



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

A Resolution entitled: "Tribal Business Council Support for the New Health Care Facility and Request that Funds be appropriated for Design, Construction and Operations of Facility"

WHEREAS, This 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, 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, The Constitution of the Three Affiliated Tribes 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 Tribes and of the enrolled members thereof; and

WHEREAS, Article VI, Section 5 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

WHEREAS, In 1949 the United States of America took more than 150,000 acres of prime land on the Fort Berthold Reservation for the construction of the Garrison Dam and Reservoir which flooded and destroyed vital infrastructure on the Reservation including the Indian Health Service Hospital; and

WHEREAS, At the time of the taking of said lands, the United States made a commitment to the Three Affiliated Tribes to replace the lost infrastructure, however the United States has never fully lived up to its commitment; and

WHEREAS, On May 10, 1985, the Secretary of the Interior established the Garrison Unit Joint Tribal Advisory Committee to examine the effects of the Garrison Dam on the Reservation; and

WHEREAS, The Final Report of the JTAC Committee which was issued on May 23, 1986, acknowledged the obligation of the United States to replace the infrastructure lost as a result of the Garrison Dam including the hospital; and



WHEREAS, The United States Senate Committee on Indian Affairs acknowledged the recommendations of the JTAC Committee's final report in Senate Report No.102-250 and stated that every effort should be made by the Administration and Congress to provide additional federal funding to replace lost infrastructure on the Fort Berthold Reservation; and

WHEREAS, In 2004, Congress enacted Public Law 108-437 which authorizes the appropriation to the Secretary of Health and Human Services of \$39,017,228 for the construction of, and such other sums as are deemed necessary for the other expenses relating to, a rural health care facility on the Fort Berthold Indian Reservation; and

WHEREAS, The Health Care Facility appropriation authorization was made as additional compensation to the Mandan Hidatsa & Arikara Nation for the losses related to the construction of the Garrison Dam including the loss of the former Indian Health Service Elbowoods Hospital; and

WHEREAS, The U.S. Department of Health and Human Services, acting through the Indian Health Service, completed the initial planning for the new health care facility through a Project Leadership Team under the direction of James D. Foote, IPA Consultant, which was responsible for the preliminary planning and cost estimates and which consists of both tribal and IHS representatives; and

WHEREAS, The Project Leadership Team under the direction of James D. Foote, IPA Consultant, has determined through the planning phase that the total estimated cost for the design, construction and equipment for the Health Care Facility is \$39,017,228 and the costs for the Staff Quarters design, construction and equipment is \$36,367,303; and

WHEREAS, The Project Leadership Team under the direction of James D. Foote, IPA Consultant, has further determined that the other costs related to staffing and operation of the new facility is an additional \$24,157,000 annually; and

WHEREAS, The Resource Program Management Systems and the Health Systems Program in accordance with the Aberdeen Area Indian Health Service Officials including office of Planning/Legislation and the Three Affiliated Tribes has estimated the project cost in the Project Justification Document at the total of \$99, 541,531; and

WHEREAS, The Tribal Business Council of the Three Affiliated Tribes fully supports the construction of the Health Care Facility and believes that the United



States has an obligation to fully fund the facility based on the final report of the JTAC Committee and Public Law 108-437.

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby supports the construction of the New Health Care Facility on the Fort Berthold Indian Reservation to replace the hospital that was lost due to the construction of the Garrison Dam and resulting flooding of the Reservation; and

BE IT FURTHER RESOLVED, that the Tribal Business Council hereby strongly urges Congress to meet the obligations of the United States to the Three Affiliated Tribes and ensure that adequate funds in the FY06 budget are appropriated for the construction and operation of the New Health Care Facility for the Mandan, Hidatsa and Arikara Nation.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Forth Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 21 day of November 2005; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

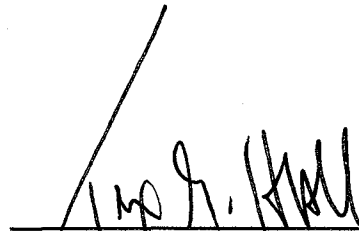
Chairman [] voting. [] not voting.

Dated this 21 day of November 2005.

ATTEST:



Nathan Hale, Secretary
Three Affiliated Tribes



Tex G. Hall, Chairman
Three Affiliated Tribes