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S. HRG. 107–268

EQUITABLE COMPENSATION ACT

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

ON

FEDERAL OBLIGATION TO EQUITABLE COMPENSATION TO THE FORT BERTHOLD AND STANDING ROCK RESERVATIONS

AUGUST 30, 2001
NEW TOWN, ND

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CONTENTS

	Page
Statements:	
Baker, Biron	30
Baker, Frederick, enrolled member, Three Affiliated Tribes	26
Burr, Joyce, educational consultant, Three Affiliated Tribes	32
Conrad, Hon. Kent, U.S. Senator from North Dakota	2
Danks, John H. member, Mandan, Hidatsa, Arikara Elder Organization	24
Fredericks, John, member, Mandan, Hidatsa, Arikara Tribe	21
Hall, Tex, chairman, Mandan, Hidatsa, and Arikara Nation (with attachments)	2, 5
Hudson, Marilyn, member, Three Affiliated Tribes	31
Jones, Cora, director, Great Plains Region, BIA	15
Mandan, Tony, member, Three Affiliated Tribes	1, 35

APPENDIX

Prepared statements:	
Baker, Frederick	39
Burr, Joyce	159
Danks, John H. (with attachments)	118
Fredericks, John "Buzz" elder (with attachment)	114
Hall, Tex (with attachments)	47
Hudson, Marilyn	159
Jones, Cora	39
Mandan, Tony	41
Old Dog Cross, Phyllis	44
Packineau, Elise	42
Walker, Tillie, enrolled member, Mandan Tribe (with attachments)	165
Young Bird, Bernadine, administrator of the Three Affiliated Tribes Education Department	43
Additional material submitted for the record:	
Letters	169
Final Report of the Garrison Unit, May 23, 1986	184
Public Voucher For Purchases and Services other than Personal, (with attachments)	283
Tribal Resolutions Approving Expenditures from Economic Recovery Fund, Accompanied by Approval of Fund Transfer Forms and Letters of Approval from BIA, 1995–2001 For the Three Affiliated Tribes	405

EQUITABLE COMPENSATION ACT

FRIDAY, AUGUST 30, 2001

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
New Town, ND.

The committee met, pursuant to notice, at 9:30 a.m. at the Four Bears Casino Events Center, New Town, ND, Hon. Kent Conrad (acting chairman of the committee) presiding.

Present: Senator Conrad.

Mr. RED FOX. We'd like to open the ceremony by having VFW Post 9061, American Legion Posts 253 and 271 posting the colors.

[Posting of colors.]

Mr. RED FOX. Thank you. Now I'd like to ask one of our respected tribal elders to say a prayer. Tony Mandan.

STATEMENT OF TONY MANDAN, TRIBAL ELDER

Mr. MANDAN. Thank you. I'd like to welcome Senator Conrad today. We're going to be talking about our sacred land that we had lost along the Missouri River, and so that our people—they want to sell that land—they were forced to sell it. So our Senator here represents all of us. He has taken an oath to represent all of us, and it's very important. What you say you must carry out because you might—that's—we understand that we have to through the bible.

So at this time I would like to mention that a lot of our warriors that were protecting our lands are there underneath the water. Some of them were never reclaimed, and others, like my grandfather, lost his life up there on the Canadian border protecting our territory, and he never was reclaimed.

So I'd like to say these before I say my prayer, and I thank you for the attention, and I want to say that in my native tongue so that—I don't know how many of you speak my native tongue anymore, but I'm going to say it in my native tongue.

[Prayer was said.]

Mr. RED FOX. Thank you, Mr. Mandan. Moving along very quickly here, we realize we're pressed for time, and we can never—we must always take time I think to appreciate our country and our God.

At this time we'd like to introduce the councilmen and the segments they represent, not only the new segments, but we'll talk about Little Shell, Lucky Mound, Independence, Elbowoods, and any other ones that I may have forgotten. I'll start up front here with Mark Fox from the Parshall area right now. Mark, say hello.

Mr. FOX. Hello, hello.

Mr. RED FOX. Thank you. Marcus Wells, Jr., from the Four Bears area. Randy Phelan from the Mandaree area. On the way up front here is Austin Gillette from the White Shield area and Malcolm Wolf from the New Town area, and we'll save for last Mr. Hall because Mr. Hall will have a few comments and then will introduce the Senator to us. Ladies and gentlemen, Chairman Hall.

STATEMENT OF TEX HALL, CHAIRMAN, MANDAN, HIDATSA AND ARIKARA NATION

Mr. HALL. I hope everybody can hear me all right. Good morning, Senator Conrad, and the staff, Lisa Linnell, good morning. Good morning, everybody, and welcome to the hearing for the Equitable Compensation Act, and I just want to thank all the staff for putting together our entertainment center, our facility today.

The Elders Organization has put together some of their pictures, and they have a table set up over there by Phyllis Cross, and we also—next to it we have the Nishu—the original community before the flood. So you'll see that, and then going over there you'll see a power-point that's been prepared by the businesses that are here, and, of course, you'll see the 1948 picture that's been shown throughout history about the signing by the council in 1948 of our bottom lands and the traumatic and emotional picture that we still honor and respect today, and thank all the veterans and the drum group and thank Tony Mandan for that very solemn prayer for opening today.

With that I'd like to introduce and turn it over to our Senator, Senator Kent Conrad.

STATEMENT OF HON. KENT CONRAD, U.S. SENATOR FROM NORTH DAKOTA

Senator CONRAD. Thank you very much, Chairman Hall, and thank all of you for being here. This is an honor for me to be here chairing this hearing. This is an official hearing before the Senate Committee on Indian Affairs authorized specifically by the chairman, Senator Inouye, of Hawaii.

I am now the second ranking member of the Senate Committee on Indian Affairs, and so this is a special privilege for me to have the chance to be here today to talk about legislation that is critically important to this tribe and critically important to me. I am especially pleased to be here to talk about the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act, known more familiarly as the JTAC Legislation.

As the principal sponsor of that legislation, I have a special interest in monitoring its progress. The Equitable Compensation Act attempts to right the wrong that was perpetrated upon the people of the Fort Berthold and Standing Rock Reservations when the Federal Government flooded these reservations during construction of the two mainstem dams on the upper Missouri River.

When the Garrison Dam was constructed, thousands of acres of tribal land were lost as were bridges, homes, hospitals and roads. When Fort Berthold's land was taken in 1949, the Three Affiliated Tribes lost one-quarter of the reservation's land base, and much of that land was the very best land that the tribe had. There were

325 families—80 percent of the tribal membership—that were forcibly relocated; 94 percent of the agricultural lands of these farmers and ranchers were lost. The tribal headquarters at Elbowoods was completely flooded.

The 1992 Equitable Compensation Act was the result of recommendations made by two reports. The first was entitled "The Final Report of the Garrison Unit Joint Tribal Advisory Committee." That's where JTAC comes from, Joint Tribal Advisory Committee, a special committee created by the former Secretary of the Interior, Mr. Hodell.

The 1986 JTAC report acknowledged the Federal Government's obligation to compensate the tribes, a legal obligation to compensate the tribes. It came up with a range of money owed to the tribe of $178 million to $412 million.

The second report, which was conducted by the general accounting office, analyzed the JTAC report and concluded that the methodology was flawed. They concluded that the tribe was owed anywhere from $52 million to $149 million.

We were able to secure in the legislation that I introduced the high end of the general accounting office report that analyzed what was owed the Tribe. What we were able to successfully get was the $149 million. I am especially proud of the work we did in passing the JTAC bill. It took me 4 years and literally hundreds of hours of negotiating and the persuasion of my colleagues in the Senate and the House of Representatives to secure this victory.

When I started the effort, I was told there was no way that we could possibly succeed. Many of you who are here in this room remember that. We were at meetings in which we were told over and over there is no way we will ever get this kind of money, and that's because those were the days of massive Federal budget deficits, and all new spending was routinely rejected by the appropriations committee.

It was only when I hit upon the idea of funding the legislation outside of the 5-year Federal budget window and in a way that avoided the appropriations committee that we had any hope for success.

As you know, the bill creating the $149-million trust fund provided that the interest on the principal would accrue for 5 years before being available for expenditure. It was that device that allowed us to pass the legislation and secure the funds, and it has served as the model for all succeeding settlement funds that occurred since, but I might say to you all of the new settlement funds now take 10 years before any of the money is available because the Federal budget window is no longer 5 years, it's 10 years.

When we achieved that success, we all knew what was intended. The compensation legislation was designed to allow the Three Affiliated Tribes the opportunity to rebuild and regain financial independence. It provides the resources for the general health and welfare of the tribe and its members.

While it is not everything that we wanted, it has the potential to make a big difference in the future of this tribe and its people. The interest on the money in the Fort Berthold Equitable Compensation Fund became available for use on October 1, 1997, nearly 4 years ago.

I believe now is a good time to look and to assess how those funds are being used. Also at today's hearings we'll hear from a panel about the infrastructure needs of the tribe.

The legislative history of this bill also acknowledges that the Three Affiliated Tribes are entitled to replacement of infrastructure lost by the creation of the Garrison Dam and Lake Sakakawea, including health care facilities, a bridge, and school facilities.

You will remember that just last year we were successful in getting the bridge funded at a level of $35 million. It was one of only two bridges that was approved outside of the Federal Highway Program last year. Only two bridges in the entire country were funded, and I'm especially proud that our bridge here was one of the two.

[Applause.]

Senator CONRAD. That, too, was a remarkable accomplishment, a testimony to the teamwork of Senator Dorgan, Congressman Pomeroy, and my office working with your tribal leadership. I think your tribal leadership can tell you it was the Perils of Pauline getting that $35 million approved outside of the normal highway bill. Typically no bridges, none, are approved outside of the normal legislation of the Federal Highway bill.

And last year we were also able to get funded the Dakota Water Resources Act, this after nearly 2 decades of work. It is perhaps my proudest accomplishment as a U.S. Senator representing North Dakota. That legislation provides $600 millions to North Dakota, including $200 million of Indian MRI water projects.

Those examples of the bridge funding and the funding for water projects are examples of how we can keep the promise that was made to this reservation and this State by normal appropriations bills in addition to the funding that we secured through the JTAC Legislation.

I want to say today that I thank Chairman Tex Hall, the tribal business council, and the staff of the tribe for helping to organize this hearing. I would also like to thank Cora Jones, the Great Plains director of the Bureau of Indian Affairs, for testifying here today.

The U.S. Department of the Interior is charged with approving the plans for the use of these funds. So I believe the presence of Ms. Jones and her testimony today will be helpful in giving a complete picture of this process.

Finally, I would like to remind everyone here that this is an official hearing of the U.S. Senate, and the rules of the U.S. Senate will apply. Although we only have a limited number of witnesses, additional testimony can be submitted for the hearing record up to 14 days following this hearing. Those who would like to submit testimony for the record can do so by sending it to my office no later than September 13, 2001. So let me just repeat that. The record will remain open, the official record, until September 13, 2001.

I again want to thank the tribal leadership, Chairman Tex Hall, the council, all of its members. I've worked closely with them, not only on the bridge project but Dakota Water Resources Act over many years and certainly the previous tribal leadership on the JTAC Legislation.

I think back at how people told us it would never happen. I remember going to the first meeting of the Senate Energy Committee that had to approve this legislation and being told by the chairman this can never pass because of the budget deficits, and yet we found a way, a novel way, a way no one had ever figured out before and has allowed us to succeed, and again last year when we got the bridge funded, one of only two in the country, and again we were told we had little chance, and Dakota Water Resources Act, when again we were told after 20 years of effort you can't possibly hope to succeed.

I think we've proven the skeptics wrong, and it's happened because we worked together. There is a lesson in this for all of us because working together our efforts are always going to be more successful than if we work separately and apart. That should be one of the lessons we learn from this hearing today.

Again, I want to thank Chairman Hall, the members of the council and the elders who have given us such good advice and in many cases given me such good advice that have helped us to be successful, and I suspect some of those prayers that we said over the many meetings that we held also may have been a secret to our success.

With that, I want to call on Chairman Hall for his testimony and to again thank all of you who are in the audience for being here and for listening patiently. Chairman Hall.

STATEMENT OF TEX HALL, CHAIRMAN, MANDAN, HIDATSA AND ARIKARA NATION

Mr. HALL. Thank you, Senator Conrad. Dosha. Hello and good morning to Senator Conrad and also to Senator Inouye. We thank the chairman of the committee and yourself for allowing us this very important—as I mentioned earlier, a sacred day for the members of the Mandan, Hidatsa and Arikara Nation, and on behalf of the tribal business council that we have here I'm very happy to present testimony on the 1992 Equitable Compensation Act.

Today marks an historic occasion as the U.S. Senate holds an official hearing on the Fort Berthold Indian Reservation just 3 weeks in advance of the 150th anniversary of the signing of the 1851 Fort Laramie Treaty and almost 200 years after the commencement of the Lewis and Clark expedition, whose bicentennial will be celebrated starting in 2003.

This hearing also marks another milestone not nearly so historic but certainly one of the most devastating events that happened to our people, the completion of the Garrison Dam across the Missouri River and the flooding of what was left of our ancestral homelands along the river, the flooding of 156,000 acres that represented the largest part, and as you mentioned, Senator, 80 percent of our members lived there on the bottom lands.

This damage, as many of our elders will testify, can never be fully compensated by money and will never be fully healed, but thanks to your efforts, Senator, we are beginning to repair some of those social and economic damages caused by that flood.

To name a few: The 1992 Equitable Compensation Act and the establishment of a $149.2-million fund. This was unprecedented. Through your budget strategies and through your skills you were able to achieve something that all of your comrades and your fellow

senators said that could not be done. It was through this creative legislation that many other of your colleagues and senators have used in similar bills to accomplish the establishment of the $149.2-million fund, and so we owe singly to you perhaps the greatest attributes to successfully passing of this very historic legislation that is now beginning to repair and heal the members of our nation.

We also want to recognize you, Senator, for as you mentioned, the 2000—November 2000, the $35 million for the Four Bears Bridge, and again your persistent and creative budgeting effort to achieve something that again your comrades and your fellow senators said could not happen, and it did.

And then, finally, also the November 2000 passage of the $70-million Dakota Water Resources Act authorizing this for our water distribution, and again your fellow Senators and comrades said that this could not be done, and again through your efforts and your budget strategies you were able to accomplish this, and maybe that's why you're a U.S. Budget Committee chairman today, and the United States has entrusted that to you, and we're fortunate to have you in North Dakota as our Senator to help accomplish these three very historic and very large multi-million-dollar pieces of legislation, and, again, thank you for those efforts.

[Applause.]

Mr. HALL. It would also be appropriate to also thank the late Senator Quentin Burdick. As you recognized, our elders today were also sitting on this council and worked with the late Senator for his tireless efforts in this regard. Without the efforts of yourself, Senator Burdick, Senator Dorgan, and Congressman Pomeroy, we would not have the Equitable Compensation Act, and there would have been no followup to the efforts of the JTAC or the Joint Tribal Advisory Committee to the Garrison Diversion Unit.

We also to thank you for your efforts regarding return—beginning to return to us some of the lands along the lake shore, the so-called excess lands, and your willingness to want to work with us on this very important issue.

And, finally, we want to thank you for your efforts regarding the MRI. It's through the million dollars of appropriations through our MRI that we're beginning to see quality treated water in the communities of White Shield, Twin Buttes, Mandaree, and Four Bears for these new water treatment plants, and we know that getting enough funds for our water project needs is a tough job, given how the budget surpluses seem to slip away, but we also know that Senator Conrad will do his utmost to secure the funds needed to really begin to fulfill the promise of a good water system made to us more than two generations ago.

And we know that these efforts are continuing, and we know that our Congressional delegation will not stop working for us as we make the efforts needed to supply our remaining needs.

This hearing is really about all those things that Congress has done and the things that have not yet quite been accomplished. It is about, number one, how the compensation provided to the people of our nation for the flooding of our lands has been used by the MHA nation; and, number two, whether or not this compensation is really quite adequate to meet, as you mentioned, the need to

complete the infrastructure development because of the flooding of Lake Sakakawea.

What I want to talk about—I want to emphasize several matters today, Senator Conrad. These matters are partly covered by the written statement and accompanying resolutions that we have submitted for the record that have been approved by our Tribal Business Council that authorize expenditures from the permanent Economic Recovery Fund created by the tribe—the Three Affiliated Tribes, the Standing Rock Sioux Tribe Equitable Compensation Act.

We will be submitting a corrected written statement for the record. Further, we will be submitting for the record a final corrected statement that incorporates my oral statements here today.

Funds used for purposes allowed in the act. First of all, I want to emphasize that every dollar of income that we've received from the Economic Recovery Fund has been used for the purposes and for programs authorized by the 1992 Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act.

Not only have we spent the funds for purposes allowed by the act, we have also gone much, much further. Senator, as you will hear over and over again today, a lot of what we have done with the income from the Economic Recovery Fund is to supplement the Federal Government's fundamental trust and treaty obligations to our people. This is not right, but we are forced to use some of the funds, and our efforts to achieve economic self-sufficiency, which is really the purpose of the Economic Recovery Fund, are substantially delayed.

The report accompanied by the Equitable Compensation Act issued in 1992 states on page 191:

> Section 3505 of the act makes clear that the payments made pursuant to this Act shall not result in the denial or reduction of any such services to the tribes. For example, the Three Affiliated Tribes have budget authority available for water systems development, and given the health-threatening quality of domestic water on the reservation, the committee is hopeful that additional appropriations for upgrading these water systems will be made available in future years.

But, Senator, as I will describe in greater detail shortly, we have ended up using some of our Economic Recovery Fund income for exactly these purposes over and over and over again.

The funds we have received to date do not replace lost infrastructure. We still need additional dollars to replace the lost infrastructure.

Second, it is important to recognize that the Equitable Compensation Act only provided a part what was promised to us by the United States when the Garrison Dam was built.

What we were promised when the dam was built. When the dam was built, the Army Corps of Engineers promised an awful lot. Some of our elders will testify shortly as to those promises. The Army Corps promised infrastructure replacement, including a new hospital, new schools, adequate secondary and access roads, new community centers, a new bridge, a new rural water delivery system for all of our members on the Reservation, and access to the electricity generated by the new dam, among other things.

Well, Senator, of all these things the only things that are only partly completed are the new community buildings in some of our communities, but New Town, our largest community, does not have

one yet, which is why in part we are meeting in our new multipurpose facility at the Casino here today. Most of these community centers were built within the past five years, nearly 45 years after the promises were made.

We have some water treatment plants, as I mentioned previously, that serve the people living within our reservation communities but which do not yet serve our rural outlying citizens. Most of these were upgraded or fully constructed in the past 10 years, 40 to 45 years after the promises were made.

We do not yet have adequate healthcare facilities, and we do not begin to have adequate educational resources for our children and for our adults.

Our secondary and access roads are still woefully inadequate, and our rural water system is still only on the drawing board.

Of all the things on the list as recommended by the JTAC original committee—and we have some of our—we have members of our 1986—I don't know if we have any of the membership here today. Do we have any members—I know like Phyllis Cross was on the 1986 original JTAC Committee. Is she in audience? Are there any other members of the 1986 original JTAC Committee? I want to acknowledge them, and I also want to acknowledge—oh, and John Charger? Is John Charger here? There is one of the members, as well. John, if you would please stand up and be recognized from the 1986 original JTAC Committee.

[Applause.]

Mr. HALL. I'd also like to take the time, Senator Conrad, to recognize the 1996 JTAC Committee. Would you please rise? Tony Walker I see here, Phyllis Cross. All of you, please stand up. I want to recognize the 1996 JTAC Committee. They did a very important—a good 2½ years of research and documentation of the needs, but of all the things that the JTAC Committee completed, the one thing we do not have right now is—we hope that we have is adequate funds for the new bridge, and we thank the efforts of you, Senator Conrad, and the entire congressional delegation, but the number one priority that they have identified is healthcare, and I will cover that a little bit later on.

First of all, let's look at how the funds we have received to date have been spent since the act was passed in 1997. Under the act, the funds can be used for education, social welfare, economic development, and other government programs.

This Equitable Compensation Act initially began in 1949 as appropriated and authorized by Congress in the approximate amount of $12.5 million dollars. Almost 50 years later the tribe received the first installment of interest on October 1, 1997, from the permanent fund of $149.2 million.

As we have used these funds, over 100 new jobs have been created. Many of our young people have gone on to college and graduate school, and we have supplemented many of the Federal programs. I'd like to take just a few seconds to recognize some of the JTAC educational dollars, Senator Conrad. I'd like to recognize the following individuals who will receive their Master's degree from use of the JTAC funds: Spencer Wilkinson, Jr., cogeneral manager of the Four Bears Casino; Rusty Mason, cogeneral manager of Four Bears Casino; Richard Beard, if you'd please stand, Richard; Patti

Jo Thomas; and Todd Hall, if you'd also stand. These are recent Master's degree graduates.

We'd also like to recognize these following individuals for currently taking their Master's degree: Viola Wells; Marcus Wells, Jr., if you'd please rise; Rose Crow Flies High; Roger Baker; Orian Baker; Iris and Alfred Obiss; and Mike Young Bird.

The following individuals, if you'd please rise, are currently participating in the Bachelor's degree program at the University of Mary: Clover Little Soldier, Judy Elseth, Terry Young Bird, Lori Alberts, Stacey Driver, Carmen Fox, Margaret Pretends Eagle, Claudia Mason, and Kay Wilkinson.

As you can see, Senator, these are the product of the educational scholarship programs, and the Bachelor's degree programs—the Bureau of Indian Affairs currently allocates about $1,900, and the average tuition costs are close to $5,000. So there's a huge unmet need, and the JTAC dollars are used to supplement that unmet need.

[Applause.]

Mr. HALL. And, Senator Conrad, we have also set up the uses of the Economic Recovery Fund to—on economic development and tried to match dollar for dollar the expenditures made for economic development and social welfare. These two purposes go hand in hand. Social welfare dollars helps heal the wounds of the flood, and economic development dollars helps secure our future.

We've also established a general plan for the expenditure of the funds, and each year as we begin our budget cycle, we place funds into the categories listed in our overall general spending plan so that we can fulfill the purposes of the Equitable Compensation Act.

Let's look at some of those actual uses. Elder housing. Uses of the funds have included construction costs for 12 homes for the most needy elders, and these elders are still living in their homes that were the original 1948 before the flood that were moved from the original home sites, and this is approximately 550,000.

The use of the funds have also created an elder organization. For the past 2 years they've been diligently working on organizing themselves and creating a budget of $2 million appropriated from the JTAC funds for the past 2 years to look at an overall strategy and plan for their well-being, and health care again is their number one priority, and they will testify to that a short time later.

Mandaree Enterprises, $800,000 to expand its capabilities, and I might add they are a two-time SBA minority business of the year and are trying to secure a number of contracts.

Twin Buttes Custom Homes. The income from the Economic Recovery Fund secured the bonds that built this plant and now employs more than 50 people, and these funds are also used to pay off those bonds while the company reaches maximum profitability.

Road Equipment. Over $700,000 in road equipment was also purchased because there was never adequate access roads constructed after the flood. These are funds that pay for the costs that the Government should have paid for after the flood. These are funds that should be going for real economic development that will provide the kind of self-sufficiency we enjoyed before the flood.

We've also created a management and information services department—as I mentioned, Richard Beard, over on the slides over

there is showing some of our businesses—with the potential for a reservation-wide Internet access system that will help us close the gap that is known as the digital divide between those who have high-speed access and those who don't, but our system is hardly complete. We need literally more than $4 million to completely provide for high-speed access to all of our members.

This will help our members with health care, as well as the Internet has many sites, including the sites—and I know you're very much aware of this, Senator Conrad, in your support for rural telemedicine and health—of the National Institute of Health that provide critical information on diabetes prevention. This information can greatly help our people avoid the scourge of this disease which Carl Whitman, a former chairman, testified about in 1992.

This is the least we can provide for our members, who, after all, before the flood were a closely-knit community who had easy access to each other and the resources the tribe and the BIA could provide.

Under health care we created a tribal health department that, among other things, provides approximately 500,000 annually to supplement the meager IHS budget for our Minne Tohe Clinic, that provides for an administrator whose responsibility is, among other things, the development of a comprehensive health care plan for all of our members.

We've also created a central planning office of $500,000. We've created this office that has greatly facilitated our ability to obtain grants and other sources of funding and plans for economic development and for the rebuilding of our nation, including grants for our community centers, fire suppression and prevention equipment, cultural sensitivity design for the new Four Bears Bridge, a master plan for the Four Bears Peninsula, westward expansion as far as 5 miles westward of the new bridge. This will allow comprehensive public input for the citizens most affected as the central planning office holds public meetings throughout all the communities throughout the Fort Berthold Indian Reservation.

A film department was established. 200,000 has been allocated for a feature film and other documentaries illustrating the history and culture of our people. Already we have a facility in Parshall which will be able to mentor our young people for work in the film industry and in our film department.

We also allocated 400,000 for the tourism department, which has been allocated to prepare for the Lewis and Clark bicentennial, secure a signature event, which Fort Berthold is the only reservation in the United States to have one of the signature events in 2006, and to develop a strategic tourism plan.

We've also utilized 400,000 for our tribal education department, which has been allocated to allow the tribe to take control of its educational development and develop a new educational code designed to increase our achievement levels and preserve our language and our culture.

We also allocated $750,000 for the tribal administration expansion to improve our tribal headquarters. This will allow better access by our members to the activities of our tribal government and will allow our tribal employees to enjoy the comforts of a modern tribal facility that will allow us to greatly improve all of our serv-

ices to our members, including such services as economic development for all of our 11,000 members.

Under additional housing we have allocated 750,000 for the construction of 36 apartment units at the Four Bears community, supplementing the inadequate funds provided by HUD for much needed new housing on the reservation, which is in effect at least 1,000 units that we are in need of, and once again, we are providing additional funds to satisfy what we feel are government trust obligations to our people, not just because of the flood, but treaty and trust obligations that have been owed to us since the 1851 Fort Laramie Treaty.

Under indirect costs for Federal programs we have spent more than 400,000 per year supplementing our indirect cost needs, and these are administrative costs that should be provided under various self-determination contracts held by the tribe but which are not paid to us, even though our self-determination contracts call for these amounts to be paid annually. And once again, Senator Conrad, we are using the funds to satisfy trust obligations.

In regards to leveraging of our JTAC funds the interest from the Economic Recovery Fund has also been leveraged in a number of ways, and I might add it's because of the Economic Recovery Fund that we are at AAA bond rating, which helps you, as you know, Senator Conrad, get the lowest possible interest rate.

The first project that we leveraged our funds is this expansion of this multi-purpose facility you are sitting in now that is open to the public and a new hotel and a swimming pool at the Four Bears Casino and Lodge.

The second thing we were able to do is leverage our funds for the building of Twin Buttes Custom Homes, which we are now looking—we built a new alcoholic treatment center, we built 12 elderly units, we've secured contracts with the Standing Rock Sioux Tribe, also with the IHS and the BIA with contracts down at the Cheyenne River Sioux Tribe and are now currently working on a multi-million-dollar enterprise—a bond to build 300 homes for our reservation, and hopefully we can help tribes, such as the Turtle Mountain Chippewa Tribe, who are having their own problems as you are very much aware of. That's the capability of our Twin Buttes Custom Homes plan that we do have.

And, last, we're looking at an additional casino expansion by leveraging our funds that we are set to approve by our tribal council to complete our expansion efforts, including a new marina and getting the peninsula ready for the signature event and the Lewis and Clark bicentennial.

But, again, it's because of the JTAC funding that we're able to get the AAA bonding and get the lowest possible interest rates, thereby saving literally $1 million over the entire usage of the loan.

We also created an investment fund. We will be creating an investment fund of up to $30 million. This fund described in my written testimony is also subject to an investment cap of 25 percent so that all of the fund will not be used at once to secure other economic development duties of the tribe. We intend for this fund to be a permanent feature, the income from which will be available to many future generations of our members.

Experience will guide us to use the income from the Economic Recovery Fund more efficiently and more wisely as the years go by, Senator.

For us economic development is a way of achieving self-sufficiency, to get where we were before the Garrison Dam flood. But economic self-sufficiency is not completed overnight, as you know, even with the income from the Economic Recovery Fund. And so while we have begun to make progress in creating economic recovery and economic self-sufficiency, we have a long way to go.

And I could go on and on, Senator Conrad, but I think you can see from what I have talked about and what is listed in our resolutions that have been submitted for the record that the funds are being spent for the purposes intended by the act.

So what do we still need? As I stated earlier, there are a large number of unfulfilled JTAC commitments. A health care facility. We are currently putting together, as you can see on the conceptual drawing, a 24 ambulatory care facility. This facility could take care of the many urgent health care needs that will be testified by Fred Baker a little bit later on, and this facility is extremely important because of the flood, because of the separation of the communities that was mentioned earlier, and the distance around is very critical to the well-being of our members.

The facility's extremely important because also the number of enrolled members who reside on the Reservation has nearly doubled as shown by the 2000 Census.

We know that a full-scale hospital is not possible, but describing such problems as the 24-hour on-call situations where a physician can only refer patients to another clinic that is not open 24 hours is simply not acceptable to our people in the 21st Century, 50 years after a new hospital was promised us.

And each year, Senator Conrad, we could spend every dollar of income from the Economic Recovery Fund and still not satisfy the health care needs of our people. This fact alone is a major inhibitor of effective long-term economic growth and self-sufficiency that causes tremendous loss and productive years of life for our members.

Under education, as we will testify, our achievement levels in education are still behind the national average and the statewide averages. Dr. Joyce Burr has done significant research in this regard, and also Holly Echo Hawk's study of one of our communities shows that we are suffering from some of the symptoms of a post-traumatic stress disorder caused by the dislocations of our people, not just once but many times over the past 150 years, including perhaps the unkindest relocation of all, and that is the Garrison Dam. And at least a third of our people—of our students, I should say, are affected by this.

A central dormitory high school, which will employ a therapeutic model has been identified by research as one of the best ways to change the statistics, but we cannot do this under the present economic development income.

We need a facility that will allow those that have been most affected by the dislocation to have a chance to improve their lives.

And finally, Senator, on the irrigation, we need authorization and appropriation of funds for irrigation. Over 15,000 acres were

authorized by the 1986 Reformulation Act, but there are no funds for these irrigation acres. The 60 million originally authorized was folded into the authorization by the Equitable Compensation Act, yet no funds of that authorization were ever actually appropriated or included in the final funding of the Permanent Economic Recovery Fund.

And food sources were critical for our culture and survival, and after all, we provided food for Lewis and Clark the entire time they were with us from our lush gardens that produced corn, squash, beans, and many other vegetables in the rich soils of the riverbottom lands.

We literally had tens of thousands of acres under cultivation in 1949 when the floods started.

[Prepared statement of Mr. Hall appears in appendix.]

Senator CONRAD. Let me just stop you right there, and one of the things that I really think is important, a point that we make here today, is that we are—according to the legislation we're owed $60 million that we've never gotten. We had $149 million, and we got that. We had $149 million in the basic fund, but in addition to that we were specifically promised in this legislation $6 million a year for 10 years, and that was to be the fund for the irrigation on the reservation. Now separately we have the Dakota Water Resources Act and we understand that, but it's very clear in the legislation. We're owed $60 million. That's due and owing today. Is that your reading?

Mr. HALL. Yes; it is, Senator Conrad.

Mr. GILLETTE. Plus interest.

Senator CONRAD. And Austin points out we're owed the interest on that now, too. I think that would be a fair—that would be a fair conclusion. We really—we're owed $60 million plus the interest on that money that has never been paid over. That's a lot of money, and it's clearly owed to this tribe by the Federal Government, I believe.

Mr. HALL. Thank you very much for pointing that out in the legislation for us, Senator Conrad, and I hope my attorney knows where to look for that—or our attorney and the legal department.

Senator CONRAD. Page 192.

Mr. HALL. Thank you very much for that help. We'll address that to Tom Disselhorst.

Those acreages have not been deauthorized, but no money has been authorized for their cultivation. We have a number of projects that could use those irrigated acres to produce barley, oats, corn, alfalfa, and hay for a feedlot and many other purposes, and currently we are looking at a slaughter plant on the east side of the reservation to take advantage of the—acres in the Lucky Mound area by Parshall and White Shield.

And in conclusion, Senator Conrad, the Economic Recovery Fund again is a good start for us, and it's done great things for us, and again we want to thank you for all your efforts in this regard, but I want to emphasize that still many promises made to us are not quite fulfilled yet.

We need to work hard to get adequate appropriations each year to fulfill the promises of the Dakota Water Resources Act, and we need to work toward obtaining the funds needed to replace the in-

frastructure lost to us 50 years ago and also the irrigation funding that you've pointed out, over $60 million, and these are still unfulfilled promises to our people, and we should not rest until these promises are finally kept.

And, again, we want to thank you for all your efforts, Senator. We look forward to spending some time with you today to show you all of the projects that we have done, and I would like to say that we'd like to submit additional comments, and I will be happy later on to answer the questions that you have.

Masehgedatz. Thank you.

Senator CONRAD. Thank you very much, and as we indicated, your full written testimony will be made part of the official record of the Committee on Indian Affairs.

Before we miss this point, I think it's very important to know that this is not money that is a gift. This is not money that's a handout. This is money that is owed by the Federal Government. When the land was taken from this tribe, promises were made, and during the Reagan administration the then Secretary of the Interior appointed a special committee to look into the legal obligation—legal obligation of the Federal Government to the affected tribes.

They concluded that the Federal Government owed this money to the tribes, and if the tribes were to bring suit in the Federal courts, these were the amounts of money that they would recover. So I think it's very important to understand this was money that was owed legally by the Federal Government to this tribe for things that were given up by this tribe at the time land was taken. In other words, the tribe was not compensated fully and completely for the things that it was promised. That is clear.

That is why we were successful in getting the $149-million settlement fund, but in addition to that, upon examination of the record it was also clear that we were owed this additional $60 million for irrigation projects that were promised as part of the Garrison Diversion Project.

That was a legal obligation entered into by the Federal Government that has to this day not been kept. It is part of the legislation. It is very clearly set out there. We were supposed to receive $6 million a year every year for the next 10 years. That money, not one dime of it, has been paid over, and it is clearly due and owing the tribe. So that is important to understand.

No. 2, to me it is also very clear that we were promised, this tribe more specifically, was promised a bridge. That promise is now being kept. This tribe was also promised health facilities, specifically a hospital. That promise has not been kept. This tribe was promised in addition new school facilities. We might say that's been partially kept but in large measure not.

If we look at the other trust responsibilities of the Federal Government, I think that any objective analysis would say that is another promise that was made at the time of the flooding of these lands that has simply not been kept and that we should insist as a matter of fairness and, more than that, as a matter of law—as a matter of law that should be kept by the Federal Government.

The Federal Government has an obligation when it makes promises to keep them, and so I say to you today I believe part of the

unfinished agenda is certainly the completion of the bridge, certainly the medical facilities that have been promised, the educational facilities, and the 60 million dollars, plus interest, that is owed to the tribe at this time. That is my own reading of what is legally obligated by the Federal Government. It is still outstanding.

[Applause.]

Senator CONRAD. Let me now go to Cora Jones, who is the Aberdeen Regional Director of the Bureau of Indian Affairs, and ask her for her testimony.

STATEMENT OF CORA JONES, DIRECTOR, GREAT PLAINS REGION, BUREAU OF INDIAN AFFAIRS

Ms. JONES. Thank you, and good morning to everyone, and, Senator, before I get started I would like very much to thank you for the opportunity to be here because it's always a pleasure for me to witness your willingness to assist our people, and I thank you for that, and beside me, I'd like to introduce to you Dr. Baker, and he's the superintendent here at the Fort Berthold Agency, and he's new, but he's doing a great job for the tribe.

Senator CONRAD. Welcome. Good to have you both here. Thank you very much. Please proceed with your testimony, Cora.

Ms. JONES. Senator Conrad, Mr. Chairman, I am pleased to be here to discuss the Three Affiliated Tribes Economic Recovery provisions of Title XXXV of Public Law 102–575, the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act, an act to ensure that the Three Affiliated Tribes of Fort Berthold and the Standing Rock Sioux Tribe were adequately compensated for the taking of Indian lands for the site of Garrison Dam and reservoir and the Oahe Dam and reservoir, and for other purposes.

The act established the Three Affiliated Tribes Economic Recovery Act in the U.S. Treasury. Sources for this fund are derived from the revenues generated in the Eastern Division of the Pick-Sloan Missouri River Basin Project and the congressional appropriations with a maximum limit of $149,200,000.

Since only the interest of this fund is available for payments to the tribes by the secretary, the act requires interest to be deposited into a separate account. The act also limits the use of these payments by the Three Affiliated Tribes for education, social welfare, economic development, and other programs, subject to the approval of the secretary. The approval authority was delegated to the Bureau of Indian Affairs Regional Director for the Great Plains Region.

Until January 2001, the Three Affiliated Tribes submitted their individual requests for funds to me as the regional director through the Fort Berthold Agency superintendent. These requests were reviewed for compliance with the act, approved as appropriate, and coordinated with the Office of Trust Funds Management for fund distribution.

On January 12, 2001, a general plan was approved by myself as regional director entitled "Three Affiliated Tribes Economic Recovery Fund Proposal." The plan outlines the tribes' proposed use for the interest fund, and the plan has been shared with OTFM. Upon the BIA's authorization of each funding request that is in compli-

ance with the plan, the request has been promptly forwarded to OTFM for processing.

Funding requests outside of the plan will require—which require modifications and/or amendments to the plan will then need to be submitted—or must be submitted by the tribe to the superintendent—to the regional director for approval prior to the BIA forwarding the funding request and the modified and/or amended plan to OTFM for processing.

The approved plan was established in consultation with the tribes.

Senator, I have with me copies of all the resolutions, the plan, and all the forms which are the forms which initiate the drawdown of the funds for the tribe of the—for the JTAC funds, and, Senator, if you'd like these documents, I would be happy to give them to you, and this concludes my prepared statement.

If you have any questions, I'd be happy to answer them.

Senator CONRAD. Yes; I would like those documents, and they will be important for the committee record. I'd like now before we go to the second panel to have a chance to ask questions of the chairman and Cora Jones, the regional director, about the sources and uses of funds so far.

We know that we had the $149 million. That's the base amount of the fund. That's kept in the U.S. Treasury. The interest is paid over to the tribe. Can you tell me how much the interest earnings have been so far? Just by my cursory review it would appear to be something over $70 million. Is that—is that approximately correct?

Mr. HALL. From 1998 to 2001?

Senator CONRAD. No; from the whole period, the amount of interest that has been paid over to the tribe or made available to the Tribe. What was the total amount?

Mr. HALL. I believe that's about correct.

Senator CONRAD. It would be about $70 million?

Mr. HALL. I believe you're very close, Senator Conrad.

Senator CONRAD. If you'd like to pull up a chair there, Dan, you're certainly welcome to.

Mr. HALL. Yes.

Senator CONRAD. For the committee record, it's important that we establish what the full amount of the interest earnings has been and then how that money has been used. I know the first interest allocation after the 5 years was $37 million. I know that number.

Mr. HALL. Let me state this.

Senator CONRAD. Yes.

Mr. HALL. I think, Senator, Dan, Marcus, and Austin have pointed out under our financial report that's been submitted by Steve Salveson, who is our CPA, we have spent $37,590,097, but we still have the $30 million in the investment fund. So that's $67.5 million.

Senator CONRAD. Yeah. That would be very close. I kind of did a back-of-the-envelope calculation at breakfast this morning and came up with about $70 million. What you're telling me is the accurate number would be $67.5 million?

Mr. HALL. That is correct.

Senator CONRAD. I accept that. That makes sense to me; $67.5 million. And so $30 million, as I understand your testimony here this morning, has actually been reserved for further investment. Instead of spending all of the interest income, the tribal leadership has made the decision to actually save and invest some of that money in the amount of $30 million.

Mr. HALL. That's correct, Senator. We've developed an investment fund out of that $30 million, and we're going to—on our resolution by October 1, 2001 we will be putting that into private placement, and we've also got a referendum to that effect by the people that supports the $30 million to be used for a permanent investment fund for the future.

Senator CONRAD. And how will that fund be managed?

Mr. HALL. The tribe by resolution and by also doing an RFP with various financial investment firms has identified two financial firms that will invest $15 million, each of it, and then thereafter whoever gives us the best service—we may choose just one investment firm after that.

Senator CONRAD. And can you tell us who the two firms are that will be——

Mr. HALL. Yes; the first firm is the Community First Bank of Dickinson, North Dakota, and the second firm is Gang-Rosher Investment Firm I believe out of Phoenix, Arizona.

Senator CONRAD. So those two firms would each have $15 million of the investment, that they would in effect manage that investment?

Mr. HALL. That's correct. And they've identified through their RFPs that we'll amount to at a minimum 8 percent to 10 percent interest on that $30 million—or the $15 million, and we're currently getting around 4.5 percent to 5 percent at the Office of Trust Funds Management in Albuquerque.

Senator CONRAD. So you're getting a far higher rate of return as a result of this strategy of taking some of the money and further investing?

Mr. HALL. Yes Senator; it's actually almost doubling the interest from 4 percent to 5 percent to between 8 percent and 10 percent by putting the $30 million investment fund into private placement.

Senator CONRAD. Okay. I appreciate that. Now if we could turn our attention to the other—Dan, do you want to talk?

Mr. PRESS. Tex and I were talking last night that the tribe's decision to reinvest the fund guarantees money for future generations. We thought you'd enjoy this. This is a sharp contrast to what occurs in Washington, making it much more difficult for future generations.

Senator CONRAD. In fact, maybe we could ask all of you to come to Washington and instruct our leader there, because you guys are saving the surplus, and unfortunately in Washington it's just the opposite of that. Let me just say this: We should now turn our attention to the $37 million that has been expended of the interest, and if you could just review for the committee and for the record the use of the $37 million.

As I understand it, and correct me if I'm wrong, there would have been $14 million for fiscal year 2001, $12.5 million for fiscal

year 2000, $14 million for fiscal year 1999, and then is there a $5.5-million that had been expended before that plan?

Mr. HALL. Yes; that was in 1998, Senator.

Senator CONRAD. So that would give us a total of $37.5 million. Do we have for the record—or could you provide, if you don't have it here today, how that $37.5 million has been expended? Do we have a—a record of that that we could submit for the record?

Mr. HALL. Yes; we do, Senator, and, again, on a page—what I haven't submitted which has just been prepared for me by Steve Salveson, our CPA, there is a breakdown of the $37.5 million, and overall from fiscal years 1998 to 2001 the highest amount has been—$16.5 million has been allocated for economic development, $10 million for social welfare, 7.6 for other programs, and $3.3 million for education, for a total of $37.5 million.

Senator CONRAD. Okay. If we could just go over those one more time. $16.5 million for economic development.

Mr. HALL. That's correct.

