

**AUGUST 5, 2014 SPECIAL SESSION
CROW TRIBAL LEGISLATURE**

JOINT ACTION RESOLUTION NO. JAR14-15

INTRODUCED BY DARRIN OLD COYOTE, CHAIRMAN
CROW TRIBAL EXECUTIVE BRANCH

JOINT ACTION RESOLUTION OF THE CROW TRIBAL LEGISLATURE AND THE
CROW TRIBAL EXECUTIVE BRANCH ENTITLED:

**“RESOLUTION AUTHORIZING PROJECT EXPENDITURES FROM THE
ECONOMIC DEVELOPMENT ACCOUNT LOAN FUND AT FIRST INTERSTATE
BANK TO SATISFY THE TRIBAL MATCH REQUIREMENTS OF THE VETERAN’S
ADMINISTRATION CEMETERY GRANT.”**

WHEREAS, the Crow Tribe is committed to securing its land base and supporting economic development within the Crow Reservation; and

WHEREAS, JAR No. 13-07 (titled “Designation of Crow Tribal Land Near Crow Agency for the Use of the Crow Office of Veterans Affairs to Establish a Crow Veterans Cemetery”) set aside lands for the use of establishing a Crow Veteran’s Cemetery; and

WHEREAS, JAR No. 14-10 (titled “Designation of Crow Tribal Land Near Crow Agency for the Use of the Crow Office of Veterans Affairs to Establish a Crow Veterans Court and Veterans Cemetery”), passed by the Legislature on May 6, 2014 and approved by the Chairman of the Crow Tribe on May 14, 2014, established that it is in the best interests of the Crow Tribe for the Crow Office of Veterans Affairs to seek and apply for any available outside sources of funding, “including grants from the United States Department of Veterans Affairs, to support the establishment and administration of a cemetery,” and provided authorization for such activity; and

WHEREAS, the Crow Office of Veterans Affairs is currently applying for a \$1.2 Million Grant from the U.S. Department of Veterans Affairs, State and Tribal Government Cemetery Grants Program to construct a National Cemetery (titled the Crow Tribe Veteran’s Cemetery) on the Crow Indian Reservation; and

WHEREAS, there is a 10% Tribal Match requirement under the grant (\$120,000); and

WHEREAS, the Crow Office of Veterans Affairs has retained the services of an Architect, Engineering, and Design firm to provide the services and documents required to submit an application for the grant, at a cost that will satisfy the 10% match requirement under the grant; and

WHEREAS, the Architect, Engineer, and Design firm has completed all the necessary documents for submittal of the application for the grant, but require payment in the amount of \$108,078.80, and the remainder of the Tribal Match in the amount of \$11,921.20 will be expended on additional architectural, engineering and related fees and costs; and

WHEREAS, pursuant to 38 C.F.R. § 39.31(b)(8), the allowable architectural and engineering costs from the Tribal Match will be reimbursed to the Tribe from the Department of Veterans Affairs grant;

WHEREAS, the existence of a National Cemetery on the Crow Indian Reservation is anticipated to stimulate the local economy which will lead to additional opportunities for economic developments projects within the Reservation; and

WHEREAS, the Chairman of the Executive Branch has authority and responsibility pursuant to the “enumerated powers” in Article IV, Section 3 of the Constitution and Bylaws of the Crow Tribe of Indians to represent the Crow Tribe in negotiations with Federal, State and local governments and other agencies, corporations, associations, or individuals in matters of welfare affecting the Crow Tribe; to “negotiate and approve or prevent any sale, disposition, lease or encumbrance of Tribal lands, interests in lands or other Tribal assets, including buffalo, minerals, gas and oil with final approval granted by the Legislative Branch;” and

WHEREAS, the Legislative Branch has authority and responsibility pursuant to its “powers and duties” in Article V, Section 2(d) of the Constitution “to grant final approval or disapproval of items negotiated by the Executive Branch of Government pertinent to the sale, disposition, lease or encumbrance of Tribal lands, interests in lands or mineral assets”; and

