

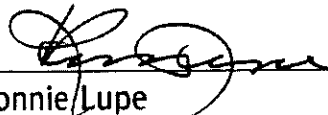
**RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION**


- WHEREAS,** the Native American Housing Assistance and Self-Determination Act of 1996 (the Act) recognizes the trust responsibility for the protection and preservation of Indian Tribes and for working with Indian tribes and their members to improve their housing conditions and socioeconomic status so that they are able to take greater responsibility for their economic condition; and
- WHEREAS,** the Act recognizes that federal assistance to meet the acute housing assistance needs on reservations should be provided in a manner that recognizes the right of Indian self-determination and tribal self-governance by making such assistance available directly to the Indian tribes or tribally designated entities under authorities similar to those accorded Indian tribes in Public Law 93-638; and
- WHEREAS,** Indian self-determination as contemplated in the Act requires the direct involvement of tribal leadership in the decision making process regarding the implementation of the Act; and
- WHEREAS,** the White Mountain Apache Tribe has voiced deep concerns to its Congressional delegation regarding the lack of meaningful involvement in the Negotiated Rulemaking Process under the Act and the obvious intent by HUD officials to keep decision making in the control of the Indian Housing Authorities and this concern is reflected in the attached letter from Tribal Chairman Lupe to Senator McCain; and
- WHEREAS,** a number of other tribal leaders have raised similar concerns most recently at the NCAI sponsored HUD Housing Conference in Phoenix on February 19th and 20th; and
- WHEREAS,** HUD officials have indicated a willingness to involve tribally designated tribal officials in a Negotiated Rulemaking session schedule for Tuesday, February 25, 1997 in Denver Colorado.
- BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby designates Councilwoman Margaret Walker and Franklin Quintero as delegates from the White Mountain Apache Tribe for purposes of voicing the Tribe's concerns at the Negotiated Rulemaking Meeting on February 25, 1997 in Denver.

**Resolution No. 02-97-041**

The foregoing resolution was on February 24, 1997, duly adopted by a vote of ten for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by the White Mountain Apache Tribal Constitution, including Article IV, Sections 1 (a), (b), (e), (h), (i), (j), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe on September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

Signatures of the members of the Tribal Council represent their approval of Tribal Resolution No. 02-97-041.

  
Ronnie Lupe  
Tribal Chairman

  
Lafe Akaha  
Vice Chairman

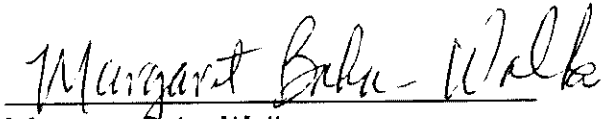
NOT AVAILABLE  
Judy DeHose  
District I Council Member

  
Harley Janeway  
District I Council Member

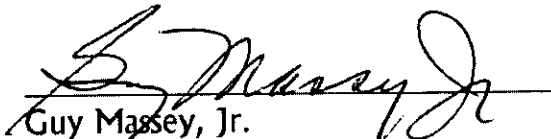
  
Lynn Cody  
District II Council Member

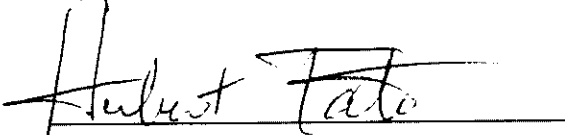
  
Romeo Dazen  
District II Council Member

  
Alvin DeClay  
District III Council Member

  
Margaret Baha-Walker  
District III Council Member

  
Frank Endfield, Jr.  
District IV Council Member

  
Guy Massey, Jr.  
District IV Council Member


  
Herbert Tate  
District IV Council Member

ATTEST:

RECEIVED

FEB 28 1997

PT APACHE INDIAN AGEN  
WHITERIVER, ARIZONA

  
Virginia M. Dalton  
Tribal Council Secretary  
WHITE MOUNTAIN APACHE TRIBE



*Executive Office of the Chairman*  
**WHITE MOUNTAIN APACHE TRIBE**

RONNIE LUPE  
CHAIRMAN

February 6, 1997

Senator John McCain  
SR-241 Russell Senate Office Building  
Washington, D. C. 20510-0303

Dear Senator McCain:

I am writing to bring to your attention several matters in implementing the Lazio Act ( Native American Housing Assistance and Self Determination Act of 1996). The crux of the issue appears to be that HUD ONAP is doing "business as usual" and so far has failed to operationalize the new role of the Tribes, as opposed to Indian Housing Authorities, that the Act spells out.

The Act calls for negotiated rule making. ONAP appointed the two committees, one for developing rules and regulations, one for determining the formula for the block grants the Act requires, without notification to most of the tribes for nominees. The Indian Housing Authorities (IHA) were notified and the resulting committees are heavily represented by housing authorities. ONAP, of course, selected the members of the committees. Tribes are the decision agency under the Act; yet ONAP persists in dealing with the IHAs without notification or involvement of the tribes.

Yesterday I was informed indirectly that ONAP has established June 1, 1997 as the due date for the tribal Comprehensive Housing Plans required by the Act. Again I am told notification was sent to IHAs; I can assure you they were not sent to this Tribe or any of the others I have talked with. On the face of it, this date is unworkable. We have three months to prepare a plan so ONAP can spend four months to review it. The June 1 date is before rules and regulations are in place, before funding is known, and before Tribes are required to make final decisions as to the structure of housing entities on their individual reservations. My understanding of the role of ONAP in plan review is to assure that all elements required ( as yet undefined insofar as I have been notified) are included in the Plan. Why it takes longer to check to see that everything is addressed than it does to document the need, formulate the best way to meet that need with available resources, and determine how much of the need can be met in any given year is beyond me.

Further, this first plan must also consider organizational structures to deliver housing services in order for tribes to make decisions about designation of the Tribally Designated Housing Entity. ONAP has scheduled, I am told, a meeting in Denver in



March for IHAs to be trained on plan requirements and how to meet them. Tribes, to my knowledge, have not been informed nor invited.

The Phoenix Conference for ONAP to present the new ACT and its requirements to Indian Country was co-chaired by ONAP and the National American Indian Housing Council, the association of IHAs. No tribal leaders were on the agenda to speak from the tribal rather than the IHA perspective. While the Act calls for tribes to assume responsibility for housing, ONAP ignores tribes. They are acting as though tribes and IHAs are interchangeable or one and the same; they are not.

The facts to date lead to me to join with the other tribal leaders who have scheduled a meeting of tribal leaders in Phoenix on February 19 and 20 to review the implementation of the Act so far and reach consensus as to how to proceed. The appearance is that ONAP is trying in every way possible to assure the continuation of IHAs as they have existed in the past and in particular to assure that the HUD-IHA link ignoring the tribes is in no way disturbed by the new Act. The large backlogs of unmet housing needs, and overcrowded, substandard housing on Indian reservations that are the legacy of the HUD-IHA alliance in the past is in the process of continuing into the future. HUD ONAP ignoring tribes during this critical planning and implementation time is frustrating the efforts of Congress to rectify the housing situation facing Indians.

I ask your guidance as to how to secure ONAP recognition of tribal government as the authority and proper party for government- to- government relationships as the implementation of the Act proceeds.

Sincerely



Ronnie Lupe, Chairman

WHITE MOUNTAIN APACHE TRIBE