Senator CONRAD. And could you give us some examples of what the economic development expenditures have been? You've already in your testimony referred to a number of items, including the home-building operation and, of course, the Mandaree operation. Are there other examples of how that money has been used? I assume that some of the financing for the casino expansion—I take it from your testimony money has been used there.

Mr. HALL. Yes, Senator; the casino expansion is by far the largest amount of leveraging our moneys for economic development. There's the Mandaree Enterprise of 800,000. We've also utilized moneys for the Twin Buttes Custom Homes, our plant that employs 50 people. We pay approximately 350,000 a year for the interest payments for their bond until they can become self-sufficient, and we hope after 3 or 4 years they can do that.

Senator CONRAD. And in terms of the casino and the—you mentioned the hotel expansion, what's been the expenditure there? Do we have an estimate for that?

Mr. HALL. I think from what Tom has just indicated and Marcus was telling me, it's about—which we didn't use the JTAC for but we leveraged the moneys for it, and it was approximately $14 million, but we had a financing company—we did a comparison with—with JTAC leveraging our interest rate and without JTAC, and it was substantial. It was probably two interest points difference by utilizing the leveraging of the JTAC funds, and two interest points as you know, Senator Conrad, is literally millions off a $15-year note for a $14-million expansion project.

Senator CONRAD. So actually you didn't use the JTAC money to fund it. You went out and borrowed the money, but you used the JTAC money as an assurance that it would get repaid, and because they saw you had that money available they gave you a lower interest rate?

Mr. HALL. Absolutely, Senator.

Senator CONRAD. And two full points reduction?

Mr. HALL. I believe it was about two full points, but Marcus and Austin, both treasurers, are indicating yes.

Senator CONRAD. So that would be probably 20 percent less interest cost than you would otherwise have spent.

Mr. HALL. That's correct.

Senator CONRAD. Okay. I can tell you I'm very impressed you're using Miller and Schroeder because they, of course, have one of the best reputations in our area as being a firm. If you could get the committee—and perhaps you have it in the testimony that you're about to submit—the breakdown on that $16.5 million, that would certainly be useful to the committee and how those funds are being used for economic development.

Then in the next category you indicated there were social betterment programs of some $10 million; is that correct?

Mr. HALL. Yes, $10,030,191, to be exact.

Senator CONRAD. Okay. $10,030,000. And can you give us examples of how that money has been used, Chairman Hall?

Mr. HALL. Yes, Senator; we allocated as far back as 1997 $507,882 for our daycare center. We supplemented in 1997 also $218,000 for senior citizens, $167,000 for a Wake Fund—to supplement our Wake Fund for our tribal members.

In 1998 we again supplemented our daycare of $173,129 for the elderly. In 1999 we supplemented our TERO department $100,000. We supplemented the elderly program of $224,000. We supplemented the Wake Fund $124,000 and Tribal Court $104,000.

In the year 2000 we supplemented the cops—you see a lot of the law enforcement officers seated in the audience today—$186,000. As you know, those are 3-year grants and they run out and the tribe picks it up. We supplemented the elderly program $397,000, the daycare $193,000, our Wake Fund $107,000, senior citizens again $65,000, and our aging meals $87,000. And in the year 2000, $750,000 for the 36-unit apartment complex at Four Bears, $50,000 to the alcohol and drug program, and $15,000 to our elderly program, all under the social welfare category.

Senator CONRAD. Now that's—the 36-unit facility, that's going to cost, I assume, more than the $750,000. Is that just the——

Mr. HALL. It's approximately $3 million for the total cost, and that was our match, and I believe the housing utilized NAHASDA and they utilized a USDA loan, and that was the maximum.

Senator CONRAD. So the total funding was made up of some money from JTAC, some money from the NAHASDA, some money from USDA——

Mr. HALL. That's correct.

Senator CONRAD [continuing]. For the rural development funds?

Mr. HALL. That's correct.

Senator CONRAD. So you are really—you are really strengthening the use or you are multiplying the use of your JTAC funds. You are leveraging those funds to get additional Federal funds to be able to build that facility.

Mr. HALL. Absolutely. And if we did not have the JTAC funds, we would not be able to supplement to get the full 36 units. We might have been lucky to get maybe one-half or one-third of the necessary units and had to find some money from other sources. So, again, the use of the JTAC funds clearly helped us get the complete 36 units but also again the low interest loan on the USDA rural development.

Senator CONRAD. I can tell you one thing I think the committee is going to be very interested in and very pleased about is that this

JTAC funding is being used to leverage additional funding, either private sector funding, because as you've described with the casino financing you're actually—because you had that stream of income coming, you're able to get a much lower interest rate. So that's substantial savings on that operation just because the JTAC money is available. I think the Committee will be very pleased to hear that and on the leveraging for the purposes of providing additional housing, as well. Let's go—if we could go then to the—maybe I need to go back to the first category because you've indicated $16.5 million in economic development. What's the biggest expenditure in the economic development category?

Mr. HALL. We have a number of large categories, Senator Conrad, if I can just give you a few. Back in 1997—let me correct that—1996 approximately $500,000 was for MRI for our water distribution plants back then. That's a large figure $800,000 for Mandaree Enterprise Corporation is one of our larger figures. We supplemented the Four Bears Community Center of $582,000 for their new community center.

We also allocated $443,000 to the segment employee program. That was Councilman Fox's resolution about the segmented employees, basically providing more outreach for each of the districts. So that's money well spent. Again, we supplemented that program. That was in 1998 and in 1999 under the segmented employee program, $614,000, and, again, that's to provide better services.

Buffalo program, $600,000. We now have over 1,000 head. Of our buffalo—we supply the buffalo plate at the casino. Maybe we can try some of that later, Senator Conrad.

Again, the MRI in 1999 was $864,000. Two other line items for the White Shield Data Entry Plant, in 1999, $335,000, and the Parshall Data Entry Plant $361,000.

And then as I move to the 2000 year, segment employee program, $644,000; solid waste program we supplemented $142,000—almost $143,000. Land purchases, $307,779. Of course, you may or may not be aware, Fort Berthold has a lot of fractionated parcels that tribal members are selling to the tribe now. Again the White Shield Data Entry Plant, $175,000. White Shield Development Corporation in the year 2000, $223,000. Purchase of gravel—crushed gravel, $51,000, and we're currently doing home access roads with this $51,000 of crushed gravel.

If you drive just to the west of us, you'll see a lot of the newly built roads—of course, we have the $750,000 for the roads equipment. So we have tribal roads, tribal members driving tribal equipment. Marcus Wells, Jr., just indicated we supplement the BIA roads program $300,000 annually, and my understanding is they don't own the equipment, and so we purchased equipment—we purchased the equipment and we provide additional staff so that all of the segments are covered now, and, of course, with the tribal JTAC money now we can build home access, and you can't with Bureau funds. So that's another feature that Marcus has reminded me.

Senator CONRAD. Well, I'm going through this for a reason, and I think you probably know the reason. What we see here is you are having to use some of the JTAC settlement money to do things the Federal Government should be doing.

That's one of the things that is—I applaud you for doing it. I thank you for doing it. You're doing the right thing, but really the Federal Government should be doing these things. They, frankly, owe you the MRI money. You shouldn't have to be using your JTAC money for that purpose. You shouldn't have to be using your JTAC money for the roads, but because there's inadequate funding of those things, you really had no choice in terms of the health and safety of the people in your community. So you acted. I applaud you for it. Some people would just wait. I'm glad you didn't wait. I'm glad you dealt with those problems.

But I think it builds the case for some of these other things. I think this is very important for the committee record that we establish there are things here that you have done that really were the Federal Government's responsibility to do, and you've taken money that was owed to you for other promises that were made, and you have in effect helped the Federal Government do its job. So just as I'm adding here, there's a substantial amount of money in those areas.

Let me ask you this: In the detailed tables that you will provide the committee, under the $16.5 million, does that add to—do those tables add to the $16.5 million?

Mr. HALL. That's correct.

Senator CONRAD. Okay. And then we have the $10 million. We've talked about that. The third category, the $7.6 million, what was that category?

Mr. HALL. Most of the others in summary is building the tribal programs like the MIS department, as I indicated.

Senator CONRAD. And you'll provide the detail of that in your written submission?

Mr. HALL. Yes; I will, Senator Conrad.

Senator CONRAD. All right. We don't need to take more time on that. I think the important thing is we have it all laid out for the committee, and I don't want to take more time on this segment of the hearing because we have an additional panel that we want to hear from.

So I thank you for what you've laid out here because I think it's very important information. It's going to be very useful to the committee and really builds the case for what is still owed. Thank you, Chairman Hall. Thank you very much. Thank you, Cora.

[Applause.]

Senator CONRAD. I'd like now to turn to our second panel and start with Buzz Fredericks to give us a historical perspective. If I could ask each of the witnesses, Buzz Fredericks, Fred Baker, Marilyn Hudson, and Chairman Hall again who will be testifying as part of this panel, if I could ask you to summarize your testimony in about 5 minutes each, that would be helpful. Thank you and please proceed.

STATEMENT OF JOHN "BUZZ" FREDERICKS, MEMBER, MANDAN, HIDATSA, AND ARIKARA TRIBE

Mr. FREDERICKS. Greetings to all honorable dignitaries that are here today. My name is John Fredericks, Jr., better known as Buzz. I am a member of the Mandan, Hidatsa and Arikara Tribe.

I am a member of the Prairie Chicken Clan and a child of the Low Cap. I was given the name, E–Zoo–Ba, shin of the buffalo, by my clan father, Pete Coffey, Sr., which was my Uncle Wilfred Medicine Stone's Indian name. He was killed in action in Germany during World War II, so I am proud to have my uncle's Indian name.

I have known our good Senator here for a lot of years, and it's good to have you out here again. I especially want to thank you and the committee for coming here to hear our testimony today on what the Garrison Dam took away from us, and so on.

It seems very ironic that we will be celebrating the 150th anniversary of the Fort Laramie September 17, 2001, the treaty that our tribe participated in signing that historical day so long ago. The treaty guaranteed our tribe a certain land base and also provided our Tribe that we would have the opportunity to live in peace and tranquility.

Also, we are in the process of celebrating the Lewis and Clark expedition and centennial that will take place in a couple years. Of our tribal members, Sacajawea was instrumental in guiding this group across the mountains to the West Coast and return safely.

Chief Four Bears, Mandan, stated in his last talk to our people that he has always loved the white man and gave them food and water and provided them with a buffalo pad to sleep on. What he got in return was a rotten face that would even scare the wolves, according to his last statement.

What I am saying to you is that our tribes have always been good to the white man, providing the white man with the various things he needed to survive the treacherous weather and maintain his health and continue on with their discovery voyage as I mentioned above.

On the contrary, the white man does not have a good track record.

Out of 13 million acres or so initially negotiated for in the Fort Laramie Treaty, we have less than 1 million acres left, the last big land grab when FHA took large tracts of land and used the land as security for large economic disaster loans back in the seventies and eighties, even though the regs didn't call for it. This situation is being litigated in the Federal Court at the present time. We ask you to support our efforts however you can.

I attended the elementary school in Elbowoods that was provided for elementary education. I graduated from high school in 1951 from the Elbowoods High. At that time our nations had adapted to farming and ranching as a way of life and were doing pretty good at it, I might add. We did not have welfare payments to our people. As a matter of fact, it was not a concern of our tribal people.

The cattlemen formed a Federal corporation and operated it under the guidance of their chairman and a Federal agent hired for assisting with the operation of the ranchers and farmers, and I might add that all of our families at that time were involved in agriculture. They had a productive bull program to breed up their breeding herds and bought feed by the bulk in large quantities so it was cheaper, also salt and mineral the same way, and they had their own flour and feed mill to provide members with flour and bran feed.

The ranchers even used to haul water with a team of horses and barrels from the Little Missouri River to irrigate their corn crops during dry years. In fact, the tribe had a sizable irrigation field in Lower Elbowoods that provided feed for both livestock and our people.

We also had additional irritation projects out in the various districts. We had two sloughs that ran through our reservation along with springs and wells that provided adequate freshwater for our tribal members. I'm just going to mention the fact that when I was a small boy, I used to hook up the horses with my dad and we'd put in two barrels across the river and go to a spring that came out of the rocks about a quarter of a mile west of the crossing, and we would back up our team, and he had it fixed so the water would run right into the barrels, and then we'd cap it with a canvas so we wouldn't lose it between there and home. So that was our water, and that was some of the best water you could drink. We pay $1 a bottle for it now.

We also had a good hospital well staffed that provided us with good health care services. It wasn't like now when you are referred to other health care units in and around the reservation area. Then when the bill comes and you refer it to the Indian Public Health Service in New Town, ND, you get a letter telling you you are turned down for payment but you can appeal. Very few people appeal. See attached letter dated August 14, 2001, signed by Karrol Parker, Service Unit Director, Indian Public Health Service located at New Town, ND.

We had a good road maintenance crew that was able to provide and maintain our road systems to adequately serve our people at that time. We had a powerplant that provided the electrical needs of our reservation administrative offices, health care facilities, our school systems, as well as a number of the housing units.

In 1951 when I graduated from Elbowoods High, we had all the above facilities in place and were working well for our people. The people on Fort Berthold were living in an agricultural economy that provided our people with life, liberty and peace in a prosperous community that our people are satisfied with.

During my years in the ranching business I had to move my cattle to Nebraska during a drought situation here on the reservation. During that time it seemed that Nebraska ranchers always had feed from their large, natural lakes and underground aquifers provided by nature. I was tossing this around in my mind wondering why we weren't provided this kind of feed base. Then it occurred to me that we were provided a good feed and water base with good shelter, that of the lowlands and river and trees that the Great Spirit provided us with, but it was again the white man that came in and disrupted all of this with the construction of major features of the Pick-Sloan Dam.

And I might just add there that there were five of those dams built and all built on reservations up and down the Missouri River. It did not only take the bottom lands and thousands of acres of prime land, but it split our members into five distinct segments. So we were unable to see each other grow up and utilize the resources that the Great Spirit provided us with. Therefore, in the last 50 years we turned from a welfare-free people living in harmony to a

drug and alcohol-infested state bringing us into—bringing into this world many babies that are—that are alcoholics, is what I'm saying. I don't want to get into statistics in that area but leave it to someone that is more involved in the area.

It is my understanding that anytime the Government takes something from you, they are supposed to replace it in as close a fashion as what they took at the same time that they took it. So with that in mind, hear what I have to say today, members of the committee and members of the Tribal Business Council and other members of our tribe.

The Government should have moved all of our facilities I mentioned earlier west, somewhere in the old district of Independence, for example; put in two bridges to tie Mandaree, the west segment, and Twin Buttes, the south segment. This would put us back in the central location with all the services we originally had to assure our people of life, liberty and peace. This did not happen, but we have a second chance to get this done.

Therefore, as an elder that has lived during the above timeframe, I want you to know that we don't want money. We simply want our property returned to us so we can begin to initiate the above plan and begin to mend the many wounds inflicted upon us over the last 50 years that our Government by and for the people created for us by failing to act in a timely, responsible way at the time negotiations took place for all the losses our people suffered so that our non-Indian friends will benefit from the resources that the major features of the Pick-Sloan Missouri Basin Program provided for them.

Public Law 102–575 was amended by S. 6233, Dakota Resources Act of 2000. I would like to add that individual landowners have not been given their due by the Federal Government for the land loss by the Garrison Dam Diversion Project. They have not received compensation for water rights and now see that the taken area and water is being allocated out to various areas in the state. See Bismarck Tribune article dated August 24, 2001, entitled "Land transfer from Corps to South Dakota planned."

I'd like to turn the microphone over to John Danks who has a few more comments to make about the loss, and so forth.

[Applause.]

Senator CONRAD. Thank you very much, Buzz, for that very powerful testimony. Thank you very much. Welcome. Could you identify yourself for the record?

STATEMENT OF JOHN H. DANKS, MEMBER, MANDAN, HIDATSA, ARIKARA ELDERS ORGANIZATION

Mr. DANKS. Good morning. Thank you, Senator Conrad. My name is John Danks. I'm a tribal member, a resident of the Four Bears Community and an active member of the Mandan, Hidatsa, Arikara Elders Organization. I thank fellow tribal member, John Fredericks, for yielding some time to me, and I thank you, Senator Conrad, for your assistance to the Three Affiliated Tribes in the many projects, including our new bridge and for holding this hearing in this most important issue today.

I've been authorized by the Mandan, Hidatsa, Arikara Elders to make brief comments on three important topics: Return of surplus

lands; respond to Senator Inouye's letter dated August 22 concerning the tribe's use of JTAC funds, including the planning process and compliance with requirements of the legislation; third, Social Security.

For the sake of time, my comments are very brief. The elders' foremost concern is the return of surplus lands within the taking area. Public Law 102–575 dated October 30, 1992, section 3508, authorized the return of certain surplus lands in the taking area to the Three Affiliated Tribes. Later section 407 of Public Law 103–211, dated February 12, 1994, rescinded a good portion of that except Subsection B of Sections 3508 and 3509 of the Three Affiliated Tribes and the Standing Rock Sioux Tribe Equitable Compensation Act were repealed.

However, Congress provided that the U.S. Army Corps of Engineers should proceed with the Secretary of the Interior to designates excess lands and to transfer them pursuant to Public Law 93–599. The Elders know that these lands are critical to our long-term tourism and recreational development. We request the Corps of Engineers and the Secretary of the Interior to expedite the transfer of these lands to the tribes.

[Applause.]

Mr. DANKS. Senator Inouye's letter of August 2001 solicits comments concerning the use of JTAC funds, including the planning process and compliance with the legislation. The MHA Elders Organization is not satisfied with how the tribal council has used JTAC funds, including the planning process and the reporting requirements. We do not hold our tribal council totally responsible for their inability to manage JTAC funds in accordance with the legislative requirements.

The Three Affiliated Tribes Constitution and the bylaws are inadequate and outdated and do not meet the needs of the membership. The burden the tribal council—they burden the tribal council with the responsibility of legislating, administering and adjudicating all activities of the tribe. This concentration of responsibility and authority lessens the effectiveness of our Government. There is a quote, absolute authority, absolute corrupt.

Our tribal constitution needs major revisions to ensure that the welfare of our membership is protected. The constitution must address the separation of powers, accountability and reporting of tribal funds, recall of elected officials, and a sundry of other revisions.

Traditionally the tribal elders have provided leadership on the important issues relating to the welfare of the people. In keeping with our tradition the Mandan, Hidatsa, Arikara Elders Organization intends to provide the leadership in the design and development of a new constitution for the Mandan and Arikara Tribes.

[Applause.]

Mr. DANKS. This will be done by petition as provided for in our current constitution.

Our tribe's financial accountability and reporting are not available to the general membership, and by coming to this meeting and hearing my chairman's report, I am pleased with his report. It was good, but I didn't hear it before.

We remind the Senator—no. Our tribes' financial accountability and reporting are not available to the general membership. It is

the position of the Mandan, Hidatsa, Arikara elders that our financial system should mirror that of our Federal and State corporations. We remind the Senator that the Three Affiliated Tribes are not only a sovereign entity; we are also a federally chartered corporation.

The elders wish to point out that the referendum for the use of JTAC funds was conducted by the tribal council. However, turnout of eligible voters on the referendum was minimum. The low turnout of eligible voters is an indication of lack of understanding as the wording of the referendum was ambiguous. A referendum vote of this importance should have garnered a larger turnout.

A third topic is Social Security. Social Security benefits of the elders of the Three Affiliated Tribes is far below the national average. The construction of the Garrison Dam disrupted the social-economic livelihood of the tribal members, creating communities of poverty on Fort Berthold Reservation. This disruption deprived our membership of the opportunity to earn an adequate livelihood and full participation in the Federal Social Security program. The elders organization requests your assistance again to remedy this situation, similar to the process used to be extend Social Security benefits to the farmers and religious organizations.

We regret that we are not prepared to provide you total documentation on these issues today. The time for preparing for this public hearing was short. MHA Elders Organizations will submit further written comments on these topics within the deadline set for this hearing process.

Again, I thank you, Senator, for coming to our community.

Senator CONRAD. Thank you, and we appreciate that testimony, and we look forward to your additional submissions for the record, and as I indicated, you'll have until September 13 for any additional testimony you want to provide.

Now we'll go to Fred Baker who will testify on health care. Welcome. Good to have you

STATEMENT OF FREDERICK BAKER, ENROLLED MEMBER, THREE AFFILIATED TRIBES

Mr. FREDERICK BAKER. Thank you. Welcome to you, Senator. Welcome to my home. My name is Frederick Baker. I'm an enrolled member of the Three Affiliated Tribes, and thanks to my grandparents and my parents, I am knowledgeable in the history and culture of the Three Affiliated Tribes. We will provide written testimony, so I'll try to summarize as much as I can.

We're trying to really emphasize two points in this hearing. One is the need—the level of need of the health or the status of the health on the reservation, and second is our vision or our dream of what we feel is necessary in order to improve the situation. I just want to point out that in the three tribes, the Hidatsa, Mandan, Arikara, we've demonstrated over the years the tremendous resilience and adaptability over the years, you know, considering the effects of the smallpox epidemic of 1781, the smallpox epidemic of 1837, us being put on reservations and losing our lifestyle and adapting very well to the—to the new situation that we were put into.

We all adapted into those communities such as Independence, Lucky Mound, Shell Creek, places like that where we think we've adapted. We started to go from using the buffalo to using cattle and became cattle ranchers and farmers where we learned how to deal with the problems that we had and we became very strong communities, including our ability to take care of our health care needs. We knew how to deal with certain kinds of illnesses, we knew what resources we had in our communities, and we did very well in keeping ourselves alive and at the hospitals.

Unfortunately, during the 1940's, early 1950's the whole Garrison Dam process came into existence, and with that was a tremendous and drastic change in our lifestyles. A change in our diet, change in our cooking mechanisms, and as a result, the last 50 years has seen a great increase in things like depression, diabetes, hopeless poverty, obesity, alcoholism, loss of self-esteem, and those kinds of things, and that resulted in an increase in things like diabetes, hypertension, heart disease, cancer and all this, use of alcohol, increased trauma, and so forth.

Kind of moving quickly to the present situation, one of the things just looking at in our report, in our improvement act, fund distribution, there's a couple of things I want to point out. One is that the Aberdeen area that we are part of seems to have a large part of the health problems of the Indian health community, and yet we're one of the lower funded areas when it comes to the distribution of money, and a lot of this has to do with the whole idea of looking at the population and user funds.

Our population may not be as great as Oklahoma, for instance, but yet our—the things like isolation, the various kinds of problems that we've encountered over the years such as the Garrison Dam, has caused us to have a large and very difficult health care situation, you know, and this distribution in 2000—I want to point out that, you know, the Oklahoma area, for instance, received over 30 percent of the—of the money that was given to the tribes are given to the areas in the Indian Health Care Improvement Fund distribution. So we think it's grossly unfair.

We have a 50—in fact, at this point we have about a 50-percent level of needs funded. According to the—this was a document that was produced by the Indian Health Service. We have a user population of about 5,683, and last year we had—in 1999 we had a total of 86,830 visits to our health care facilities here. In 2000 we saw 90,020 visits, and these are—the main clinic is here, and we also have satellites clinics at White Shield, Twin Buttes and Mandaree.

Moving along quickly, some of the things that we desperately need are 24-hour care. We don't have 24-hour care. All of us have access to—to the ambulance services around—in our communities, and most of these ambulance services, as you know in other parts of rural North Dakota, are based on the volunteers, you know, and so it's a tremendous problem. Many of our people have died en route to their facility because there's no 24-hour service available anywhere in this area. The other thing I want to point out is quickly, you know, that there——

Senator CONRAD. Can I just interrupt you and ask you—I assume the closest 24-hour care would be in Minot?

Mr. FREDERICK BAKER. Yes; by and large. There is a hospital in Stanley, but they're limited.

Senator CONRAD. Is that emergency—I don't even know if they have an emergency room there.

Mr. FREDERICK BAKER. They do have an emergency room at Stanley.

Senator CONRAD. Is that staffed 24 hours?

Mr. FREDERICK BAKER. Yeah. But for all practical purposes it is Minot, and that's 70-some miles away. Yeah. I failed to introduce my consultant here, Dr. Biron Baker. Dr. Biron Baker is one of the up-and-coming physicians. He's the chief of medical staff. He's a family practice board-certified physician and a member of our Tribe.

[Applause.]

Mr. FREDERICK BAKER. Somebody alluded a few minutes ago to contract health care denials, and, you know, in 1998 there were 2,221 cases of denial of the Indian Health Service, and the estimated cost of these denials were $1,084,623. In 1999 this went up to 3,401 cases—3,401 denials, and the cost of that was 1,365,282, and in 2000 that's gone up to 3,824 cases. The monetary amount is a little bit less, 1,216,000, but in this year alarmingly as of May 18, 2001, which is not quite one-half of a fiscal year, we had 2,783 cases denied. That estimated cost is 1,130,755.

Senator CONRAD. That's through what month?

Mr. FREDERICK BAKER. It's through May, May 18. It's not quite—well, it's——

Senator CONRAD. About halfway through the fiscal year.

Mr. FREDERICK BAKER. Yeah. So I just wanted to point out again—I might have done it already, but in the interim fiscal year 2000 the Indian Health Care Improvement Act shows us at 50 percent of our level of need. In order for us to come to—and these are IHS statistics. In order for us to come to the—at this point the target, 60 percent level of need funded, even if we were to get to that point, we'd need $1,556,882 in order to get to 60 percent of our need. We'd still need a 40-percent level of need funded. To get to 100 percent we'd need an additional $7,532,643. This is according to Indian health care statistics.

But I'm retired as the service director for the Indian Health Service, and when I was working, the average cost for health care in America was at about $3,450 roughly, give or take, and at that point we were funded about $1400 per capita. So we were more than 50 percent under the average cost.

So with that, I'd like to move quickly to—well, we do have—and I'll submit this as testimony. We've been working on this. We have a comprehensive health plan that was completed in 1997, you know, that has—including the impressions and the opinions of people in our community. We also have a—with that is a vision of a center, a new health care center that would allow us to do several things.

Senator CONRAD. Can you tell me what the estimated cost of that health center would be?

Mr. FREDERICK BAKER. I believe at that time—we haven't updated it, but at that time it was—depending on the model that we were able to do, we're talking somewhere between 14 and 18 mil-

lion dollars, and we were talking about at that point, you know, a possibility of a joint venture, and although a joint venture is authorized, there has never been any appropriations. So we were very interested at that point in trying to participate in the joint venture.

As far as the way the Indian Health Service and Congress calculates the construction needs, you know, again because of our numbers, we're not eligible—we're so far down the line in priority as far as construction that we're not able to get on the list, and at this point in time the list is apparently frozen so that no new facilities can be added to the construction list.

With the new—the new hospital some of those things—or some of those plans—we're talking about a comprehensive health care clinic that would have the capability of doing procedures like ambulatory care, 24-hour-a-day service, and those types of things, and with that that would increase our capability. I think over the last few years, you know, our level of health care has—as far as our ability to provide care has improved in that we brought in, you know, physicians that are very able—and I think one of the shortcomings with Indian health care is, unfortunately, with the government system. It's very difficult.

I was in the business for 17 years as the service director, and I tried to recruit physicians and to keep physicians once they came to the service area, and since then prescriptions are gone, there's a reduction in the repayment, and so forth. So I think one of the things that was very difficult was to find physicians that would be willing to come to work at Fort Berthold and work at the level of salary that we were able to provide them, especially when we were concerned with the level of care or meeting the standards of care.

I think we've resolved that. We entered into a contract with the tribe to provide physician care. They provided us with additional funding and then give it back to the Indian Health Service to manage it. It's a very good arrangement, and I just want to say quickly that as a result of those improved physicians, you know, our lab costs have gone up radically, our x ray costs have gone up radically, the kinds of pharmacy items, the kinds of drugs that we're giving out have gone up radically.

Those costs are—they're to improve your health care, but the costs are—we've got, I think, five exam rooms, and the industry calls for one—or three exam rooms and one nurse for every physician, and we have—we have five exam rooms totally for three doctors and one nurse practitioner. We have two—we have three full-time nurses, but with vacation time and all that we're down. So the biggest complaint we get constantly, and there's nothing we can do to improve that, is the space problem. No matter what we do, when I was working as the director, I spent endless nights trying to figure out how to improve patient flow and how to increase our patient numbers because the demand is tremendous, and, you know, no matter what you do, you've always got those space problems.

So with that we'll submit stuff in writing, but I'll stop at that point, but we do have a plan, and our plan is to build an ambulatory care center capable of providing needed additional services like 24-hour care, a mental health program that will be accomplished—exercise facilities, education facilities, those types of things.

Senator CONRAD. All right. Thank you very much. We appreciate your time, and, Dr. Baker, it's good to have you here, as well.

STATEMENT OF BIRON BAKER

Mr. BIRON BAKER. Good morning, Senator, and thank you for your time. I just have a few things to add to what Mr. Baker already alluded to. I'll be brief in the interest of time.

We talk about a lot of our health care needs, and everything that we talk about has been well-documented in terms of the diseases that ravage our population, and we try to think about some of the things that would provide immediate benefit, immediate relief, and a new facility would do this in a number of different ways.

As Mr. Baker alluded to earlier, the space at the clinic is a problem. We've done patient satisfaction surveys and found our patients are satisfied with their physicians, they're satisfied with their pharmacy experience, they're satisfied with lab personnel. Everyone is doing a good job until you get to how much time did they spend in the clinic, and, unfortunately, one of the most frustrating things is to study something and then not be able to do anything about it.

With a larger, new facility we would have the space necessary. We would have three exams rooms per physician to—the necessary space for patient turnover, for patient flow. Continuity would also be improved with a new facility. We could enclose within this new facility the mental health, as well as health education. All of these things being provided under one roof would enhance the continuity of care, and continuity has also been an issue with Indian Health Service, but historically in terms of health care professional turnover.

If we had a newer facility, this would allow us to enhance services available to our patients in terms of mammography, in terms of enhanced laboratory testing, also physical therapy, occupational therapy for those patients who have had strokes, those patients who have had myocardial infarctions and are in need of cardiac rehab. We would be able to provide these things onsite and enhance the services that we deliver. 24-hour care would also be something that we would strive for because it's unacceptable for us not to have it.

Some of the intangibles that would improve with a new facility, some of the things that we don't often think about, would be the quality of worklife for those people employed by Indian Health Service and the tribe to provide health care. The quality of worklife has been an issue in terms of recruitment and retention of health care professionals. If we find well-trained professionals, they must have a facility that allows them to practice medicine to the standard of care to which they were taught, and this is true for physicians, it's true for dentists. Currently we have no dentist, and this is something that causes us no end of grief. We will continue to look. However, with the Federal salaries being what they are, I don't anticipate that we're going to find anyone any time soon.

Also, the patient perceptions of the health care that they're receiving would improve in a new facility. If my patient could come to me in a new facility, is greeted in a warm and courteous manner by the people present, and the waiting room is aesthetically pleas-

ing, they feel that they're in a real clinic, and one of the complaints with Indian Health Service is that I'm not going to a real clinic, I'm not going to a real doctor, and so forth, and this would help address that.

With the addition of a new, aesthetically pleasing 24-hour health care center we would also be able to address trust issues. A lot of our patients have trust issues, and understandably so. Everyone I know has a horror story about the Indian Health Service, and we've been able to address some of that, but it's slow progress, and with people waiting in our waiting room for hours on end, we're heading into a gun. So the trust issues could be assessed and dealt with.

I had an 80-some-year-old lady come to my house and see me there complaining of chest pain. All I could tell her was you've got to go to the hospital where they can do the testing necessary to determine whether or not it's your heart. She said, No, I don't trust those guys, and I tried to convince her, but I wasn't successful, and this isn't an uncommon occurrence. We have the trust of our patients, but we're frustrated in that we can't carry through for our patients to a greater degree.

So I think we'd be able to recruit and retain health care professionals, well-trained, to address all of our health care needs with a new facility. That always helps. It always helps to offer something like that.

The last thing I'd just have to say before passing this on is that any health care endeavor on a reservation must be free of any political involvement. There can be no political involvement in health care. When health care becomes number two——

[Applause.]

Mr. BIRON BAKER. When health care becomes secondary, when healthcare becomes number two to someone's personal or political agenda, my patients have to pay for it.

Thank you for your time.

[Applause.]

Senator CONRAD. All right. Thank you. And next we'll hear from Marilyn Hudson, discussing the education.

STATEMENT OF MARILYN HUDSON

Ms. HUDSON. Thank you. Senator Conrad and members of the Committee, my name is Marilyn Hudson, and I am pleased to be here today to present a brief perspective on the history of education. The proof of a strong, highly-valued educational system is well documented in tribal archives. I will recount for you several of these memorable records from the past 100 years.

School reopened in December 1875 in a small room with 77 students. "They are bright and quick to learn," said the teacher, Hannah Briggs.

"Several years after the cessation of hostilities, Chief Son of Star again conferred with officials in Washington and agreed to cooperate in an educational program for Indian children beginning in the abandoned barracks of Fort Stevenson in 1883. The educational program has steadily advanced and is now an invaluable asset to the tribes," said Peter Beauchamp in his history of the Arikara people.

In 1925, 356 Fort Berthold students were attending school, many of them in Bismarck, Wahpeton, Pierre, and Flandreau, and by 1933 efforts were being made to educate children at home. Classrooms were makeshift because the wooden buildings kept burning down, and in 1936 a high school was built in Elbowoods.

A dedication ceremony was scheduled for January 24, 1936, a day that began with a blizzard and 40 miles of snowdrifts. Through the snow came 230 Indian people to attend the dedication ceremonies. Bears Arms, representing the Hidatsa, in full ceremonial dress spoke in praise of the fine new building. Little Crow and Little Owl, representing the Arikara and Mandan people, were unable to attend because of the snowstorm.

And by 1944, 551 students were attending school on the Fort Berthold Reservation. Nishu had 3 teachers and 90 children, Shell Creek and Independence had 2 teachers and 50 to 60 students. Red Butte, Charging Eagle, Beaver Creek, and Lucky Mound were 1-teacher schools with 15 to 35 students. Elbowoods had an enrollment of 200 students with 10 teachers.

The average cost per pupil in education in 1943 was $124.50, with a range from $83 at Lucky Mound to 155 at Independence. This variance was due to such factors as transportation.

In 1953 the educational system on the Fort Berthold Reservation was totally wiped out by the Garrison Dam. Since then we have struggled to retain the high value our people have always placed on education, the sense of community we had with the school at the center and the pride of the ownership of a fine school system.

A former student wrote, "I had great friends and relatives. I did not realize it then, but I certainly do now, that we had a great school in Elbowoods and great qualified teachers."

I appreciate being able to tell you what school was like 50 years ago. Now I'd like to yield the floor to Joyce Burr, educational consultant for the Three Affiliated Tribes.

Senator CONRAD. Welcome.

[Applause.]

Senator CONRAD. Thank you. That was a beautiful description. Very well done. Welcome, Joyce. Good to see you.

STATEMENT OF DR. JOYCE BURR, EDUCATIONAL CONSULTANT, THREE AFFILIATED TRIBES

Ms. BURR. Hi. It's good to be here. I'm honored to discuss the request for the high school and the adjoining dormitory that they'd like to put here at Fort Berthold. I have been working as a consultant for the tribe. However, my husband and five children are enrolled members of the Mandan, Hidatsa and Arikara Nation. So, again, I'm honored, and I'd like to thank you for your willingness to examine the needs of the children on the Fort Berthold Reservation.

Like Marilyn said, there were eight communities with schools originally, and three schools were built—rebuilt or placed after the flood, and also the school that was in New Town, ND, just at one time was not considered on the reservation, but as they redistricted, they did replace three of the original eight, and they did not replace the Fort Berthold school, the Elbowoods school and the dormitories, so those are no longer here and they've never been re-

placed, and we understand that the compensation was for the land, and so they are seeking to have the school and the dormitories replaced.

I am here to testify for high school and dormitories for children who are experiencing extreme problems resulting in the low test scores and other things that are found to be prevalent here at some of our schools.

Both you and I and many of the community members understand that there have been really two major reports on education, the Meriam report in 1928 and the Kennedy report in 1969 that Congress mandated, and the findings from those reports was that Indian education was in deplorable condition.

The facilities were old, the staff was inadequately prepared, the curriculum was not appropriate, and so on and so on, and 40 years passed between those reports and nothing changed. Since that time in 19—or 1994 a man called Michael Charleston made a report, little known report actually that was made in the Journal of Indian Education about the condition of Indian education, and again he says the same thing that the Meriam and Kennedy report says, that Indian education is in terrible condition.

There's not much change that has happened. Curriculum—there's a cultural mismatch in our curriculum that continues to be the same system out there. Nothing has changed. The BIA that enrolls the largest portion of students—Indian students—well, not the largest portion but a large number of Indian students, their system has stayed the same. So we're concerned about that.

Although in recent years there's been much legislation passed with self-determination, Elementary and Secondary Education Act, those types of things that are friendly to Indians. They put us in the driver's seat with education. So why are we still in the condition that we're in?

Recent research that I did here at Fort Berthold shows again that we still have low test scores, high absenteeism rates, high dropout rates, all those things that contribute to poor performance. So we're concerned about those. The Tribe is concerned about what they can do.

The system is the same. We have not changed much with the presentation of education to the children, and we feel by establishing a school and dormitories here on the reservation to serve those children, only the children that are experiencing extreme problems, personal problems, problems in the school—the schools that are here on the reservation now are trying their best. They're struggling with education. They need new facilities, they need new schools. They have proposed new schools. They have not received those yet.

However, we're here to talk about those children and such a high dropout rate. The National Center for Educational Progress made a report in 1993 that said the dropout rate was 26 percent for non-Indian children. It was 53 percent for Indian children. That's outrageous. We need to do something about it. We need to improve our education.

The school that we're proposing is going to do a lot of things. It can lower the student/teacher ratio. It can provide a better curriculum that's both culturally relevant but valued so that our children

can make the transition into the modern world. We could provide therapeutic services there for the children and their families. We could do lots of extended day programs in the evening, things like tutorial programs, laboratories, libraries, things like that in those dormitory settings. We could provide a safe and secure environment. We need that for our children. We need drug prevention, intervention, things like that.

This enrollment would be by choice. It is not going to be forced upon anyone. It's not the old boarding school concept where people were forced to go there. This school will be here in the community. We can promote the language. Let's keep our language going, our culture going. Let's keep programs for that. Let's not let this language die.

I have one quote here that I'd like to make, and it was done by Senator Burdick, and it was made—recorded from the 137 Congressional Record, and I quote,

> Mr. President, today I join Mr. Conrad in cosponsoring a bill that would provide compensation to the Three Affiliated Tribes and Standing Rock Sioux Tribe for land taken during the flooding of the Garrison and Oahe Reservoirs. The bill we are introducing today attempts to redress the disregard for treaty rights and human rights. I believe that the passage of this bill will start the healing process for the Indian men, women and children who feel that the Government unfairly destroyed their ancestral lands.

Again, we thank you for all that you've done to help the tribe in so many ways, and we encourage you to support the proposal for a school and dormitories on this reservation.

The Three Affiliated Tribes has struggled to provide the best education possible for its children, and they continue to grow and they continue to be creative as you have been. Thank you for your time.

[Applause.]

Senator CONRAD. Thank you. Thank you very much. Chairman Hall, in my list of witnesses, we still have you to hear from on the question of irrigation, and maybe we could do that. We're running over our schedule. We have another event here, but if you can summarize any additional comments, they would be made part of the record.

Mr. HALL. I'll be very brief. Senator, I'll be very brief, and let me just take off on one statement—one statement, and I'll defer the remaining minute of my time to Tony Mandan, who started the prayer and will close for us, if I could, Senator Conrad.

In talking with Austin Gillette, our treasurer, on the $60 million—and I very appreciate your efforts and again for holding the hearing on the Equitable Compensation Act because it is the single best thing that ever happened to our Tribe in the past 100 years. There is clearly no question about it, your bold leadership to sponsor that legislation. That's why we have young people standing up.

On the education if I could have the young people from the school, if they could stand up, as well, and I think our superintendent—if you could have all your students please stand up and be recognized because I think education is an important component.

[Applause.]

Mr. HALL. I appreciate Dr. Joyce Burr in saying that the compensation was for men, women, and children of the Mandan, Hidatsa, Arikara Nation, but from 1986 to 1996 the $60 million—

8 percent average was equated for $139 million; 1997 to 2000 it would be at $204 million. So just using some rough averages, that's what that would equate to with interest. So my sharp treasurer was able to pencil that out in the last 5 minutes.

Senator CONRAD. That Austin is good with a pencil.

Mr. HALL. So, again, I want to defer the remaining minute of my time to Tony Mandan.

STATEMENT OF TONY MANDAN, MEMBER, THREE AFFILIATED TRIBES

Mr. MANDAN. Thank you, Tex. Senator Conrad, we've really appreciated the things that you have done for our tribe. Most of the things that we're talking about is that we're always short of money. The Public Health, the BIA, and you name it. We're always short of money so that all of our people cannot be satisfied. You know that as well as I do, that there's going to be a squabble, and, now, you know, I'm a senior citizen and there's money set for—for us, but I've asked how much is the overhead, you know, and I can't seem to get an answer how much the overhead is costing us on that alone, but here we're all fighting for the same thing.

We're fighting for money so that our people can all come in on an eye, so to speak, and that's one of the things that this JTAC is going to represent. To me we're giving up our sacred land on which we've held ceremonials all along the river. That's where our people live.

So today when we're talking about things that we've lost, it's true that we lost our schools. I went to school in Elbowoods. I was very proud of my school, but that's gone, and our kids, you know, have to go to Parshall and New Town, and there were two second-hand citizens until just a few years ago when we finally got some elected to the board, and so we're coming along, but now that we're talking about JTAC, it's going to really help because we're looking out for the future of the unborn.

That's what my grandfather done when he signed the 1851 treaty. He was looking out for us that wasn't born, and my dad came along and he talked about old claims. In the fifties our senators at that time, I think Burdick and Young, helped us get these old claims. These are all the things that our council and the people that are working together are trying to get so that we will move ahead to—we're up to 10,000 right now. Back in 1837 I think there was only maybe 50 families of the Mandan, maybe a little more than that of the Hidatsa, but our enrollment is up to 10,000.

We're moving along, but we need more money here, and like Dr. Baker here is talking about, that we need a 24-hour emergency room bad because, you know, there's a lot of accidents that could be worked on right here if we had the equipment, because we have three doctors here, and our—over here she's short of funds because she's serving so many reservations.

So all this really becomes a problem to us that are on the bottom of the totem pole, you know, because it goes to the people that are working, earning. So when you're down on the totem pole, you're not going to get any, you know, so to speak, but we've lived through this.

