



RESOLUTION NO. 07-14-NH
(VJB)

**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 Proposed Elbowoods Health Care Facility and Request that Funds be appropriated for Design, Construction and Operation 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 (1) of said Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedures 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 that 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 make 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



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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 20 million dollars 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 authorization was made as additional compensation to the Mandan, Hidasta & 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, In Conjunction with the Aberdeen Area Indian Health Service including office of Planning/Legislation and our Leadership Planning Team Committee will estimate cost for the Construction, Design, Quarters, and Staffing, for the proposed Health Care Facility in the accordance with the Health System Program(HSP); 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; and

WHEREAS, The Tribal Business Council will not know what actual cost to construct the facility is until the (HSP) Health System Planning document is completed.

NOW THERE FOR IT BE 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



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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 FY07 budget are appropriated for the construction and operation of the New Health Care Facility for the Mandan, Hidasta and Arikara Nation.

CERTIFICATION

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 constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 12 day of January, 2007; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 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 12 day of January, 2007.

ATTEST:

**Vice Chairman Nathan Hale for
Tribal Secretary, V.Judy Brugh
Tribal Business Council
Three Affiliated Tribes**

**Chairman Marcus Wells Jr.
Chairman Tribal Business Council
Three Affiliated Tribes**