WHEREAS, the Crow Tribal Legislature and the Crow Tribal Executive Branch enacted Joint Action Resolution No. JAR13-19 on October 24, 2013 to approve a loan agreement for a loan from First Interstate Bank in the amount of Ten Million Dollars (\$10,000,000.00), secured by interest from the 107th Settlement Trust Fund (the “Loan”), for the purposes of funding land purchases and economic development projects, and paying off the 2013 Unsecured Line of Credit, and such Loan closed on November 1, 2013 and all BIA and OST approvals have been obtained; and

WHEREAS, pursuant to Joint Action Resolution No. JAR13-19, the balance of the Loan proceeds, after repayment of the 2013 Unsecured Line of Credit and transaction costs for the Loan, have been deposited in a separate Economic Development Account with First Interstate Bank; and

WHEREAS, the Joint Action Resolution No. JAR13-19 required additional Joint Action Resolutions to approve all Future Project Expenditures from the Loan funds; and,

WHEREAS, JAR13-19 approving the loan agreement on October 24, 2013 contemplated future expenditures for the above purposes;

**NOW, THEREFORE, BE IT RESOLVED BY THE CROW TRIBAL LEGISLATURE
AND THE CROW TRIBAL EXECUTIVE BRANCH:**

Section 1. Project Expenditures from the Economic Development Account are hereby authorized for the following project and purchases, in the amounts specified below:

The Crow Tribe Veterans Cemetery architectural, engineering and design services and related costs in the amount of \$\$120,000 which shall be used for the Tribal Match for the Department of Veterans Affairs grant.

Section 2. After the Department of Veterans Affairs grant is awarded, all amounts reimbursed to the Tribe for architectural and engineering costs that were paid from the Tribal Match funds authorized by this Resolution shall be promptly credited to the Economic Development Account.

Section 3. This Resolution shall be effective immediately upon approval.

CERTIFICATION

I hereby certify that this Joint Action Resolution entitled **“RESOLUTION AUTHORIZING PROJECT EXPENDITURES FROM THE ECONOMIC DEVELOPMENT ACCOUNT LOAN FUND AT FIRST INTERSTATE BANK TO SATISFY THE TRIBAL MATCH REQUIREMENTS OF THE VETERAN’S ADMINISTRATION CEMETERY GRANT”** was duly enacted by the Crow Tribal Legislature with a vote of 16 in favor 0 opposed, and 0 abstaining and that a quorum was present on this 5th day of August, 2014.



Senator R. Knute Old Crow, Sr.
Speaker of the House
Crow Tribal Legislature

ATTEST:



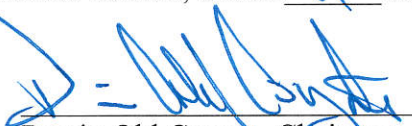
Senator Gordon Real Bird, Jr.
Secretary
Crow Tribal Legislature



EXECUTIVE ACTION

I hereby
X approve or
_____ veto.

This Joint Action Resolution entitled **“RESOLUTION AUTHORIZING PROJECT EXPENDITURES FROM THE ECONOMIC DEVELOPMENT ACCOUNT LOAN FUND AT FIRST INTERSTATE BANK TO SATISFY THE TRIBAL MATCH REQUIREMENTS OF THE VETERAN’S ADMINISTRATION CEMETERY GRANT”** pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians, on this 11 day of August, 2014.



Darrin Old Coyote, Chairman
Crow Tribal Executive Branch

**RESOLUTION AUTHORIZING PROJECT EXPENDITURES FROM THE ECONOMIC DEVELOPMENT ACCOUNT LOAN
FUND AT FIRST INTERSTATE BANK TO SATISFY THE TRIBAL MATCH REQUIREMENTS OF THE VETERANS
ADMINISTRATION CEMETERY GRANT**

Bill or Resolution: JAR14-15 **Introduced by:** Chairman Darrin Old Coyote **Date of Vote:** 8/5/2014
Number