So that's—I'm saying we want to work together so that we can get some more because every four years we have a chance to change our council, and I really appreciate what you have done for us and Burdick and all the Democratic people that really stuck their necks out for our people, our Indian people, and I thank you very much for this, Senator. Thank you.

Senator CONRAD. Thank you.

Mr. HALL. So, Senator, that concludes our testimony today for this panel, for the first panel, and we'll offer additional comments in the next 14 days for the record. So thank you again, and whenever you close the hearing, we have a special honor on your behalf for your presence and Senator Inouye and the rest of the committee. Masehgedatz.

[Applause.]

Senator CONRAD. Thank you. Thank you all. Thank you for really excellent presentations here today. I've had a chance to review some of the additional written material, and I look forward to the additional submissions. As we indicated before, we'll have until September 13 for any additional written comments to be made part of the official record.

Before we conclude, I want to again thank Chairman Inouye for allowing me to hold this hearing today. That was a grant of authority that he did not have to make, but he is interested—vitally interested in how the JTAC process was working, and I think we've learned a lot here today that will help us make a good record.

I am—there are five areas that I have concluded based on this hearing need to be further addressed.

No. 1, clearly the $60 million that is owed under the JTAC Legislation that has not been paid with interest, that is owed to this tribe clearly.

No. 2, the promise that was made for a health facility here has not been kept. That remains an additional obligation of the Federal Government, and I believe the clear record of this hearing will demonstrate that is owed to this tribe.

No. 3, I also believe it's very clear a school was promised, and that remains an unkept promise, and I believe the clear record of this hearing will demonstrate a replacement for the Elbowoods school and the dormitories is owed to this tribe.

No. 4, Social Security disparity. The difference between what our seniors who are on the reservation and who are enrolled members off the reservation receive in Social Security payments versus what others receive in Social Security payments is unfair and cannot be justified and must be fixed.

[Applause.]

Senator CONRAD. No. 5, as you know as part of the JTAC Legislation there was the return of certain lands that were taken in excess of the needs of the Corps of Engineers. Those lands—those that were taken by the Corps of Engineers and held by the Corps of Engineers that are in excess of their needs were supposed to have been returned. That remains part of the unfinished agenda. Those excess lands should be returned.

[Applause.]

Senator CONRAD. So today I say to you I believe the record has been made on each of those issues in this hearing, and we will take

that—the result of this hearing to the U.S. Congress and seek our very best to get results in all of that unfinished agenda. Thank you very much.

[Applause.]

Mr. HALL. Thank you.

[Whereupon, at 12:04 p.m., the committee was adjourned, to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF CORA JONES, DIRECTOR, GREAT PLAINS REGION, BIA, DEPARTMENT OF THE INTERIOR

Mr. Chairman, I am pleased to be here to discuss the Three Affiliated Tribes Economic Recovery Fund provisions of Title XXXV of Public Law 102–575, the "Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act", an act to ensure that the Three Affiliated Tribes of Fort Berthold and the Standing Rock Sioux Tribe, were adequately compensated for the taking of Indian lands for the site, of the Garrison Dam and reservoir, and the Oahe Dam and Reservoir, and for other purposes.

The act established the Three Affiliated Tribes Economic Recovery Fund in the United States Treasury. Sources for this fund are derived from the revenues generated in the Eastern Division of the Pick-Sloan Missouri River Basin Project and Congressional appropriations with a maximum limit of $149,200,000. Since only the interest from this fund is available for payments to the Tribes by the Secretary, the Act requires interest to be deposited into a separate account. The act also limits the use of these payments by the Three Affiliated Tribes for educational, social welfare, economic development, and other programs, subject to the approval of the Secretary. The approval authority was delegated to the Bureau of Indian Affairs Regional Director for the Great Plains Region.

Until January of this year, the Three Affiliated Tribes submitted their individual requests for funds to the Regional Director, through the Fort Berthold Agency Superintendent. These requests were reviewed for compliance with the act, approved as appropriate, and coordinated with the Office of Trust Funds Management (OTFM) for funds distribution.

On January 12, 2001, a general plan was approved by the Regional Director entitled the "Three Affiliated Tribes Economic Recovery Fund Proposal" (Plan). The Plan outlines the tribes' proposed uses for the interest fund. The Plan has been shared with the OTFM. Upon BIA's authorization of each funding request that is in compliance with the Plan, the request will be promptly forwarded to OTFM for processing. Funding requests outside of the Plan will require modification(s) and/or amendment (s) to the Plan and will need to be submitted by the tribe to the Regional Director for approval prior to the BIA forwarding the funding request and modified and/or amended Plan to OTFM for processing.

The approved Plan was established in consultation with the tribes.

This concludes my prepared statement. I will be happy to answer any questions the committee may have.

PREPARED STATEMENT OF FREDERICK BAKER

Thank you for the opportunity to present some thoughts regarding the present state of health care and some recommendations for needed changes in our present system of health care delivery.

I am retired after 27 years of Federal service, including 23 years with the Indian Health Service, 17 years of which I served as a service unit director. The last 9 years of my Federal career where spent here at Fort Berthold where I served as Service Unit Director of The Fort Berthold Service Unit of the Indian Health Service.

Prior to our contacts with the White Man, we were able to take care of our health needs. In terms of the rest of the world, we had remedies for injuries and illnesses that were in many cases superior to those available to our European counterparts. We learned to use what nature/Mother Earth provided for us, to treat illnesses and injuries of all types. Our life style allowed us to be healthy because we had to be in great physical condition, and the foods that we ate were healthy. Our culture was such that we lived in harmony with our surroundings so that mental health problems were virtually non-existent.

In 1781, we contracted the European disease of smallpox. This disease was totally unknown to us therefore we had no defense and no cure. We literally lost thousands of people. It is reported that the Mandans, for example, were reduced from 13 villages composed of a few thousand in each village to only 2 villages. They eventually joined the Hidatsa in the area commonly known as the Knife River Villages near the present town of Stanton, ND. The two tribes composed of 2 Mandan and 3 Hidatsa villages and numbering about 20,000 (larger than St. Louis, MO at the time) were at Knife River when the Lewis and Clark expedition visited them.

In 1837, the second major epidemic of smallpox hit the "five" villages. The estimates are that only 20 percent of the Mandans, and 30 percent of the Hidatsas survived the epidemic. Among the casualties was the famous Mandan Chief, Four Bears. We also lost many of our "medicine people, our medicine bundles, and our way of life. The orderly transition and preservation of culture, history, healing, leadership, et cetera from one generation to another was lost.

Besides the effects of diseases such as, smallpox, we lost our strength as tribes, and hence became more vulnerable to our enemies. Further, the encroachment of the White People's western migration, the increase in the numbers of other tribes that were "pushed" into our traditional hunting territories, and the slaughter of the buffalo by the buffalo hunters changed our lifestyle. However, through our resilience and adaptability, we survived and changed, and kept our culture alive.

We were forced into the confines of the Fort Berthold Reservation beginning in 1865. Despite the many problems that this created, we continued to raise gardens, and became livestock owners and farmers, settling in homogeneous communities known as Independence, Nishu, Red Butte, Lucky Mound, Shell Creek, et cetera.

In the agency town of Elbowoods, we had a hospital, which met the health needs of our people at the time. Many of us were born there, including myself. Many of us went there to get cured from things like ear infections, pneumonia, injuries, and had surgery for things like appendixes, tonsils, and other basic surgeries. Our biggest disease problem in those days was tuberculosis. Many families took care of children of relatives who were sent to the various sanitariums for TB. This was the days before antibiotics.

The Garrison Dam came along in the 40's and changed our lifestyle again. The "River" that was such a part of our lifes and provided us with shelter, fertile ground for our gardens, and pastures for our livestock, not to mention a lifestyle and culture that stood for a fierce independence, and self reliance was over. The communities that we so successfully built since we were forced on the reservation, and the strategies that we developed to solve our own problems, and rely on each other was ended. Our neighborhoods were literally uprooted and dissolved, The result was chaos, despair, and the introduction of hopeless poverty. Alcohol became rampant as an attempt at curing the hoplessness, and despair that many people felt. Lifestyles for many changed from activity to sedentary, and diets became a diet of "grease" and "starch".

As a result of these things, and their impact on us as a People, we now are among the world leaders in diabetes and its complications; alcoholism and its effects on people and families; heart disease; injuries; cancer; and mental health problems.

We don't have a hospital anymore, it was lost as a result of the Garrison Dam. It was replaced by an outpatient clinic in Four Bears and satellite clinics at White Shield, Mandaree, and Twin Buttes. The clinic space is inadequate to meet the many needs of our reservation. We have no full-time dentist.

We have a vision for a new clinic that can provide needed services of not only our people but our neighbors on and near the reservation. We see a building that can be adequately built to accommodate such needed services as 24-hour emergency care; ambulatory care surgery; preventive services such as health education and exercise facilities; overnight patient observation capability; specialty clinic space, adequate clinic space.

Although JTAC was funded, it was not sufficient to meet the needs that resulted from the terrible losses of infrastructure of the Garrison Dam. We need additional funding for a new adequate sized clinic. We are making progress toward being self-sufficient, however, there are some vitally needed things that we need help with and that will ultimately help us to become self-sufficient. We need help in getting and maintaining good health, and a new clinic is a large step in realizing this goal.

PREPARED STATEMENT OF TONY MANDAN, TRIBAL ELDER AND MEMBER, MANDAN, HIDATSA, AND ARIKARA TRIBES

Good Morning. My name is Tony Mandan; I'm a member of the Three Affiliated Tribes. I want to talk today about the unkept promises of the Government and why we are asking for this JTAC II money. On September 17, 1851, 150 years ago, my great grandfather Red Buffalo Cow signed the Fort Laramie Treaty for the Mandans. We were promised things in that Treaty, just as we were promised things when the Government flooded our homelands for this Garrison Diversion Project. The Garrison Diversion Project is not just a project to me; it's my homelands. It's where my ancestors lived and are buried. I'll talk about a few of the things we were promised when our homelands were flooded.

The tribal business council was forced to sell our land. They didn't want to sell but the Government came in and condemned the land and forced us to sell. Our land was prime bottom land. We could farm the land. We had coal and wood to heat and cook with. We had wild berries, fruit and wild turnips to pick and use for food. We also had alfalfa and sweet clover for our animals to feed on in the wintertime. It was so rich we needed only one-half ton to feed our animals compared to 2 tons of feed today. The river would flood and cover the lands and that was a way to enrich the land and a form of irrigation.

We never wanted to sell our lands and move. The Army Corps of Engineers forced us to move. What value do you put on your mother? How can you sell your mother? They could never pay us enough for the land. Our forefathers are buried there; their bones are still there. They were never recovered.

We lost more than our homes. We lost schools. We had schools and a dorm for students to stay while they went to school. We lost everything. How can you repay us for that?

We had schools and dorms for the high school kids to live in while they went to school. High school students stayed there. They came from the districts. We had eight districts then: Elbowoods, Nishu, Red Butte, Independence, Lucky Mound, Beaver Creek, Charging Eagle, and Shell Creek.

We got along well with each other in the day schools and high school. All the different districts got along with each other. We were one tribe so to speak, even though we were three tribes. We all got along as one. We lost that. Today, we're not so competitive together as we were then. Even in our basketball and football games we never lost a game. The schools represented our people well. Today, we play against each other. We need to all come together again and we can be champions.

We had a hospital and we lost that when we were flooded. Now we have a Health Center and a doctor, but they still send us to Minot and other towns for our health care. That's a long ways away when you're sick. We need an Emergency Health Care Center (critical care center), even if its one bed. Now we have nothing. We have no emergency equipment or ambulance or anything. We're not considered an emergency health center. Doctors could save lives, they could stabilize those that need emergency care and then send them on to other facilities. We need a first class health center. My wife is diabetic and I have to drive her to Minot twice a week. We shouldn't have to do that. It's to late for us senior citizens but we need this for our children so they can get a good start in life. We need additional dollars to improve on our health. We need a health care facility to replace the hospital we lost because of the flooding. If we had a helicopter to bring injured people here it would help. The way it is now, they have to drive miles to a health center and many times IHS won't pay the medical bills because they never went to the IHS clinic first. Your credit is ruined. So a lot of people don't go to a doctor till their real bad sick.

We're supposed to get free electricity from the dam. I haven't gotten it yet. I'm not aware of anyone getting free electricity yet. The electric companies get free electricity. I don't know how much they get. I'm still paying the get amount I have for years. Nothing has changed now.

Pesticides were put on the land and drained into the lake. They contaminated the fish and made the water unfit for drinking. It has minerals in it. The water west of here has sulfer in it that causes diarrhea—it's dirty and brown. The oil wells

cause problems in the water. We need the MR&I project. We have to haul water from New Town, ND. We need water for the outlying district, Before this lake was created the water was moving and it cleansed itself. That's changed now.

There is no way, we could be paid for the land because of value we put on our homelands. We didn't want to sell. A lot of the elders died from loneliness and homesickness. Families and friends were torn apart. We couldn't see each other anymore and visit like we used to. It's to late for us senior citizens. Many of us have diabetes, but we need to think of our children. We were all sent to different towns and that was really a hardship. We had no social security or even welfare was hard to get. So we really need this money.

Through the years, you made many treaties and promises to us. You took our land away. You were the people who put a value on the land. We didn't. We were forced to sell and to move because you said civilized people needed land for roads and such. You never considered that we are all one family. Like the fish, you contaminated them with pesticides. You killed them. Our people are like that. A lot of them can't make it on top. We get maybe one good crop and then nothing. Everything was natural and you forced us to move. The first JTAC didn't address everything, so that's why we need this JTAC II to compensate us for our schools, hospital and all the other problems that flooding us out has caused.

Those are my comments. That's all I have to say.

PREPARED STATEMENT OF ELISE PACKINEAU

Senator Conrad:

As an enrolled member I am very concerned as the spending of the JTAC funds. Please accept this statement for the record and testimony relating to the Three Affiliated Tribes Recovery Fund. I understand that the recovery funds were to enhance and supplement the various programs and needs that address health, education, social, and economic development.

I thought it was wonderful that the Tribal Business Council in 1998 or thereof, were involving the general population and their input with the JTAC budget. However, shortly after the people of the Fort Berthold were informed that the budget that had been so carefully thought out and planned by the people would be dissolved. Early in 2000 the Tribal Business Council stated they would then implement their own plan and budget.

Since this time I have been disheartened regarding numerous decisions that the council has made. One of which to invest 25 percent or 50 percent of $30 million via a referendum vote. Sufficient time and notification was not given to the general public. No explanation or assistance offered to the elderly. We were not even given the opportunity to decide "yes" or "no" if the JTAC funds should be invested or not. To this day we have no idea what investment venture was taken.

The purchase of a ranch that has no return investment since the purchase, no report of any returns has been made public.

Each year a budget is approved for various buildings on the Fort Berthold Reservation, one of which a commitment was made for a new Commodity Warehouse. Funds were set aside in the budget. It is now going on 2 years and there still is not a warehouse. Where was the money spent that was budgeted for this warehouse?

Numerous travel expenses by the Tribal Business Council, no trip reports or documentation made available to the enrolled members or results of trips. Often times when inquiring about the whereabouts of the council, very limited information is given.

Due to the closure of the Kidney Dialysis Unit, patients' request for travel, mileage and per them were constantly scrutinized. On several occasions the patients were only given $5.00 per meal for lunch and dinner, and told that the hotel would provide continental breakfast. Continental breakfast consists of sugar pastries, not a recommended diet for a diabetic, especially on dialysis. Many of the patients are elderly and only the elderly who were 60 and over were allowed assistance who requested overnight lodging.

My last concern is in regards to the Mandan Hidatsa Arikara Elders Organization. This organization was allocated $1 million, of that only $650 actually goes to the elderly in a 1-year span, this is totally inadequate given the nature of their health situation. Other services include, dentures, glasses, safety equipment. The remainder is spent on overhead cost. $300,000 was taken from the Elders Organization budget without the approval or proper documentation from the MHA Board of Directors, the money was to go toward the purchase of two modular homes for each

district, 6 districts, 12 homes total. To date the modular homes are still sitting on the site where they were made.

Thank you for the opportunity to voice my concerns regarding the expenditures of the JTAC funds. I have many other issues, however, for the sake of time I will conclude here. Please contact me if you need documentation, proof and verification of the statements that I have made regarding JTAC funds.

PREPARED STATEMENT OF BERNADINE YOUNG BIRD, ADMINISTRATOR, THREE AFFILIATED TRIBES EDUCATION DEPARTMENT

Dosha. Good Day, Senator Conrad. My name is Bernadine Young Bird. My Hidatsa name is Sacred Tree (Cedar) Woman. I am the Administrator of the Three Affiliated Tribes Education Department. I am also the Director of the Special Education Office, I am an enrolled member of the Mandan, Hidatsa, and Atikara Nation. I have been a teacher, special education teacher, and education administrator for 23 years. I am a parent of three sons. Two of my sons Robert and Duane have served honorably in the Marines and are now working and going to the Fort Berthold Community College. My youngest son, Justin, has just turned 13 and is attending New Town Middle School. I am also a doting grandparent of three wonderful grandsons. I am, also, an active and supportive community member.

I am providing written testimony today to share with you and your committee about the educational needs that I have observed and experienced through my work and my personal life in the educational system of the Fort Berthold Reservation.

First, the life we live today on the Fort Berthold Indian Reservation is a much different than in the early fifties. The geography of the area of the Elbowoods; era helped define much of what the social and economic life would be in the Pre-Garrison Dam period. The community was more cohesive and insulated. Today, there are six distinct communities in six different geographical areas of the reservation. The Garrison Dam destroyed the independent and thriving tribal way of life by the, flooding of the heart of the reservation that was Elbowoods. It left a terrible open wound and left in its wake a separated land base and a traumatized people. This dramatic impact can never be measured in full but it clearly traumatized our people so deeply that recovery and Adjustment is still going on today.

The Garrison Dam project greatly impacted and has changed our reservation and our people forever. The needs today, as a result, are very different from the Elbowoods days. In education, for instance, Elbowoods functioned well with the one community school and dormitory. Today, education includes early childhood (Head Start, Early Start, Healthy Start and Child/Day Care Needs) to adult (GED, Community Education, Voctech Training, College) to better meet the changing modern and complex society and culture of today. Fort Berthold has 6 Head Starts to serve 163 children. However, there are an additional 500 plus children birth to 5 that have early childhood and childcare needs. The early childhood needs include the need to build quality state-of-the-art facilities to better meet the needs for positive and quality early childhood experiences. We have five K–12 schools serving the six communities, The school facilities on Fort Berthold are in critical need of replacement and expansion for the growing needs and increasing population. One common need of Early Childhood and our schools is the need for replacement facilities.

The Fort Berthold Community College has the first two phases completed for its facility needs. The classrooms, library, and other space needs have recently been built. However, additional space needs for offices, gym, day care, single, married, housing, and more are already being identified.

Early Childhood

Head Start-six "state-of-the-art" Early Childhood Centers-Day Care/Early Childhood Centers-eight centers 3 for New Town, 1 for each of the other 5 communities. These centers will be open to workers, students and the public.

K–12 Schools

Mandaree, White Shield and Twin Buttes are in dire need of replacements for their facilities. They have outlived their lifespan from the 1950's. These Public Law 100–297 Tribal Grant Schools are Bureau of Indian Affairs funded and have submitted requests through the BIA process but without success. The Fort Berthold Indian School Boards Association is submitting more detailed testimony regarding their status. I support their request and testimony to replace and strengthen the current schools with new facilities and added resources for supplementing needed services for students.

Fort Berthold Community College

The Fort Berthold Community College is continuing in the effort to enhance and expand their facilities and student services to better meet the needs of the adult population. The college continues to need resources for the day-to-day services and management, The staff and board have an ongoing effort to access the needed resources for improvement and expansion. Increased funding to tribal colleges is still a critical need.

The priorities for Education on Fort Berthold, therefore, are for facilities that will be adequate to serve the many needs, such as counseling, social, and cultural, of all students.

If the Three Affiliated Tribes, the Mandan, Hidatsa, and Arikara, are to survive it will be through a viable, effective, and appropriate education system. Besides the critical need for adequate and safe facilities, the tribal education system will need to continue its work to ensure that every citizen has an opportunity for a world-class education. Equally important will be our efforts to integrate the native languages and culture into all levels of education. Finally the education system will carry on the importance of civic responsibilities to our Nation for the perpetuation of the ideals and values we hold dearly.

Mahsahgidahds. Thank you for this opportunity to submit my testimony.

PREPARED STATEMENT OF PHYLLIS OLD DOG CROSS

Senator Conrad: This is my written testimony as part of the field hearing held by the Committee on Indian Affairs by Senator Conrad on funding authorized by the Three Affiliated Tribes and Standing Rock Sioux Equitable Compensation Act(Title 35 of Public Law 102–575) often called JTAC.

I am glad you held this hearing because I am concerned about the expenditures of the money without involving the people in the decisionmaking. Large amounts of money have been obligated to the Figure Four Ranch, the Twin Buttes Manufacturing Company and to expansion of the Casino. I am concerned that funds are not allocated for health care, children and education. When community hearings were held regarding the JTAC funds the top priority for all was health.

We have found that the people have no voice and no power with our current Constitution. Until that is faced and corrected, we will continue to have problems. At present, planning and sound fiscal management are absent. There have been no audits conducted, there is no personnel system, and certainly over all management has no accountability which results in chaos.

Tribal Business Council

My testimony is that I am concerned about the Tribal Business Council spending large sums of JTAC funds on projects such as the Figure 4 Ranch and the Twin Buttes Housing. This was one of the first actions when Chairman Hall took office. There was no appraisal available. Neither were a plan or audit presented. When this amount of funds are committed with peoples' funds, a referendum should be used. Our Regional Director acting for the Secretary was responsible to question the action before signing off on the transaction. She is our Trustee.

JTAC funds are described as moneys that belong to the people, yet the draw down of these funds and expenditures are handled entirely by the Tribal Council and some Consultants behind closed doors. Under Chairman Mason's administration, a people's committee was authorized by Resolution to develop a People's Plan to set priorities, schedules, and services to meet the needs of the people. The plan was completed and submitted to Tex Hall and the Tribal Council. It was rejected. The Committee was dissolved. An outside Consultant was employed by the Council. He wrote the plan which was submitted to the Department of the Interior. The people have never seen it.

We strongly recommend that the people be involved in the total planning process, as well as approving expenditures and seeing audits.

Lack of Management

My Testimony is that I am concerned by the lack of management that is observed in Tribal Government organization and practice. There is a need for plain old fashioned rules for accomplishing goals. The Council itself is not organized enough to accomplish much of anything. There is no delegation of authority or delegation of work in order to have a well functioning organization. The council uses committees but there are no committee reports or recommendations. The minutes are usually very slow in being approved, sometimes months late. Records and Archives are not safe, and minutes and resolutions are misplaced.

The agenda and council meeting are filled and choked with minutiae. Each item is discussed, even it is paying someone's motel bill to whether a sun dance is a religious ceremony. All, that is ALL, of the personnel issues are handled by the Council.

Some issues are discussed as long as 4 hours, then tabled. Very important issues and decisions can be made in a few minutes. The methods of voting are chaotic with abstentions, not voting or leaving the room during a vote. It has been recommended many times to have roll call voting so that constituents can know how their representative votes. Council meetings can last ALL night. This practice is hard on Elders, sick persons, and people who drive 200 miles to attend.

The employees are delegated little authority, can be fired by only the council and are not accountable. The money wasted and equipment wasted counts up. It is the Tribes most desirable welfare system available. Change in our Constitution is needed.

Ethics

It is my testimony that our tribal government, elected leaders and tribal employees could benefit from the injection of some ethics into the entire management system of tribal government. It seems a shame that one must reach a point where ethics must be observed in a written directive. But we seem to have lost the way to respect ourselves and others. The elders have always been charged with showing the good way but even that task is ignored. As a result we have become a miserable bitter and unhappy group. Our lack of ethical practice has contributed to poor management, disrespect, and an illness of the soul.

In order to accomplish a return of ethics, it will have to be part of the revision of the Constitution. Our Constitution is silent about ethics and leaves the responsibility to the elected officials themselves to be a part of ethics. The Constitution must be revised. It no longer is powerful enough to handle the officials and others. In 1935, we had strong leaders and clans, but now they are weak.

Some of our elected officials and members have seen that ethics must be adapted and made to be an inherent part of governing. We need to face the whole issue of corruption. We need to make sure the strong ones do not exploit the weak. We need a court system that is fair. We need a press that is free and can report the truth.To get that we must distribute the power of the Tribal Government, to set limits and define limits. The Constitution is the vehicle of the people to deal with elected officials.

Health Care

This is my testimony regarding the need for health care by the Three Tribes. We had a hospital in Elbowoods, it wasn't fancy but it fit the times. We had a doctor and nurses and other needed services. It was built in 1936 and closed in 1948 pending the flood. It was at that time, that responsibility for health care for Indian people was transferred from BIA to the United States Public Health Service, under DHEW. It is ironic that health service was still the responsibility of a quasi-military organization with the staff in uniforms and with rank. We cannot get away from the military. By then Dr. Herbert Wilson reported in to Fort Berthold at Elbowoods and began a BIA clinic. The BIG Move was made about 1952 and the Agency was located in New Town. The DHEW—IHS began to provide health service through contract care. No hospital was built to replace the old one. A day clinic was built in 1962. It provided only minimal services. Small clinics were located in out lying areas.

From the beginning there never seemed to be enough staff to meet the demand. The population increased, health problems grew. As with the general population, cost of health care spiraled up and up. The statistics of morbidity and other health issues showed that the population of the Three Tribes had some problems that are the worst in the Nation. The problems of LIFESTYLE are overwhelming. Depression since the move is epidemic, diabetes is affecting all, cancer is increasing. The addiction to alcohol and other drugs as well as tobacco is growing. Gross malignant obesity is the norm. Suicide is a major problem.

The people have let the council know that health care is the No. 1 need. An extensive study was completed about 4 years ago. But the plans for health care are pushed back in favor of Casinos and Ranches. We need health care that is free of politics. We need a Health Authority that can determine needs that cannot be sabotaged by the Council. We need emergency health care of high quality including ambulance service, we need after hours clinic care. We need a detox center. Elders need medical cards or insurance and we need a larger facility to provide health services in eluding mental health care. But this is not possible until we can develop a Constitution that gives power to the people.

Constitution

It is my testimony, that before anything can be accomplished as far as JTAC is concerned the Three Tribes NEED a new Constitution. The one in 1935, was adequate for the times, but it is missing a lot. It gave the people the power to have

a democratic say in dealing with their government but it didn't provide the people with weapons. It gave absolute power to the Council with no recourse. In essence the Council can do just as it pleases with sanction from the Secretary. The Council has the power to interpret the Constitution, and can change their minds to meet their needs. It controls the judge, it controls law and order and can affect the out come of lawsuits. The Regional Director (Secretary) is influenced by the Council and is easily swayed by their demands. A good example is the fiasco of leases last year. The person who suffered is the land owner who received no check from their lease. The Council controls every job on the reservation. Even the most lowly of jobs doesn't escape their scrutiny. The people have joined in with their council to gather as much of the spoils that they can.

Just as with management issues, Councilmen rarely have any experience or knowledge in management of workers, systems or budgets. Their ability to insure accountability is weak. They have had no experience with Constitutional Government, managing a board or business, Personnel systems are non existent.

If we do not do something about our Constitution as well as management, our system will crumble. Now we are dealing with millions. These millions belong to the people not the council.

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Senate Committee on Indian Affairs

Oversight Hearing on the Uses of Funds Provided by the Three Affiliated Tribes Equitable Compensation Act

August 30, 2001

Final Prepared Testimony of Tex G. Hall
Chairman
Mandan, Hidatsa and Arikara Nation

Introduction

Dosha! (Greetings). My name is Tex G. Hall, the Chairman of the Mandan, Hidatsa and Arikara Nation (Three Affiliated Tribes).

First, I want to take this opportunity to thank Senator Inouye, named by our people as "one who helps, and who is presently the Chairman of the Senate Committee on Indian Affairs, for allowing this hearing to go forward today, under the chairmanship of Senator Kent Conrad of North Dakota. Senator Conrad was instrumental in obtaining the Economic Recovery Fund, created by the passage of Title XXXV of P.L. 102-575 in 1992, for the Mandan, Hidatsa and Arikara Nation, the review of which is in part the reason for the hearing today. The Economic Recovery Fund is based on the loss of our sacred homelands due to the flooding behind the construction of the Garrison Dam along the Missouri, including our capital of Elbowwoods, homelands which were our economic engine that had always provided us self-sufficiency as a people.

In part, however, this hearing is also about the remaining promises made by the United States to our people, the Mandan, Hidatsa and Arikara Nation as the Garrison Dam was being constructed and our lands were being flooded. The U.S. made solemn promises to our people to replace everything lost by the flooding. These promises included good roads, a hospital, a replacement school, return of lands not needed for the Garrison Dam project, and a water delivery system, among other things. Therefore, issues of infrastructure needs will also be discussed in this testimony.

Background

For the record, I want to provide some background about our history. This year, on September 17, marks the 150th anniversary of the signing of the Fort Laramie Treaty of 1851 by our ancestors. Just two weeks ago, members of Tribes whose ancestors signed the Fort Laramie Treaty gathered near Fort Union, in North Dakota, to remember why the Treaty was signed and to recognize that the Treaty is still a living document that memorializes the Nation to Nation status between the United States and the Indian Tribal Nations that signed the Treaty.

At the time the Treaty was signed, our peoples had already felt the scourge of what Europeans had brought to us, the deadly smallpox. Our ancestors, in signing the Treaty, were ready to make sure that the Europeans did no more damage to them. The Fort Laramie Treaty of 1851, which defined our original territory, stretching from a point not too far from where this hearing is taking place, over to the Powder River, down to the Black Hills, back to the Missouri at a point at the mouth of the Heart River near Bismarck-Mandan and back up the Missouri to here, roughly 13 million acres, was meant to allow us to live in peace with our new neighbors.

But in the next 65 years, every one of the promises made by the United States to our Nation in the Fort Laramie Treaty of 1851 were broken and smashed. The theft of our Tribal lands by the United States was largely complete. Our buffalo had been killed off, our leaders dispirited or dead, and our people had been herded onto a reservation less than 10% the size of the original Treaty lands. Our children were being forced to go to boarding schools, our religious and spiritual practices, even the use of our native languages, were banned and our way of life had been changed forever.

Included in the unilateral taking of the United States during this period was the 1887 General Allotment Act, passed without our consent by Congress, which forced Tribal members to choose allotments on the reservation and which, coupled with the Surplus Lands Act passed the same year, that allowed non-Indians to purchase land for as little as $.10 per acre, attempted to break up our Tribal communities. These Acts were made worse by the 1910 Fort Berthold Homestead Act. In that Act, non-Indians were allowed to buy or settle on lands within the reservation that had not been allotted to us individually. Supposedly in exchange, each of our adults were allowed to select an additional allotment, except that we were excluded from choosing an allotment in what has become known as the "northeast quadrant" of the reservation, which not coincidentally contained the best farm lands, other than the Missouri River bottom lands, that were within the Reservation. As a result of these various Acts, which were never agreed to by our members, the trust acreage of our Tribe and our members was reduced by about half, to less than 500,000 acres. Congress, in its report accompanying this theft of our land in the 1910 Act, determined that it was in our best interest to own less land.

Yet apparently the destruction of our way of life, the taking of most of our lands, and the human misery that period brought us were not enough for the United States. Beginning in the late 1940's, barely fifty years ago, under the Pick Sloan Act, even the small land base that was left to many of us was once again subject to occupation by the Army, this time the Army Corps of Engineers (ACOE). They were responsible for constructing the Garrison Dam along the

Missouri River in just the right place to flood the majority of our homelands. The result of the Garrison Dam to us was every bit a disaster similar to the flooding of Grand Forks, North Dakota in 1993, except that it was a slow motion disaster. In addition to the loss of our capital of Elbowwoods, our Nation lost our economic engine, the river bottomlands of 156,000 acres of prime agricultural land along the Missouri River, land we will never see again in our lifetimes. Entire enterprises that sustained us, such as our lumber yard, fishing along the river and our fishing corrals, were taken away. Just as important emotionally to our people, our Nation lost is cemeteries, many sacred sites, including sacred rocks and sacred monuments and ceremonial grounds. These losses continue today, as we become aware of village sites that are being eroded away by lake wave action and are not able to be protected because of lack of funds for such purposes within the budget of the Army Corps of Engineers.

Attached is a short history of how lands were lost from the lands of the Mandan, Hidatsa and Arikara Nation since 1851, entitled "Lost Lands, Lost Communities".

Even taking into account what we have received to date, the compensation we received for this loss was not nearly adequate. In fact, in a story not often told because it still brings up unpleasant memories for many of our elders, the Government in 1949 passed a law (P.L. 81-437, 63 Stat. 1026) that proposed an election to "approve" or "disapprove" of the settlement amount offered by the United States government for the lands to be taken behind the Garrison Dam. This offer was made well after construction of the dam had begun. After a contentious election, those that sought approval for the compensation won. The dam's construction had already been going on for more than two years.

However, the same Act (Section 12, P.L. 81-437, 63 Stat. 1028) stated that the maximum amount to be received by the Tribe would be the total sum of $12,605,625, regardless of whether or not our members "approved" or "disapproved" of the government's offer of compensation, which was fixed at $5,105,635, because any amounts awarded past the initial $5,105,635 would be taken from a second amount of funds appropriated in the amount of $7,500,000 that was to be placed to the credit of the "tribes ...upon acceptance of the provisions of this Act by the tribes.". To be blunt, the results of the election would not have made any difference to the amount of final compensation as provided under the Act. The so-called election was essentially a sham.

Further, according to the same Act, the costs of relocating our Tribal members, and the costs of relocating and reestablishing our "cemeteries, tribal monuments and shrines within the Taking Area" were to be taken out of the same amount offered for compensation for the land. In other words, we were paying for our own relocation with the proceeds of the forced taking of our lands! This shows that the Federal Government was never really sincere in its effort to properly compensate our Nation for its losses, as the total amount offered of $12.6 million was grossly inadequate to replace our sacred lands, our infrastructure and to allow us to regain self-sufficiency. Moreover, the compensation offered did not begin to be adequate for our sacred sites, which can no longer be used for ceremonial purposes. We believe we still must be properly compensated for their loss and for the preservation of the remaining sacred sites along the Missouri.

Even at present, there remain great needs with regard to our sacred sites and cultural sites not under water, but which are on the shore lands under control of the Army Corps of Engineers. The Corps needs considerable additional resources to be able to protect these sites from potential looting and grave robbing. In addition, we have as many as 3,000 sites in South Dakota and elsewhere which need protection, partly on lands now being transferred from the ACOE to the state of South Dakota under the Water Resources Act of 2000. The MHA Nation needs its own funds to be able to provide monitoring and protection of these sites.

No provision was made at that time for replacement of our schools, our hospital, our sawmill, our bridge over the Missouri, our student dormitories, our roads, flour mill or our cattle programs. Nor was any provision made for other bridges (other than the present Four Bears Bridge) that could rebind our communities, once no more than 40 miles apart along the Missouri River and now as much as 120 miles part. These bridges should have been built between Twin Buttes and Mandaree and Twin Buttes and White Shield, but no such structures exist or are on the drawing boards. The result is that to get from Twin Buttes to virtually anywhere else on the reservation, Tribal members must go off the reservation and then back on.

Most critical, no effort was made at that time for the preservation of our economic self-sufficiency. Prior to the Garrison Dam, virtually no Tribal member was on welfare. Our economy was self-sufficient and agriculturally based, with thousands of acres of Class I soil, but we were removed to Class 4-5 lands upland from the river that cannot produce half of what our river bottom lands and our lush gardens provided for our people. After the dam, as Carl Whitman, a two term former chairman of our Nation, stated in his testimony before Congress in 1991 that lead to the Equitable Compensation Act (Hearing on S. 168, April 12, 1991, pp. 104-105):

> "I read in a sociological book some years ago that when change is imposed on any group of people, there are 3 consequences: Apathy, Hostility and Self-Destruction. This is a good theory. I have seen it all happening on my reservation. This is all so sad."

In summary of these events, our people never received adequate compensation for their losses, for the cost of their transfer and removal to less productive lands, to have a fair opportunity to negotiate for just compensation or to have a say in the $12.6 million given to the Tribe by the U.S. Government as compensation. This is illustrated by the fact that the Government had already begun construction of the dam more than two years before consulting with our people about compensation. The government never took into account the economic impact our forced removal would have on us, never took into account the historical, cultural and social significance to us of our lands and our sacred sites. If the Government had consulted fairly, they might have understood these issues better. The government should have replaced everything they destroyed, as promised. But they didn't, and the Three Affiliated Tribes and its member remain unhealthy, and are still economically, socially, culturally and physically devastated by the loss of the homelands and the failure of the United States to replace the lost infrastructure.

The problems, particularly health issues, we have faced since that time are again summed up

eloquently by Carl Whitman in his testimony on April 12, 1991.

> "My tribe has gone through many painful changes imposed by the U.S. Government. One would think we would be hardened by these changes and become accustomed. That is not the case. Each change is more painful. This last one was even more painful as since the relocation, the number of diabetics increased exponentially. And I am seeing my fellow Indians dying in pieces, first the foot, then they cut up to the knee, and eventually the whole leg. It is painful to watch them helplessly dying, also dying of Cancer and heart ailments."

The date for leaving the lands that had been our homelands was set to be no earlier than October 1, 1952, not quite 50 years ago. Within a few short years, our way of life was finally gone forever. Nothing was available for us to put in its place.

Some, like my father and grandfather, had begun to realize a different way of life away from the river, and were able to move their cattle operations to locations which were above the Taking Area. But for many Tribal members, those economic opportunities were simply not present, and the devastation that the economic deprivation caused by the dam brought to our members was severe.

These continuing harms were finally recognized when the U.S. Department of Interior acted on years of petitions by the Tribe for further compensation, and appointed the Garrison Unit Joint Tribal Advisory Committee, or "JTAC". Their efforts have been well documented and will not be repeated here. The JTAC report, issued in 1986, is a part of the Congressional record, but we offer it here again as a part of the record of this Hearing, to illustrate that many of the original recommendations of the JTAC report have not been fulfilled.

The advice of the Committee, based on its estimates, was that total economic losses to the Three Affiliated Tribes were between $178.4 million to $411.8 million in 1986, adjusted for inflation. The range of losses represented by these numbers was caused by the application of different theories of recovery, the lower number representing a theory of economic loss, and the larger one resting on a theory of capitalization of the infrastructure lost in the flood. As C. Emerson Murray, the respected former Adjutant General of the National Guard in North Dakota, and the former head of the Legislative Council of North Dakota, among other things, testified at the hearing on April 12, 1991, just over 10 years ago: (Hearing on S. 168, April 12, 1991, p. 17)

> "The committee believed there was merit in both economic theories and in both processes. The goal of both was to achieve the same economic self-sufficiency that existed prior to the building of the dam."

However, the General Accounting Office and the U.S. Department of Interior disagreed with the estimates provided in the JTAC Report. These estimates, the GAO stated in its testimony in the April 12, 1991 hearing, were based on faulty assumptions about the income of Tribal members, what the economic activity of the Tribe and its members was before the dam, and the anticipated economic activity after the dam. So the GAO ended up recommending that the amount of

compensation be based on an investment at a corporate rate of the amount the Tribe had indicated in 1949 that it wanted as compensation for the lands flooded, including individually owned lands, which was $22 million. It then calculated what that amount would be worth based on investment at corporate bond rates from 1949 to the date of its report, and came up with the final figure for compensation of $149.2 million for the Three Affiliated Tribes within the "Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act of 1992", (Title XXXV of a much larger bill, P.L. 102-575).

Yet today, other Tribes are receiving far more for compensation than has the Three Affiliated Tribes, which lost the most land of any Tribal Nation along the river. Thus, we continue to disagree with the GAO report's analysis of our losses. They failed to properly estimate the extent of our losses, and did not properly value over time the loss of productivity from our lands, the loss of infrastructure, the sense of community we had before the flood, the spiritual loss to us of our sacred and cultural sites and the loss of our other agricultural lands. Today our farmers and ranchers are still becoming landless. We have lost and are still losing hundreds of cultural and sacred sites along the river due to development of recreation sites and development along the shoreline and wave action from Lake Sakakawea.

In addition to actual monetary compensation, the recommendations of the JTAC included, among other promises that for fifty years have not been fulfilled: 1) a final determination of return of lands not needed for project purposes, 2) provision of a municipal, industrial and rural water supply system, 3) developing shoreline recreation potential and 4) replacement of infrastructure, which including a "primary care in-patient facility and out-patient services ... dormitory annexes to the Mandaree and White Shield schools, adequate reservation roads, and replacement or weatherization of the inadequate housing facilities provided to the families relocated." JTAC Report, Referenced in Report 102-267, Calendar No. 432, March 31, 1992, accompanying the Equitable Compensation Act. A rural water project was finally authorized in 1986, including approximately 15,000 acres of irrigation, in the Garrison Diversion Reformulation Act of 1986, but the amounts authorized for that effort are already exhausted and there are still many rural residents without water. No funds were ever appropriated directed for the irrigation acreages that were authorized in 1986. Funds for that purpose were authorized as a possible source of funding the permanent Economic Recovery Fund provided in the Equitable Compensation Act of 1992, but appear not to have been used, as discussed further below. Today there are no irrigation projects on the Fort Berthold Reservation to help our agricultural based economy recover.

Moreover, even in trying to expand the meager agricultural base with which we were left after the flood, our Tribal ranchers and farmers have been discriminated against in Federal U.S. Department of Agriculture programs, as indicated by the ***Keepseagle*** class action discrimination case now pending in the U.S. District Court in Washington, D.C. Tribal farmers and ranchers, once the economic force of our MHA Nation, are becoming scarce, an endangered species.

While the damage caused by the great flood will never be fully compensated for, never be fully healed, thanks to your efforts, Senator, and the efforts of our entire Congressional delegation over many years, we are beginning to repair some of the social and economic damages caused by

that flood. To tick off those accomplishments is impressive:

1992 – Equitable Compensation Act and the establishment of a $149.2 million fund

2000 – Four Bears Bridge funding of $35 million, and

2000 – Passage of the Dakota Water Resources Act authorizing $70 million for our water distribution needs.

Again, we thank you for all of those efforts.

We also want to thank the late Senator Quentin Burdick for his tireless efforts in this regard. Without the efforts of Senators Conrad and Burdick, we would not have had any Equitable Compensation Act, and there would have been no follow up to the efforts of the Joint Tribal Advisory Committee to the Garrison Diversion Unit.

In addition we want to thank the Senator for his efforts regarding return to us of the lands along the lake shore that are not needed for project purposes, the so called "excess lands".

Finally, we want to thank the Senator for all of his efforts regarding our Municipal, Rural and Industrial water needs. We know that getting enough funds for our water project needs is a tough job, given how the budget surpluses have gone away. But we also know that Senator Conrad will do his utmost to secure the funds needed to really begin to fulfill that promise of a good water system made to us more than two generations ago.

