



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

A Resolution Entitled: “Three Affiliated Tribes Tribal Business Council Request for funding in the FY 08 Energy and Water Appropriations Act for Architectural and Engineering costs associated with the Proposed Elbowoods Memorial Health Care Facility on Fort Berthold Indian Reservation authorized by Congress pursuant to Public 108-437.”

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, Article VI, Section 5 (d) of the Constitution provides that the Tribal Business Council has the power to negotiate with the federal government on behalf of the Tribes and to advise and consult with the representatives of the Interior Department on all activities that may affect the Fort Berthold Reservation; and

WHEREAS, Article VI, Section 5 (d) of the Constitution provides that the Tribal Business Council has the power to negotiate with the federal government on behalf of the Tribes; 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, formally known as Elbowoods 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 Elbowoods Hospital; and
- WHEREAS,** The United States Senate Committee on Indian Affairs acknowledged the recommendations of the JTAC Committee's final report in its 1991 Senate Report No. 102-250 and stated that every effort should be made by Administration and Congress to provide additional federal funding to replace lost infrastructure on the Reservation; and
- WHEREAS,** In order to fulfill this commitment, in 2005 Congress enacted Public Law 108-437, entitled "Three Affiliated Tribes Health Facility Compensation Act" which authorizes the appropriation to the Secretary of Health and Human Services of \$20 million for the construction of, and such other sums as are deemed necessary for the other expenses related to, a rural health care facility on the Fort Berthold Indian Reservation; and
- WHEREAS,** The Health Facility Compensation Act 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 hospital; and
- WHEREAS,** The U.S. Army Corp of Engineers was the lead agency on the construction of the Garrison Dam and the 1986 Final JTAC Report found that the Corps of Engineers promised to construct a new hospital for the Reservation and had also promised to construct a new hospital for the Cheyenne River Sioux Tribe whose hospital was destroyed by the Corps construction of the Oahe Dam and the Corps did in fact replace said hospital; however it has not held up to its promise to the Mandan, Hidatsa and Arikara Nation to replace the Elbowoods Hospital; and
- WHEREAS,** Both the 1986 Final JTAC Report and the 1991 Report of the Senate Indian Affairs Committee found that the Tribes are entitled to replacement of lost infrastructure resulting from the Garrison Dam, including the former hospital and



by acknowledging this as an entitlement the Tribal Business Council believes that the United States obligation to provide a new health care facility for the Tribe is a specific and binding obligation; and

WHEREAS, In addition to the Tribe's legal entitlement to replacement of the hospital, the Tribal Business Council finds that the Reservation has a critical need for the new facility because during the 57 years the Tribe has waited for the replacement, its members have suffered greatly due to inadequate health services being available from the existing clinic which is open on during business hours and there are no emergency after hour or weekend services available to the membership on the Fort Berthold Reservation; 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 Vice-Chairman Nathan Hale and James D. Foote, IPA Consultant, which was responsible for the preliminary planning and cost estimates and which consists of both tribal and HIS representatives; and

WHEREAS, The preliminary planning and cost estimates for the facility determined that the architectural, design and engineering phase will be approximately \$2.8 million; and

WHEREAS, The North Dakota Congressional delegation is proposing to obtain Congressional approval for funding in the FY 08 Energy and Water Appropriations Act to the Corps of Engineers for phase one funding of the new health care facility for architectural and engineering design services and initial site preparation costs;

WHEREAS, The Tribal Business Council agrees that it is necessary and appropriate for funding for the facility to come through appropriations Corps of Engineers.

NOW THEREFORE BE IT RESOLVED, that the Three Affiliated Tribes Tribal Business Council hereby requests that Congress authorize funding under the FY-08 Energy and Water Appropriations Act to the Corps of Engineers in the amount of \$2.8 million for the architectural, design, and engineering phase of the Health Care Facility authorized by Public Law 108-437.

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 11th day of April 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.

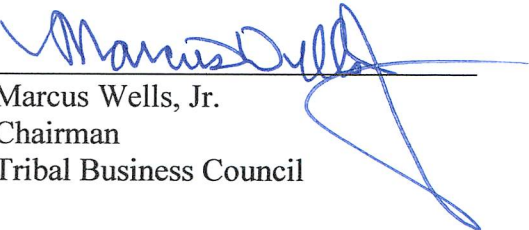
Chairman voting. [] not voting.

Dated this 11th day of April 2007.

ATTEST:



V. Judy Brugh
Executive Secretary,
Tribal Business Council



Marcus Wells, Jr.
Chairman
Tribal Business Council