<u>Representative:</u>	Yes	No	Abstained
G. Three Irons	<u> X </u>	<u> </u>	<u> </u>
B. Rogers	<u> </u>	<u> </u>	<u> </u>
C. J. Stewart	<u> X </u>	<u> </u>	<u> </u>
P. Hill	<u> </u>	<u> </u>	<u> </u>
E. Birdinground	<u> X </u>	<u> </u>	<u> </u>
A. Coyote-Runs, Sr.	<u> X </u>	<u> </u>	<u> </u>
V. Nomee	<u> X </u>	<u> </u>	<u> </u>
T. Gros Ventre	<u> X </u>	<u> </u>	<u> </u>
P. Alden, Jr.	<u> X </u>	<u> </u>	<u> </u>
V. Crooked Arm	<u> X </u>	<u> </u>	<u> </u>
P. Spotted Horse, Sr.	<u> X </u>	<u> </u>	<u> </u>
L. DeCrane	<u> X </u>	<u> </u>	<u> </u>
C. Goes Ahead	<u> X </u>	<u> </u>	<u> </u>
B. Hugs	<u> X </u>	<u> </u>	<u> </u>
B. Good Luck	<u> X </u>	<u> </u>	<u> </u>
G. Stewart	<u> X </u>	<u> </u>	<u> </u>
G. Real Bird, Jr. <i>Secretary of the House</i>	<u> X </u>	<u> </u>	<u> </u>
R. Old Crow, Sr. <i>Speaker of the House</i>	<u> X </u>	<u> </u>	<u> </u>
Totals:	<u> 16 </u>	<u> 0 </u>	<u> 0 </u>


Result of Vote:

Passed

Not Passed

Tabled

Veto-Override



Senator R. Knute Old Crow, Sr.
Speaker of the House

8/5/14
Date



Senator Gordon Real Bird, Jr.
Secretary of the House

United States Code of Federal Regulations

📁 TITLE 38 C.F.R. — Pensions, Bonuses, and Veterans' Relief

📁 CHAPTER I — DEPARTMENT OF VETERANS AFFAIRS

📁 PART 39 — AID FOR THE ESTABLISHMENT, EXPANSION, AND IMPROVEMENT, OR OPERATION AND MAINTENANCE, OF VETERANS CEMETERIES

📁 Subpart B — Establishment, Expansion, and Improvement Projects

📁 Grant Requirements and Procedures

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38 C.F.R. § 39.31 Preapplication requirements.

(a) A State or Tribal Organization seeking a grant for the establishment, expansion, or improvement of a State or Tribal veterans cemetery must submit a preapplication to the Director, Veterans Cemetery Grants Service, through http://www.cem.va.gov/cem/scg_grants.asp.

(b) No detailed drawings, plans, or specifications are required with the preapplication. As a part of the preapplication, the State or Tribal Organization must submit each of the following:

(1) Standard Form 424 (Application for Federal Assistance) and Standard Form 424C (Budget Information) signed by the authorized representative of the State. These forms document the amount of the grant requested, which may not exceed 100 percent of the estimated cost of the project to be funded with the grant.

(2) A program narrative describing the objectives of the project, the need for a grant, the method of accomplishment, the projected interment rate, and the results or benefits expected to be obtained from the assistance requested.

(3) If a site has been selected, a description of the geographic location of the project (*i.e.*, a map showing the location of the project and all appropriate geographic boundaries, and any other supporting documentation, as needed).

(4) A design concept describing the major features of the project including the number and types of gravesites, such as columbarium niches.

(5) Any comments or recommendations made by the State's or Tribal Organization's "Single Point of Contact" reviewing agency.

(6) VA Form 40-0895-2 (Certification of Compliance with Provisions of the Davis-Bacon Act) to certify that the State or Tribal Organization has obtained the latest prevailing wage rates for Federally funded projects. Any construction project fully or partially funded with Federal dollars must comply with those rates for specific work by trade employees (e.g., electricians, carpenters).

(7) VA Form 40-0895-3 (State or Tribal Government Cemetery Grants Service Space Program Analysis—Buildings) to provide information on the

proposed size of cemetery buildings, based on VA guidance on the net and gross square footage standards for cemetery buildings. This standard is based on a workload of 1-6 burials per day.

(8) VA Form 40-0895-6 (Certification of State or Tribal Government Matching Architectural and Engineering Funds to Qualify for Group 1 on the Priority List) to provide documentation that the State or Tribal Organization has authority to support the project and the resources necessary to initially fund the architectural and engineering portion of the project development. ***Once the grant is awarded, VA will reimburse the applicant for all allowable architectural and engineering costs.***

(9) VA Form 40-0895-7 (Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions (State or Tribal Government)) to ensure that the applicant has not been debarred or suspended, and is eligible to participate in the VA grant process and receive Federal funds.