We know these efforts are continuing and we know that our Congressional Delegation will not stop working for us as we make the efforts needed to supply our remaining needs.

The Equitable Compensation Act

The passage of the Equitable Compensation Act, the first thing on the above list of accomplishments, was indeed an extraordinary event, coming after years of discussion, introduction of a bill in 1991, a Congressional hearing, great efforts by several Tribal Administrations, and extraordinary efforts by our Congressman and Senators. The Equitable Compensation Act provides for the creation of an Economic Recovery Fund in the amount of $149.2 million. The amount of the permanent fund was fully funded in early January, 1997, although actual expenditure of the interest from the fund was not permitted until October 1, 1997.

The amount of $149.2 million was arrived at, according to the General Accounting Office, as the amount that the initial compensation for the land taken should have been, had that amount been invested at prevailing corporate bond rates up until April, 1991. The final legislation was not approved until April, 1992, and so the amount does not reflect approximately 12 months of interest accumulated from April, 1991 to April, 1992, and the Tribe should be paid the interest for that period. Nor is it entirely clear from the legislative history that the $149.2 million

represents interest accumulated to April, 1991 or whether it only represents interest to the date of the JTAC report in 1986, or some other date. In any event, the final amount of the Equitable Compensation Act as passed by Congress is significantly lower than the low estimate of the economic loss to the MHA Nation of the flooding of our lands and the destruction of our infrastructure, which amount was $178.4 million, as discussed above, and far from the high estimate of the JTAC report of $411.8 million, in 1986 dollars.

The amount of interest on the permanent fund of $149.2 million, approximately $8 million per year, cannot be expected to replace our losses. It does not take into account how eroded the purchasing power of that amount of interest will be in just a few years, if it is all spent each year, spending which is certainly justified given the devastation of the flood and its lingering effects on our people.

Yet the amount finally provided is still a significant sum that the MHA Nation is very grateful for. Given the status of funding efforts in Congress right now, our Nation is very fortunate to have received the funds when we did, and that we have access to the funds as quickly as we have, since now the new Balanced Budget requirements would not have permitted additional expenditures for ten years from passage, using the methodology of the Equitable Compensation Act as passed.

1. Monetization of the irrigation authorization of 1986 Garrison Reformulation Act. The Equitable Compensation Act did several other things worth noting: It monetized the authorization for appropriation for irrigation of approximately 15,000 acres on the Fort Berthold Reservation that had been contained within the Garrison Reformulation Act of 1986, mentioned above, by authorizing an appropriation of $6,000,000 per year for 10 years, with that sum becoming a part of the total Economic Recovery Fund of $149.2 million. As stated in P.L. 102-575, Section 3504(a)(2) and (3), total amount of funds derived from any appropriations of the $6,000,000 per year and the funds derived from Western Area Power Administration power sales was not to exceed $149.2 million.

However, the Equitable Compensation Act did not repeal the original authorization for irrigation contained in the Garrison Reformulation Act. In addition, no funds were ever appropriated under P.L. 102-575 Section 3504(a)(3), representing the former irrigation authorization of $60 million, as the dollars needed to fully fund the Economic Recovery Fund were obtained solely from Western Power Administration power revenues as provided in Section 3504(a)(2).

2. No per capita payment. Second, the Equitable Compensation Act provided that no part of the moneys in any fund under this title shall be distributed to any member of the Three Affiliated Tribes or Standing Rock Sioux Tribe on a per capita basis. To date, the Three Affiliated Tribes has not spent any of the interest earned from the permanent fund on a per capita.

3. Return of lands not needed for project purposes. The Act also provided for the return to their original owners of all lands identified as "lands not needed for project purposes." This section was repealed in 1994, and to date, has not been replaced with either comparable regulations or other legislation, the issue is now in discussion with the State of North Dakota, our

Congressional delegation and the U.S. Army Corps of Engineers. The Tribe is requesting that all of the land not needed for project purposes be returned to it.

Uses of the interest earned from the Economic Recovery Fund.

The creation of the Economic Recovery Fund by the Equitable Compensation Act required that the interest from the Fund be used by the Secretary of Interior in making payments to the Three Affiliated Tribes for use for educational, social welfare, economic development, and other programs, subject to the approval of the Secretary.

Attached to this testimony are the resolutions passed by the Tribal Business Council to date that have authorized expenditures from the Fund, or which have authorized funds to be spent that were in fact loans which used the interest from the Fund as security. The Tribe has also used the interest from the Economic Recovery Fund as collateral that leverages lower interest rates on loans used for economic development, giving the Tribe a Triple A rating for bonds. These programs of expenditures have all been approved by the Secretary of Interior, as required by the Act, authority which is delegated to the Regional Director of the Bureau of Indian Affairs. These are, in fact, the uses for which the interest expended to date from the Economic Recovery Fund have been spent.

To summarize those budgets, we should start with 1995. The funds first became available for expenditure on October 1, 1997. The fund at that point had grown to more than $183 million, of which $34 million was interest accumulated during the fund's formation. Our Nation only spent $2 million of the Fund in Fiscal Year 1998, to pay back, in part, the loan authorized by a resolution passed by the Tribal Business Council in 1995 that was passed to allow the Council to have sufficient funds to operate a variety of its programs, and which used as security for the loan interest on the Economic Recovery Fund.

The loan was used primarily (approximately $3 million) to shore up the Municipal, Rural And Industrial water project that was constructing water treatment plants in White Shield and Four Bears segments and which was making improvements to the plants in Twin Buttes and Mandaree, The Tribal Administration from 1990-1994 had not allocated the funds appropriately and the loan proceeds were needed to keep the project on track. The rest of the loan was used to pay off bills from that same administration, bills which included payments that supported a number of the Tribal programs that provided key services to members, such as the elder meals program, the Minne Tohe clinic, but also a part of the loan went for administrative costs needed to keep the Tribal operations going. The Resolution initially approving that loan is attached, Resolution No. 95-127-DSB, amended by Resolution No. 95-162-DSB.

In 1996, the Council appointed its "Tribal JTAC Committee" which met with Tribal Communities over the next two years in an effort to establish a consensus among members about how to spend the Economic Recovery Fund interest earnings. This was a reservation-wide committee that surveyed the entire reservation and its Tribal member communities. The Committee's conclusions were largely incorporated in 1999 in a final "Economic Recovery Fund Proposal" that was approved by the Department of Interior in December, 2000. This general

spending plan provides the blueprint for spending in each fiscal year. The first Fiscal Year to utilize the General Plan approved by the Tribal Business Council was the plan adopted in was FY 1999, stated in the attachments to Resolution No. 99-234-JPH, which has attached to it the proposed budget for the expenditure of Equitable Compensation Funds for FY 1999.

Also in this time period, the Bureau of Indian Affairs, to whom the approval authority for expenditures from the Economic Recovery Fund had been delegated, requested an opinion from the Solicitor for the BIA about how the funds could be spent and what would be the approval mechanism in the future for expenditure of the funds. The specific concerns were: 1) whether regulations passed for the determination of how to use Judgment funds would apply to approval of the proposed expenditures from the Economic Recovery Fund; 2) which agency in the BIA was responsible for approval of the funding proposals of the Tribe; and 3) whether the Department could require how the funds were to be used.

The Solicitor made it plain that the Judgment fund regulations were only a guideline as to how the funds could be used. The Solicitor also stated that the Deputy Commissioner could approve the use of the funds, and if authority could be delegated from the Deputy Commissioner had the authority to delegate the approval to the Area Offices (now Regional Offices), then the Regional Office could approve the suggested uses of the Funds by the Tribe; and also determined that the BIA could not require that the funds be used exclusively for economic development. This cleared the way for the Tribal Business Council to begin allocating the funds among various programs of the Tribes.

Shortly after this opinion, and before the general fund use proposal had been developed, in the meantime, the Council had directed the expenditure of some additional Economic Recovery Fund dollars apart from the development of a General Plan, in response to the various needs of the Tribe in 1998. These funds were expended generally for the uses stated in Resolution Nos. 98-56-DSB and 98-134-DSB. Again, the MR&I project received a significant amount of the first $5.5 million draw against Economic Recovery Fund interest dollars, and the funds were used also for miscellaneous program shortfalls in already ongoing Federal programs which the Tribe either managed under the Self-Determination Act or which were grants to the Tribe for various purposes.

Another draw of $1,725,000 made in 1998 was devoted exclusively to Economic Development and Education purposes, with $1,250,000 going to assist Mandaree Enterprises to take advantage of an opportunity to subcontract with Uniband for data entry services in association with the various Federal data-entry contracts that Uniband had secured as an SBA 8(a) eligible firm, and $475,000 going for Education grants. Later, because of the success of setting up the White Shield data entry facility, Mandaree Enterprises were able to secure some data entry contracts on their own, also as an SBA 8(a) designated firm.

In 2000 and again in 2001 the Tribal Council has developed budgets based on the General Plan as first provided to the BIA in December, 1999. The General Plan is attached to Resolution 99-234. It outlines expenditures in the four broad areas of expenditures allowed by the Equitable Compensation Act, economic development, social welfare, education and "other government

programs".

To summarize some of the key points of the general Economic Recovery Fund Proposal: The Proposal, and the reservation wide assessment of the "JTAC Committee's" previous work, identified 10 key areas of expenditures, consistent with the overall purposes of the Equitable Compensation Act, which are in large part listed in the order of priority for these programs. These include:

1. Health
2. Economic Development
3. Housing Programs and Support.
4. Better Planning for our community future.
5. Education programs for all ages.
6. Infrastructure (roads, utilities, lights)
7. Expand our community center and facility.
8. Sovereignty, jurisdiction treaty rights protection, and self-governance.
9. Social Services for all ages.
10. Other programs for my community.

The specific programs to be developed and funded under each specific category of expenditures allowed by the Equitable Compensation Act are laid out on Page 5 and Page 9 of the Proposal. On Page 9, the potential uses of the Fund, and the areas that will generally receive funding in each budget cycle, are laid out in a matrix format. The Plan does not specify an amount of funding for each area, or even a percentage guideline for funding, those decisions are made by the Tribal Business Council in each funding cycle on an as needed basis.

While this has been the plan in the abstract, the actual expenditures, as summarized in the attached "Summary of JTAC Economic Recovery Funds", show that the Tribe has had to use a major part of the funds for supplementing Federal programs and to otherwise fulfill the Federal trust responsibility to Tribes in many areas. This was clearly not the intent of the Equitable Compensation Act. As stated in Section 3505 of P.L. 102-575:

> "No payments pursuant to this title shall result in the reduction, or the denial, of any Federal services or programs that the Three Affiliated Tribes or the Standing Rock Sioux Tribe, or any of their members, are otherwise entitled to, or eligible for, because of their status as federally recognized Indian tribe or member pursuant to Federal law."

During the three years in which this General Plan has been followed, Fiscal Years 1999, 2000 and 2001, the use of the funds has been largely dominated by Economic Development and Social Welfare uses. The total JTAC draw for FY 1999 was $14 million, for FY 2000, $12.5 million, and for FY 2001, $14 million. For those three years, approximately $13 million was allocated for Economic Development programs, approximately $12.7 million for Social Welfare programs, approximately $3.85 million for Education programs, and the remainder of approximately $9 million for other government programs.

Economic Development programs have included the Figure Four ranch immediately adjacent to the Reservation on its southwestern edge, for which the Economic Recovery Fund dollars have allowed the Tribe to obtain lower cost funds that have contributed yearly payments of $500,000 per year as the Ranch is developed to become profitable; start-up costs of approximately $360,000 per year associated with the Twin Buttes Custom Homes, Inc. project, which now employs over 50 persons in Twin Buttes; and the building of community centers in Mandaree and Four Bears segment, which has taken another approximately $1 million of Economic Recovery Fund interest.

Other major efforts have included assisting in funding of the Minne Tohe Clinic, in which approximately $500,000 per; money spent to supplement inadequate BIA funding, assistance for the Head Start program of more than $250,000 per year, assistance for our local ambulance service of more than $35,000 per year and assistance to our elders in various programs such as roads, garages, attended care, and other grants, to name but a few that are listed in the various budgets attached to the resolutions approving the Economic Recovery Fund interest drawdowns that are attached to this testimony. The Economic Recovery Fund interest has also allowed the Tribe to hire a Certified Public Accountant who is developing a separate accounting system for Casino revenues, Economic Recovery Fund earnings and General Fund revenues of the Tribe to better allow us to track exactly how the Economic Recovery fund earnings are being spent by the Tribe.

I also want to draw special attention to the use of the Fund for tourism. As we all know, the Lewis and Clark Bicentennial is upon us. We have been promoting our role in the Lewis and Clark Expedition by developing a film about Sakakawea, who our traditions say was a young Hidatsa woman, setting up promotions of various kinds for the Bi-Centennial, and generally making sure that people remember our significant role in that expedition. This effort has involved the establishment of a tourism department and a film department. The results of this effort to date include the development of a master tourism plan and the acquisition of one of the 10 "signature events" of the Expedition, to be held on the Fort Berthold Reservation in 2006 at the conclusion of the Bi-Centennial. It will be a remarkable event in part because the new 4 Bears Bridge will have been completed by that time.

Establishment of Investment Fund

The most unusual feature of the Economic Recovery Fund Proposal approved by the BIA is the development of an Investment Fund to be funded by Economic Recovery Fund interest earnings. This Investment Fund is proposed to be capitalized initially at $30 million, and would begin on October 1, 2001. The Fund would draw interest, based on the funds being placed into two separate accounts privately placed that would be investing the fund based on criteria the Tribe would establish. The Tribe would then reinvest in the Fund 50% of the earnings each year. It is the intention for the development of this fund that 50% of the interest earnings from the Economic Recovery Fund itself also be invested in the Interest Fund. This Investment Fund was authorized by the Tribal Business Council in 1999. A referendum concerning how much to invest in the fund after its initial establishment was held in March, 2000, and the result was that

the voters preferred investing 50% of the earnings of both the Investment Fund and the Economic Recovery Fund back in the Investment Fund instead of 25%.

The idea is that instead of spending all of the Economic Recovery Fund earnings each year, the Tribe would be building a fund where the earnings from the Investment Fund and the Economic Recovery Fund would eventually be much greater than the earnings from just the Economic Recovery Fund alone. Further, the Investment Fund should be earning more than the 4-5% per year earned by the Economic Recovery Fund is earning as it is presently managed by the Office of Trust Funds Management in Albuquerque, New Mexico. The average annual rate of return on the Investment Fund is estimated to be 8-10% per year.

This type of Investment Fund provides, in part, a hedge against inflation because if the Tribe were to spend all of the Economic Recovery Fund interest dollars each year, ordinary inflation would reduce the value of those earnings enormously over just a single generation, making the value of the permanent fund less and less as the years go by. With a properly managed Investment Fund, the Tribe can continue to see the assets of the Economic Recovery Fund grow significantly, providing income to the Tribe in future years which will continue to be able to supply some of the needs of the Tribe in many areas of expenditures, and not just in those areas provided by the Equitable Compensation Act.

We believe this fund will ensure prosperity in perpetuity for future generations of Tribal members. This investment, managed wisely, coupled with the present expenditures for social welfare, education and economic development, shows how the Tribe feels towards meeting the unmet and future needs of both its present day members and those members yet to come.

Further Details of How the Economic Recovery Fund Has Been Spent

The interest from the Economic Recovery Funds have been used to supplement government trust responsibilities.

Not only have we spent the funds for the purposes allowed by the Act, we have also gone much, much further. As the attached tables of expenditures show, entitled "Summary of JTAC Economic Recovery Funds", a lot of what we have done with the income from the Economic Recovery Fund is to supplement the Federal government's fundamental trust and treaty obligations to our people. This is not right. Because we are forced to use the funds this way, our efforts to achieve economic self-sufficiency, which is really the purpose of the Economic Recovery Fund, are substantially delayed. As noted above, the Equitable Compensation Act expressly prohibited the government from denying or reducing the amounts for which we are eligible because of the existence of the Economic Recovery Fund. But as described in greater detail below and in the attachments, we have ended up using our Economic Recovery Fund income for exactly these purposes, even though this is one of those areas, as well as many others, that should be provided as part of the trust responsibility of the United States.

The tables that are presented list all expenditures the Tribe has made that qualify for the four general categories of expenditures allowed by the Equitable Compensation Act. The total

amount of expenditures up through July 23, 2001 is approximately $37.6 million dollars, spent in the last four fiscal years, starting on October 1, 1997 when the Tribe was first able to draw down interest from the Economic Recovery Fund. Of that total, approximately $3.2 million has been used for educational programs, $14.1 million for social welfare programs, $16.2 million for economic development programs and $4.1 million for other programs, all allowed functions under the Act. Remaining dollars that are listed as being expended for Equitable Compensation Act programs have largely come from revenues of the Tribe's gaming operation, 4 Bears Casino and Lodge.

The tables further break down expenditures cumulatively be category (Exhibit A), by year and by category (Exhibit B); and also list the draws of the interest received from the Economic Recovery Fund (Exhibit C) and the budgets that are associated with those draws (Exhibit D). Finally, the attachments to the tables contain all of the resolutions approving expenditures from interest earned on the Economic Recovery Fund, along with the approval letters from the Bureau of Indian Affairs and the transmittal requests and approval forms used by the Office of Special Trustee (under the direction of the U.S. Department of Interior) which manages the Economic Recovery Funds on behalf of the Tribe.

As we have used these funds, several hundred new jobs have been created, many of our young people have gone to college and graduate school, we have supplemented federal programs, and we have provided assistance to many of the most needy in our community.

We have set up the uses of the Economic Recovery Fund income to try to match, dollar for dollar, the expenditures made for economic development and social welfare. These two purposes go hand in hand. Social welfare dollars help heal the wounds of the flood. Economic development dollars help secure our future.

We have also established a general plan for expenditure of the funds. Each year as we begin our budget cycle, we place funds in each of the categories listed in our overall general spending plan so that we can fulfill the purposes of the Equitable Compensation Act. The outline of how these appropriations are made has been stated above. The following pages list specific examples of the way we have spent our funds. Generally, the number of the category as listed in the attached tables (Exhibits A and B) is stated in these examples.

Some additional examples of use of funds:

Elder housing and other elder assistance: Uses of the funds have included construction costs for homes that provide housing for the most needy elders in our Nation, who were still living in homes that were moved up from their original homesites along the river. This amount to date has been approximately $374,000. (No. 7); and we have provided almost another $900,000 in the past year alone to our elders program, which has gone for such things as health care assistance, assisted living grants, prescription drugs, hearing aids, prosthetic devices and eyeglasses.

Mandaree Enterprises: The Tribe has provided more than $1.2 million to Mandaree Enterprises to expand its capabilities and allow it to take advantage of its status as an Small Business Administration 8(a) company. As a result, Mandaree Enterprises has won numerous

awards as a Tribally-owned business and has provided employment for more than 100 Tribal members. (Nos. 36, 80 and 81).

Twin Buttes Custom Homes: The income from the Economic Recovery Fund was used to secure the bonds that built this plant, now employing more than 50 people and these funds are also being used to pay off those bonds, while the company reaches maximum profitability, in an amount of approximately $1.44 million. (No. 69).

Road Equipment: We have purchased $1 million in road equipment, because there were never adequate access roads constructed after the flood. These are funds that pay for costs the government should have paid for after the flood. These are funds that should be going for real economic development that will provide the kind of self-sufficiency we enjoyed before the flood, not to replace and supplement the Government's trust responsibilities for road construction and maintenance. (No. 21).

We have created a Management and Information Services department which is developing a reservation wide internet access system that will help us close the gap that is known as the "digital divide", between those who have high-speed access and those who don't. But our system is hardly complete. We need literally more than $4 million to completely provide for high-speed access to all of our members and to connect them to our system.

This will help our members with health care, as well, as the Internet has many sites, including the sites of the National Institutes of Health that provide critical information on diabetes prevention. This information can greatly help our people avoid the scourge of this disease about which Carl Whitman, a former Chairman, testified about in 1992. (No. 15).

This is the least we can provide for our members, who, after all, before the flood were a closely knit community who had easy access to each other and the resources the Tribe and the BIA could provide.

Health care: **We have created a Tribal Health Department,** that among other things, provides approximately $500,000 annually to supplement the meager IHS budget for our Minne Tohe Health Clinic, provides for an administrator whose responsibility is, among other things, the development of a comprehensive health care plan for our members, and to assist Tribal members generally with health care needs. Much of these funds are included in the category of "Federal programs overrun support" and "Indirect cost pool". (Nos. 5, 8, 19, 34, 62, 66 and 85).

Central planning office: We have provided $500,000 to create a central planning office that has greatly facilitated our ability to obtain grants and other sources of funding for economic development and for the rebuilding of our Nation, including grants for our community centers, fire suppression and prevention equipment, cultural sensitivity design for the new Four Bears Bridge and a master plan for the Four Bears Peninsula that will provide for development westward as far as 5 miles from the new bridge. The master plan calls for comprehensive public input for the citizens most affected by the construction and operation of the new bridge. We are also developing a comprehensive planning strategy and plan for rebuilding of the MHA Nation, including the development of a transportation plan, an emergency health facility, water

system development and improved business development support. (Nos. 41, 66, and 97).

Film department established: We have allocated $200,000 to begin the development of a feature film and other documentaries illustrating the history and culture for our peoples. Already we have a facility which will be able to mentor our young people for work in the film industry and in our film department. (No. 11).

Tourism Department: We have allocated $400,000 to our tourism department, in part to prepare for the Lewis and Clark Bi-Centennial, secure a signature event for the Bi-centennial, and develop an overall strategic tourism plan. That will bring in thousands of tourists to the Three Affiliated Tribes and North Dakota in general, as the Three Affiliated Tribes was critical to the success of the Lewis and Clark Expedition, which wintered with the Three Affiliated Tribes for six months and used our own Sakakawea as the Expedition's chief guide, securing a passage to the West. (No. 32)

Tribal Education Department: We have allocated $400,000 to allow the Tribe to take control of its education development and to develop a new Tribal Education code, designed to increase our achievement levels and preserve the language and culture of the MHA Nation. (Nos. 10 and 38).

Tribal administration expansion We have expended more than $950,000 to improve and expand our Tribal headquarters, with a new, larger Tribal chambers and 12 new offices. This will allow better access by our members to the activities of our Tribal government, and allow our hard working Tribal employees to enjoy the comforts of a modern Tribal facility that will allow us to improve greatly all of our services to our members, especially including such services as economic development for our people. (No. 90)

Additional Housing: We have allocated $1,050,000 for the construction of 36 apartment units in the Four Bears Community, supplementing the inadequate funds provided by HUD for much needed new housing on the reservation due to severe housing shortages. Once again, we are providing additional funds to satisfy what are government trust obligations to our people, not just because of the flood, but trust and treaty obligations that have been owed to us since the government began taking our lands. (No. 84)

Indirect costs for Federal programs We have spent more than $1.5 million per year to supplement our indirect cost needs, administrative costs that should be provided under the various self-determination contracts held by the Tribe but which are not paid to us, even though our Self-Determination contracts call for those amounts to be paid annually. Once again, we are using the funds to satisfy trust obligations. These indirect costs also include the cost of administering the expenditure of the interest earned from the Economic Recovery Fund which is approximately one third of the total indirect cost amount stated of $1.5 million.

Leveraging of our funds The interest from the Economic Recovery Fund has also been leveraged in a number of ways:

A. The Fund's interest has been used as security for the non-taxable portion of our Casino

Expansion project, which included a multi-purpose facility open to the public and a hotel with swimming pool open to the public.

B. As mentioned above, the Fund's interest was used to secure the bonds issued to construct the Twin Buttes Custom Homes manufacturing facility.

C. We may use the Fund as collateral for additional casino expansion to complete our expansion efforts for the time being, including construction of a marina on Lake Sakakawea to allow us to attract more visitors during our peak summer months and the purchase of a modestly sized, safe passenger vessel that will ply the waters of Lake Sakakawea during the summer months.

Investment Fund Finally as mentioned above, we will be creating an investment fund of up to $30 million. This fund, described in the written statement, is also subject to an investment cap of 25%, so that all of the fund will not be used at once to secure other economic development activities of the Tribe. We intend for this fund to be a permanent feature, the income from which will be available to many future generations of our members.

Experience will guide us to use the income from the Economic Recovery Fund more efficiently, more wisely, as the years go by, Senator.

For us, economic development is a way of achieving self-sufficiency, to get where we were before the flood. But economic self-sufficiency is not completed overnight, even with the income from Economic Recovery Fund. So while we have begun to make progress in creating economic recovery and economic self-sufficiency, we have a long way yet to go.

This list could go on and on, but we believe that the expenditures listed in our budgets and the list of actual expenditures are all being spent for the purposes intended by the Act.

Replacing Lost Infrastructure

The Funds we have received to date do not replace lost infrastructure, we still need additional dollars to replace the lost infrastructure.

It is important to recognize that the Equitable Compensation Act only provided a part of what was promised to us by the United States when the dam was built.

When the dam was built, the Army Corps of Engineers promised a lot. Our elders, in their testimony, have given graphic illustrations of what our homeland was like before the flood, what we had of which we were proud. Some of our elders will testify as to those promises. The Army Corps promised infrastructure replacement, including a new hospital, new schools, adequate secondary and access roads, new community centers, a new bridge, a new rural water delivery system for all of our members on the reservation and access to the electricity generated by the new dam, irrigation and recreation and shoreline development, among other things.

Of all these things, the only ones that are even partly completed are the new community buildings in some of our communities, but New Town, our largest community, doesn't have one,

which is why, in part, we are meeting for this hearing in our new multi-purpose facility. Most of these centers were built within the past five years, nearly 50 years after the promises were made. We have some water treatment plants that serve the people living within our reservation communities, but which do not yet serve our rural residents. Most of these were upgraded or fully constructed in the past 10 years, as much as 50 years after the promises were made. More than 500 Tribal members are still waiting for the provision of piped in quality treated rural drinking water.

We do not yet have adequate health care facilities. We do not begin to have adequate educational resources for our children and for our adults. Our secondary and access roads are still woefully inadequate. Our rural water system is still only on the drawing boards.

Of all of the things on the list as recommended by the JTAC committee more than 15 years ago, none on that list are fully completed, even now, 50 years later. The one thing we do have is that we now have what we hope will be adequate funds for a new bridge, thanks to the efforts of our entire Congressional Delegation.

Additional Needs

As you can tell, and as I stated earlier, there are still a large number of unfulfilled JTAC commitments: These include such things as:

Health Care Facilities

Our health status statistics are a national tragedy, comparable to many third world countries. We are confronted with epidemics in diabetes, cancer, and heart problems all largely unknown to us before the flood. The Minne Tohe Clinic cannot meet the needs of our members at present, as it is too small and is not a comprehensive 24 hour ambulatory health service provider. We have no emergency equipment or ambulances. We are not considered an Emergency Health Care Center and cannot provide after hour coverage due to the inadequacy of the facility.

We need a 24 hour ambulatory facility that can provide a comprehensive emergency medical services and then send them to other major trauma facilities in our region. We feel we need a one stop facility that will be approximately 30 swing beds, that is beds for minor same-day surgery, uncomplicated births, emergency medical services and after care and 15 beds for long term care to make sure our elderly can come back to the reservation to a facility for their long term care needs. This will as well help preserve the language and culture of our people.

We will provide a detailed draft conceptual design later to our Congressional delegation, but as an initial description of what the facility would be, see the attached letter from Dan Press of April 24, 2001 to the Chairman of the Tribe.

This facility is extremely important because the number of enrolled members who reside on the reservation has nearly doubled, as shown by the latest census figures. We know that a full-scale hospital is not possible, but describing such problems as 24 hour on-call situations where the physician can only refer patients to another clinic that is also not open 24 hours. This is not

acceptable in the 21st century, 50 years after a new hospital was promised to us.

Each year, we could spend every dollar of income from the Economic Recovery Fund and still not satisfy the health care needs of our people. This fact alone is a major inhibitor of effective long term economic growth and self-sufficiency that causes tremendous loss of productive years of life for our members.

Education

Our achievement levels in education remain low, far behind the national and statewide averages.

Dr. Joyce Burr has done significant research in this regard. In addition, in a similar study of one of our communities by Holly Echo Hawk, a psychologist, has found that all Tribal members who were dislocated by the flooding, and who were dislocated several times in the previous 150 years, are all suffering from some symptoms of a kind of "post traumatic stress disorder" as a result of that dislocation. At least one-third of our people are affected this way, as shown by drop-out rates, high absenteeism and low achievement levels.

We need a facility that will allow those who have been most affected by the dislocation to have a chance to improve their lives. For a vision of what this facility will look like, please see the attached conceptual design. We need a Central High School with dormitories that will have a culturally appropriate therapeutic design to fill those needs identified by our research. We have a significant drop out rate at our schools presently and students who are not achieving at the same level as North Dakota state averages. These are the kinds of students who need this facility. We cannot build this facility only with the dollars earned from the present Economic Recovery Fund, as those funds must go for many other purposes.

Irrigation

Finally, we need authorization and appropriation of funds for irrigation. Over 15,000 irrigation acres are still authorized by the authorization of the 1986 Garrison Reformulation Act.

But there are no funds for these irrigation acres. The $60 million originally authorized was folded into the authorization for the Equitable Compensation Act, as described above, yet no funds from that authorization were ever actually appropriated or included in the final funding of the Permanent Economic Recovery Fund.

Our irrigation needs are no less now than they were in 1986, and have likely increased due to our population increases according to the 2000 census and low lake levels. Food sources were critical for our culture and our survival. After all, we provided food for Lewis and Clark and their entire expedition the food they needed, produce from our lush gardens that produced corn, squash, beans and many other vegetables in the rich soils of the river bottom lands, and meat from the abundant buffalo, elk, deer and other game that was our heritage.
We had tens of thousands of acres under cultivation in 1949 when the floods started. In 1986 the Garrison Reformulation Act authorized 15,000 acres for irrigation. Those acreages have not been deauthorized, but no money has been authorized for their development. We have a number

of projects that could use those irrigated acres to produce barley, oats, corn, alfalfa and hay for a feed lot and for many other purposes. We are further developing an agricultural economy with a buffalo herd and an appropriate slaughter house all of which require appropriate feed stock crops and hay.

Return of Lands Not Needed for Project Purposes

We need to have our shoreline lands not needed for project purposes returned to us. These lands, sometimes called "excess lands", are the least that can be done given the nature of the lands taken from us. The return of these lands will go a great way towards restoring self-esteem to our members and to our overall economic development as we work towards full development of the lakeshore for outdoor recreation activities, wildlife management and tourism.

These lands were to be returned to us in the 1992 legislation repealed in 1994. The Three Affiliated Tribes needs these lands now to be able to prepare adequately for the Lewis and Clark Bicentennial and the tourists that celebration can bring to our Tribal Nation and the State of North Dakota.

Electricity preference

The 1949 Act promised that we would be provided electricity from the generators of the Garrison Dam. As of 2001, we have finally received a first allocation of electricity from the Western Area Power Administration (WAPA), but only on the same basis as all other "preferred customers". That is not right. As the Tribal Nation that lost the most land to the Garrison Dam and to the other dams along the Missouri River, our members should receive a preference for electricity that is great than those who did not lose lands to the floods behind the dams. There is no reason that WAPA cannot provide us with that preference. Further, this power allocation to us will greatly accelerate our efforts to provide additional meaningful economic development to our people and to our MHA Nation.

Conclusion

In conclusion, Mr. Chairman, the Equitable Compensation Act funds have been used for many and varied beneficial purposes for the Three Affiliated Tribes. We have asked ourselves the question whether the Economic Recovery Fund has provided, or will provide, full economic recovery for the Mandan, Hidatsa and Arikara Nation. The answer to that question is plainly no, for many reasons.

One reason that the Economic Recovery Fund by itself is not enough is that the MHA Nation must provide the means for full economic recovery by wise use of the proceeds from the Fund. The wide variety of programs and economic development activities that have been started or promoted, such as, for example, Twin Buttes Custom Homes, Mandaree Enterprises and Mandaree Solid Surface Corp., have just begun to show their potential for providing real economic development for the Fort Berthold Reservation, and others are still in the development stages, such as the Figure Four Ranch. Other kinds of efforts, such as educational scholarships and creating a strong Tribal government infrastructure, are long term projects that will in the

future provide strong leadership for the MHA Nation and a sound, stable government. Still others, such as social welfare benefits that include better health care, elder support mechanisms, and nutrition programs for young and old, help make our members better equipped to be proud, productive citizens. But it is fair to say that the Equitable Compensation Act has provided the Tribe with some of the means for real economic recovery and will continue to do so for years to come.

Another reason is that the Economic Recovery Fund still has not fulfilled many of the recommendations of the Joint Tribal Advisory Committee. The MHA Nation still very much needs replacement of the infrastructure promised the Tribe by the U.S. Government. This infrastructure includes the rural water delivery system, the reservation wide boarding school, better health care facilities and an improved road system, among other things that are discussed above. We believe that a second round of funding for these purposes is necessary if our MHA Nation is ever to recover as fully as we all know that it can following the flood.

Finally, we need the return of our excess lands and the electricity preference promised us so long ago. These will greatly accelerate the return of the economic self-sufficiency that our ancestors knew before the "great flood" changed our lives forever.

Thus, in summary, our specific requests are:

1. Creation of an infrastructure account in the amount of $60 million, plus interest at least since 1992, to allow us to reconstruct infrastructure still not replaced;

2. Return of lake shore lands not need for project purposes;

3. A 24 hour ambulatory care facility;

4. A culturally appropriate therapeutic model central high school;

5. A guarantee for elders that they will be able to count on their Social Security payments and that they can in fact become entitled to greater social security benefits because of their relevant work experience; and

6. Interest on the $149.2 million from April 1991 to May, 1992.

Again, we thank our North Dakota delegation for all of their efforts in securing this long-overdue funding for us, and look forward to working together with you in the future as we continue to struggle to repair the enormous damage done to our peoples by the Garrison Dam and the subsequent flood. We are hopeful that we can now look forward to build a bright future for our all of our members and our children. Masegehdatz! (Thank you).

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Memorandum

April 27, 2001

Tex Hall
Chairman
Three Affiliated Tribes
Administration Building
Highway 23
New Town, ND 58763

RE: New Health Facility

Dear Tex:

As we move ahead on JTAC II, we need to have a general concept of the kind of health facility the Tribe is seeking. To get the process started, below is an outline of one possibility B a creative hybrid between a full hospital and an outpatient clinic. The concept is based on a report a health consultant did for another tribal client of mine that was being offered a clinic but wanted an inpatient facility.

The concept calls for the construction of an inpatient facility that is less than a full-scale hospital but much more than a clinic. It will have:

- a full outpatient facility and pharmacy;
- 24 hour emergency services;
- skilled nursing beds for patients who need regular nursing care but do not need to be in a hospital, such as patients recovering from surgery or accidents;
- a few acute care beds for emergencies;
- a mid-wife and birthing center that can handle uncomplicated births; and
- an attached long term care facility.

If the Tribe asks for a full-scale hospital, IHS will argue, correctly, that a hospital for a population of your size is not economically feasible and will not deliver good health care. The only alternative to a full-scale hospital IHS has offered tribes is an outpatient clinic like the one on Ft. Berthold. However, the model described above is a third feasible option. Many small rural towns around the country that were in danger of losing their

hospitals have converted their facilities to this hybrid model B usually called a community health facility B and have found that it is both economically and medically viable.

Such a facility lets the large regional hospitals do what they do best B take care of acute care patients, complicated births, surgery and other serious medical problems. The community health facility provides inpatient and outpatient care for those who do not need to be in a full-scale hospital, providing them with care close to home at a much lower cost.

While IHS still has not accepted this hybrid model, it has been shown to work in non-Indian rural communities with populations no larger than Ft. Berthold's, so the Congressional delegation is probably familiar with it. It has numerous benefits to the Tribal members. It will provide 24 hour emergency services. Tribal members will no longer have to be sent off the reservation to a full scale hospital for less serious acute care problems. Even if they are treated at the full-scale hospital, it will, in many cases, allow them to recover from surgery or acute illness at a facility that is close to their homes. And of course it would provide a long term care facility, so elderly tribal members could be near their families while still receiving the care they need.

In addition to being more convenient for tribal members, it will help to address your present shortfall in contract care costs. Presently, some of the CHC money is going to pay the high cost of hospital rooms for tribal members who could be treated at or who can recuperate in the community health facility, which is funded out of direct care dollars. It could also handle uncomplicated births, which eliminates those costs from the contract care budget. It will allow contract care funds to be focused on paying for those who are seriously ill and need to be in a full-scale hospital.

A consultant will need to conduct an analysis of the existing utilization at your service unit in order to determine the exact number of beds the facility can justify. The analysis that was done for my other client, which had an on-reservation population similar to yours, concluded that the population could support 8 acute care beds and 10 skilled nursing beds. These would be "swing beds" in that some of the acute care beds could become skilled nursing beds and visa versa, depending on demand. Because IHS will not deliver care in these ways, this model works only if the Tribe contracts the facility under the provisions of the Self-Determination or Self-Governance Acts. These Acts give a tribe the flexibility to manage the facility according to this model

Since IHS does not provide long term care, the long term care facility, providing residential care, would be a separate facility that is physically connected to the community health facility. The number of long term care beds would depend on need, which can be initially be determined by the number of tribal members now living in such facilities off the reservation who would like to come home. (Some of the skilled nursing

beds would be used by elderly who need more than just residential care.) The medical director of the health facility would also serve as the medical director of the long term care facility. However, he or she can only have this expanded role if the Tribe contracts for the health facility under the Self-Determination Act or the Self-Governance Act, since an IHS employee may not work in a long term care facility.

According to the study done for the other tribe, a facility like the one described can operate on the same direct care budget as the typical IHS clinic, but only if:

1. The Tribe contracts the facility and introduces management efficiencies.
2. The facility aggressively bills Medicare, Medicaid and other third party reimbursement sources, since the financial model assumes that about 25% of the total budget will come from non-IHS sources.
3. The present barrier to new nursing homes in North Dakota is lifted for the Reservation, since most of the long term care facility costs need to be paid for by Medicaid. (It may also require a tribal subsidy for those members who are not Medicaid eligible.)
4. Non-Indians are permitted to use the facility as paying customers, in order to produce the additional income needed to make the model cash-flow. Assuming there is inadequate health care for non-Indians on the Reservation, this also can produce additional political support for the facility.

The financial analysis for the other tribe were done ten years ago. Medicare and Medicaid rates have changed substantially since this other study was done, so a new study, using Ft. Berthold Service Unit data, is needed to confirm these conclusions regarding financial viability.

Sincerely yours,

Daniel S. Press

MANDAN, HIDATSA, & ARIKARA NATION
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Lost Lands and Lost Communities -- Rebuilding A Nation

A Brief History of the Lands of the Mandan, Hidatsa and Arikara Nation
(Three Affiliated Tribes)
of the Fort Berthold Reservation
1851-2001

Executive Summary

The Fort Laramie Treaty of 1851 set aside more than 12.5 million acres in what were later to become four separate states for use by the Mandan, Gros Ventre (now Hidatsa), and Arikara Nations, known now as the Mandan, Hidatsa and Arikara Nation (MHA Nation) (Three Affiliated Tribes) of the Fort Berthold Indian Reservation. In 1851, countless numbers of buffalo still roamed the prairies, which were an essential part of the life style and culture of the MHA Nation. The Great Plains were still not viewed as a particularly suitable place for settlement by non-Indians.

Despite the land set aside by the Fort Laramie Treaty and despite all of the promises made in the Treaty and subsequent "agreements" forced on the Tribes by the U.S. Government that created the eventual Fort Berthold Reservation, by 1917, various Executive Orders and statutes passed by Congress, coupled with the end of the buffalo herds and the voracious demands for land by the immigrants coming to the United States, had reduced the lands set aside in the Fort Laramie Treaty of 1851 for the Three Tribes to less than 650,000 acres. Barely 30 years later, in 1949-1950, the remaining members of the Three Tribes living along the Missouri were told by the U.S. Army Corps of Engineers, the same Army that the Arikara warriors had served faithfully as scouts for much of the latter half of the 19th century, that their remaining homelands were to be flooded by a new dam, called Garrison Dam, conveniently positioned along the Missouri so as to take as much land from the Fort Berthold Reservation as possible, and as little land from non-Indians as possible.

The self-sufficiency of the MHA Nation and its members, who had only a few families on welfare in 1948 and who had survived smallpox and other diseases, the end of the buffalo, the destruction of their villages and destruction of their trading networks, was ended, seemingly forever. The "great flood", as the elders call it, drowned all their villages and towns by the time the lake reached its maximum level in 1956, causing the loss of another 156,000 acres of prime, fertile bottom lands with good access to potable water and forcing the relocation of 90% of the Tribe's members to higher, less fertile, more arid and less hospitable ground. The "great flood" separated communities and many families by more than 100 miles as the lake continued to grow behind the dam.

How did this land loss occur? Three principal mechanisms were employed, all of which seemed, in the view of Congress and the President of the United States, to provide adequate and just compensation to the MHA Nation and their members for the takings involved:

1) Executive Orders and forced agreements diminishing the reservation – at least four separate and distinct orders, starting in 1870 with the last in 1917; with some of the largest land losses coming after pressure on Congress and the Executive Branch was exerted by the Northern Pacific Railroad Company in the late 1870's.

2) Homestead and allotment acts which declared the lands not allotted as "surplus" and available for settlement within the boundaries of the reservation by non-Indians; particularly destructive was the 1910 Homestead Act.

3) Placement of a dam along the Missouri River, constructed between 1949 and 1954, in such a way as to maximize the destruction of the remaining homelands of the MHA Nation, even though alternatives to the Garrison dam placement existed.

A map of the various Fort Berthold reservations established over the years is attached for reference.

In 1999, the MHA Nation is seeking to rebuild itself, and seek lands to replace those lost and taken by the U.S. Government, lands that can provide resources that will provide the Tribes some possibility for economic development and further opportunity for self-sufficiency. To do this, they must obtain lands both on and off the Fort Berthold Reservation. Placing the land into trust with the U.S. government provides both economic incentives for the Tribe to develop the land appropriately and allows the MHA Nation an opportunity to reacquire control of lands once reserved for it "as long as the grass grows and the water flows".

In this brief history, the mechanisms of land loss will be further developed, justification and compensation offered will be set forth, and a chronology of events established.

Background

When the Lewis and Clark Expedition stopped at various Mandan villages along the Missouri River in what is now North Dakota in the fall of 1804, they found a thriving culture composed of industrious, self-sufficient indigenous people. For centuries, the Mandan, and other Tribes with which they associated, had lived and thrived in earth lodge villages, some with more than 3,500 people, located, at various times, along more than two-thirds of the length of the Missouri River, a distance of more than 1,000 miles. Their trading network, located in the heart of North America, allowed Tribes from as far away as the Iroquois Federation to trade with Tribes that visited the Pacific Coast. The Mandan and the Tribes affiliated with them were both agriculturalists and townspeople, as well as hunters of the buffalo and other game that was abundant on the northern Great Plains.

