement such PFSAs to enhance a centralized information technology system for the Pine Ridge Reservation and to ensure sufficient recurring funding for operations and maintenance after constructing infrastructure, and

WHEREAS, On December 1, 2023, the Bureau of Indian Affairs acknowledged receipt of the Letter of Intent to Contract and Mr. Timothy Lapoint, Great Plains Regional Director, BIA, stated that they would provide pre-proposal technical assistance pursuant to 25 C.F.R. § 900.7, and

WHEREAS, After no contact from the BIA for pre-proposal technical assistance, on June 26, 2024, the Oglala Sioux Tribe submitted a P.L. 93-638 Proposal to assume operations and maintenance for Indian Affairs managed Radio Towers on the Pine Ridge Reservation, as authorized by P.L. 93-638 and C.F.R Part 900, and

WHEREAS, On July 3, 2024, the Great Plains Regional Office, BIA, acknowledge receipt of the OST 93-638 Proposal and established that the Secretary had ninety (90) days to approve or disapprove the proposal, setting the deadline of September 30, 2024; and

WHEREAS, While 25 C.F.R. § 900.15 requires the Secretary, within 15 days (July 16, 2024), to notify the applicant in writing of any missing items required and determine declination issues, the BIA did not send such letter until September 12, 2024 stating that the proposal had declination issues and offering the Tribe an opportunity to consent to an extension of the deadline for approval or disapproval, and

WHEREAS, the Oglala Sioux Tribe sent a letter of consent, signed by President Star Comes Out, to an extension of the deadline for thirty (30) days and a request to meet with the BIA on the issues raised in the September 12, 2024 letter, and

WHEREAS, the Oglala Sioux Tribe met with the Bureau of Indian Affairs on September 27<sup>th</sup>, 2024 and September 30<sup>th</sup>, 2024 and despite the consent to an extension of time, the BIA issued a letter of declination of the P.L. 93-638 proposal on September 30<sup>th</sup>, 2024.

WHEREAS, upon declination of a P.L. 93-638 proposal, 25 C.F.R. § 31 provides that an Indian Tribe is entitled to an appeal pursuant to the procedures at 25 C.F.R. § 900, Subpart L, or the Indian Tribe has the right to sue in Federal District Court to challenge the Secretary's decision to disapprove a Tribe's 93-638 proposal, and

WHEREAS, the BIA failed to comply with the mandates for pre-proposal technical assistance, failed to notify the Tribe of declination issues within 15 days of receipt of the proposal, reneged on its offer to extend the September 30<sup>th</sup>, deadline, the Oglala Sioux Tribe has determined the BIA acted in bad faith in regards to the P.L. 93-638 Proposal to contract BIA telecommunications on the Pine Ridge Indian Reservation; now

THEREFORE BE IT RESOLVED, that the Oglala Sioux Tribal Council does hereby approve commencement of litigation in the Federal District Court to challenge the Secretary's decision to disapprove the Oglala Sioux Tribe's P.L. 93-638 Proposal to contract telecommunication services provided by the BIA on the Pine Ridge Indian Reservation.

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

I, as the undersigned Secretary of the Oglala Sioux Tribal Council of the Oglala Sioux Tribe, hereby certify that this Resolution was adopted by a vote of: 17 For; 0 Against; 0 Abstain; and 0 Not Voting; during a SPECIAL SESSION held on the 3<sup>RD</sup> day of OCTOBER, 2024.



VALERIE PATTON  
Recording Secretary  
Oglala Sioux Tribe

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



FRANK STAR COMES OUT  
President  
Oglala Sioux Tribe

**RECEIVED**

OCT 03 2024

BUREAU OF INDIAN AFFAIRS  
OFFICE OF THE SUPERINTENDENT