(10) VA Form 40-0895-8 (Certification Regarding Drug-Free Workplace Requirements for Grantees Other Than Individuals) to ensure that the applicant complies with the Drug-Free Workplace Act of 1988 at the location where the construction will occur.

(11) VA Form 40-0895-9 (Certification Regarding Lobbying) to ensure that the applicant complies with Public Law 101-121 regarding the prohibition against any payments to anyone that influences or attempts to influence an officer or Member of Congress in connection with the award of a grant.

(12) VA Form 40-0895-10 (Certification of Compliance with Federal Requirements—State or Tribal Government Construction Grant) to ensure that the applicant complies with all requirements of Part 39.

(13) VA Form 40-0895-15 (Certification of Cemetery Maintained in Accordance with National Cemetery Administration Standards) to ensure that any cemetery established, expanded, or improved through a grant will be operated and maintained in accordance with the operational standards of NCA.

(c) In addition, the State or Tribal Organization must submit written assurance of each of the following conditions:

(1) Any cemetery established, expanded, or improved through a grant will be used exclusively for the interment or memorialization of eligible persons, as set forth in §39.10(a), whose interment or memorialization is not contrary to the conditions of the grant (*see* §39.10(b) and **38 U.S.C. 2408(d)** and **2411**).

(2) Title to the site is or will be vested solely in the State or held in trust for the Tribal Organization on trust land.

(3) The State or Tribal Organization possesses legal authority to apply for the grant and to finance and construct the proposed facilities; *i.e.*, legislation or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the

official representative of the State or Tribal Organization to act in connection with the application and to provide such additional information as may be required.

Note to paragraph (c)(3): In any case where a Tribal Organization is applying for a grant for a cemetery on land held in trust for more than one Indian Tribe, written assurance that the Tribal Organization possesses legal authority to apply for the grant includes certification that the Tribal Organization has obtained the approval of each such Indian Tribe.

(4) The State or Tribal Organization will assist VA in assuring that the grant complies with section 106 of the National Historic Preservation Act of 1966, as amended (**16 U.S.C. 470**), Executive Order 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (**16 U.S.C. 469a-1 et seq.**).

(5) The State or Tribal Organization will obtain approval by VA of the final construction drawings and specifications before the project is advertised or placed on the market for bidding; it will construct the project, or cause the project to be constructed, to completion in accordance with the application and approved plans and specifications; it will submit to the Director of the Veterans Cemetery Grants Service, for prior approval, changes that alter any cost of the project, use of space, or functional layout; and it will not enter into a construction contract for the project or undertake other activities until the requirements of the grant program have been met.

(6) The State or Tribal Organization will comply with the Federal requirements in **2 CFR parts 180** and **801** and **38 CFR part 43** and submit Standard Form 424D (Assurances—Construction Programs).

(7) The State or Tribal Organization will prepare an Environmental Assessment to determine whether an Environmental Impact Statement is necessary, and certify that funds are available to finance any costs related to preparation of the Environmental Assessment.

(d) The State or Tribal Organization must submit a copy of the State or Tribal Organization action authorizing the establishment, maintenance, and operation of the facility as a veterans cemetery in accordance with **38 CFR 39.10(a)**. If the State or Tribal Organization action is based on legislation, enacted into law, then the legislation must be submitted.

(e) Upon receipt of a complete preapplication for a grant, including all necessary assurances and all required supporting documentation, VA will determine whether the preapplication conforms to all requirements listed in paragraphs **(a)** through **(d)** of this section, including whether it contains sufficient information necessary to establish the project's priority. VA will notify the State or Tribal Organization of any nonconformity. If the preapplication does conform, VA shall notify the State or Tribal Organization that the preapplication has been found to meet the preapplication requirements, and the proposed project will be included in the next scheduled ranking of projects, as indicated in § 39.3(d).

Authority: **25 U.S.C. 450b(I)**; **38 U.S.C. 501, 2408, 2411**

(The Office of Management and Budget has approved the information collection requirements in this section under control numbers 4040-0004, 4040-0008, 4040-0009, and 2900-0559.)

[Amended at 77 FR 4474, Jan. 30, 2012]