Already by 1804, however, smallpox and other European diseases had diminished substantially the number of Indians living along and near the Missouri. Further smallpox epidemics would

reduce the numbers still further throughout the 19th Century. The same villages visited by Lewis and Clark were again visited 30 years later by Maximillian, a crown prince of Austria, as he visited a broad area of the western part of North America.

Several initial treaties with the Arikara, (7 Stat. 259) the Mandan (7 Stat. 264) , and the Minataree (7 Stat. 261) in 1825 focused on an end to any hostilities between the Tribes and U.S. military in what had been purchased in 1803 by Thomas Jefferson as the Louisiana Territory. These early treaties did not reserve or set-aside lands to the Tribes, but instead promised protection to the Tribes, and "such articles of merchandise, &c. as their necessities may demand", in exchange for an end to hostilities.

But by 1851 pressure had built across the Great Plains for a more comprehensive settlement of disputes among the various Indian Nations in the Great Plains and the United States. Long wagon trains of settlers were crossing the Great Plains and already an effort had been started towards building a transcontinental railroad, and each of these efforts needed some assurance that Indian Nations would not continue to pose a threat. Among the Indian Nations, conflicts were building over resources that even then were becoming more limited. So, in early September, 1851, near Fort Laramie, in what is now Wyoming, more than 14,000 Indians gathered from nine of the most prominent Indian Nations of the Great Plains, including the Three Affiliated Tribes, then known as the Mandan, Gros Ventre and Arikara (sometimes spelled Arickara, Rickara or Arickarees) to speak with representatives of the U.S. Government about a comprehensive agreement reserving lands to the several Indian Nations and ending hostilities with the U.S. government.

The Fort Laramie Treaty of 1851

The goal of the U.S. government at the Fort Laramie conference was fairly simple. In exchange for distinct areas reserved for the various Tribes, safe passage for immigrants and others through and around the lands would be guaranteed. The lands reserved in the Fort Laramie Treaty of 1851 for the various Indian Nations, including the Mandan, Arickarees and Gros Ventre (now known as "Hidatsa", which is their name for themselves), were not simply "mutual recognition by the Indians of their claims to territory and its segregation by them", as the U.S. contended in a Court of Claims case, ***Indians of the Fort Berthold Indian Reservation v. United States***, 71 Ct. Cls. 308, (U.S. Court of Claims, 1930), which recognized the *de facto* ratification of the Fort Laramie Treaty of 1851 by the U.S. Senate. Rather, as the Court observed, the "Government not only recognized the Indian title, never at any time disputing it, but by solemn treaty, following negotiations, expressly agreed that each tribe was to be assured title to the territory set aside for it." *id.*

The lands reserved to the Three Tribes in the Fort Laramie Treaty of 1851 encompassed land described as follows: "Commencing at the mouth of the Heart River *[next to present day Bismarck, in North Dakota]*, thence up the Missouri to the mouth of the Yellowstone River *[near Williston, North Dakota]*, thence up the Yellowstone River to the mouth of the Powder River in a southeasterly direction to the headwaters of the Little Missouri River *[in southeast Montana]*; thence along the Black Hills to the head of the Heart River *[in northeastern Wyoming]*; and thence down Heart River *[through the northwest corner of South Dakota]* to the place of

beginning." While an estimate of the size of the territory covered by the above description was not given in the Treaty, later surveys established its size as approximately 12.5 million acres, or approximately 20,000 square miles.

The Era of Executive Orders, Takings Without Compensation, Forced "Treaties"

But the ability of the Three Tribes to keep the land recognized as theirs in the Fort Laramie Treaty of 1851, despite the guarantees offered by that Treaty, was short lived. Because the Fort Laramie Treaty of 1851 had not formally been ratified by the U.S. Senate, due to simple administrative oversight, (it had been approved and amended by the Senate in 1852), the various military commandants in the Dakota Territory and the Commissioner of Indian Affairs sought to provide a different reserved area for the Three Tribes in 1869. The commanding officer from Fort Stevenson claimed that he had consulted with the Chiefs of the Tribes, and believed that they were satisfied with the boundaries of the new reservation he had proposed, and forwarded a recommendation to the President of the United States that the proposed new reservation be set aside by an Executive Order of the President. This was accomplished by Ulysses S. Grant on April 12, 1870, the first in a series of Executive Orders diminishing the area originally reserved for the Three Tribes in 1851. The new reservation declared by the Executive Order was approximately one-half of the original area set aside.

But more land was lost in just a few more short years. Under a law passed during the Civil War in 1864 granting a large right of way and half the land within it, the Northern Pacific Railroad Company in 1878 pressed the U.S. government to extinguish Indian title to much of the existing reservation, claiming that title to the 40 mile right of way granted to the railroad on each side of the rail line then under construction, and title to the lands granted within that right of way to the railroad, were clouded because of the claims of the Three Tribes of the Fort Berthold Indian Reservation to a major part of that land. Acceding to this request, a new Executive Order was issued by President Rutherford B. Hayes on July 13, 1880, again reducing the Fort Berthold Reservation by more than half, giving the MHA Nation a reservation which actually added land north of the present reservation, and north of the Missouri River, but which subtracted most of the southwestern part of the former reservation, these subtractions being "added to the public domain".

The Allotment and Homestead Era

By 1886, Congress had begun establishing an allotment process, whereby various size parcels, ranging in size from 160 acres to 40 acres, were allotted to members of the Indian tribes based on whether the individual was the head of a family, a single adult, an orphan under the age of 18, or a minor under the age of 18. As a part of the Allotment Acts, some of which were passed for specific tribes, as in the case of the Three Affiliated Tribes of the Fort Berthold Reservation, there were provisions that gave to each allottee certain agricultural implements, livestock, seed and other rudimentary supplies to allow the allottee to begin farming. These policies towards Indians were considered by the politicians of the time to be "enlightened" and "progressive".

A "Treaty" was entered into in 1886 with the Tribes of the Fort Berthold Indian Reservation that provided for such an allotment process, and this "Treaty", which was essentially an Act of

Congress that dictated to the Tribes the terms of cession of additional land, was ratified by Congress in 1891. (26 Stat. 1032). One of the terms of the Treaty shows the utter contempt the U.S. Government for both its previous agreements, such as the Fort Laramie Treaty of 1851, and for the lawful claims of the Three Affiliated Tribes for the lands reserved by that Treaty:

> "...whereas it is the policy of the Government to reduce to proper size existing reservations when entirely out of proportion to the number of Indians existing thereon, with the consent of the Indians, and upon just and fair terms; and whereas the Indians of the several tribes, parties hereto, have vastly more land in their present reservation than they need or will ever make use of, and are desirous of disposing of a portion thereof in order to obtain the means necessary to enable them to become wholly self-supporting by the cultivation of the soil and other pursuits of husbandry: ..."

Essentially, after killing all the buffalo, reducing their land holdings, and starving the Indians into submission, the U.S. believed the Indians didn't need the land any more, and that it was being generous to the Tribes by providing their members a few things that would supposedly allow them to become "self-supporting", at the same time taking land that they would never "make use of", land that had been guaranteed to them in the Fort Laramie Treaty of 1851.

The 1886 "Treaty" essentially fixed the reservation boundaries of the Fort Berthold Reservation where they are at today. The "Treaty" also established a 25 year period in which all the lands allotted, and also all lands not allotted to individual Indians, would be held "in trust for the sole use and benefit of the Indians". After the end of that period, the allotted lands were to be deeded to the individual allottees, and the land not allotted was to be deeded in fee to "said tribes in common". Additional allotments could be made to Tribal members born after the initial allotments were made, but only if they were born before the expiration of the 25 year trust period.

But much of the lands not allotted to individual members, and within the boundaries of the Fort Berthold Reservation, were not ever deeded to "said tribes in common". This was due to the passage, on June 1, 1910, 36 Stat. 455, of an additional allotment act, specific to the Fort Berthold Indian Reservation. This new act provided for additional allotments to those made under the 1886 "Treaty", in an amount of 160 acres of agricultural land or 320 acres of grazing land to each member of the tribes residing within the Fort Berthold Indian Reservation, with the allotments coming, however, only from a certain set aside portion of the Reservation. The remaining land within the Reservation, in which allotments to Tribal members would not be permitted, was to be opened up for homesteading in accordance with homestead laws as they existed at that time. This land was north and east of the Missouri River, and is commonly known now as the "Northeast Quadrant". Also, before the end of the 25 year trust period, the trust relationship was extended.

Not only did the Act open up the area north and east of the Missouri River for homesteading, the Act also provided that all lands not allotted regardless of where located would be surveyed, appraised and opened up for homesteading. The proceeds of the sales of the lands not allotted would be paid into the Treasury, to be "to the credit of the Indians belonging to and having tribal

rights to said reservation", but the funds so deposited were also "subject to appropriation by Congress for their [the Indians] education, support and civilization." 36 Stat. 458. Those lands not disposed of within 4 years of the passage of the Act would again be offered for homesteading.

More Executive Orders followed in 1917 from President Woodrow Wilson, taking away from Tribal members any lands that had identified coal deposits on them. The allotment process was extended again by these orders, and lasted until 1934, with a few bits and pieces of Tribal lands held in common remaining.

Effectively, the MHA Nation was deprived by the 1910 allotment act and subsequent Executive Orders and Acts of Congress of virtually all lands that could have been held in trust for the benefit of the Nation as a whole. This fact has resulted in the MHA Nation holding today, in 1999, as Tribally owned land, less than 25,000 acres out of a total of nearly 1,000,000 acres within the boundaries of the Fort Berthold Indian Reservation, exclusive of the land under the present lake bed and any other excess lands still held by the U.S. Army Corps of Engineers.

In addition, the Tribe has had to fight back two lawsuits in the last 30 years attempting to diminish the reservation because of the 1910 allotment act. Neither has been successful, but the ill feelings between the non-Indians in the "Northeast Quadrant" and the Tribal members remains. For example, in the town of Parshall, in the heart of the "Northeast Quadrant" 21 miles from the Tribal headquarters at New Town, and now being settled by many Tribal members, the Department of Justice Civil Rights Division had to intervene just two years ago in a school district voting dispute which effectively denied representation to Tribal members on the local school board. These are just some of the consequences, still being felt, of a misguided policy of diminishment and sale of Tribal lands that were to be held in common for the benefit of the Tribes and their members.

The Court of Claims, in 1930, reciting much of the foregoing history, concluded that the Three Affiliated Tribes, because of the various takings by Executive Orders and Acts of Congress, had not been compensated for 9,846,186.93 acres that were a part of the original Fort Laramie Treaty of 1851. The Court of Claims awarded the Three Affiliated Tribes a total of $2,169,168.58 for the almost 10 million acres, a net amount of about $0.22 per acre, because the Court deducted the amount expended by the U.S. for the benefit of the Tribes during the period of 1851 to the time of the decision in 1930. This amount of compensation was later increased under the litigation that followed the passage of the Indian Claims Act, which also awarded the Tribes post-taking interest – but none of these actions restored any of the lost land.

The "Great Flood" – the Modern Era

Despite the strong words of the Court of Claims in 1930, ruling against arguments of the U.S. that adequate compensation had been given for lands taken from the MHA Nation, and that the Fort Laramie Treaty of 1851 had not been violated, the "taking" of land from the MHA Nation was not over. By the time the Court of Claims heard the claim of the Indian Tribes of the Fort Berthold Indian Reservation, Congress was already beginning to fund major dam building projects all over the West. In 1939, Congress authorized the building of a series of dams along

the Missouri River, primarily for the purposes of flood control, navigation downstream and generation of electricity. With World War II, the statute was not funded until 1944, when Congress passed what became known as the "Pick-Sloan" Act, P.L. 534, 78th Cong. 2d Sess., 58 Stat. 887.

The Pick and Sloan of the Act were Col. Lewis A. Pick of the U.S. Army Corps of Engineers and W. Glenn Sloan of the Bureau of Reclamation. They had prepared contrasting analyses of where dams along the Missouri should be. The Sloan plan emphasized tributary dams without the impact along the mainstem of the Missouri that resulted from the Garrison and other dams along the Missouri. Mr. Sloan believed the site the Corps wanted as too unstable for a large dam. However, since the U.S. Army Corps of Engineers was building the project, the Corps plan of Col. Pick was chosen, placing the dam where it would have maximum devastating impact on the land of the MHA Nation and its members.

Why was the dam site selected where it was? Carl Whitman, Tribal Chairman during the years 1948-1950, provided eloquent written testimony about that issue at a hearing before the Senate Select Committee on Indian Affairs in 1991 at which the Tribes were still seeking just compensation for their land. He wrote:

> "If 2 Indian Reservations were affected by the dams, we could dismiss it as coincidental. If 3 Reservations were affected by these dams, with some stretch of imagination, we could dismiss it as coincidental, but not 7 reservations affected by these series of dams down river. The Corps of Engineers were obviously selecting sites based upon the line of least political resistance." p. 104, S. Hrg. 102-67, on S. 168, April 12, 1991, Senate Select Committee on Indian Affairs.

The Corps held a series of hearings about the dam in the mid to late 1940's , listening, impassively and unresponsively, as the elders of the MHA Nation tell it, to the Indian people of the Fort Berthold Reservation describe what the flood would do to them and their way of life. Eventually, the Corps personnel came and made everyone leave their small towns that had been along the Missouri for centuries.

Several bills were passed in the late 1940's which provided varying levels of compensation to the Tribes and their members for the land being taken by the flood behind the dam, including proposals to provide land in lieu of the land lost. Finally, the Tribe was told to approve the contract for compensation by June, 1948 or get nothing.

No supposedly "just compensation" can replace a way of life. None of the compensation allowed the Tribes or their members to acquire lands that were anywhere near the equivalent, in terms of resources, access to water or arable status. None of the compensation could allow communities once close to be close again, as the bridge that had served the communities (before the bridge the Tribes used bull boats to cross the river at natural fords) was moved more than 100 miles to the northwest. The bridge was to be located near a new community that was called, for want of a better name, "New Town". That is its name today. None of the compensation was sufficient to allow a new rural hospital to be constructed in the "New Town" that had been created to replace the old one that had been near the Tribal headquarters in Elbowwoods; none of

the compensation allowed a sufficient water supply to be constructed replacing the previous easy access to water; and none of the compensation was sufficient to allow the Tribes to rebuild community centers for public meetings and recreation, among other things; none of the compensation could ever give the Tribe back its cemeteries and sacred sites. Again, as Carl Whitman put it in his testimony in 1991:

> "The Garrison Dam was going to be built. It would flood one hundred fifty six thousand (156,000) acres of prime river bottom lands, which were our ancestral home and lands, forcing the relocation of ninety percent (90%) of the Indian people. The Tribe would lose the hospital, the schools, the bridge, the dormitories, roads, sawmills, the flour mill, the cattle program, cemeteries, and most importantly, our economic self-sufficiency. Our community would be divided and we would lose our way of life. Our people would be uprooted, shuffled and mixed. Every semblance of our organization would be destroyed." *id.* at 105.

Following the dam and relocation of the Tribal members to other lands on the Fort Berthold Reservation, the lives of many of the Tribe's members were shattered. Even today, fifty years later, the lake behind the dam, now called, ironically, Lake Sakakawea, is still, to a large degree, shunned by the Tribal membership.

To be sure, the Tribe has now received additional funds, due to what is called "The Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act", passed in 1992, which created a permanent fund of $149.2 million from the sale of power from the Pick-Sloan dams, the interest from which the Three Affiliated Tribes are to receive in perpetuity. The Tribes are still determining how best to utilize the interest funds that have been provided.

Recently, yet another land taking involving the creation of Lake Sakakawea has occurred. The Army Corps of Engineers, it turns out, took more land than they needed when the dam was constructed. This land is along the lake, below the 1860' elevation below which all land was taken, but above the level of the lake that is generally accepted as the maximum lake level, approximately 1856' feet elevation. As part of the compensation for the land takings provided by the Equitable Compensation Act mentioned above, Congress in 1992 provided for the return to the Tribes of the lands that were not needed for the dam and the lake itself, approximately 55,000 acres of shoreline land. But the return of the lands was repealed by Congress in 1994, apparently because the cost of surveying the land and returning it to its rightful owners would cost more than it was worth. The Tribes are still in negotiation with the Corps and the U.S. about the eventual return of the excess lands.

Also, slowly, and more than 50 years later, the Tribes are obtaining water distribution systems to serve their people potable water, courtesy of funds provided under various formulations of what is known as the Garrison Diversion program, now to be called the "Dakota Water Resource Act". But many on the reservations still use cisterns and truck potable water into their homes, as often the well water available is too brackish to use.

And many important reconstruction efforts remain: gaining back lost agricultural lands, getting a rural hospital to serve the now more than 5,000 Tribal members on the Fort Berthold Reservation, putting in place an adequate water distribution system to serve not just the needs of Tribal members, but of all rural residents of the Reservation and replacement of the 4 Bears Bridge across the Missouri, the bridge that was moved 100 miles from its original location, whose center spans are more than 75 years old and too narrow to accommodate many vehicles.

Other Ways Tribal Members Have Lost Lands

Another mechanism by which the MHA Nation and its members lost land should be mentioned, which is often known as "forced fee patents". This process occurred, and still occurs, in a number of ways. In some situations the loss of the land is lawful under existing and previous Federal law, and in others the loss is unlawful, but if not challenged within the period of the applicable statute of limitations, becomes lawful. Two of the most common means of the concept of "forced fee patent" are as follows:

(1) Pursuant to 25 U.S.C. Section 392, the Secretary may approve an application for removal of the trust status of land held by individual Tribal members, or may approve an application that could result in such removal of trust status and loss of the land due to a default on a loan or other such mechanism. For example, a mortgage could be approved by the Secretary in which the trust land was placed as collateral on a home loan. If the borrower goes into default, the land can be taken from the borrower in the resulting foreclosure. Some trust lands on the Fort Berthold Indian Reservation have been lost, and are still being lost, through these types of "forced fee patents". In many cases, the Tribal member receiving approval for a mortgage or other type of transaction involving potential loss of his or her trust land was not adequately informed by the Bureau of Indian Affairs at the time of approval of the possible consequences of the security instrument that may have resulted in the loss of the land.

(2) Another mechanism for loss, and another "forced fee patent" process, is blatantly illegal but occurred throughout the reservation at various times following the passage of the 1910 homestead act mentioned above. This method involves corruption of the rankest sort at the county seat in the county in which the land is located.

The scheme works this way: The local property tax collection official assumes, for the purpose of the scheme, that a particular Tribal member holding an allotment does not know anything about the county property tax assessment and collection process. A false notice is sent (or in some cases, no notice) that if the individual holding the allotment does not pay, within a certain amount of time, property "taxes" owing, the land will be sold at a tax sale on the courthouse steps. If the individual is working off the reservation, and the address to whom the information is sent is a local one, the person may not receive the notice, and even if the person receives the notice, may not have the funds to either challenge the false notice or pay the alleged "tax" off; and then the land is sold at the Courthouse steps for the amount of the "tax" owed. The allottee, not knowing what has happened, may return to the reservation expecting to find his or land and instead may discover that someone else claims ownership of land the Tribal member believed was his or her allotment.

If the land is not redeemed within the appropriate period from the tax sale, anyone is then able to purchase the real property for the amount of the taxes supposedly "owed". Over time, this false "tax sale" may result in good title if the allotted owner of the property does not step forward and file a claim against the tax purchaser or the U.S. for return of the property within the applicable statute of limitations for actions involving real property. There are many reasons for not stepping forward and seeking a quiet title action to return title: lack of resources to fight for return of the land, lack of familiarity with state or federal courts and the process, and lack of any understanding that such an action is even possible.

A significant amount of land has been lost through false tax sales and other "forced fee patent" schemes, but it is difficult to tell how much without a thorough examination of land records, and even then it is not possible to know for sure because of the possibility of records being falsified long ago. The false tax sale mechanism was particularly used during the 1920's through the 1940's, when the United States was in the midst of the Great Depression. Through all kinds of "forced fee patent" schemes, perhaps 50,000 acres or more of allotted trust land has been lost on the Fort Berthold Indian Reservation over the past 100 years. The kinds of lands lost often have been those most coveted by non-Indians: good agricultural lands.

Despite some legislation that provided a remedy of compensation for individuals who had lost their land in the above way, or through some similar scheme, few Tribal members have been fairly compensated for the loss of their lands and the loss of their allotment through false tax sales, and the applicable statutes of limitation have generally run out. This loss of land has had the kind of consequences one would expect: the individuals losing their land have left the Reservation, leaving the Tribal communities bereft of needed human resources, and, in the long run, this loss has eroded the ability of the Tribe to control its own Reservation, since more and more fee lands have been over time interspersed with lands held in trust, creating a checkerboard of potentially conflicting jurisdictions.

Now, even in 1999, more lands, roughly 26,000 acres, are at risk of going out of trust through another "forced fee patent" device, due to foreclosure by the U.S. Department of Agriculture on bad loans made to Tribal members by the Farmer's Home Administration or other Federal agricultural agencies and approved by the Bureau of Indian Affairs. These Tribal members facing foreclosure are generally ranching on the tough land given to them in replacement for the rich bottom lands taken by the dam. The Tribes are making every effort to see that these lands stay within the ownership of the MHA Nation, but the process to allow retention of those lands is not easy and not yet resolved.

Replacement Lands -- New Opportunities

One of the primary means for the MHA Nation to rebuild itself, in a rural setting, is to acquire replacement lands for the lands lost to homesteading, the railroad, the "great flood" of the Garrison Dam, and the sheer rapaciousness of the U.S. government. These lands may be on or off the present day Fort Berthold Reservation. In fact, the Tribe is reacquiring a large buffalo herd, in an effort to provide jobs and real income by using a resource that is familiar to it. But the buffalo herd requires a lot of land.

For this purpose, the Tribe has acquired a 15,000 acre ranch whose eastern boundary is the western boundary line of the Reservation. The ranch purchase has apparently disturbed local and state authorities, who seem to think the Tribe will not be good property owners of fee lands off the reservation. The Governor's counsel, in one meeting with Federal and state authorities about the ranch purchase, stated categorically that the Governor would oppose placing the land into trust, even though it is contiguous to the Reservation. This attitude is present despite the economic activity that will be created by the Tribe's ownership of the ranch, and despite the fact that for many other economic development efforts, major tax incentives, meaning major tax reductions, are provided by state and local governments as inducements for companies thinking about locating in the state of North Dakota. Even with the ranch, the total property tax lost each year is well under $10,000.

These present day attitudes are what the MHA Nation, and other tribes in their position, must fight every day. The MHA Nation, given its long history of friendship to the United States, and given the great amount of duplicity of the Federal government in its treatment of the Tribes, need land-into-trust regulations which will provide a workable standard for placing land into trust status for their benefit. The MHA Nation must be allowed at least the opportunity to rebuild itself, both within and without its present reservation boundaries.

We appreciate this opportunity to present the history of our lost lands.

THREE AFFILIATED TRIBES

SUMMARY OF JTAC ECONOMIC RECOVERY FUNDS

EXHIBIT A

Three Affiliated Tribes
JTAC Expenditures
By Function
As of July 23, 2001 Except as Noted

		Educational	Social Welfare	Economic Development	Other Programs	Total
1 MR&I Expenditures Paid by TAT	(1)		1,318,343.17	1,318,343.16		2,636,686.33
2 Flickertail Paving Project	(1)			309,804.41		309,804.41
3 Legal Fees					100,000.00	100,000.00
4 USGS Survey Settlement	(1)				227,906.13	227,906.13
5 Health Insurance Not Charged to Tribal or Federal Programs			251,636.54			251,636.54
6 Tribal Elder Organization Program Support	(2)		586,678.38			586,678.38
7 Tribal Elders 11 Home Purchases			440,000.00			440,000.00
8 Donations and Grants Paid From General Fund		2,022,491.47				2,022,491.47
9 White Shield School Support	(1)	773,148.48				773,148.48
10 477 Education Participant Support	(1)	119,250.00				119,250.00
11 Sakakawea Promotional Film Support				38,269.33		38,269.33
12 Tero Office Support			349,179.04			349,179.04
13 Tax Commission Operating Support					51,391.31	51,391.31
14 Solid Waste Disposal Support	(1)			433,983.71		433,983.71
15 Management Information Systems Department Support			131,019.91			131,019.91
16 Historical Preservation and Museum Support		438,102.18				438,102.18
17 Economic Developer Office Support				83,893.64		83,893.64
18 Parshall Detox Program Support	(1)		156,685.22			156,685.22
19 Medical Records Office Support	(1)		213,133.95			213,133.95
20 Tribal Roads Maintenance-Other	(1)			1,018,919.84		1,018,919.84
21 Tribal Roads Maintenance-Equipment	(1),(6)			218,403.35		218,403.35
22 Oil Pumping Service Support				289,424.40		289,424.40
23 Veterans Office Support			116,507.46			116,507.46
24 CDBG Administration Support	(1)		208,450.25			208,450.25
25 Segment Support				2,319,741.18		2,319,741.18
26 Summer Intern Program Support		99,842.92				99,842.92
27 Buffalo Operating and Capital Funds Support				1,813,843.77		1,813,843.77
28 Tribal Programs Cost Overruns Support			324,891.72			324,891.72
29 Lease Preparation Fee Department Support	(1)				46,209.17	46,209.17
30 Game and Fish Department Support	(1)				22,048.66	22,048.66
31 Transportation Services Support	(1)		88,732.31			88,732.31
32 TAT Tourism Fund Support				126,227.64		126,227.64
33 City Lots Fees/Maintenance Support				3,044.30		3,044.30
34 Federal Program Overruns Support	(3)		2,207,517.02	1,550,103.70		3,757,620.72
35 Recreational Lot Fees/Maintenance Support				6,447.71		6,447.71
36 TAT Uniband Project Support				276,734.21		276,734.21
37 Head Start Program Support	(1)		307,867.06			307,867.06
38 Education Program Support	(1)	815,140.58				815,140.58
39 Natural Resources Department Support	(1)			228,965.99		228,965.99
40 Material Resources Department Support				176,482.35		176,482.35
41 Tribal Government Fund Support					2,928,093.25	2,928,093.25
42 Community College Support	(1)	76,197.81				76,197.81
43 Casino Economic Development Fund Support				424,695.41		424,695.41
44 MHA Day Care Support	(1)		1,198,994.93			1,198,994.93
45 Twin Buttes Day Care Support	(1)		37,854.12			37,854.12
46 TAT Constitutional Commission Support		35,255.74				35,255.74
47 Financial Advisor Office Support				126,149.70		126,149.70
48 JTAC Planning Committee Support					38,688.99	38,688.99
49 Tribal Election Board Support			518,691.08			518,691.08
50 Tribal Enterprises Insurance Support				15,712.40		15,712.40
51 Gaming Commission Support					1,238,207.27	1,238,207.27
52 Youth Resource Centers Support			43,440.49			43,440.49
53 Docket Funds for Scholarships Support	(1)	23,868.44				23,868.44
54 Docket Fund for Community Development Support	(1)			17,506.51		17,506.51
55 Legal Department Support			938,029.50	938,029.50	938,029.53	2,814,088.53
56 Docket Fund for Child Welfare Support	(1)		60,242.59			60,242.59
57 Docket Fund for Alcoholism Support	(1)		35,263.57			35,263.57
58 Docket Fund for Land Purchases Support	(1)			385,918.64		385,918.64
59 Docket Wake Fund Support	(1)		558,519.39			558,519.39
60 Docket Fund for Scholarships Support	(1)	70,001.59				70,001.59
61 Docket Communications Fund Support	(1)			98,910.13		98,910.13
62 Health Outreach Fund Support	(1)		5,392.75			5,392.75
63 Land Purchase Fund Support				149,180.17		149,180.17
64 Small Loan Program Support			241,321.25			241,321.25
65 Tribal Utilities Fund Support	(1)			193,537.01		193,537.01
66 Indirect Cost Pool Support	(1)		2,635,923.00		5,271,847.64	7,907,770.64
67 Aging and Meal Sites Support	(1)		393,343.03			393,343.03
68 Elbow Wood Works Support				53,524.85		53,524.85
69 Twin Buttes Custom Homes Debt Service and Bond Fees				1,442,581.57		1,442,581.57
70 Mandaree Solid Surface Support				235,536.21		235,536.21
71 4 Bears Lagoon	(1)		31,027.15	31,027.15		62,054.30
72 Community Buildings	(1)		506,000.01	505,999.99		1,012,000.00
73 Youth Building			64,500.00			64,500.00
74 Mandaree Watch Program			27,579.70			27,579.70

EXHIBIT A

Three Affiliated Tribes
JTAC Expenditures
By Function
As of July 23, 2001 Except as Noted

			Educational	Social Welfare	Economic Development	Other Programs	Total
75	Tribal Court and Truancy Officer Support	(1)		232,857.71			232,857.71
76	Nuxbaaga Advocate			11,699.82			11,699.82
77	Animal Control			6,062.06			6,062.06
78	Senior Citizens Garages			157,904.40			157,904.40
79	Cops FAST Program Support	(1)		425,998.66			425,998.66
80	White Shield Work Station Upgrade Support				510,000.00		510,000.00
81	Parshall Data Facility Support				432,110.00		432,110.00
82	West Segment Development Corporation Support				25,000.00		25,000.00
83	First American Enterprise Support				25,000.00		25,000.00
84	4 Bears Apartment Complex			1,050,000.00			1,050,000.00
85	Drug and Alcohol Program	(1)		74,367.84			74,367.84
86	Drug and Alcohol Building	(1)		176,963.40			176,963.40
87	Economic Development-Agriculture	(1)			466,543.63		466,543.63
88	Other Segment Support				144,386.11		144,386.11
89	Social Service Support	(1)		41,449.30			41,449.30
90	Administration Building Addition and Reroof				956,710.06		956,710.06
91	Gravel Purchases for Tribal Roads and Access to Homes	(1)			421,173.67		421,173.67
92	Oil Well				5,025.00		5,025.00
93	Commodity Warehouse	(1)			4,827.49		4,827.49
94	Vehicles					17,608.61	17,608.61
95	Figure Four Ranch				333,426.43		333,426.43
96	Figure Four Ranch Debt Service and Bond Fees				957,496.30		957,496.30
97	Community Development Planning Program	(1)			56,160.34		56,160.34
	Total Qualifying Expenditures		4,473,299.21	16,174,067.78	19,168,800.76	10,880,030.56	50,696,198.31
	Less JTAC Distribution Totals	(4)	(3,214,523.00)	(14,065,191.00)	(16,204,522.00)	(4,105,861.81)	(37,590,097.81)
	Qualifying Expenditures in Excess of Distributions	(5)	1,258,776.21	2,108,876.78	2,964,278.76	6,774,168.75	13,106,100.50

Footnotes

(1) Funds in these categories supplemented or fulfilled trust responsibilities of the United States for the MHA nation. The total of these is $22,540,400.

(2) The remaining budget available for Elder programs is approximately $800,000.

(3) This amount includes funds that directly supplemented self determination act programs and other federal programs operated by the Tribe.

(4) The amounts listed in this row represent the amounts budgeted for each category by the Tribal Business Council pursuant to the attached resolutions.

(5) This amount represents funds expended for allowable compensation act purposes, but which were obtained from other general revenue sources of the Tribe such as the Tribally owned Casino.

(6) Various equipment purchases that are used for the road program of approximately $700,000 are included within expenditures of several other programs.

EXHIBIT B

Three Affiliated Tribes
JTAC Expenditures
By Year and Function
As of July 23, 2001 Except as Noted

	Educational	Social Welfare	Economic Development	Other Programs	Total
1996					
MR&I Expenditures Paid out of General Fund		238,532.96	238,532.96		477,065.92
Docket Reimbursement-Community College Distributions	72,225.53				72,225.53
Flickertail Paving Project			309,804.41		309,804.41
Legal Fees				100,000.00	100,000.00
USGS Survey Settlement				227,906.13	227,906.13
Subtotal 1996	72,225.53	238,532.96	548,337.37	327,906.13	1,187,001.99
1997					
Tero Office		87,605.75			87,605.75
Solid Waste Disposal			25,162.24		25,162.24
MHA Day Care		507,882.66			507,882.66
Historical Preservation and Museum	88,781.61				88,781.61
Economic Developer Office			34,180.99		34,180.99
Medical Records Office		24,353.90			24,353.90
Oil Pumping Service			92,615.61		92,615.61
Veterans Office		35,852.90			35,852.90
CDBG Administration		61,584.34			61,584.34
Segment Support			175,927.28		175,927.28
Summer Intern Program	19,181.77				19,181.77
Buffalo Operating and Capital Funds			799,015.94		799,015.94
Tribal Program Cost Overruns		324,891.72			324,891.72
Lease Preparation Fee Department				46,209.17	46,209.17
Transportation Services		86,992.94			86,992.94
City Lots Fees/Maintenance			1,924.30		1,924.30
Federal Program Overruns		1,550,103.70	1,550,103.70		3,100,207.40
MR & I		560,400.00	560,400.00		1,120,800.00
TAT Uniband Project			255,755.87		255,755.87
Tribal Government Fund				1,833,850.64	1,833,850.64
Tribal Election Board		318,056.84			318,056.84
Enterprise Fund Insurance			15,712.40		15,712.40
Indirect Cost Pool		397,104.00		794,208.00	1,191,312.00
Legal Department		607,481.95	607,481.95	607,481.96	1,822,445.86
Docket Wake Funds		56,468.01			56,468.01
Docket Scholarship Funds	8,884.98				8,884.98
Subtotal 1997	116,848.36	4,620,778.71	4,118,280.38	3,281,749.77	12,137,657.22

EXHIBIT B

Three Affiliated Tribes
JTAC Expenditures
By Year and Function
As of July 23, 2001 Except as Noted

		Educational	Social Welfare	Economic Development	Other Programs	Total
1998						
Donations and Grants Paid From General Fund		383,326.77				383,326.77
Land Purchase Paid From General Fund				2,905.00		2,905.00
Health Insurance Not Charged To Tribal or Federal Programs			142,266.34			142,266.34
Tero Office			66,828.60			66,828.60
Tribal Tax Commission					28,326.30	28,326.30
Solid Waste Disposal				71,200.54		71,200.54
MHA Day Care			175,028.50			175,028.50
Historical Preservation and Museum		83,244.31				83,244.31
Economic Developer Office				49,712.65		49,712.65
Medical Records Office			25,545.97			25,545.97
Tribal Roads Maintenance-Other				138,079.24		138,079.24
Tribal Roads Maintenance-Equipment				17,000.00		17,000.00
Oil Pumping Service				60,671.79		60,671.79
Veterans Office			17,594.16			17,594.16
CDBG Administration			47,760.22			47,760.22
Segment Employee Program				443,560.14		443,560.14
Summer Intern Program		12,097.47				12,097.47
Buffalo Operating and Capital Funds				141,226.21		141,226.21
Game and Fish					16,824.87	16,824.87
Federal Program Overruns			90,611.80			90,611.80
TAT Uniband Project				14,571.98		14,571.98
Head Start Expenditures Funded by General Fund			77,677.62			77,677.62
Education Funds		56,660.71				56,660.71
Tribal Government Fund					98,193.33	98,193.33
Natural Resource Department-Environmental				4,976.52		4,976.52
TAT Constitutional Commission		35,255.74				35,255.74
Financial Advisor Office				32,803.16		32,803.16
JTAC Planning Committee					32,035.34	32,035.34
Tribal Election Board			40,944.46			40,944.46
Gaming Commission					195,303.20	195,303.20
Docket Fund for Scholarships		1,507.89				1,507.89
Community Development Fund				7,211.90		7,211.90
Legal Department			85,136.47	85,136.48		255,409.42
Docket Waste Fund			151,859.65			151,859.65
Docket Communications Fund				98,910.13		98,910.13
Land Purchase Fund				31,949.45		31,949.45
Indirect Cost Pool			440,894.00		881,788.11	1,322,682.11
JTAC	MR & I		52,224.00	52,224.00		104,448.00
JTAC	4 Bears Lagoon		40,097.44	40,097.44		80,194.88
JTAC	Community Buildings		470,944.86	470,944.85		941,889.71
JTAC	Aging and Meal Sites		55,281.15			55,281.15
JTAC	Youth Building		64,500.00			64,500.00
JTAC	Administration Building Addition			25,080.35		25,080.35
JTAC	Tribal Court Support		32,622.77			32,622.77
	Subtotal 1998	571,092.89	2,077,828.01	1,787,981.82	1,337,607.63	5,774,510.35

EXHIBIT B

Three Affiliated Tribes
JTAC Expenditures
By Year and Function
As of July 23, 2001 Except as Noted

1999	Educational	Social Welfare	Economic Development	Other Programs	Total
Donations and Grants Paid From General Fund	412,865.72				412,865.72
Cops FAST Program Paid From General Fund		34,439.10			34,439.10
Land Purchase Paid From General Fund			10,096.00		10,096.00
Health Insurance Not Charged To Tribal or Federal Programs		109,370.20			109,370.20
Tero Office		98,557.00			98,557.00
Tribal Tax Commission				9,639.68	9,639.68
Solid Waste Disposal			110,771.12		110,771.12
Management Information Systems Department		5,049.26			5,049.26
Historical Preservation and Museum	93,588.95				93,588.95
Parshall Detox Program		9,094.41			9,094.41
Medical Records Office		24,917.86			24,917.86
Tribal Roads Maintenance-Other			269,082.55		269,082.55
Tribal Roads Maintenance-Equipment			75,662.00		75,662.00
Oil Pumping Service			58,692.30		58,692.30
Veterans Office		12,106.34			12,106.34
CDBG Administration		50,016.60			50,016.60
Segment Employee Program			614,150.91		614,150.91
Summer Intern Program	17,685.00				17,685.00
Buffalo Operating and Capital Funds			165,541.03		165,541.03
Game and Fish				5,223.79	5,223.79
Transportation Services		1,027.65			1,027.65
City Lots Fees/Maintenance			1,120.00		1,120.00
Federal Program Overruns		401,610.79			401,610.79
TAT Uniband Project			4,512.24		4,512.24
Head Start Expenditures Funded by General Fund		150,688.43			150,688.43
Education Funds	38,698.70				38,698.70
Natural Resources Department			85,033.57		85,033.57
Material Resources Department			86,010.00		86,010.00
Tribal Government Fund				265,866.99	265,866.99
Community College Fund	3,972.28				3,972.28
Casino Economic Development Fund			414,264.99		414,264.99
MHA Day Care		181,156.74			181,156.74
Natural Resource Department-Environmental			4,490.00		4,490.00
Financial Advisor Office			31,240.83		31,240.83
JTAC Planning Committee				6,653.65	6,653.65
Tribal Election Board		55,018.32			55,018.32
Gaming Commission				258,789.97	258,789.97
Legal Department		84,469.29	84,469.29	84,469.29	253,407.87
Docket Fund for Child Welfare		51,328.55			51,328.55
Docket Wake Fund		124,470.58			124,470.58
Health Outreach Fund		4,880.92			4,880.92
Small Loan Program		111,404.87			111,404.87
Indirect Cost Pool		553,410.00		1,106,818.92	1,660,228.92
Aging Meals Costs for Segments		16,708.24			16,708.24
Twin Buttes Custom Homes Debt Service			198,837.69		198,837.69
JTAC MR & I		432,023.93	432,023.93		864,047.86
JTAC 4 Bears Lagoon		(8,980.69)	(8,980.69)		(17,961.38)
JTAC Community Buildings		35,055.15	35,055.14		70,110.29
JTAC Head Start Support		36,839.06			36,839.06
JTAC Administration Building Addition			270,672.36		270,672.36
JTAC Tribal Court Support		68,258.29			68,258.29
JTAC Aging Programs Support		104,085.00			104,085.00
JTAC White Shield Work Station Upgrade			335,000.00		335,000.00
JTAC Parshall Data Facility Support			361,000.00		361,000.00
JTAC West Segment Development Corporation Support			25,000.00		25,000.00
JTAC First American Enterprise Support			25,000.00		25,000.00
Figure Four Ranch			52,138.02		52,138.02
Figure Four Ranch Bond Fees			245,000.00		245,000.00
Subtotal 1999	566,810.65	2,747,005.89	3,985,883.28	1,737,462.29	9,037,162.11

EXHIBIT B

Three Affiliated Tribes
JTAC Expenditures
By Year and Function
As of July 23, 2001 Except as Noted

	Educational	Social Welfare	Economic Development	Other Programs	Total
2000					
Tribal Elder Organization Program Support		41,186.87			41,186.87
Tribal Elder Home Purchase		40,000.00			40,000.00
Donations and Grants Paid From General Fund	606,550.32				606,550.32
Cops FAST Program Paid From General Fund		186,242.05			186,242.05
White Shield School Funding Paid From General Fund	181,525.96				181,525.96
477 Education Participant Costs Paid From General Fund	89,600.00				89,600.00
Tero Office		96,187.69			96,187.69
Tribal Tax Commission				13,425.33	13,425.33
Solid Waste Disposal			142,998.47		142,998.47
Historical Preservation and Museum	92,068.39				92,068.39
Parshall Detox Program		60,950.00			60,950.00
Medical Records Office		75,003.89			75,003.89
Tribal Roads Maintenance-Other			147,177.57		147,177.57
Tribal Roads Maintenance-Equipment			125,741.35		125,741.35
Oil Pumping Service			53,304.48		53,304.48
Veterans Office		19,078.48			19,078.48
CDBG Administration		46,865.91			46,865.91
Segment Employee Program			644,437.25		644,437.25
Summer Intern Program	37,570.12				37,570.12
Buffalo Operating and Capital Funds			353,473.28		353,473.28
Transportation Services		253.84			253.84
TAT Tourism Fund			29,542.78		29,542.78
Federal Program Overruns		125,128.41			125,128.41
Recreational Lot Fees/Maintenance			6,447.71		6,447.71
TAT Uniband Project			1,894.02		1,894.02
Head Start Expenditures Funded by General Fund		42,661.95			42,661.95
Natural Resources Department			70,512.07		70,512.07
Material Resources Department			55,200.74		55,200.74
Tribal Government Fund				386,281.66	386,281.66
MHA Day Care		193,289.53			193,289.53
Natural Resource Department-Environmental			5,575.65		5,575.65
Twin Buttes Day Care		188.44			188.44
Financial Advisor Office			37,101.70		37,101.70
Tribal Election Board		78,404.61			78,404.61
Gaming Commission				400,975.45	400,975.45
Legal Department		90,316.35	90,316.35	90,316.36	270,949.06
Docket Fund for Child Welfare		8,914.04			8,914.04
Docket Fund for Alcoholism		35,263.57			35,263.57
Docket Fund for Land Purchases			307,779.60		307,779.60
Docket Wake Fund		103,510.09			103,510.09
Docket Fund for Scholarships	61,116.61				61,116.61
Health Outreach Fund		511.83			511.83
FmHa Land Purchases			104,629.72		104,629.72
Small Loan Program		89,157.41			89,157.41
Tribal Utilities Fund			96,451.74		96,451.74
Indirect Cost Pool		447,001.00		894,003.25	1,341,004.25
Aging Meals Costs for Segments		93,453.99			93,453.99
Twin Buttes Custom Homes Debt Service and Bond Fees			869,314.00		869,314.00
JTAC MR&I		35,162.28	35,162.27		70,324.55
JTAC 4 Bears Lagoon		(89.60)	(89.60)		(179.20)
JTAC Administration Building Addition			117,696.31		117,696.31
JTAC Tribal Court Support		8,862.82			8,862.82
JTAC White Shield Work Station Upgrade			175,000.00		175,000.00
JTAC Data Facility Operating Capital			3,760.00		3,760.00
JTAC Gravel			223,829.03		223,829.03
JTAC White Shield School Support	3,500.00				3,500.00
JTAC 4 Bears Apartment Complex		750,000.00			750,000.00
JTAC TAT Administration Building Roof			87,772.62		87,772.62
JTAC Drug & Alcohol Program		49,023.46			49,023.46
JTAC Education Grants	214,625.17				214,625.17
JTAC Economic Development-Agriculture			104,574.95		104,574.95
JTAC Elder Program		15,000.00			15,000.00
JTAC Gravel Pits			50,942.09		50,942.09
JTAC Other Segment Support			71,803.54		71,803.54
JTAC Social Service Support		1,046.46			1,046.46
Figure Four Ranch			35,914.29		35,914.29
Figure Four Ranch Debt Service			350,304.18		350,304.18
Subtotal 2000	1,286,556.57	2,732,575.37	4,388,568.16	1,785,002.05	10,202,702.15

EXHIBIT B

Three Affiliated Tribes
JTAC Expenditures
By Year and Function
As of July 23, 2001 Except as Noted

Through July 23, 2001	Educational	Social Welfare	Economic Development	Other Programs	Total
Tribal Elder Organization Program Support thru 9-12-01		530,491.51			530,491.51
Tribal Elder 10 Home Purchases		400,000.00			400,000.00
Donations and Grants Paid From General Fund	619,748.66				619,748.66
White Shield School Funding Paid From General Fund	531,122.52				531,122.52
477 Education Participant Costs Paid From General Fund	29,650.00				29,650.00
Sakakawea Promotional Film Paid From General Fund			30,859.37		30,859.37
Solid Waste Disposal			83,851.34		83,851.34
Management Information Systems Department		125,970.65			125,970.65
Historical Preservation and Museum	80,418.92				80,418.92
Parshall Detox Program		86,640.81			86,640.81
Medical Records Office		63,312.33			63,312.33
Tribal Roads Maintenance-Other			464,580.48		464,580.48
Oil Pumping Service			24,140.22		24,140.22
Veterans Office		31,875.58			31,875.58
CDBG Administration		2,223.18			2,223.18
Segment Employee Program			441,545.80		441,545.80
Summer Intern Program	13,308.56				13,308.56
Buffalo Operating and Capital Funds			307,487.31		307,487.31
Transportation Services		457.88			457.88
TAT Tourism Fund			96,684.86		96,684.86
Federal Program Overruns		40,062.32			40,062.32
Natural Resources Department			58,378.18		58,378.18
Material Resources Department			35,271.61		35,271.61
Tribal Government Fund				343,900.63	343,900.63
Casino Economic Development Fund			10,430.42		10,430.42
MHA Day Care		141,637.50			141,637.50
Twin Buttes Day Care		37,665.68			37,665.68
Financial Advisor Office			25,004.01		25,004.01
Tribal Election Board		26,266.85			26,266.85
Gaming Commission				383,138.65	383,138.65
Youth Resource Centers		43,440.49			43,440.49
Docket Funds for Scholarships	22,360.55				22,360.55
Docket Fund for Community Development			10,294.61		10,294.61
Legal Department		70,625.44	70,625.44	70,625.44	211,876.32
Docket Fund for Land Purchases			78,139.04		78,139.04
Docket Wake Fund		120,201.06			120,201.06
Small Loan Program		40,758.97			40,758.97
Tribal Utilities Fund			97,085.27		97,085.27
Indirect Cost Pool		797,514.00		1,595,029.36	2,392,543.36
Aging Meals Costs for Segments		123,814.65			123,814.65
Elbow Wood Works			53,524.65		53,524.65
Twin Buttes Custom Homes Debt Service (Paid 8-31-01)			374,429.88		374,429.88
Mandaree Solid Surface Support			235,536.21		235,536.21
JTAC Mandaree Watch Program		27,579.70			27,579.70
JTAC Tribal Court Support		79,247.88			79,247.88
JTAC Truancy Officers		43,865.95			43,865.95
JTAC Nuzbaega Advocate		11,699.82			11,699.82
JTAC Animal Control		6,062.06			6,062.06
JTAC Senior Citizens Garages		157,904.40			157,904.40
JTAC Cops FAST Program Support		205,317.51			205,317.51
JTAC Data Facility Operating Capital			67,350.00		67,350.00
JTAC Gravel			146,402.55		146,402.55
JTAC Oil Well			5,025.00		5,025.00
JTAC White Shield School Support	57,000.00				57,000.00
JTAC 4 Bears Apartment Complex		300,000.00			300,000.00
JTAC Drug and Alcohol Program		25,344.38			25,344.38
JTAC Drug and Alcohol Building		176,963.40			176,963.40
JTAC Education Support	506,156.00				506,156.00
JTAC Economic Development-Agriculture			361,968.68		361,968.68
JTAC Other Segment Support			64,482.06		64,482.06
JTAC Social Service Support		40,402.84			40,402.84
JTAC Buffalo Purchase			47,100.00		47,100.00
JTAC Segment Funds Support			8,100.51		8,100.51
JTAC Administration Building Addition			455,488.42		455,488.42
JTAC Sakakawea Promotional Film Support			7,409.96		7,409.96
JTAC Commodity Warehouse			4,827.49		4,827.49
JTAC Vehicles				17,608.61	17,608.61
Figure Four Ranch			245,374.12		245,374.12
Figure Four Ranch Debt Service			362,192.12		362,192.12
Community Development Planning Program			56,160.34		56,160.34
Subtotal 2001	1,859,765.21	3,757,346.84	4,329,749.75	2,410,302.69	12,357,164.49
Total Qualifying Expenditures	4,473,299.21	16,174,067.78	19,168,800.76	10,880,030.56	50,696,198.31
Less JTAC Distribution Totals	(3,214,523.00)	(14,065,191.00)	(16,204,522.00)	(4,105,861.81)	(37,590,097.81)
Qualifying Expenditures in Excess of Distributions	1,258,776.21	2,108,876.78	2,964,278.76	6,774,168.75	13,106,100.50

EXHIBIT C

Three Affiliated Tribes
JTAC Distributions Received
By Year and Function
Excluding July 2001 Distribution

Fiscal Year	Education	Social and Welfare	Economic Development	Other Programs	Total
1998	475,000.00	4,124,000.00	4,306,000.00	545,000.00	9,450,000.00
1999	-	375,000.00	375,000.00	890,097.81	1,640,097.81
2000	1,222,845.00	3,656,191.00	7,551,522.00	1,569,442.00	14,000,000.00
2001	1,516,678.00	5,910,000.00	3,972,000.00	1,101,322.00	12,500,000.00
Total	3,214,523.00	14,065,191.00	16,204,522.00	4,105,861.81	37,590,097.81

THREE AFFILIATED TRIBES
JTAC BUDGET
9-30-98

EXHIBIT D

ERF - USE OF FUNDS APPLICATIONS

MAY 5, 1998

	Social Welfare	Economic Dev.	O.Progrms
MR & I Project	$1,000,000.00	$1,000,000.00	
4 Bears Lagoon	$ 375,000.00	$ 375,000.00	
CDBG Comm. Bldgs Mandaree, 4 Bears & Twin Buttes	$ 506,000.00	$ 506,000.00	
DayCare	$ 200,000.00		
Headstart	$ 175,500.00		
Aging & Meal Sites	$ 99,500.00		
Youth Build	$ 64,500.00		
Uniband		$ 55,000.00	
Mandaree Center-reroof materials		$ 20,000.00	
Legal - NARF	$ 12,000.00		
Global Program shtfls	$ 566,500.00		
Admin. Bldg. Reno. Add.			$ 250,000.00
Admin. Bldg. Reroof			$ 95,000.00
Tribal Court			$ 100,000.00
Election			$ 100,000.00
Total	$2,999,000.00	$1,956,000.00	$ 545,000.00
% of Total Drawdown	55%	35%	10%
~~Grand Total of Drawdown $5,500,000.00~~			
see following Pages	1125,000	1225,000	
		1125,000	
	4124,000	4306,000	

COPY

Three Affiliated Tribes
JTAC Budget
Year ended September 30, 1998

Budget

Exhibit D

Sept. 1, 1998

1. Fast startup with "Key from Paper" at White Shield

Upgrade White Shield software immediately, rehire staff as quickly as possible

Upgrade White Shield software	$30,000
Train the trainers	$8,000
Train the operators	$16,000
Establish new support functions	$7,000
One month's expenses (rent, phone, etc.)	$3,000
	$64,000

2. Upgrade White Shield to "Key from Image"

Upgrade White Shield system by adding 25 "Key from Image" work stations

Upgrade White Shield system	$135,000
Train the trainers to key from image	$8,000
Hire and train 25 new operators	$62,000
Train original operators on new system	$16,000
	$221,000

3. Add Parshall as a "Key from Paper" and "Key from Image" site

System acquisition	$150,000
Desks and office equipment	$75,000
Renovate Parshall facility	$50,000
Hire and train 30 new operators	$80,000
Train supervisors	$20,000
	$375,000

Three months operating capital at 60 operator level $440,000

Startup funding for West Segment Development Corporation ~~$150,000~~ 125,000

Grand total = Economic Development ~~$1,250,000~~ 1225,000

Standard Form 1034
September 1973
4 Treasury FRM 2000

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO.

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
INTERIOR-BUREAU OF INDIAN AFFAIRS
Fort Berthold Agency
New Town, ND 58763

DATE VOUCHER PREPARED: September 9, 1997

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

SCHEDULE NO.: VS16T02788A

PAID BY: 10-1-97

EXHIBIT D

PAYEE'S NAME AND ADDRESS
Three Affiliated Tribes
COMM FST FARGO ABA # 091300036
For further credit to: CFB Dickinson
Item account number #6310373670
Customer Name: Three Affiliated Tribes
Account #6420016752 JTAC
9-30-98

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM | TO | WEIGHT | GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (a)
		Payment on Tribal Loan to Community First Bank, Dickinson, ND as per Tribal Resolution 95-162-DSB and 95-163-DSB and Assignment of Income dated September 27, 1995 to be repaid from Three Affiliated Tribes Economic Recovery Fund P.L. 102-575.				$2,250,000.00
		Mark N. Fox Mark N. Fox, Tribal Treasurer				

(Use continuation sheet(s) if necessary) (Payee must NOT use the space below) TOTAL $2,250,000.00

PAYMENT: ☐ COMPLETE ☐ PARTIAL ☐ FINAL ☐ PROGRESS ☐ ADVANCE

APPROVED FOR = $ EXCHANGE RATE = $ 1.00

BY: Hellise Bressette

TITLE: Superintendent

DIFFERENCES

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

9-11-97 (Date) Kenneth Walker (Authorized Certifying Officer) Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

EC5197-01-6 824 (Income Cash) $2,250,000.00
Economic Development 1125,000
Social and Welfare 1125,000

PAID BY

CHECK NUMBER ON TREASURER OF THE UNITED STATES | CHECK NUMBER ON (Name of bank)

CASH $ | DATE | PAYEE'S

1 When stated in foreign currency, insert name of currency.
2 If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
3 When a voucher is presented in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

PER

TITLE

1034-116

☆ U.S. GOVERNMENT PRINTING OFFICE: 1991-347-107

Standard Form 1034
September 1973
4 Treasury FRM 2000

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO. 98-07

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
FORT BERTHOLD AGENCY
NEW TOWN, ND 58763

DATE VOUCHER PREPARED: SEPTEMBER 17, 1998

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

SCHEDULE NO.

PAID BY

EXHIBIT D

PAYEE'S NAME AND ADDRESS
COMMUNITY FIRST NATIONAL BANK
150 WEST VILLARD
DICKINSON, ND 58601
FOR CREDIT TO: THREE AFFILIATED TRIBES
ACCT NO# 6310386617
JTAC
9-30-99

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM | TO | WEIGHT | GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (1)
		LOAN AGREEMENT WITH COMMUNITY FIRST BANK DICKINSON ND - FINAL PAYMENT				1,640,097.81
		BANK ROUTING NUMBER 091300036				
		ONLINE BANK COMM FST FARGO				
		BENEFICIARY CFB DICKINSON				
		ACCOUNT NUMBER 6310386617				
		FOR FURTHER CREDIT THREE AFFILIATED TRIBES				
		LOAN BLOCK CLEARING GL				
		FOR DICKINSON (BRANCH) 1590017508				
		Mark N. Fox				
		MARK N. FOX, THREE AFFILIATED TRIBES TREASURER				

(Use continuation sheet(s) if necessary) (Payee must NOT use the space below) TOTAL 1,640,097.81

PAYMENT: ☐ COMPLETE ☐ PARTIAL ☐ FINAL ☐ PROGRESS ☐ ADVANCE

APPROVED FOR = $

EXCHANGE RATE = $ 1.00

DIFFERENCES

BY

TITLE

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

(Date) (Authorized Certifying Officer)[2] (Title)

ACCOUNTING CLASSIFICATION

Social and Welfare 375,000
Economic Development 375,000
other 890,097.81
1640,097.81
~~OK (Initials of Comm)~~

PAID BY

CHECK NUMBER ON TREASURER OF THE UNITED STATES

CHECK NUMBER

CASH $

DATE

PAYEE'S

PER

TITLE

1 When stated in foreign currency, insert name of currency.
2 If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
3 When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

1034-116

Three Affiliated Tribes
JTAC Budget
For Year Ending September 30, 2000
Exhibit D

JTAC DRAW		14,000,000			
Education		1,222,845		Other Programs	1,569,442
Competitive Pool		800,000		Segment Funds @ 6	750,000
Education Grants	C	221,250		Cultural Preservation	B 69,778
Museum	C	43,552		Solid Waste	B 88,000
RDA/FBCC PH2	E	96,043		NDSU Extension	C 15,000
Head Start	F	62,000		EPA Matching Funds	F 46,664
Social Welfare		3,656,191		MIS Department	100,000
Competitive Pool		153,043		New Town CDBG	500,000
MHA Daycare	B	209,883		**Totals**	**14,000,000**
Health Outreach	B	23,058			
Med Records Twin Buttes	B	28,763			
Aging Meal Sites	C	195,219			
Ambulance	C	40,000			
CHR Program	F	86,795			
Title VI Aging	F	49,992			
Reservation Programs	F	10,483			
Social Services BIA	F	89,000			
Tribal Court BIA	F	48,000			
Wake Fund Grants	C	174,998			
Health Director		200,000			
Drug & Alcohol Development		400,000			
Health Facility		500,000			
Elder Program		1,000,000			
General Fund FY-00	F	446,957			
Economic Development		7,551,522			
Competitive Pool		1,464,443			
Fire Protection	C	30,000			
Oil Pumping Service	C	19,576			
TAT Gaming Commission	C	408,524			
MHA Times/KMHA	C	99,342			
Traffic Safety	F	27,637			
Transportation Planning	F	102,000			
Comm First Loan 27311	E	650,000			
Comm First Loan 27311	E	550,000			
Economic Development Dept.		750,000			
Tourism Department		500,000			
Film Department		200,000			
Agriculture Department		500,000			
Land Purchase Fund		500,000			
Central Planning Office		750,000			
Roads Department		500,000			
Law Enforcement Center		500,000			

Attachment 1

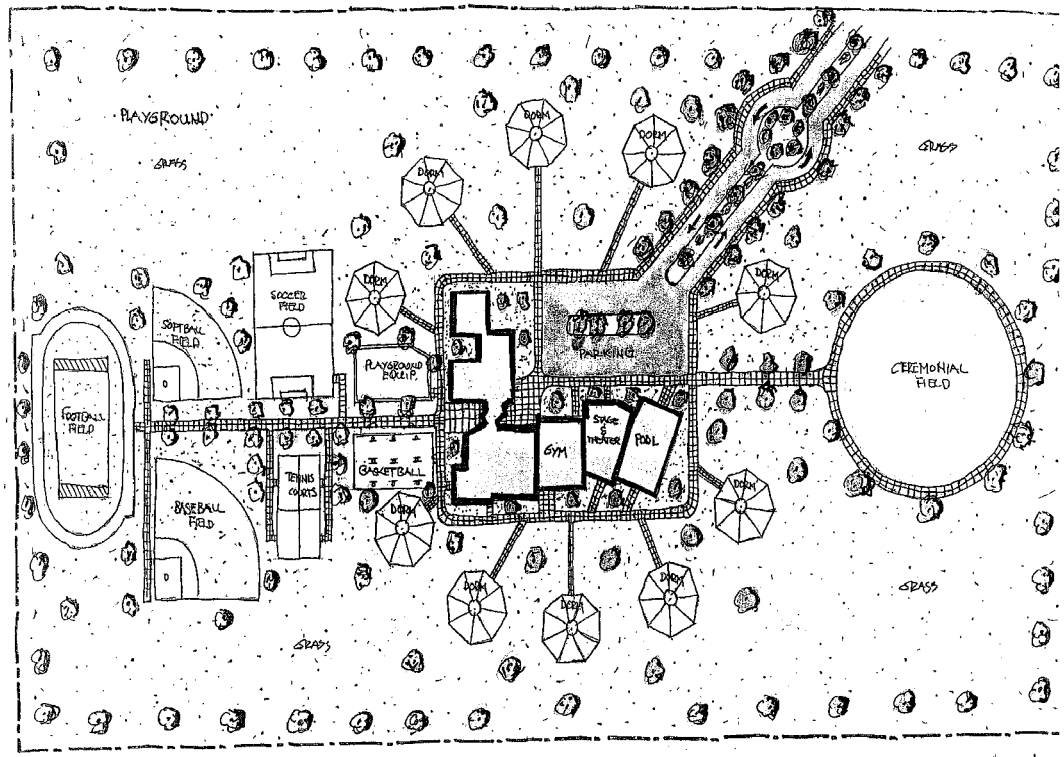
Three Affiliated Tribes
JTAC Budget
For Year Ending September 30, 2001

JTAC DRAW FY-2001

Exhibit D

Tribal Resolution #00-391-DSB	12,500,000
Education	1,516,678
Competitive Pool	-
Education Grants	575,000
477 Youth Educ. Resources	165,000
Transportation Grants	50,000
Head Start Budget Request	269,678
Education Loan Reimbursement	200,000
White Shield School	57,000
Education of TAT Budget Request	200,000
Social Welfare	**5,910,000**
Competitive Pool	
Roads of TAT	250,000
Homeownership Revolving Loan	200,000
Health	500,000
Housing	300,000
North Segment Facility	500,000
Detention Center	750,000
Commodity Warehouse	450,000
Elder Attended Care	240,000
Circle of Life	700,000
Parshall Resource Center	100,000
White Shield Dispatcher	80,000
MHA Elder Program FY01	760,000
Senior Citizen Garages FY01	200,000
Parshall Detox Center	550,000
I-KI-PI Drug&Alcohol Elimination	150,000
Truancy Officers	180,000
Economic Development	**3,972,000**
Competitive Pool	
Tourism Department	250,000
Sakakawea Film	100000
Agriculture Department	800,000
Land Purchase Fund	300,000
Interprative Center	100,000
Convenience Stores	400,000
Segment Funds @ 6	1,006,000
Independence Program	56,000
Figure Four Budget FY01	400,000
Figure Four Buffalo FY01	200,000
Land Purchase Fund	360,000

Other Programs	**1,101,322**
Competitive Pool	651,322
Tribal Building Expansion	450,000
Totals	**12,500,000**



AUGUST 22, 2001

RON TAUNT

Conceptual Study

SCALE 1" = 200'

APPROX. 65 AC

MANDAN, HIDATSA, AND ARIKARA ELDERS ORGANIZATION DRAFT

ISSUES AND CONCERNS

CURRENT FINANCIAL CONDITION OF THE THREE AFFILIATED TRIBES

The MHA Elders Organization thanks you for taking time from your busy schedule to visit with us. We recognizes the importance of good communication and have asked to meet with you to express our concerns and hear from our tribal representatives, their plans to improve the quality of life for all enrolled members.

About a month ago, purchase orders for the emergency health care of elders practically came to a stand still. Rumors of the tribe's cash flow problems began to circulate. (Cash flow of the tribe translate to cash flow problems of the Elders Organization) and soon thereafter, information was shared with the elders that, at a special meeting of the tribal employees, the Treasurer announced that the tribe had an extreme cash flow problem and may b e forced to lay off certain tribal employees. A few days later, tribal resolution #01-164-MWJr, was passed by the council.

The phones at the Elders office were ringing off the hook. Many elders called in to express their concerns. In fact many of the board members received calls at their homes on the same subject. Our staff and board members were without factual information to respond to the many calls. Rumors and misinformation rippled through the communities and anxiety and stress ran high. Twenty years ago the tribes budget was less than a million dollars. The BIA, IHS and the School Boards controlled and managed these funds and if one of these organizations had a cash flow problem, the negative impact was not so great. Today the tribe manages a budget in excess of $35 million and controls 90% of all employment and funds the tribal membership is

dependent on for their livelihood.

Considering the magnitude of funds and programs managed by the tribal government today, it is reasonable that the tribal membership (shareholders) want more information about tribal business and finances. Tribal minutes are published in the tribal newspaper- but no financial reports and progress reports on the many economic endeavors of the tribe are published.

Article VI, Powers, Section 4(c) of the Constitution states "all expenditures of Tribal Business Council funds shall be by resolution duly passed by the Council to such effect, and the amounts so paid shall be matters of public record at all times.

Article I, Duties of Officers, Section 3 of the Bylaws states the Treasurer "shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody of the council, his reports to be in writing and matter of record. The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Council."

So gentlemen today we look forward to this meeting and discussion on these important issues.

DRAFT

OUTLINE FOR CONSTITUTION REVISION

SUBJECT	PROCEDURES	REMEDIES
PREAMBLE; (Copied from original constitution)		
JURISDICTION; (Copied from original constitution)		
MEMBERSHIP; (Copied from original constitution)		
DELEGATION OF AUTHORITIES TO THE THREE BRANCHES OF GOVERNMENT AND COMMITTEES;		
GOVERNING BODY; Legislative, Executive, Judicial, (Duties, Responsibilities, and authorities)		
ARCHIVES; Preserve all historical records		
POLITICAL DISTRICTS; Copied from original constitution.	Redistrict one man one vote	

MEETINGS; Required meetings of all elected officials, mandatory attendance, recording and publishing of meeting minutes,		
RECALL; Recall for all elected officials and all actions of the legislature and committees.		
FINANCIAL; Accountability provision requiring planning, budgeting and control of tribal funds by activity and regulations that meet all federal accounting requirements.		
CODE OF ETHICS; Code of ethics for all elected officials		
CIVIL SERVICE COMMISSION; Adopt civil service commission to administer all personnel matters.		
COMPENSATION FOR ALL ELECTED OFFICIALS; Establish compensation rates for all elected officials.		
TRIBAL RECORDS; All official records of the tribe shall be available to the membership in accordance with the Freedom of Information Act/.		
ROLL CALL VOTES; Roll call votes on all council votes so the segments know how their councilman is voting.		

MANDAN, HIDATSA, AND ARIKARA ELDERS ORGANIZATION

ISSUES AND CONCERNS

CURRENT FINANCIAL CONDITION OF THE THREE AFFILIATED TRIBES

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So gentlemen today we look forward to this meeting and discussion on these important issues.

MANDAN, HIDATSA, AND ARIKARA ELDERS ORGANIZATION

ISSUES AND CONCERNS

TRIBAL GENERAL ELECTION YEAR 2000

HISTORICAL BACKGROUND:

The Three Affiliated Tribes were officially organized under the Howard Wheeler Act in 1934. This Act reflected the New Deal which President Roosevelt presented to the American public and urged tribes to adopt a constitution in order that they be federally recognized. The government wanted a formalized method of communicating and negotiating with the tribes. To accomplish this, tribes were provided with a model constitution and were advised to modify the document to meet their needs for governance. In 1936, our tribes adopted a Constitution and By-laws and a Charter. The model constitution was ***quasi democratic***. It did not provide for safe guards, nor the rights of tribal members. The divisions of legislative, judicial and executive are absent.

Prior to the adoption of our constitution, our method of government, leadership and the choice of leaders was decided by custom or culture. There were hereditary chiefs, and some were chiefs because of their ability or strength. At times, there were disputes and a band would form under a new chief. Clans and other groups made various decisions rather than the chief. The transition from a culturally driven government to a written constitution seemed to be fairly peaceful and there was little impact on the lifestyle of the membership.

During the 30's and 40's, the membership of our tribes lived in relative isolation from the surrounding communities and were self sufficient. There was emphasis on education and family tradition that enabled the families to remain intact. We lived in an agricultural economy, gardening, harvesting wild fruit, hunting wild game and raising horses and cattle. Our social activities were derived from our culture as well as the Christian churches.

The people elected their council representatives using these ***quasi democratic*** rules. The Tribal Council served primarily as our legislative arm and received little or no compensation, the live stock association facilitated the economic and business aspects and the BIA managed, with a heavy hand, services such as education, health, judicial and trust services and our tribal cultural

traditions governed much of our community social interaction. We managed our lives with the resources we had. Little did we know that less than 10 years after adoption of our constitution we would face the issues of WWII, THE GARRISON DAM, KOREAN WAR, RELOCATION, AND TERMINATION.

Our entire way of life changed, the young men went to war, and in spite of a fight against the building of the dam, it happened. As a result of the dam, every community on the reservation was destroyed, not one community was left, nor were the institutions such as schools, churches, meeting halls, hospital, flour mill, and the roads. 95 percent of the membership were forced to move, family and community groups were separated, more children were forced to attend boarding schools. Even the cemeteries were moved. The bottom lands that provided wood and coal for our stoves, logs for building homes and barns, posts for fencing, berries for food, plants for medicine, winter shelter for animals, prime garden lands and wildlife habitat were forever destroyed. For the first time families went on welfare. The actual physical move from the bottom lands began in 1952.

These rapid and destructive changes also affected the tribal government. The invading waters of the Garrison Dam isolated the communities from one another, this affected the governance of the districts. Six segments replaced nine districts and council representation was amended. During this period Indian Health Services took over health care to Indians from the BIA. It was at this time that the Tribal Council and the BIA made amendments to the Constitution. They changed the districting, changing the number of Council members. The method of voting by absentee ballot was eliminated.

Since our Constitution was passed in 1936, there have been 6 (six) amendments: in 1956, 1970, 1974, 1975 and 1986. In reviewing these amendments, there are none that direct the Tribal Business Council to a more ***democratic*** form of government. One could readily say that our constitution does not contain written guidelines that address ***ethics***, ***conduct, accountability*** or ***responsibility*** of Tribal elected officials. We have six (6) council representatives and a chairman that have full authority to legislate as well as to dissipate our resources with no consultation with the people. A glaring problem is the councils insistence that they have full control over the hiring and firing of every tribal employee. This management edict causes chaos in the reservation and is totalitarian rather then democratic.

P.L. 93-638, The Indian Self-Determination and Educational Assistance Act of 1978, changed the tribes relationship with all Federal Agencies. Our Tribal government took upon itself the responsibility to manage the major portion of all

federal programs available for the benefit of tribal members.

We chose to change our representation from two to one from each segment and we added an additional segment, Four Bears. The Chairman was elected at large. The net result being we have expanded the authority of our tribal government to manage our affairs and access to millions of tribal and federal dollars with less tribal government representation and no checks and balances in place.

CURRENT ISSUES AND CONCERNS:

The tribal council has recently expended large sums of funds on projects without adequate planning, economic evaluations and consultation with the membership. There are no current financial reports of these expenditures readily available to the membership. The tribal council moves money about to cover over and under expenditures at will. Federal program dollars in combination with the JTAC and tribal income begs for better planning, evaluation and consultation with the membership.

We now have six council representatives and a chairman that have full authority to legislate, administrate, manipulate, and dissipate our resources without consultation with the membership. Can you imagine the state of chaos our federal government would be in if the elected officials hired and fired all federal employees, but that is exactly what our tribal council does today. This style of government raises the stakes for every member at election time. You are either in or out. Many members of the tribe who have experienced the same grief and despair because of the Garrison Dam and are currently residing off the reservation, are denied an opportunity to participate in our electoral process.

Kevin Gover, our current Assistant Secretary-Indian Affairs, recently said that the ***real challenge for the next decade is to provide for stable and responsible government for the Indian people.*** This statement is also supported by many studies performed by reputable institutions such as Harvard University.

We the Elders of the Three Affiliated Tribes, submit this paper on our issues and concerns to the membership. We strongly believe the only way our tribes can progress and improve the quality of life for all of our membership is to make changes to our constitution that clearly separate the ***Legislative, Judicial*** and ***Executive*** authorities of our government.

Listed below are some suggested changes to our constitution that we believe would address the above issues and concerns.

a. A clear separation of powers:

1. Legislative - Responsible for enacting laws with proper consultation and public notice.
2. Executive - The Chairman and Tribal Staff to administer the many programs and services authorized by the Legislative.
3. Judicial - An elected forum where the membership and the Legislative and Executive bodies may resolve any disputes that may arise.

b. A minimum of two legislatures from each segment.

c. Election of membership of all boards and committees authorized by the constitution.

e. Incorporation of the Indian Civil Right Act.

f. Financial control accountability and reporting.

G. Incorporation of a Tribal Civil Service system.

H. The Executive Branch of the Three Affiliated Tribes should prepare an annual budget for all tribal expenditures and refer it to the membership for review and approval by popular.

The Mandan, Hidatsa and Arickara Elders Organization voted to share these most important issues and concerns with the membership at a special meeting held September 12, 2000 by a vote of 11 to 1 with the following members present. .

John H. Danks - Interim Chairman **(Not Voting)**
Mathew Mason - Vice Chairman - Newtown Interim Representative
Rose Marie Mandan - Treasurer - Mandaree Interim Representative
Jim Danks - Mandaree Interim Representative
Dale Little Soldier - Twin Buttes Interim Representative
John Fredericks - Twin Buttes Interim Representative
Plija Bordeaux - Whiteshield Interim Representative
Jerry White - Whiteshield Interim Representative
Emerson Packineau - Parshall Representative
Phyllis Cross - Parshall Interim Representative
Emerson Baker - Newtown Interim Representative
Gail Baker - Four Bears Alternate Interim Representative
Hazel Blake - Secretary - Four Bears Interim Representative

Proposal for Purchasing the Social Security Benefits of the Three Affiliated Tribes' Elders.

When the Garrison Dam was constructed in the early 1950's, the United States Corps of Engineers flooded approximately 145,000 acres of rich Missouri River bottomland, fertile farmland and the best winter cattle range-all belonging to members of the Three Affiliated Tribes---Mandan, Hidatsa, and Arikara---of the Ft. Berthold Reservation. The members of the Three Affiliated Tribes who built their homes and made their living on these rich bottomlands were forced to move to higher ground, which was arid, desolate, and isolated, with very little or no infrastructure. The bottomlands of the Ft. Berthold were variously characterized in the MRBI reports as a "natural factory" or a "productive engine" that provided for all the economic needs of the tribal members, as well as some non-Indians on the reservation. The bottomlands of the Ft. Berthold Reservation represented, in short, a self-generating economy. Dr. Cummings stated in the JTAC report, the tribal population of the reservation was self-sufficient, that the salient economic unit, the tribal family, had an income comparable to that of the non-Indian family.

Prior to construction of the Garrison Dam, 90% of the reservation's economic base was derived from independent family agriculture operations located primarily in the flooded area. Efforts by these independent families to continue their agriculture operations in the harsher environment they had been forced to migrate to, proved to be futile and difficult, as evidenced by the dramatic drop in agriculture income on the reservation from 90% in the

making or beyond their control. This would be the last chance for our elders to become more self-sufficient and to be able to enjoy a small amount of freedom from worries during their twilight years.

We believe this proposal can be implemented in the same way the expansion of Social Security Benefits for farmers was implemented in the early 1950's.

Submitted on August 29, 2000

Social Security Income Review for the Fort Berthold Reservation

Social Security Income Fort Berthold	Total Social Security Income by district	Range of Incomes from greatest to lowest	Average of all income	Total SSI Income by district	Average for each district
New Town/Four Bears	$ 18,254.00	$ 901.00 - $ 108.00	$ 434.82	$ 3190.00	$ 398.00
White Shield	$ 10,644.00	$ 800.00 - $ 204.00	$ 488.82	$ 4,818.00	$ 438.00
Mandaree	$ 10,148.00	$ 900.00 - $ 80.00	$ 462.27	*NSA	*NSA
Parshall	$ 7,761.00	$ 700.00 - $ 195.00	$ 461.27	*NSA	*NSA
Twin Buttes	$ 5,689.00	$ 790.00 - $ 330.00	$ 517.018	*NSA	*NSA

* Indicates No Statistics Available

Indian elders have a lower economic status than elders in the general population. According to the 1990 census, the median household income for Indians is $ 19,897, for U.S. All Races it is $ 30,056, and for U.S. Whites it is $ 31,435. During this same period, 31.6 percent of Indians of all ages lived below the poverty level in contrast to 13.1 and 9.8 percent for the U.S. All Races and White populations, respectively. For persons 65 to 74 years old the corresponding percentages are 26.9, 10.4, and 8.4. For 75 years and older, the corresponding percentages are 33.3, 16.5, and 14.6.

Submitted by Marilyn Yellow Bird-Baker

To: Chariman Tex Hall
Secretary: Marcus Wells, Jr.
Treasurer: Austin Gillette
Dalen Spotted Bear
Randy Phelan
Mark Fox
Malcolm Wolf

DRAFT

The MHA EO Board of Directors would like to express their regret on not being able to meet with the Council on August 13 as scheduled. This is the second time, within the past few months that we arrived on time for a scheduled meeting with the Tribal Council. In addition, were relegated to sitting in the hallway waiting for the meeting to begin. After sitting there in excess of 1 hour, while business was conducted, the board left. At this time, the Board fells the recent action regarding the meeting with us was very disappointing to say the least.

It has always been the hopes of the Elders Organization to attain a conducive and profitable working relationship with the TAT Tribal Council. We are concerned that many critical issues are not being communicated between the Tribal Council and the membership.

Recognizing the importance of good communication, the MHA EO are calling a special meeting on _____at _____ to meet with the full Council to address these critical issues. Attached is a listing of issues we wish to discuss.

We look forward to a good exchange of information that will benefit all parties concerned.

We are also inviting the reporting staff of the tribal newspaper to editorialize, communicate, and inform the membership on these issues.

DRAFT

MHA Elders Organization
Newtown, North Dakota

August 13, 2001

Mr. Tex G. Hall, Chairman
Three Affiliated Tribes
Newtown, N.D. 58763

Gentlemen;

The MHA Elders Organization has learned of the Tribal Council's intention to request a Secretarial election to make certain amendments to our constitution.

The MHA Elders Organization agrees that amendments to the constitution are necessary, however, the changes should not be limited those proposed by the Tribal Council. The need for constitutional change has been an item on our agenda during several meetings and it is the general consensus of the MHA Elders Organization that there are many issues in our constitution that need to be addressed. Our Constitution is out dated and does not meet the needs of our tribes in today's world. It is critical that major revisions or a new constitution be adopted.

According to our tradition and inherent sovereign authority. ***The responsibility for initiating changes to our constitution is vested in the people.*** The construction of a new constitution or amendments to our existing constitution should be accomplished by the people. Amendments constructed by the members of the Tribal Council and offered to the membership do not meet this requirement.

The Indian Reorganization Act of 1934 recognized sovereign rights of Indian Tribes. The sovereignty rests with the tribal membership, who delegate certain powers to the Tribal Business Council. This is done through our constitution and bylaws. The intent of delegating authority is to assure that the welfare of all tribal

members is protected and that all members have equal access and protection under the laws of the tribe.

Traditionally, tribal elders have provided leadership on important issues relating to the welfare of the people. In keeping with our tradition the MHA Elders Organization intends to provide the leadership in the design and development of a new constitution for the Mandan, Hidatsa and Arickara tribes. This will be accomplished through a democratic process that will provide all the tribal membership an opportunity to participate in the drafting of a new constitution. After the constitution is drafted, the MHA Elders Organization will solicit signatures on petitions requesting the Secretary of the Interior to conduct a referendum vote of the membership to approve or disapprove the revised constitution .

Sincerely;

Chairman MHA Elders Organization

Statement by John Fredericks, Jr. for the hearing on the losses caused by the Garrison Dam, held in New Town, ND on August 30, 2001

Greetings to all the honorable dignitaries that are here today. My name is John Fredericks Jr., I am a member of the Mandan, Arikara and Hidatsa tribes. I am a member of the chicken clan and a child of the Low Cap Clan. I was given the name "E-Zoo-Ba" (shin of the buffalo) by my clan father Pete Coffey, Sr., which was my Uncle Wilfred Medicine Stone's Indian name. He was killed in action in Germany during World War II, so I am proud to have my uncle's Indian name.

I have known our good Senator for a lot of years and it is good to have you out here again. I especially want to thank you and the committee for coming here to hear our testimony today on what the Garrison Dam took away from us and what was given back to our tribe in return for those losses.

It seems very ironic that we will be celebrating the 150th anniversary of the Ft. Laramie Treaty September 17, 2001. The Treaty that our tribe participated in signing, that historical day so long ago. The Treaty guaranteed our tribe a certain land base and also provided our tribe that we would have the opportunity to live in peace and tranquility.

Also, we are in the process of celebrating the Lewis and Clark Expedition and Centennial that will take place in a couple of years. One of our tribal members Sacagawea was instrumental in guiding this group across the mountain to the west coast and return safely.

Chief Four Bears (Mandan) stated in his last talk to our people "that he has always loved the white man and gave them food and water and provided them with a buffalo pad to sleep on" what he got in return was a rotten face that would even scare the wolves.

What I am saying to you is that our tribes have always been good to the white man, providing the white man with the various things he needed to survive the treacherous weather and maintain his health to continue on with their discovery voyage, as I mentioned above.

On the contrary, the whiteman does not have a good tract record.

Out of 10,000,000 acres initially negotiated for in the Ft. Laramie Treaty, we have less than 1 million acres left. The last big land grab when FmHA took large tracts of land and used the land as security for large economic disaster loans back in the late 70's and early 80's. Even though the regulations did not require the land to be used as security but rather encouraged the FmHA county supervisors to make the loans without land as security. This situation is being litigated in the Federal court at the present time. We ask you to support our efforts however you can.

I attended the elementary school in Elbowoods that was provided for elementary education. I graduated from High School in 1951 from Elbowoods High. At that time our nations had adapted to farming and ranching as a way of life and were doing pretty good

at it I might add. We did not have Welfare payments to our people, as a matter of fact it was not a concern of our Tribal people.

The cattlemen formed a Federal Corporation and operated it under the guidance of their chairman and a federal agent hired for assisting with the operation of the ranchers and farmers. They had a productive bull program to breed up their breeding herds and bought feed by the bulk in large quantities so it was cheaper, also salt and mineral the same way. And they had their own flour and feed mill to provide members with both flour and bran feed. The ranchers even used to haul water with a team of horses and barrel from the Missouri River to irrigate their corn crops during dry years. In fact the Tribe had a sizeable irrigation field in lower Elbowoods that provided feed for both livestock and our people. We also had a good hospital well staffed that provided us with good health care services. It wasn't like now when you are referred to other health care units in and around the reservation area. Then when the bill comes and you refer it to Indian Public Health Services in New Town you get a letter telling you, you are turned down for payment but you can appeal. Very few people appeal. (See attached letter dated August 14, 2001 signed by Karrol Parker, Service Unit Director, Indian Public Health Services located at New Town, ND)

We had a road maintenance crew that was able to provide and maintain our road systems to adequately serve the needs of the Mandan, Hidatsa and Arikara Tribe, including all the districts that made up our reservation. We had a power plant that provided the electrical needs of our reservation administrative offices, health care facilities and our school system as well as a number of the housing units.

In 1951 when I graduated from Elbowoods High we had all the above facilities in place and working well for our people. The people on Fort Berthold were living in an agricultural economy that provided our people with life, liberty and peace in a prosperous community that our people were satisfied with.

During my years in the ranching business I had to move my cattle to Nebraska during a drought situation her on the Reservation. During that time, it seemed that Nebraska ranchers always had feed etc. from their large natural lakes and underground aquifer provided by nature. I was tossing this around in my mind wondering why we weren't provided this kind of feed base. Then, it occurred to me, that we were provided a good feed and water base with good shelter – that of the low lands and river and trees the "Great Spirit" provided us with, but it was the white man that came in and disrupted all of this with the construction of major features of the Pick-Sloan Dam. It did not only take the bottom lands and thousands of acres of prime land but it split our members into 5 distinct segments so we were unable to see each other grow up and utilize the resources that the "Great Spirit" provided us with. Therefore in the last 50 years we turned from a welfare free people living in harmony to a drug and alcohol infested state bringing into this world many babies that are damaged by alcohol syndrome, etc. I don't want to get into statistics in that area but leave it to someone that is more involved in the area.

It is my understanding, that anytime the government takes something from you they are supposed to replace it in as close a fashion as what they took, at the time that they took it. With that in mind, hear what I have to say today members of the committee and members of the Tribal Business Council and other members of our tribe. The government should have moved all of the facilities I mentioned earlier west somewhere in the old district of Independence for example, put in 2 bridges to tie Mandaree (West Segment) and with Twin Buttes (south segment) and with the Parshall (northeast segment) and White Shield (eastern segment). This would put us back in a central location with all the services we originally had to assure our people of life, liberty and peace. This did not happen, but we have a second chance to get this done. Therefore, as an elder that has lived during the above time frame, I want you to know that we don't want money, we simply want our property returned to us so we can begin to initiate the above plan and begin to mend the many wounds inflicted upon us over the last 50 years that our government by and for the people created for us by failing to act in a responsible way at the time negotiations took place for all the losses our people suffered, so that our non-Indian friends will benefit from the resources that the major features that the Pick-Sloan Missouri Basin program provides for them.

Department of Health and Human Services
Health Services Administration
Indian Health Service
HC2 BOX 24F
New Town, North Dakota 58763
Phone: (701) 627-4701

Document number: 013-CMCT-3529

TO: JOHN JR. FREDERICKS
PO BOX 116
HALLIDAY ND 58636

CHART #: 1940 MINNI-TOHE

DATE: AUG 14,2001

SUBJECT: Contract Health Services request for services on JUN 4,2001.
Date request received: AUG 14,2001
Provider of services: MEDCENTER ONE HEALTH SYS
Other resources: SERVICES AVAILABLE AT I.H.S., SELF PAY.,
INCLUDES DOS:5/30/01

We have been requested to authorize payment for health services provided to the above named The Indian Health Service will not assume financial responsibility for those charges because:

NO PRIOR APPRVL: NON-EMERG.
Prior approval for payment was not obtained from an IHS authorizing official for this NON-EMERGENCY SERVICE.

ALTERNATE RESOURCES AVAILABLE
Federal regulations require that all alternate resources be exhausted prior to use of Contract Health Services. You have alternate resources available for either payment or provision of this service as identified above.

If you disagree with the above decision you may obtain a reconsideration of this denial by submitting additional supporting information, IN WRITING, to the signor of this letter. ANY APPEAL TO THIS DECISION MUST BE MADE WITHIN THIRTY (30) DAYS FROM THE DATE THIS LETTER IS RECEIVED

Karol L Parker
KAROL PARKER, SERVICE UNIT DIRECTOR

MINNI-TOHE HEALTH CENTER

Written comments for hearing called by Senator Conrad on JTAC issues.
August 30, 2001

Greetings:

For the record, my name is John H. Danks, a tribal member, a resident of the Four Bears Community and an active member of the Mandan, Hidatsa, Arikara Elders Organization (MHAEO). I thank fellow tribal member, John Fredericks, for yielding some of his time to me and I too, thank Senator Conrad for holding this hearing on this most important subject.

I have been authorized by the MHAEO to make brief comments on three important topics. (1) Return of surplus lands, (2) Respond to Senator Inouye's letter dated August 22, concerning the tribes use of JTAC funds including the planning process and compliance with the requirements of the legislation and (3) Social Security. For the sake of time my comments are very brief.

The Elders foremost concern is the return of surplus lands within

the taking area. PL 102-575, dated October 30, 1992, Section 3508, authorized the return of certain surplus lands within the taking area to the Three Affiliated Tribes (TAT). Section 407 of PL 103-211 dated February 12, 1994, recinded, except for subsection (b) of section 3508, sections 3508 and 3509 of the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act were repealed. However Congress provided, that the US. Army Corps of Engineers should proceed with the Secretary of the Interior to designate excess lands and transfer them pursuant to Public Law 93-599. The Elders know that these lands are critical to our long term tourism and recreational development industry and **request that the Corps of Engineers and the Secretary of Interior expedite the transfer of these lands to the tribes.**

Senator Inouye's letter of August 2001 solicits comments concerning the use of JTAC funds including the planning process and compliance with the legislation. The MHA Elders Organization is not

satisfied with how the tribal council has used JTAC funds, including the planning process and the reporting requirements. We do not hold our tribal council totally responsible for their inability to manage the JTAC funds in accordance with the legislative requirements. The Three Affiliated Tribe's constitution and bylaws are inadequate and outdated and do not meet the needs of the membership. They burden the tribal council with the responsibility of legislating, administrating, and adjudicating all activities of the tribe. This concentration of responsibility and authority lessens the effective of our government. There is a quote "absolute authority - absolute corrupt". Our tribal constitution needs major revisions to assure that the welfare of our membership is protected. The constitution must address separation of powers, accountability and reporting of tribal funds, recall of elected officials, and a sundry of other revisions.

Traditionally, tribal elders have provided leadership on important issues relating to the welfare of the people. In keeping with our tradition

the MHA Elders Organization intends to provide the leadership in the design and development of a new constitution for the Mandan, Hidatsa and Arickara tribes. This will be done by petition as provided for in our current constitution.

Our tribe's financial accountability and reporting are not available to the general membership. It is the position of the MHA Elders that our financial system should mirror that of other federal and state corporations. We remind the Senator that the Three Affiliated Tribes are not only a sovernign entity, we are also federally chartered.

The Elders wish to point out that a referendum for the use of JTAC funds was conducted by our Tribal Council. However, turn out of eligible voters on this referendum was minimum. The low turnout of eligible voters is an indication of the lack of understanding as the wording of the referendum was ambiguous. A referendum vote of this importance should have garnered a larger turnout.

Social Security; The social security benefits for the Elders of the

Three Affiliated Tribes is far below the national average. The construction of the Garrison Dam disrupted the social-economic livelihood of our tribal members, creating communities of poverty on the Fort Berthold Reservation. This disruption deprived our membership of the opportunity to earn an adequate livelihood and full participation in the federal social security program. The Elders Organization requests your assistance again to remedy this situation similar to the process used to extend social security benefits to the farmers and religious organizations.

We regret that we are not prepared to provide you total documentation on these issues today. The time for preparing for this public hearing was short . MHA Elders Organization will submit further written comments on these topics within the deadlines set for this hearing process.

To: Chariman Tex Hall
Secretary: Marcus Wells, Jr.
Treasurer: Austin Gillette
Dalen Spotted Bear
Randy Phelan
Mark Fox
Malcolm Wolf

DRAFT

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DRAFT

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Newtown, North Dakota

August 13, 2001

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Three Affiliated Tribes
Newtown, N.D. 58763

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members is protected and that all members have equal access and protection under the laws of the tribe.

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Sincerely;

Chairman MHA Elders Organization

DRAFT

MANDAN, HIDATSA, AND ARIKARA ELDERS ORGANIZATION

ISSUES AND CONCERNS TALKING PAPER

August 13, 2001

HISTORICAL BACKGROUND:

The Three Affiliated Tribes were officially organized under the Howard Wheeler Act in 1934. This Act reflected the New Deal which President Roosevelt presented to the American public and urged tribes to adopt a constitution in order that they be federally recognized. The government wanted a formalized method of communicating and negotiating with the tribes. To accomplish this, tribes were provided with a model constitution and were advised to modify the document to meet their needs for governance. In 1936, our tribes adopted a Constitution and By-laws and a Charter. The model constitution was ***quasi democratic***. It did not provide for safe guards, nor the rights of tribal members. The divisions of legislative, judicial and executive are absent.

Prior to the adoption of our constitution, our method of government, leadership and the choice of leaders was decided by custom or culture. There were hereditary chiefs, and some were chiefs because of their ability or strength. At times, there were disputes and a band would form under a new chief. Clans and other groups made various decisions rather than the chief. The transition from a culturally driven government to a written constitution seemed to be fairly peaceful and there was little impact on the lifestyle of the membership.

In 1936, the Three Affiliated Tribes ratified a Constitution and Bylaws by a close vote of 366 for and 220 against. On June 29, 1936 Harold Ickes, then Secretary of the Interior, approved the Three Affiliated Tribes Indian Reorganization Act Constitution and Bylaws.

It is now year 2001 and the original Constitution and Bylaws, though they have been updated, are inadequate to assure orderly management and accountability for the multimillion dollar programs that we are involved in today. The Elders are becoming more and more concerned about how our membership is

governed. The Self-Determination philosophy of the BIA has made it more evident the tribal governing body is vested with unlimited authority. Our government legislates, operates, and is the final decision on all issues. Separation of power and accountability must be the cornerstone of our government. ***Separation of powers protects one core value; the individual liberty from governmental tyranny.***

Election of tribal representatives is no longer a lively debate of issues and ideas, but who can make the most promises of favors and jobs. Voting on the council is often influenced by one's own interest in re-election rather than collective benefits for the entire membership. ***This style of government, if allowed to continue, will be the vehicle of our self-destruction rather than self-determination.***

The MHA Elders Organization has received numerous comments from tribal members about their difficulty of conducting business with the Tribal Council. Their primary complaint has been that the tribal council meetings are not held on a regular schedule and are started late in the day and extend late into the night. This makes it very difficult, especially for those who travel long distances, to attend and there is limited opportunity for public input on important issues.

When the framers of the U.S. Constitution considered what type of government they wanted, they considered several theories of government. They also sought to avoid the tyranny of England that reigned during the colonial period. They also sought to avoid a life where property and governmental rights were determined by birth into a particular class of people as it was in England. The framers looked instead to a model where each person could participate in government no matter what his station of class in society and where each person could pursue life, liberty, and property.

Since our Constitution was passed in 1936, there have been 6 (six) amendments: in 1956, 1970, 1974, 1975 and 1986. ***In reviewing these amendments, there are none that t direct the Tribal Business Council to a more democratic form of government.*** These six amendments to our constitution were initiated and designed by the BIA and/or a 2./3 vote of the tribal council and not the people.

Section 10 of our constitution empowers the general membership to initiate

and design revisions to the constitution. The method to initiate a constitutional amendment by the membership is signing a petition and presenting it to the Secretary of the Interior.

The need for a new constitution that incorporates a clear separation of power and accountability of representatives and public officials is evident. After all, our constitution is the instrument by which the general membership delegates the various authorities to the tribal council.

The MHA Elders Organization intend to provide the leadership in the design and development of a new constitution for the Mandan, Hidatsa and Arickara tribes. The MHA Elders Organization intends to accomplish this through a democratic process that will provide all the tribal membership an opportunity to participate in the drafting of a new constitution. After the constitution is drafted, the MHA Elders Organization will solicit signatures on petitions requesting the Secretary of the Interior to conduct a referendum vote of the membership to approve or disapprove the constitution .

The MHA Elders Organization has included a line item in our 2002 operating budget to cover the cost of updating or developing a new constitution for referendum vote of the membership.

MANDAN, HIDATSA, AND ARIKARA ELDERS ORGANIZATION DRAFT

ISSUES AND CONCERNS

CURRENT FINANCIAL CONDITION OF THE THREE AFFILIATED TRIBES

The MHA Elders Organization thanks you for taking time from your busy schedule to visit with us. We recognizes the importance of good communication and have asked to meet with you to express our concerns and hear from our tribal representatives, their plans to improve the quality of life for all enrolled members.

About a month ago, purchase orders for the emergency health care of elders practically came to a stand still. Rumors of the tribe's cash flow problems began to circulate. (Cash flow of the tribe translate to cash flow problems of the Elders Organization) and soon thereafter, information was shared with the elders that, at a special meeting of the tribal employees, the Treasurer announced that the tribe had an extreme cash flow problem and may b e forced to lay off certain tribal employees. A few days later, tribal resolution #01-164-MWJr, was passed by the council.

The phones at the Elders office were ringing off the hook. Many elders called in to express their concerns. In fact many of the board members received calls at their homes on the same subject. Our staff and board members were without factual information to respond to the many calls. Rumors and misinformation rippled through the communities and anxiety and stress ran high. Twenty years ago the tribes budget was less than a million dollars. The BIA, IHS and the School Boards controlled and managed these funds and if one of these organizations had a cash flow problem, the negative impact was not so great. Today the tribe manages a budget in excess of $35 million and controls 90% of all employment and funds the tribal membership is

dependent on for their livelihood.

Considering the magnitude of funds and programs managed by the tribal government today, it is reasonable that the tribal membership (shareholders) want more information about tribal business and finances. Tribal minutes are published in the tribal newspaper- but no financial reports and progress reports on the many economic endeavors of the tribe are published.

Article VI, Powers, Section 4(c) of the Constitution states "all expenditures of Tribal Business Council funds shall be by resolution duly passed by the Council to such effect, and the amounts so paid shall be matters of public record at all times.

Article I, Duties of Officers, Section 3 of the Bylaws states the Treasurer "shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody of the council, his reports to be in writing and matter of record. The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Council."

So gentlemen today we look forward to this meeting and discussion on these important issues.

DRAFT

OUTLINE FOR CONSTITUTION REVISION

SUBJECT	PROCEDURES	REMEDIES
PREAMBLE; (Copied from original constitution)		
JURISDICTION; (Copied from original constitution)		
MEMBERSHIP; (Copied from original constitution)		
DELEGATION OF AUTHORITIES TO THE THREE BRANCHES OF GOVERNMENT AND COMMITTEES;		
GOVERNING BODY; Legislative, Executive, Judicial, (Duties, Responsibilities, and authorities)		
ARCHIVES; Preserve all historical records		
POLITICAL DISTRICTS; Copied from original constitution.	Redistrict one man one vote	

MEETINGS; Required meetings of all elected officials, mandatory attendance, recording and publishing of meeting minutes,		
RECALL; Recall for all elected officials and all actions of the legislature and committees.		
FINANCIAL; Accountability provision requiring planning, budgeting and control of tribal funds by activity and regulations that meet all federal accounting requirements.		
CODE OF ETHICS; Code of ethics for all elected officials		
CIVIL SERVICE COMMISSION; Adopt civil service commission to administer all personnel matters.		
COMPENSATION FOR ALL ELECTED OFFICIALS; Establish compensation rates for all elected officials.		
TRIBAL RECORDS; All official records of the tribe shall be available to the membership in accordance with the Freedom of Information Act/.		
ROLL CALL VOTES; Roll call votes on all council votes so the segments know how their councilman is voting.		

MANDAN, HIDATSA, AND ARIKARA ELDERS ORGANIZATION

ISSUES AND CONCERNS

CURRENT FINANCIAL CONDITION OF THE THREE AFFILIATED TRIBES

The MHA Elders Organization thanks you for taking time from your busy schedule to visit with us. We recognizes the importance of good communication and have asked to meet with you to express our concerns and hear from our tribal representatives, their plans to improve the quality of life for all enrolled members.

About a month ago, purchase orders for the emergency health care of elders practically came to a stand still. Rumors of the tribe's cash flow problems began to circulate. (Cash flow of the tribe translate to cash flow problems of the Elders Organization) and soon thereafter, information was shared with the elders that, at a special meeting of the tribal employees, the Treasurer announced that the tribe had an extreme cash flow problem and may b e forced to lay off certain tribal employees. A few days later, tribal resolution #01-164-MWJr, was passed by the council.

The phones at the Elders office were ringing off the hook. Many elders called in to express their concerns. In fact many of the board members received calls at their homes on the same subject. Our staff and board members were without factual information to respond to the many calls. Rumors and misinformation rippled through the communities and anxiety and stress ran high. Twenty years ago the tribes budget was less than a million dollars. The BIA, IHS and the School Boards controlled and managed these funds and if one of these organizations had a cash flow problem, the negative impact was not so great. Today the tribe manages a budget in excess of $35 million and controls 90% of all employment and funds the tribal membership is

dependent on for their livelihood.

Considering the magnitude of funds and programs managed by the tribal government today, it is reasonable that the tribal membership (shareholders) want more information about tribal business and finances. Tribal minutes are published in the tribal newspaper- but no financial reports and progress reports on the many economic endeavors of the tribe are published.

Article VI, Powers, Section 4(c) of the Constitution states "all expenditures of Tribal Business Council funds shall be by resolution duly passed by the Council to such effect, and the amounts so paid shall be matters of public record at all times.

Article I, Duties of Officers, Section 3 of the Bylaws states the Treasurer "shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody of the council, his reports to be in writing and matter of record. The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Council."

So gentlemen today we look forward to this meeting and discussion on these important issues.

MANDAN, HIDATSA, AND ARIKARA ELDERS ORGANIZATION

ISSUES AND CONCERNS

TRIBAL GENERAL ELECTION YEAR 2000

HISTORICAL BACKGROUND:

The Three Affiliated Tribes were officially organized under the Howard Wheeler Act in 1934. This Act reflected the New Deal which President Roosevelt presented to the American public and urged tribes to adopt a constitution in order that they be federally recognized. The government wanted a formalized method of communicating and negotiating with the tribes. To accomplish this, tribes were provided with a model constitution and were advised to modify the document to meet their needs for governance. In 1936, our tribes adopted a Constitution and By-laws and a Charter. The model constitution was ***quasi democratic***. It did not provide for safe guards, nor the rights of tribal members. The divisions of legislative, judicial and executive are absent.

Prior to the adoption of our constitution, our method of government, leadership and the choice of leaders was decided by custom or culture. There were hereditary chiefs, and some were chiefs because of their ability or strength. At times, there were disputes and a band would form under a new chief. Clans and other groups made various decisions rather than the chief. The transition from a culturally driven government to a written constitution seemed to be fairly peaceful and there was little impact on the lifestyle of the membership.

During the 30's and 40's, the membership of our tribes lived in relative isolation from the surrounding communities and were self sufficient. There was emphasis on education and family tradition that enabled the families to remain intact. We lived in an agricultural economy, gardening, harvesting wild fruit, hunting wild game and raising horses and cattle. Our social activities were derived from our culture as well as the Christian churches.

The people elected their council representatives using these ***quasi democratic*** rules. The Tribal Council served primarily as our legislative arm and received little or no compensation, the live stock association facilitated the economic and business aspects and the BIA managed, with a heavy hand, services such as education, health, judicial and trust services and our tribal cultural

traditions governed much of our community social interaction. We managed our lives with the resources we had. Little did we know that less than 10 years after adoption of our constitution we would face the issues of WWII, THE GARRISON DAM, KOREAN WAR, RELOCATION, AND TERMINATION.

Our entire way of life changed, the young men went to war, and in spite of a fight against the building of the dam, it happened. As a result of the dam, every community on the reservation was destroyed, not one community was left, nor were the institutions such as schools, churches, meeting halls, hospital, flour mill, and the roads. 95 percent of the membership were forced to move, family and community groups were separated, more children were forced to attend boarding schools. Even the cemeteries were moved. The bottom lands that provided wood and coal for our stoves, logs for building homes and barns, posts for fencing, berries for food, plants for medicine, winter shelter for animals, prime garden lands and wildlife habitat were forever destroyed. For the first time families went on welfare. The actual physical move from the bottom lands began in 1952.

These rapid and destructive changes also affected the tribal government. The invading waters of the Garrison Dam isolated the communities from one another, this affected the governance of the districts. Six segments replaced nine districts and council representation was amended. During this period Indian Health Services took over health care to Indians from the BIA. It was at this time that the Tribal Council and the BIA made amendments to the Constitution. They changed the districting, changing the number of Council members. The method of voting by absentee ballot was eliminated.

Since our Constitution was passed in 1936, there have been 6 (six) amendments: in 1956, 1970, 1974, 1975 and 1986. In reviewing these amendments, there are none that direct the Tribal Business Council to a more ***democratic*** form of government. One could readily say that our constitution does not contain written guidelines that address ***ethics***, ***conduct, accountability*** or ***responsibility*** of Tribal elected officials. We have six (6) council representatives and a chairman that have full authority to legislate as well as to dissipate our resources with no consultation with the people. A glaring problem is the councils insistence that they have full control over the hiring and firing of every tribal employee. This management edict causes chaos in the reservation and is totalitarian rather then democratic.

P.L. 93-638, The Indian Self-Determination and Educational Assistance Act of 1978, changed the tribes relationship with all Federal Agencies. Our Tribal government took upon itself the responsibility to manage the major portion of all

federal programs available for the benefit of tribal members.

We chose to change our representation from two to one from each segment and we added an additional segment, Four Bears. The Chairman was elected at large. The net result being we have expanded the authority of our tribal government to manage our affairs and access to millions of tribal and federal dollars with less tribal government representation and no checks and balances in place.

CURRENT ISSUES AND CONCERNS:

The tribal council has recently expended large sums of funds on projects without adequate planning, economic evaluations and consultation with the membership. There are no current financial reports of these expenditures readily available to the membership. The tribal council moves money about to cover over and under expenditures at will. Federal program dollars in combination with the JTAC and tribal income begs for better planning, evaluation and consultation with the membership.

We now have six council representatives and a chairman that have full authority to legislate, administrate, manipulate, and dissipate our resources without consultation with the membership. Can you imagine the state of chaos our federal government would be in if the elected officials hired and fired all federal employees, but that is exactly what our tribal council does today. This style of government raises the stakes for every member at election time. You are either in or out. Many members of the tribe who have experienced the same grief and despair because of the Garrison Dam and are currently residing off the reservation, are denied an opportunity to participate in our electoral process.

Kevin Gover, our current Assistant Secretary-Indian Affairs, recently said that the ***real challenge for the next decade is to provide for stable and responsible government for the Indian people.*** This statement is also supported by many studies performed by reputable institutions such as Harvard University.

We the Elders of the Three Affiliated Tribes, submit this paper on our issues and concerns to the membership. We strongly believe the only way our tribes can progress and improve the quality of life for all of our membership is to make changes to our constitution that clearly separate the ***Legislative, Judicial*** and ***Executive*** authorities of our government.

Listed below are some suggested changes to our constitution that we believe would address the above issues and concerns.

a. A clear separation of powers:

1. Legislative - Responsible for enacting laws with proper consultation and public notice.

2. Executive - The Chairman and Tribal Staff to administer the many programs and services authorized by the Legislative.

3. Judicial - An elected forum where the membership and the Legislative and Executive bodies may resolve any disputes that may arise.

b. A minimum of two legislatures from each segment.

c. Election of membership of all boards and committees authorized by the constitution.

e. Incorporation of the Indian Civil Right Act.

f. Financial control accountability and reporting.

G. Incorporation of a Tribal Civil Service system.

H. The Executive Branch of the Three Affiliated Tribes should prepare an annual budget for all tribal expenditures and refer it to the membership for review and approval by popular.

The Mandan, Hidatsa and Arickara Elders Organization voted to share these most important issues and concerns with the membership at a special meeting held September 12, 2000 by a vote of 11 to 1 with the following members present. .

John H. Danks - Interim Chairman **(Not Voting)**
Mathew Mason - Vice Chairman - Newtown Interim Representative
Rose Marie Mandan - Treasurer - Mandaree Interim Representative
Jim Danks - Mandaree Interim Representative
Dale Little Soldier - Twin Buttes Interim Representative
John Fredericks - Twin Buttes Interim Representative
Plija Bordeaux - Whiteshield Interim Representative
Jerry White - Whiteshield Interim Representative
Emerson Packineau - Parshall Representative
Phyllis Cross - Parshall Interim Representative
Emerson Baker - Newtown Interim Representative
Gail Baker - Four Bears Alternate Interim Representative
Hazel Blake - Secretary - Four Bears Interim Representative

Proposal for Purchasing the Social Security Benefits of the Three Affiliated Tribes' Elders.

When the Garrison Dam was constructed in the early 1950's, the United States Corps of Engineers flooded approximately 145,000 acres of rich Missouri River bottomland, fertile farmland and the best winter cattle range-all belonging to members of the Three Affiliated Tribes---Mandan, Hidatsa, and Arikara---of the Ft. Berthold Reservation. The members of the Three Affiliated Tribes who built their homes and made their living on these rich bottomlands were forced to move to higher ground, which was arid, desolate, and isolated, with very little or no infrastructure. The bottomlands of the Ft. Berthold were variously characterized in the MRBI reports as a "natural factory" or a "productive engine" that provided for all the economic needs of the tribal members, as well as some non-Indians on the reservation. The bottomlands of the Ft. Berthold Reservation represented, in short, a self-generating economy. Dr. Cummings stated in the JTAC report, the tribal population of the reservation was self-sufficient, that the salient economic unit, the tribal family, had an income comparable to that of the non-Indian family.

Prior to construction of the Garrison Dam, 90% of the reservation's economic base was derived from independent family agriculture operations located primarily in the flooded area. Efforts by these independent families to continue their agriculture operations in the harsher environment they had been forced to migrate to, proved to be futile and difficult, as evidenced by the dramatic drop in agriculture income on the reservation from 90% in the

making or beyond their control. This would be the last chance for our elders to become more self-sufficient and to be able to enjoy a small amount of freedom from worries during their twilight years.

We believe this proposal can be implemented in the same way the expansion of Social Security Benefits for farmers was implemented in the early 1950's.

Submitted on August 29, 2000

Social Security Income Review for the Fort Berthold Reservation

Social Security Income Fort Berthold	Total Social Security Income by district	Range of Incomes from greatest to lowest	Average of all income	Total SSI Income by district	Average for each district
New Town/Four Bears	$ 18,254.00	$ 901.00 - $ 108.00	$ 434.82	$ 3190.00	$ 398.00
White Shield	$ 10,644.00	$ 800.00 - $ 204.00	$ 488.82	$ 4,818.00	$ 438.00
Mandaree	$ 10,148.00	$ 900.00 - $ 80.00	$ 462.27	*NSA	*NSA
Parshall	$ 7,761.00	$ 700.00 - $ 195.00	$ 461.27	*NSA	*NSA
Twin Buttes	$ 5,689.00	$ 790.00 - $ 330.00	$ 517.018	*NSA	*NSA

* Indicates No Statistics Available

Indian elders have a lower economic status than elders in the general population. According to the 1990 census, the median household income for Indians is $ 19,897, for U.S. All Races it is $ 30,056, and for U.S. Whites it is $ 31,435. During this same period, 31.6 percent of Indians of all ages lived below the poverty level in contrast to 13.1 and 9.8 percent for the U.S. All Races and White populations, respectively. For persons 65 to 74 years old the corresponding percentages are 26.9, 10.4, and 8.4. For 75 years and older, the corresponding percentages are 33.3, 16.5, and 14.6.

Submitted by Marilyn Yellow Bird-Baker

TESTIMONY TO SENATOR KENT CONRAD

ADDRESS; SENATE INDIAN AFFAIRS COMMITTEE
US SENATE, WASHINGTON, DC 20510-0450
WRITTEN TESTIMONY AS PART OF FIELD HEARING HELD BY THE COMMITTEE ON INDIAN AFFAIR BY SENATOR KENT CONRAD ON FUNDING AUTHORIZED BY THE THREE AFFILIATED TRIBES AND STANDING ROCK SIOUX EQUITABLE COPENSATION ACT (TITLE 35 OF PUBLIC LAW 102-575) JTAC.

Public Hearing conducted by Senator Conrad, Acting Chairman, Senate Indian Affairs Committee: 9:30 a.m. at the Four Bears Casino Event Center on August 30, 2001.
Submitted by:
Mandan, Hidatsa, and Arickara Elders Organization's (MHAEO) additional written testimony: Background – Introduction:

Index:

A. Charter and Bylaws
B. Membership
C. Demographics
D. Financial Statement FY 2000, FY 2001
E. Surveys and findings
F. Services performed

SURPLUS LANDS

In Public Law 103-211 date February 12, 1994, Congress provided that U.S. Army Corps of Engineers should proceed with the Secretary of the Interior to designate excess lands and transfer them to the tribe pursuant to Public Law 92-599. Considerable time has elapsed since that date. What is causing the delay? What process or efforts to transfer this excess land have occurred to date? The process may need a jump that only the good Senator's office can do. Maybe a joint meeting of the parties concerned is in order. We the Elders personally experienced the loss of our homelands and should therefore be involved in the negotiations.

DISSATISFACTION WITH TRIBAL COUNCIL USE OF JTAC FUNDS

The MHA Elders Organization is not satisfied with how the tribal council has used JTAC funds, including the planning process and the reporting requirements.
The tribal council experienced difficulty reorganizing after the 1998 general election. Chairman Hall was challenged for casting a ballot as a councilman and also voting as the chairman to break a tie on the same issue. The matter was brought before the tribal court and Chairman Hall prevailed. Thereafter the presiding judge was commonly referred to as two vote Jones.

Referendum vote for use of JTAC funds was questionable. The ballot was written in such a manner that it was confusing and many of the voters did not vote because they did not understand the issue. The voter turnout was mainly those closely associated with council members. The referendum did not offer the voters a choice. It was a yes or no vote designed by the tribal council with limited input from the membership.

There have been no financial audits since fiscal year 1997, yet our constitution requires "the books and records of Treasurer shall be audited at least once each year by a competent auditor employed by the Council".

TWIN BUTTES HOUSING

Early in Chairman Hall's administration, the tribal council made two major economic investments. (1) Twin Buttes Housing Manufacturing Corporation - $ 5.0 million. Financing for this project was secured by pledging $ 5.0 million of JTAC funds. The Miller and Schroeder Financial Firm questioned the economic feasibility of the project and required the tribe to pledge $ 5.0 of JTAC funds. (100% loan guarantee). This project may have been eligible for funding by USDA Rural Development.

This project was hurried thru the tribal council with limited opportunity for input from the tribal membership. We understood the feasibility of the project was based on the need for 1000 homes on the Fort Berthold Reservation. A recent study performed by the Fort Berthold Housing Authority shows that there are only 85 tribal members living on the reservation that can qualify for a housing loan to purchase housing. No financial or progress reports have been made to the membership concerning the Twin Buttes Housing Project to date. The moccasin telegraph as it the Twin Buttes Housing project has not generated funding to meet loan payments. These loan payments have been paid from JTAC funds.

A thorough evaluation and feasibility study of the housing need on the reservation would have been beneficial. The extreme need for housing on the Fort Berthold Reservation was not due to our inability to construct or manufacture housing. It was due to the low income of tribal members and their inability to acquire financing. Investment in an innovative home purchase program for tribal members would have addressed the housing problem more effectively. Example, an investment of $ 5.0 million in an innovated home purchase program; buy down not to exceed $ 20,000.00, would have placed 250 homebuyers in adequate housing.

FIGURE FOUR RANCH

A ranch joining the southwest corner of the reservation was purchased for $ 2.8 million using JTAC funds. Again this idea was brought to the table and even though reputable tribal members voiced opposition to this purchase, the TAT passed a resolution authorizing the purchase. The appraisal was questioned and testimony was given that ranch was over valued and a second appraisal should be secured. When the appraisal was

questioned, the Chairman stated that the appraisal was confidential and not available to the membership.

ASC records substantiate a large acreage of the ranch is infested with leafy spurge. The ranch headquarters are old and in need of need of major renovation. The grazing capacity is limited as the land is mostly class 5.

The very first beneficiary of our JTAC funds, was not the tribe, a tribal organization, nor a tribal member, it was Kean Meyers, a prominent North Dakota politician whose ranching operation was on the verge of bankruptcy.

Large sums of money have been spent fencing, renovating and staffing this enterprise that has a history of limited productivity. Recently funds have been expended to begin a bed and breakfast and a youth camp operation. Again no economic feasibility data on this endeavor is not available to the membership. The tribe's last audit was in FY 1997.

$ 8.8 MILLION DRAWDOWN

Tribal Resolution # 01-161-MWJr., passed by tribal council drew down an additional $8.8 million of JTAC interest funds. Again there was no consultation or reporting of this action to the tribal membership. The moccasin telegraph has it these funds were needed because the tribe had already spent all JTAC funds programmed FY 2001. Has the tribal council drawn down tribal interest funds that should be reserved for the FY 2002 budget?

OUTREACH RESOLUTION

Outreach: A resolution that authorizes representatives to hire certain staff in their respective segments. Tribal payroll in 1998 averaged approximately $ 280 thousand bi-weekly and the number of employees averaged between 280 and 300. We understand today tribal payroll is about $500 thousand bi-weekly and the number of employees is about 400. some tribal councilmen consider these make work jobs economic "development". This is a welfare program that our tribe is not capable of funding. Tribal Resolution #93-33 JJR dated 3-9-93 reserves all-hiring to the tribal council.

Personal staff for the councilmen is often hired without defined job descriptions or qualifications and without rating or review by the tribal personnel department. These are strictly jobs for votes. Tribal newspaper and radio station is also controlled by the tribal business council and therefore does not report on tribal activities like the normal news media would. Considering the fact the tribe controls approximately 80% of all employment on the reservation, jobs for votes is prevalent. The moccasin telegraph refers to this practice as "economic hostage".

TRIBAL EQUIPMENT: (Tribal resolution on equipment)
The Tribal Council stated in their testimony that they have expended in excess of $700 thousand to purchase heavy equipment without any formal planning process. Each councilman decides who gets a road to their home and the priority of projects. (Micro

management) All contractors that perform construction projects paid for by JTAC funds are selected by tribal council.

REGIONAL DIRECTORS TESTIMONY

Great Plains Director, Cora Jones comment at the Senate Hearing, made no mention of program review, financial review, and program compliance. We are sure the Regional Director is aware that the tribe is not in compliance with their constitution and have not provided financial audits and reports to the Inspector General. The BIA is responsible for certifying and forwarding audits to the Inspector General before the Tribe may receive millions of dollars of indirect cost for the expense of managing federal programs in excess of $ 10 million.

COUNCIL MEETINGS

Council meetings have been held on an erratic schedule and during the late night hours when it is difficult for tribal members, especially the elders, to attend. Minutes of tribal meeting are not published on a timely basis and it is difficult for tribal members to exercise their recall options when they do not know what business was conducted late in the night or early morning hours.
The above comments support the old saying "absolute authority – absolute corrupt".

SOCIAL SECURITY

Increasing Social Security benefits for the Elders of the fort Berthold Indian Reservation to the national average of $844.00 per month would greatly improve the economic well being of those elders now living in extreme poverty.

CASINO

There has never been any operational, or financial reporting done to date. Rumor has it that the council has borrowed approximately $ 15 million against casino revenue.

RECOMMENDATIONS

FEDERAL

Senator Conrad the MHA Elders Organization submits the following recommendations we feel you and your office could initiate to improve the social and economic welfare of the Fort Berthold Indian Reservation. We are also providing a list of recommendations that we feel the tribe should take. Together we hope that we can better plan the use of JTAC funds for the collective benefit of all tribal members. Our goal is to utilize all tribal funds, including JTAC funds to improve the self sufficiently and economic well being of the tribe and its membership and ultimately reduce our dependency on special federal programs.

Economic recovery funds approved by congress should utilize a structured planning process that includes public hearing, opportunities for written comments, feasibility studies by reputable firms, review and progress reporting for on going projects. Approval of the expenditure of TAC funds by tribes must take into consideration the governmental organization of a tribe and their ability to manage and no funds should be authorized without current audits

TRIBAL

The Three Affiliated Tribes need a new constitution that clearly describes the powers delegated to the tribal council by the membership. These powers must be separated in the following categorize; legislative, administrative and judicial. The constitution and by-laws must clearly identify the duties, responsibilities and authorities of each branch of government and remedies should any branch of government fail to perform in accordance with the constitution and bylaws of the tribe.

The tribe needs to adopt a formal planning process. Incorporated in this process, their needs to be requirements for public hearings, opportunity for written comments, feasibility studies by reputable people. Review and progress reporting on all on going tribally funded programs. Council authority to approve tribal ventures should be approved or disapproved by referendum vote of the membership. Annual audits should be mandated for all tribal programs should be published. If audits not completed by second half of fiscal year funds should be restricted.

MANDAN, HIDATSA, & ARIKARA ELDERS ORGANIZATION

BYLAWS

AUTHORITY: Article IV. B of the Charter authorizes the board to make and alter bylaws not inconsistent with this Charter for administration and regulation of the affairs of this Organization.

ARTICLE I MEMBERSHIP

THE MEMBERSHIP OF THE MANDAN, HIDATSA, ARIKARA ELDERS ORGANIZATION SHALL CONSIST OF ANY ENROLLED MEMBER WHO IS 60 YEARS OLD AND OVER.

ARTICLE II GOVERNING BODY

THE MANDAN, HIDATSA, ARIKARA ELDERS ORGANIZATION SHALL BE GOVERNED BY A BOARD OF 12 TWELVE MEMBERS. THE CHAIRPERSON SHALL BE ELECTED AT LARGE BY THE GENERAL MEMBERSHIP. THE OTHER 12 TWELVE BOARD MEMBERS SHALL BE ELECTED, 2 FROM EACH SEGMENT, BY A MAJORITY OF VOTES CAST IN THAT PARTICULAR SEGMENT. FROM THESE 12 TWELVE BOARD MEMBERS, THE BOARD WILL SELECT, THE SECRETARY, THE TREASURER, AND THE VICE CHAIRPERSON.

ARTICLE III DUTIES OF THE OFFICERS

SECTION 1 DUTIES OF THE CHAIRPERSON

THE CHAIRPERSON OF THE ELDERS ORGANIZATION SHALL PRESIDE AT ALL MEETING OF THE BOARD AND SHALL DIRECT THE WORK OF THE OFFICERS. HE/SHE SHALL APPOINT SUBJECT TO THE APPROVAL OF THE BOARD SUCH STANDING COMMITTEES AND SPECIAL COMMITTEES AND OTHER OFFICERS, AS THE BUSINESS OF THE ORGANIZATION MAY REQUIRE.

SECTION 2 DUTIES OF VICE CHAIRPERSON

IN THE ABSENCE OF THE CHAIRPERSON FROM ANY REGULAR MEETING THE VICE CHAIRPERSON SHALL PRESIDE IN HIS/HER PLACE AND HE/SHE SHALL HAVE ALL THE PRIVILEGES, DUTIES, AND RESPONSIBILITIES OF THE CHAIRPERSON.

SECTION 3 DUTIES OF THE SECRETARY

THE SECRETARY OF THE ELDERS ORGANIZATION SHALL CONDUCT ALL CORRESPONDENCE OF THE ORGANIZATION, SHALL KEEP ALL RECORDS, MINUTES OF MEETING AND AN ACCURATE ROLL OF MEMBERSHIP BY COMMUNITIES. HE/SHE SHALL RECEIVE ALL REQUESTS MADE TO THE BOARD AS WELL AS OTHER PAPERS AND PREPARE THEM FOR ACTION BY THE BOARD. HE/SHE IS RESPONSIBLE FOR ALL CLERICAL DUTIES OF THE ORGANIZATION. HE/SHE WILL KEEP COUNT OF VOTING, ANNOUNCE MEETING IN A TIMELY FASHION, ARRANGE FOR PUBLICITY, HANDLE PRESS RELEASES, AND PUBLISH MINUTES.

SECTION 4 DUTIES OF THE TREASURER

THE TREASURER OF THE ORGANIZATION SHALL ACCEPT, RECEIPT FOR, KEEP, AND SAFEGUARD ALL FUNDS, AND PROPERTY IN CUSTODY OF THE ORGANIZATION. HE/SHE WILL DEPOSIT ALL SUCH FUNDS IN A BANK OR ELSEWHERE AS DIRECTED BY THE ORGANIZATION. HE/SHE SHALL MAKE AND KEEP A FAITHFUL RECORD OF SUCH FUNDS AND SHALL REPORT TO THE BOARD ON ALL FUNDS IN HIS/HER POSSESSION. THESE REPORTS WILL BE WRITING AND A MATTER OF RECORD. HE/SHE WILL NOT EXPEND OR OTHERWISE DISBURSE ANY FUNDS IN HIS/HER POSSESSION EXCEPT WHEN HE/SHE IS AUTHORIZED TO DO SO BY A MOTION OR RESOLUTION OF THE ORGANIZATION. ALL CHECKS ARE TO BE SIGNED BY THE TREASURER AND COUNTERSIGNED BY THE CHAIRPERSON OR BY HIS/HER DESIGNEE. THE BOOKS AND RECORDS ARE TO BE AUDITED AT LEAST ONCE A YEAR BY A COMPETENT AUDITOR EMPLOYED BY THE ORGANIZATION OR AT ANY TIME REQUESTED BY THE BOARD. PERSONS WHO ARE AUTHORIZED TO SIGN CHECKS AND ARE RESPONSIBLE FOR FINANCIAL RECORD KEEPING SHALL BE ADEQUATELY BONDED. THE FINANCIAL RECORDS ARE A MATTER OF PUBLIC RECORD.

ARTICLE IV TERMS OF OFFICE

THE TERM OF OFFICE SHALL BE TWO (2) YEARS IN STAGGERED TERMS. TWO CONSECUTIVE TERMS WILL BE PERMITTED. AFTER TWO TERMS IN OFFICE THE PERSON MUST RETIRE ONE (1) YEAR TO BE ELIGIBLE. ALL ELECTIONS SHALL BE HELD BY MAIL. THE BOARD SHALL DEVELOP AND ADOPT THE ELECTION PROCEDURE BEFORE AN OFFICIAL ELECTION IS CALLED. THE INTERIM BOARD IS NOW IN THE PROCESS OF COMPLETING THE PROCEDURES FOR ELECTING THE FIRST BOARD OF DIRECTORS FOR THE ORGANIZATION.

SECTION I VACANCIES

THE BOARD OF DIRECTORS SHALL HAVE THE POWER TO FILL ANY VACANCY IN THE BOARD. THE PERSON CHOSEN TO FILL THE VACANCY WILL BE FROM THE SAME COMMUNITY AND WILL FILL OUT THE TERM.

SECTION 2 ABSENCES

A BOARD MEMBER MAY NOT HAVE MORE THAN THREE (3) UNEXCUSED ABSENCES IN A YEAR. A QUORUM VOTE IS REQUIRED TO CARRY OUT THIS ACTION.

SECTION 3 PROXY

NO BOARD MEMBER MAY VOTE BY PROXY, INABSENTIA, OR BY WRITTEN LETTER.

SECTION 4 SPECIAL MEETINGS

SPECIAL MEETING OF THE BOARD OR MEMBERSHIP MAY BE HELD AT ANY PLACE OR AT ANY REASONABLE TIME WHEN CALLED BY THE CHAIRPERSON. THE PURPOSES OF THE MEETING MUST BE STATED CLEARLY IN WRITING AND BE INCLUDED IN THE NOTICE OF THE MEETING.

ARTICLE V QUORUM

NO BUSINESS CAN BE CONDUCTED BY THE BOARD WITHOUT A QUORUM PRESENT. A QUORUM IS THE MAJORITY MEMBERS OF THE BOARD.

ARTICLE VI COMPENSATION

ALL BOARD MEMBERS ARE ELIGIBLE TO RECEIVE COMPENSATION FOR TRAVEL EXPENSES AT THE GOVERNMENT RATE FOR MILEAGE, HOTEL COST, AND MEALS FOR TRAVEL OFF THE RESERVATION. BOARD MEMBERS ARE REIMBURSED $40.00 A DAY PER DIEM AND 32.5 CENTS A MILE TO ATTEND BOARD MEETINGS

ARTICLE VII STANDARDS OF CONDUCT FOR BOARD MEMBERS

SECTION 1 PURPOSE OF STANDARDS

THE PURPOSE OF THESE STANDARDS IS TO PROVIDE SAFEGUARDS TO PREVENT BOARD MEMBERS FROM USING THEIR POSITIONS FOR PURPOSES THAT ARE, OR GIVE THE APPEARANCE OF BEING MOTIVATED BY A DESIRE

FOR PRIVATE FINANCIAL GAIN FOR THEMSELVES OR OTHERS SUCH AS THOSE WITH WHOM THEY HAVE FAMILY, BUSINESS, OR OTHER TIES.
SECTION 2 CONFLICT OF INTEREST

(A) SHOULD A BOARD MEMBER HAVE ANY FINANCIAL INTEREST IN FUNDING A PROGRAM, TO IF HIS/HER IMMEDIATE FAMILY HAS FINANCIAL INTEREST OR GAIN, OR IF NEGOTIATIONS INCLUDE EMPLOYMENT FOR THE IMMEDIATE FAMILY, THIS IS CONSIDERED CONFLICT OF INTEREST AND MUST BE AUTHORIZED BY THE BOARD.

(B) GIFTS, GRATUITIES -BOARD MEMBERS CANNOT SOLICIT OR ACCEPT GIFTS FROM PERSON THEY SERVE OR SUPERVISE. SMALL ITEMS SUCH AS PENS AND CALENDARS ARE NOT GIFTS.

SECTION 3 POLITICAL ACTIVITIES

NO BOARD MEMBER MAY USE THE ORGANIZATION NAME IN CONNECTION WITH A POLITICAL ACTIVITY. POLITICAL ACTIVITY CANNOT BE ENGAGED IN DURING OFFICIAL BUSINESS.
SECTION 4 NEPOTISM

[redacted] FOR PURPOSES OF THIS PART, A MEMBER OF AN IMMEDIATE FAMILY SHALL INCLUDE THE FOLLOWING PERSONS:

HUSBAND	WIFE
FATHER	FATHER-IN-LAW
MOTHER	MOTHER-IN-LAW
BROTHER	BROTHER-IN-LAW
SISTER	SISTER-IN-LAW
SON	SON-IN-LAW
DAUGHTER	DAUGHTER-IN-LAW

ARTICLE VIII AMENDMENTS

THESE BY-LAWS MAY BE AMENDED OR REPEALED BY THE AFFIRMATIVE VOTE OF MAJORITY OF THE BOARD AT ANY REGULAR OR SPECIAL MEETING.

ARTICLE X DISPOSITION OF ORGANIZATION ASSETS

SECTION 1 EARNINGS

NO PART OF THE NET EARNINGS OF THE ORGANIZATION SHALL INURE TO THE BENEFITS OF, TO BE DISTRIBUTABLE TO, ITS MEMBERS, DIRECTORS, OFFICERS, OR OTHER PRIVATE PERSONS; EXCEPT THAT THE

ORGANIZATION SHALL BE AUTHORIZED AND EMPOWERED TO PAY REASONABLE COMPENSATION FOR SERVICES RENDERED.

SECTION 2 DISSOLUTION

IN THE EVENT OF DISSOLUTION, ANY REMAINING ASSETS SHALL BE DISTRIBUTED TO ORGANIZATION FORMED AND OPERATED EXCLUSIVELY FOR CHARITABLE, EDUCATION, OR SCIENTIFIC PURPOSES AS SHALL AT THAT TIME QUALIFY AS EXEMPT ORGANIZATION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1954.

CHARTER
OF THE
MANDAN, HIDATSA, ARIKARA
ELDERS ORGANIZATION

Pursuant to the authority granted by the Constitution of the Three Affiliated Tribes, the Tribal Business Council of the Three Affiliated Tribes has granted this Charter to a nonprofit corporation known as the Mandan, Hidatsa, Arikara Elders Organization by Tribal Business Council Resolution No._____duly adopted on _____at a regular meeting.

ARTICLE I

The name of the Corporation shall be the Mandan, Hidatsa, Arikara Elders Organization hereinafter referred to as the organization.

ARTICLE II

The period of duration of the Organization shall be perpetual.

ARTICLE III

The purposes for which the Organization is chartered are as follows:

A. To provide for the vision of the Organization in order to assist the elders of this organization to achieve the optimum quality of life.
B. To serve as an advocate in order to ensure that the opportunities available to the elders are promoted.
C. To make all services and providers of those services aware of elders needs and if these services are not available, to be responsible for advocating planning for these services.
D. To assist in providing data, assessments, studies, research and any other tools to improve services to elders.
E. To provide these services in a holistic manner so that the goal of optimum quality life can be achieved.

ARTICLE IV

The Organization shall have the following powers which it may exercise consistent with the purposes for which it has been organized and chartered.

A. To select and appoint officers and agents of the Organization and to define their duties.

B. To make and alter By-Laws, not inconsistent with this Charter for administration and regulation of the affairs of this Organization.
C. To manage programs, direct funds as well as participate in the decision-making regarding services to elderly or to operate on an equal basis with funded programs for the elderly.
D. To review, educate and be an advocate, to be able to report to community on current laws and bills, which may impact on elder's quality of life.
E. To serve as advocate for elderly needs, interests and special issues.
F. To seek funding for the organization in order that services can be provided for elders.

ARTICLE V

The organization is a non-profit organization.

ARTICLE VI

The provisions for the regulations of the internal affairs of the organization include:

A. The purpose of the organization shall be exclusively charitable within the meaning of Sec. 50/(C) (3) of the Internal Revenue Code.

ARTICLE VII

Notwithstanding any other provision of the Charter, the Organization shall not carry on other activities not permitted by law.

A. By an organization exempt from federal income tax under Section 501 (C) (3) of the Internal Revenue Code of 1954 (or the corresponding provision of any United States Internal Revenue Law), or
B. By an organization, contributions to which are deductible under Section 170 (C) (2) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

ARTICLE VIII

The number of Directors constituting the interim Board of Directors shall be 2 from each community and an interim chairperson, vice-chairperson, secretary, and treasurer who shall be elected by the Board from within its own membership.

ARTICLE IX

The following names and addresses of the interim board shall serve as incorporators of the organization:

Twin Buttes District,

John Fredericks, Board Member
Po Box 116
Halliday, ND 58636

Dale Little Soldier, Board Member
RR # 1 Box 136
Golden Valley, ND 58401

Mandaree,

James W. Danks, Board Member
HCO 2 Box 24
Mandaree, ND 58757

Rose Marie Mandan, Treasurer
PO Box 531
Mandaree, ND 58757

Four Bears,
Hazel Blake, Secretary
PO Box 244
New Town, ND 58763

John H. Danks, Chairperson
PO Box 423
New Town, ND 58763

White Shield,

Pliga Bordeaux, Board Member
HCI 1 Box 30
Roseglen, ND 58775

Gerald White Sr., Board Member
1547 63rd Ave. NW
Garrison, ND 58540

New Town,

Mathew Mason, Vice Chairperson
PO Box 4
New Town, ND 58763

Emerson Baker, Board Member
General Delivery
New Town, ND 58763

Pashall,
Emerson Packineau, Board Member
General Delivery
Parshall, ND 58770

Marie Wells, Board Member
PO Box 241
Parshall, ND 58770

Vision Statement

Mandan, Hidatsa, Arikara

Elders Organization

We, the elders of the Mandan, Hidatsa, Arikara feel we have shared in our lifetime similar experiences which can be called upon to form a body of knowledge, understanding and wisdom. We can call upon this wisdom to provide assistance to one another, the people of the tribe and our brothers and sisters of the communities we live in. We have shared our values, our cultural behaviors as well as our friendships, compassion and duties with one another. We also experienced together a life style, which allowed us to be self-sufficient, non-dependent and capable of taking pleasure in our way or life even if it was not luxurious. Now we can join together and offer to share these strengths with others to assist in a holistic manner those of us who are in need of support.

RESOLUTION # 00-126-DSB

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

WHEREAS, This Nation, having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the best interest of the welfare and benefit of the Tribe and the enrolled members thereof; and

WHEREAS, The Tribal Business Council by Resolution # xxix adopted the fiscal year 2000 tribal budget that includes $1,000,000 of JTAC funds for services and programs of benefit to Senior Citizens, and

WHEREAS, The Senior Citizens have chartered the Mandan, Hidatsa and Arickara Elders Organization to coordinate and represent the special interests of the Elders of the Fort Berthold Reservation, and

WHEREAS, The Mandan, Hidatsa and Arickara Elders Organization is in need of funding for the purposes stated above, and

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council acknowledges the special needs of the Fort Berthold Elders and hereby approves their budget request in the amount of $223, 4[illegible]0.00 to be utilized by the Elders Organization in accordance with the attached budget.

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 seven (7) members, of whom five (5) constitute a quorum, 7 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 4th day of May, 2000; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 Members, 0 Members opposed, 0 Members abstained, 1 Members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 4th day of May, 2000

ATTEST:

Chairman, Tribal Business Council

Daylon Spotted Bear
Secretary, Tribal Business Council

COPY

MHA Home Health Report
Services Summary for FY 2001

Districts	Number of Elders	Elders Served	Housekeeping; Housekeeping Services are provided on a daily basis.	Home Health	Transportation	*Other*
New Town	130	100	270	30	83	59
Mandaree	53	35	58	27	54	60
Parshall	37	40	52	15	41	16
White Shield	48	35	155	10	32	15
Twin Buttes	25	25	80	9	59	41
Four Bears	This count is combined with New Town	20	71	7	16	42
Off Reservation	53	60				
Out of State	168	175				

Special Medical Needs

Medical Assistance-	$ 44,235.40
Eye Glasses-	$ 10,653.27
Hearing Aids-	$ 3,600.00
Dentures-	$ 17,624.17
Home Assisted Living Devices-	$ 635.00
Oct 2000-July 2001	$ 76,747.84
July-September 2001	$ 42,725.00
Total	**119,472.84**

**Other* includes; meal delivery, commodities, mail, groceries, Senior Day, legal services, BIA, Tribal Offices, letter writing.

MHAEO Operating Cost
Report FY 2000-2001

2000	Salaries	Fringe	Mileage	Office/ Supplies	Utilities	Training	Equipment	Rent
October	$ 3,381.00	$ 816.00	$ 2,105.00	$ 1,220.00	$ 126.00	$ -	$ -	$ -
November	$ 5,767.00		$ 3,538.00	$ 335.00				$ 189.00
December	$ 5,232.00	$ 2,443.00	$ 3,152.00	$ 4,876.00	$ 160.00	$ 513.00		$ 20.00

2001	Salaries	Fringe	Mileage	Office/ Supplies	Utilities	Training	Equipment	Rent
January	$ 13,252.00	$ 3,324.00	$ 3,598.00	$ 1,053.00	$ 196.00	$ -	$ -	$ 52.00
Feburary	$ 18,157.00		$ 6,485.00	$ 760.00	$ 493.00	$ -	$ -	$ 2,079.00
March	$ 23,630.00	$ 5,047.00	$ 8,230.00	$ 801.00	$ 202.00	$ -	$ -	$ 1,037.00
April	$ 45,080.00		$ 3,720.00	$ 4,424.00	$ 310.00	$ -	$ 5.00	
May	$ 40,807.00		$ 5,119.00	$ 2,269.00	$ 1,064.00	$ -	$ -	$ 1,000.00
June	$ 34,508.00		$ 3,727.00	$ 840.00	$ 1,318.00	$ 800.00	$ 40.00	$ 1,000.00
July	$ 32,647.00		$ 3,683.00	$ 800.00			$ 80.00	$ 1,000.00

TESTIMONY

STATEMENT OF THE THREE AFFILIATED TRIBES

MARILYN HUDSON
JOYCE M. BURR ✓

BEFORE THE

MEMBERS OF THE COMMITTEE ON INDIAN AFFAIRS, UNITED STATES SENATE, CONCERNING CONSTRUCTION OF A CENTRALIZED HIGH SCHOOL AND DORMITORIES PRESENTED ON AUGUST 30, 2001, NEW TOWN, NORTH DAKOTA

Honorable Members of the Committee, my name is Joyce Burr, I am an education consultant for the Three Affiliated Tribes and my husband and 5 children are enrolled members of the Mandan, Hidatsa and Arikara Nations. I am honored to appear before the Committee to discuss the request for the construction of a centralized therapeutic high school and dormitories to be located on the lands of the Affiliated Tribes. Let me began by thanking you for your willingness to examine the need for improving educational services for the children of the Fort Berthold Reservation.

TRIBAL HISTORICAL PERSPECTIVE BY THE PEOPLE

Letter to the people of the Mandan, Hidatsa, and Arikara Tribes: "There have been many drastic changes in the history of our Tribes, but the most devastating was the removal from the Missouri River Valley where our ancestors had build permanent villages, created social structures to care for all the members, and developed thriving agricultural and hunting economies. When our families were removed from Shell Creek, Lucky Mound, Elbowoods, Nishu, Beaver Creek, Red Butte, Charging Eagle, and Independence to make way for the Garrison Dam, our Tribes went from a subsistence economy to a cash economy, from the fertile valley to the prairie. The extended family structure, the support systems established for many generations were destroyed. The families struggles to resettle and survive on the harsh, grim prairie or move to a far away city has been a painful and often destructive experience." (Three Affiliated Tribes Economic Recovery Fund Committee – 1999)

RESERVATION SCHOOLS BEFORE THE FLOOD

Originally, each of the eight communities of the Fort Berthold reservation had schools. After the flood, schools were constructed in three of the newly organized

segments of the reservation. An elementary school was constructed in the Twin Buttes segment, located on the south side of the reservation near the borders of Lake Sakakawea. Schools for elementary and secondary students were built in the reservation communities of Mandaree and White Shield. An off-reservation public school for elementary and secondary students was built in New Town, North Dakota. However, the school and dormitories located in Elbowoods were never replaced.

I am here to testify for the need to build a centralized high school and adjoining dormitories to serve the indigenous children of the tribes. It will be a "therapuetic model" school with full accreditation by current state standards. It will host a residential program providing opportunities necessary for successful school experiences and growth. And a safe and secure school environment established for residential schools will be implemented.

MAJOR INDIAN EDUCATION REPORTS: MERIAM AND KENNEDY

The Meriam Report of 1928 was the first major report to Congress reporting on the conditions of Indian education. School facilities were found in deplorable condition. Buildings were old, delapitated, unsanitary and simply unsuitable for the children. Curriculum was culturally biased and reflective of mainstream America. Teacher salaries were extremely low creating a staff poorly trained and incompetent in some cases. Discipline of children was harsh and cruel. A major problem surfacing from the report was the lack of involvement in making changes for improvement by Native Americans.

W. Carson Ryan was an author of the Meriam Report and later as BIA education director, began to make plans for change. However, World War II began during Ryan's administration and his plans for Indian education policy change. Indian men went off to war. Upon their return, many migrated to the cities for employment. This pattern was interpreted as a sign of Native Americans desire to assimilate. The plans by Mr. Ryan to change the direction of Indian education to a more culturally sensitive model were dropped and a return to an assimilation policy resurfaced.

The Kennedy Report of 1969 "A National Tragedy" was the second major report to Congress regarding the status of Indian education. Many hearings were held throughout the decade and findings were: (1) poor school facilities; (2) cultural mismatched curriculum; (3) harsh and ineffective discipline; (4) vocational curriculum and lack of academics; and (5) assimilationist policy. The forty years since the Meriam report showed very little change. The major recommendations for change were participation and involvement in the decision-making process in schools by Native Americans. Legislation such as Self Determination and the Elementary and Secondary Education Act promoted Native American involvement. School Boards with Indian membership began to surface around the nation. Schools focused and prioritized the recruitment of Indian staff.

However, not all problems were solved:

- The "system" or presentation of education did not change. The schools continued to be designed for "mainstream" America.
- Bilingual education legislation passed and funds were made available to schools. Acknowledgement of the importance of language and culture to the success of school performance by ethnic groups was prevalent. However, the Title VII programs continued to be "add on" programs and not integrated as a part of the core curriculum and not funded by the school districts.
- Bureau of Indian Affairs schools enrolling a large percentage of Native American children made very little change in the presentation of education of the schools they controlled and funded.

The last twenty years, the 80's and 90's, legislation related to self determination continued. Contract and 100-297 grant schools were implemented. Indian people were in large part, in the driver's seat. Smaller pieces of research and reports related to Indian education were made in the form of program evaluations, BIA annual report cards and state profiles about education services provided students. The findings.

- Culture and language in the schools is still an "add on" program
- Curriculum continues to reflect "mainstream" America
- Standardized testing is the primary method of evaluation, culturally-relevant curriculum is not a part of the assessment
- Instruction is conventional
- Discipline is ineffective. Suspension and expulsion continue to be utilized as the primary method and the resulting effects are increased drop out rates.
- Funding in select schools is not stable and consistent

Research of Fort Berthold reservation schools show: (1) low test scores; (2) high absenteeism rates; (3) high drop out rates; (4) lack of counseling services for students and their families; (5) staff inadequately prepared for the change in students attending schools today; and (6) over-crowded and old school buildings.

(See attached graphs of a 5 year longitudinal study of test scores of the 5 schools serving the Native American children)

The Three Affiliated Tribes has struggled to make education work for their students; however, the system is outdated (for today's student) and there is a continuing cultural mismatch. Tribal educators encourage the schools to maintain the teaching of native language and culture as a factor contributing to school success and student performance, but they are still not at the core of the curriculum:

"Along, with the accompanying loss of culture, language loss can destroy a sense of self worth, limiting human potential and complicating efforts to solve other problems, such as poverty, family breakdown, school failure, and substance abuse. Afterall, language death does not happen in privileged communities. It happens to the dispossessed and the disempowered, peoples who most need their cultural resources to survive." (James Crawford – 1997)

CENTRALIZED HIGH SCHOOL AND DORMITORIES

Honorable members of the committee in order to improve education for our students, we propose a centralized high school with 10 small residential dormitories designed as a therapeutic model. The proposed enrollment of the school is approximately 500 students. (see attached facility design)
The school proposes:

- **Low student-teacher ratios**
- **Curriculum designed culturally relevant but skill development appropriate for students to transition into the modern world (a balance)**
- **Therapeutic services of music therapy, art therapy, equine therapy and individual and group counseling services**
- **Extended day programs providing tutorial, computer labs, and library services**
- **Safe and secure environment implementing drug education and prevention programs in the residential area**
- **Programs for families to participate in counseling**
- **Enrollment by "choice" but to include "contracts" between families, students and school**
- **Increased extracurricular offerings and opportunities for family involvement**
- **Accreditation by North Central and state certification of all licensing requirements for staff and facilities**

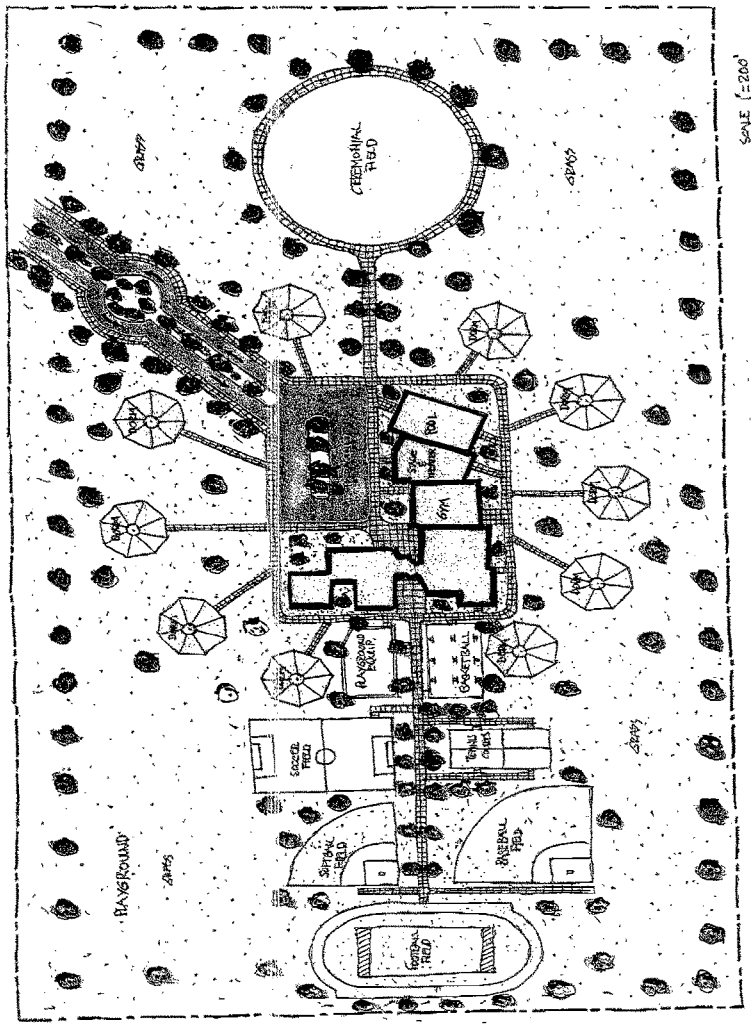
We submit to the Committee the intent of PL 102-575 the Equitable Compensation Act was to compensate the Three Affiliated and Standing Rock Tribes for their lands to be used to construct the Garrison and Oahe dams.

The following statement by Honorable Quentin Burdick recorded from 137 Congressional Record, S 861, *S 861 reflects the proposed legislation for compensation of lands:

"Mr. President, today I join Mr. Conrad in cosponsoring a bill that would provide compensation to the Three Affiliated Tribes and the Standing Rock Sioux Tribe for land taken during the flooding of the Garrison and Oahe Reservoirs...The Bill we are introducing today attempts to redress the disregard for treaty rights and human rights. I believe that the passage of this Bill would start the healing process for the Indian men, women, and children who feel that government unfairly destroyed their ancestral lands."

CONCLUSION

Members of the Committee on Indian Affairs, Honorable Senator Dorgan and Honorable Senator Conrad, we thank you for this opportunity to share with you our request for a centralized therapeutic high school and dormitories. We believe the Three Affiliated Tribes shows the highest regard for education of their tribally enrolled children. Three Affiliated Tribes looks forward to working with the Senators this year to ensure the Tribes can continue to build the future of the children.



Conceptual Study

AUGUST 23, 2001

DAN TAUNT

Senate Committee on Indian Affairs Oversight hearing on uses for funds provided by the Equitable Compendation Act, August 30, 2001, New Town, North Dakota

Thank you for taking written statements for the Oversight Hearings on the Equitable Compensation Act held here on the Ft. Berthold Reservation on August 30, 2001. My name is Tillie Walker. I am an enrolled member of the Mandan Tribe, born and raised at Independence along the Missouri River.

There are a number of concerns I want to address on the "taking" of our most productive lands by the U. S. Government for the Garrison Dam and the consequences for our Tribes. My comments will be on the return of our shoreland lands, the health and welfare of our members, and accountability.

> ". . . . The United States Government ignored treaties and promises to our Tribes with the taking of 156,000 acres of our prime land; and we became the aliens in our own land. . . . "

The Missouri River valley was the homeland of the Mandan and Hidatsa Tribes (located is what is now North Dakota) and the Arikara (located downstream in what is now South Dakota). Our ancestors lived in this area for centuries, developed permanent villages, had an agricultural and hunting economy, and became two of the three major trade centers east of the Mississippi River - Mandan and Hidatsa in the Bismarck-Washburn azrea, and the Arikara downstream in the now South Dakota. This is where the nomadic tribes gathered to trade for agricultural products of our tribes - corn, beans, squash, and sunflower seeds. The Tribes continued to raise crops when they moved upstream on the Missouri River to establish and settle Like A Fishhook Village; then the U. S. Government passed laws and pressured the Tribes to move to allotments along the Missouri River where they established the new communities of Red Butte, Charging Eagle, Independence, Shell Creek, Lucky Mound Elbowoods, Nishu, and Beaver Creek. The harshest change came to the Mandan, Hidatsa and Arikara when they were moved from the Missouri River valley unto the prairie to make way for the Garrison Dam.

Fifty years have passed since moving out of the Missouri River valley, and we have not recovered from the upheaval. We have had many changes during our history, and our ancestors were able to cope as long as there was an economic base along the Missouri River. When the most productive land was taken from us and our families were scattered, the Tribes have a long way to go before the economic and social problems are solved. The Equitable Compensation Act was a beginning but will never be sufficient to help the Tribes address the economic and social problems created by the dramatic changes the Garrison Dam created for us.

The United States Government had the ability, resources, and the authority to do the following:

1. Return the lands on the shoreline of the Garrison Dam to the Mandan, Hidatsa, and Arikara Tribes. The shoreline has recreation development potential which will aid in our economic recovery.

2. Provide funds for the development of health facilities to meet the mental health and medical needs of our membership.

3. Audit the funds received by the Three Affiliated Tribes from the Equitable Compensation Act and clarify the role of the Bureau of Indian Affairs in the administration of these funds. An audit will help our Tribal Business Council in their report to our tribal membership.

Thank you.

Attached - p 1 & 3 from 5-yr plan for the Equitable Compensation Act.

Renewing - Rebuilding - Revitalizing Our Nation, Five Year Plan for the Equitable Compensation Act

Letter to the people of the Mandan, Hidatsa, and Arikara Tribes:

Dear Members of the Mandan, Hidatsa, and Arikara Tribes:

On behalf of the Economic Recovery Fund (ERF) Committee, we submit to you the five-year short and long-term plan for use of the interest from the $149.2 million awarded our Tribes with the passage of the Equitable Compensation Act, Public Law 120-575, on October 30, 1992. The Plan is for Fiscal Years 1999 through 2003, and meets the criteria as outlined in the legislation in the four areas: Education, Economic Development, Social Welfare, and Other Needs. The plan provides services for all ages, all communities, and to reservation-wide programs.

In December 1997, the Economic Recovery Fund (ERF) Committee was created by the Tribal Business Council to develop a short and long-term plan for expenditure of the interest from the $149.2 Economic Recovery Fund established by Congress. At the first meeting of the ERF Committee, Tribal Chairman, Russell Mason, emphasized that the plan must be a "people's plan," and the ERF Committee set out to create a plan which provided for input from the Mandan, Hidatsa, and Arikara people. We held hearings at each community, we reviewed historical documents, met with tribal and federal organizations, accepted and reviewed proposals from programs, organizations, and individuals, and conducted a reservation-wide needs assessment to determine the needs and priorities of the people.

There have been many drastic changes in the history of our Tribes, but the most devastating was the removal from the Missouri River Valley where our ancestors had built permanent villages, created social structures to care for all the members, and developed thriving agricultural and hunting economies. When our families were removed from Shell Creek, Lucky Mound, Elbowoods, Nishu, Beaver Creek, Red Butte, Charging Eagle, and Independence to make way for the Garrison Dam, our Tribes went from a subsistence economy to a cash economy, from the fertile valley to the prairie. The extended family structure, the support systems established for many generations were destroyed. The families struggles to resettle and survive on the harsh, grim prairie or move to a far away city has been a painful and often destructive experience. The United States Government ignored treaties and promises to our Tribes with the taking of 156,000 acres of our prime land; and we became the aliens in our own land.

Many years have passed since moving from the river bottom, and we finally have an opportunity to began work to rebuild our communities with funds available through passage of the Equitable Compensation Act. We know that money will never bring back our way of life along the Missouri River Valley, but the reality is we must plan together and decide to revitalize our tribal cultures and recreate healthy, self-sufficient tribal communities. No one can do this for us. We now have the opportunity to use the funds wisely and work toward a brighter future for our children, grandchildren and future generations.

Renewing - Rebuilding - Revitalizing Our Nation, Five Year Plan for the Equitable Compensation Act

We, the Economic Recovery Fund Committee, thank you for the support by attending meetings, helping with the Needs' Assessment, presenting your recommendations, and allowing us the time to prepare this plan. It was an enormous task and we as a Committee accepted our role with full knowledge of our role and responsibility to the Mandan, Hidatsa and Arikara people. We express our humble appreciation to the people of our Tribes for giving us this honor to represent you in this very important and challenging work.

Sincerely,

Economic Recovery Fund Committee

Tillie Walker, Chairperson
Hazel Blake, Vice-Chairperson
Marlien Gillette, Secretary
Rose Marie Mandan
Donald Malnourie
Mike Cross
Jason Two Crow
Jill Gillette
Morgan Fettig
Marie D. Wells
Paul Fredericks

II. Dedication

Dedicated to the members of the Mandan, Hidatsa, and Arikara Tribes who were forced to move from the Missouri River Valley, the homeland of their ancestors for many centuries, to make way for the Garrison Dam. See lists starting on next page as follows:

- Beaver Creek
- Charging Eagle
- Elbowoods
- Independence
- Lucky Mound
- Nishu
- Red Butte
- Shell Creek

These eight (8) communities, which were settled in the 1890's when they left Like A Fishhook Village, were destroyed as families moved onto the prairies. The hardships they endured, the loneliness they felt as they left the Missouri River Valley can never be compensated.

"Have known that plans were underway for the Government to construct Garrison Dam, but never did they come to consult us until its own plans were completed before informing us as to what they proposed to do. We are much like the hen and her young fighting off the hawk that is swooping down to attack.

(Robert Lincoln from the Charging Eagle District, "Dams and Other Disasters")

"...When families were taken out of the sheltering river valley and caused to make home selections on the exposed prairie above the river, they were called up in alphabetical order, and the kinship groups that had lived in close association for countless generations were scattered everywhere. The people are still dazed by this experience after a dozen years and search vainly for leadership. They were compensated for the land, and for certain "intangibles," but of course no one even attempted to put a price on the worth of a society which had been built out of man's creativity through centuries of time. Obviously, it can have value and meaning only to those who live in it.

The case is worth detailed study, because it represents the first major taking under eminent domain of Indian lands guaranteed by treaty. The earlier procedure for quieting Indian title was the treaty process: when Indian lands became desirable for settlement or for public purposes, a treaty, or a revised treaty, was negotiated. The Indians always yielded, but at least a show of respect for tribal sovereignty was maintained. Under the new procedure, the Indian tribe was put in the category of private land owner, against whom the state could proceed; compensation in money was made the equivalent of ethnic and cultural identity. The process, in time, can only lead to the extinction of the Indian people as a separate and identifiable thread in American Life."

D'Arcy McNickle (a noted historian of the Flathead Tribe) wrote in "Dams and Other Disasters," 1964:

MHA ELDERS ORGANIZATION
TWIN BUTTES DISTRICT TRIBAL OFFICE
708 79E AVENUE NW
HALLIDAY, ND 59636

August 26, 2001

Honorable Kent Conrad
SH-530 Office Building
Washington, DC 20510-3403

Dear Mr. Conrad:

My name is Anna Voigt (Holding Eagle) a Mandan of the Three Affiliated Tribes. As a tribal member I am writing in hopes of improving our water system on the reservation. I have lived on this ranch since my husband and I were married. We receive our water out of a hill near our home. My concern is the quality of our drinking water, the fields above the spring is farmed and the crops are fertilized. The water shed or run off drains off the hill down through the coulee where we reside.

This concerns me greatly and my hope is that not only the communities on the reservation have water, but also that the rural families be supplied safe drinking water as well. I am asking that our congressional leaders continue to push for funding to have water supplied to ALL the rural residents.

Thank you for your support and attention to this very important matter that has been overlooked for far too long.

Sincerely,

Anna Voigt

Anna Voigt (Holding Eagle)
Tribal Member

Honorable Kent Conrad
SH-530 Office Building
Washington, DC 20510-3403

Dear Mr. Conrad

As a tribal member I have waited for forty eight years for good water for my home and family. Since we have moved from the river bottom, my family has experienced bad water. Water that can not be used to drink and has caused many harmful effects to our home fixtures and appliances. There was promises made to provide water for the entire reservation, however only recently have I seen new water plants built to supply water. Additionally, only the communities who had a community water system are given water. I believe our rural tribal members have waited long enough and want our Congressional leaders to continue to push for sufficient funding to have water supplied to all the tribal residents.

Thank you for your all years support and kind attention in getting water to our families who have waited patiently all these years

Sincerely
Tribal Member
Edwin Bear

Honorable Kent Conrad
SH-530 Office Building
Washington, DC 20510-3403

Dear Mr. Conrad:

As a tribal member I have waited for (50) or ____ years for good water for my home and family. Since we have moved from the river bottom, my family has experienced bad water. Water that can not be used to drink and has caused many harmful effects to our house fixtures and appliances. There was promises made to provide water for the entire reservation. However, only recently have I seen new water plants built to supply water. Additionally, only the communities who had a community water system are given water. I believe our rural tribal members have waited long enough and want our congressional leaders to continue to push for sufficient funding to have water supplied to ALL the rural residents.

Thank you for your all your support and kind attention in getting water to our families who have waited patiently all these years.

Sincerely, Merriam Stone

Tribal Member

August 22, 2001

Honorable Kent Conrad
SH-530 Office Building
Washington, DC 20510-3403

Dear Mr. Conrad:

As a tribal member I have waited for (50) or ____ years for good water for my home and family. Since we have moved from the river bottom, my family has experienced bad water. Water that can not be used to drink and has caused many harmful effects to our house fixtures and appliances. There was promises made to provide water for the entire reservation. However, only recently have I seen new water plants built to supply water. Additionally, only the communities who had a community water system are given water. I believe our rural tribal members have waited long enough and want our congressional leaders to continue to push for sufficient funding to have water supplied to ALL the rural residents.

Thank you for your all your support and kind attention in getting water to our families who have waited patiently all these years.

Sincerely,

Tribal Member

Dear Mr. Conrad:

As a tribal member I have waited for 50+ years for good water for my home & family. Since we have moved from the river bottom, my family has experienced bad water. Our water turns black if it sits to long & rusts our fixtures & appliances. There was promises made to provide water for the entire reservation. However, only recently have I seen new water plants built to supply water. Additionally, only the communities who had a community water systems are given water. I believe our rural tribal members have waited long enough & want our congressional leaders to continue to push for sufficient funding to have water supplied to all the rural residents.

Thank you for all your support & kind attention in getting water to our families who have waited patiently all these years.

Sincerely

Rena Chapple

Tribal Member

Congressman Jim Oberstar
SH-530 Office Building
Washington, DC 20515-2473

Dear Mr. Oberstar

As a tribal member I have waited for fifty years for water for my home and family. Since we have moved from the river bottom, my family has experienced bad water. Water that we can not be used to drink and has caused many harmful effects to our houses fixtures and appliances. There was promises made to provide water for the entire reservation. However, only recently have I seen new water plants built to supply water. Additionally, only the communities who had a community water system are given water.
I believe our rural tribal members have waited long enough and want our congressional leaders to continue to push for sufficient funding to have water supplied to all the rural residents.

Thank you for your all your support and kind attention in getting water to our families who have waited patiently all these years

Sincerely,
Tribal member
Annette Benson

SCHOOL BOARD DIRECTORS
Clair Fox President
Wesley D. Fox, Sr. Vice President
Jill Gillette Director
Delores Wilkinson Director
Edmund White Bear Director

WHITE SHIELD SCHOOL
District 85
2 2nd Ave. West
Roseglen, North Dakota 58775
743-4355 • 743-4350 • 743-4359
Fax 743-4501
HOME OF THE WARRIORS

ADMINISTRATION
Gloria Wilkinson Superintendent
High School Principal
Cleo Charging Elementary Principal
Ramona Dickens Business Manager, State
Ramona Malnourie Business Manager, Federal

9/13/2001

Senator Kent Conrad
530 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Conrad:

Thank you for setting up and conducting the Senate Committee on Indian Affairs hearing held at New Town, North Dakota on August 30, 2001. The White Shield School Board, administration and senior students were in attendance at the hearing. The testimony presented by the presenters was very interesting.

The White Shield School Board, administration, students and the White Shield Community would like to submit the following information to be included with the testimony presented at the hearing. We understand that there is a window allowed for submitting additional testimony for the Indian Affairs Committee.

The White Shield School and Community would like to go on record for not supporting the Therapeutic Model as submitted by Marilyn Hudson and Joyce M. Burr. The residential school concept has proven to be the least effective method of providing education and family unity. In this day and age we should be enhancing the family structure rather than developing programs to fragment it.

It is with these thoughts in mind that the following statement and petitions are submitted for the official record of the Indian Affairs Hearing.

Thank you

Mr. Edmund White Bear Sr.
White Shield School Board President
White Shield School #83
2 2nd Ave. West

Mr. Les Jensen
Superintendent
White Shield School #83
2 2nd Ave. West

White Shield School

2 2nd Ave. West Roseglen, N.D. 58775 701 743 4350

September 6, 2001

To Whom it might concern:

The Staff of the White Shield School District # 85 supports parental control of the local school district for the following reasons:

The Meriam Report pf 1928 was a document that revealed the perils and failure of the residential schools of the past. Why continue a failure of Indian Education into the present. Their attempt to assimilate the Native American Student into mainstream America only failed. The well meaning attempt left the Native American Student without family, culture, and only to suffer abuse prevalent in the residential schools of the past.

The residential school would only alienate families and destroy their support system even further. Children need their parents and parents need their children for moral and emotional support. Native children lost their parenting skills by being separted from their parents. They lost culture, language, and feeling of self worth by separation from their home tribes. They weren't able to speak their language or practice cultural ways.

The Kennedy Report of 1969 "A National Tragedy" cites low test scores for Native Americans. However the report did not cite the issue of language and cultural differences. Research indicates that home language interference is one the causes of the lag in test scores.

The objectives proposed by the residential school already exist in the White Shield School District. The White Shield School District is licensed and accredited. It requires local culture and language through bilingual and Title VII projects. Language study is expanded to other foreign languages through long distance learning. It sponsors a music program taught by Native American staff member with goals include cultural music. It sponsers Native Dance and Drumming through the Sacred Arrow Indian Club. Students are exposed to the modern world through travel and internet. The computer ratio is one to one. The technological world is bridging the gap between the reservation school and the modern urban world. The cost of the duplication of services and the added residential costs would be prohibative.

There are many functional families residing within the White Shield School District who support local control of their school district. We support the parental right of local control of their school, curriculum, and management.

White Shield School Staff

The Staff of the White Shield School District # 85
supports parental control of the local school district.
September 6. 2001

Marie Good Voice	Deborah Stirkens	Laurette Marette
Mary O. Hawkins Sr.	[illegible]	[illegible]
Keith Fox Sr.	[illegible]	[illegible]
Darren White Bear Jr.	Candace Meyers	John [illegible]
Ron Stolz LSC	Linda Burgeson	
Karen Woodard	Clyde in Solvedin	
Kelly Spurt	Patricia Colby	
Liane Poitra	Thomas Durdan	
Marianne Ruiz	[illegible]	
Roberta Shepherd	[illegible]	
Yvonne Lee	Ray Miller	
Medora K. Chickas	Dale Christenson	
[illegible]	Lee Jensen	
Floyd White	[illegible]	
Janice Fox	Joanie Schmidt	
Sarah Brown	Raymond Grady	
Lena Malmourie	[illegible]	
Dora Nieuwenhuis	Diane Yellow Bird	
Rita Bloom	Ray Blacksmith	
Holly Deziarlais	Esther White	
Anthony Eagle C	Jason Gemendson	
Delilah Yellow Bird	Richard White Bear	
Nora White Bear		

We the students of White Shield support our teachers and school board in their opposition of the therapeutic school.

Derrick LaCroix
Whitney Hosie
Brandy Nicole Nelson
Iman Snell
Angela Meyers
Edward Felix
Charlie Fox
Megan Packica
Paige Demarce
Rene Hosie
Rose Petra - Sink
Ann Bellwalker
Chris F. - Chris Finley did this
Justin M.
~~[illegible]~~
Eric E.
~~[illegible]~~
~~[illegible]~~
~~Alicia Mayers~~
~~Kenisha~~ Freeman
Ray Miller

Jeremy Meyers
Bring Good Woman Perkins
[illegible]
[illegible] Hosie
Carmine Mountain

We the following signers, residents of the White Shield School district, support the efforts of the White Shield School board in opposing the therapeutic school proposal of the Fort Berthold Tribal Business Council.

NAME	ADDRESS
Bonnie Yellow Bear	PO 1352 Garrison ND 58540
[illegible]	Box 73 Roseglen, ND 58775
John H. [illegible]	2 2nd Ave W. Roseglen 58775
Viola Schettler	695 1 A 16th St NW. Garrison, ND
Nancy Fox	Po. Box 61 Roseglen N.D. 58775
Ron Pehura	P.O. 309 ROSEGLEN, N.D.
Inez Hawkins Wolf	2nd East Sesame Garrison N.D.
[illegible]	1 3rd East Roseglen N.D 58775
Delma White Calfe	#317 Roseglen. N.Dak 58775.
Delma Dowling Wolf	3-E Sesame Ave. Garrison
[illegible]	1547 63rd Ave NW "
Shirley White	" " "
Mary Kinger Sr.	
[illegible]	Parshall, ND 58770
Charles [illegible]	
Grayden Bear Sr	Roseglen, N.D. 58775
Clarinda Moore	Garrison N.D 58540
Rose Drapeau	Garrison N.D 58540
Matt Marcellais Jr	Roseglen ND 58775
[illegible]	Roseglen, ND

We the following signers, residents of the White Shield School district, support the efforts of the White Shield School board in opposing the therapeutic school proposal of the Fort Berthold Tribal Business Council.

NAME	ADDRESS
Linda Mountain	Roseglen ND 58775
Doris Packineau	Parshall, N. Dak
Emerson Packineau	
Mickey Vetha	
Patricia Everett	1683 74 ave N W Garrison 58540
Fred Everett	" "
Paul Anthony Wolf	3 E Sesame Ave, Garrison ND 58540
Paulette Bear	Roseglen ND Dak
Thomas Sam Crow	P.O 312 - Roseglen N.D-58775
Deben LaCroix	" "

We the following signers, residents of the White Shield School district, support the efforts of the White Shield School board in opposing the therapeutic school proposal of the Fort Berthold Tribal Business Council.

NAME	ADDRESS
Richard White Bear	NW 2nd Str # Apt 400 P.O. Box 72 Roneglen, ND 58775-0072

September 13, 2001

To Whom it may concern,

This letter is in regard to our Children on our Reservation. There are stories saying that the Tribal Daycare may close, this concerns me. The children are the most precious foundation we have for our future. They will continue our future ancestry and culture, as the years come forth. They need all the help that the Government, Tribes, country and State can contribute to.

In these times we need the care for them, while their parents go to school and work to better their future lives. The safety of the daycares are very important to the health and welfare of our children. Rather then having them placed in homes which sometimes are dysfunctional and parents don't know the caregivers background, because the parent gets desperate and because jobs are not easy to come by on Reservations. Also the alcoholism and drugs that are destroying lives everyday is evident here on the Reservation. The children suffer dearly in isolated cases which is one to many. We have waiting lists, because young people need to work and go to school to better their financial status to raise their children and they need the help that daycare can offer.

If daycares have no place on our reservation then you will be seeing, neglect, abuse and death accuring. We lived in a different time now, everything is not give to make life easy, we have a lot of young parents out their that are struggling to give their children the best care possible. Sometimes I think theirs not enough hours in the day to get things done. It's frightening, it takes thousands of dollars to raise a child and our daycare gives the young people all the encouragement they can get for their children. So don't think childcare is merely a babysitting job, this job reaches every ~~absence~~ avenue concerning, safety, development, health and love for the children. Think of our generations yet to come, that they too can say, we were well taken care in our early years. My prayers would be that every Segment would have a daycare in their community due to the division of our reservation which was caused by the flooding of our homelands.

Signed,

Joann Matthews

Joann Matthews

SEP-17-01 TUE 1:15 PM MANDAREE SCHOOL FAX NO. 7593309

Date: 9-17-01

To: Senator Kent Conrad, Acting Chairman
Senate Indian Affairs Committee

From: Joletta Bird Bear. PO Box 474, Mandaree ND 58757

Re: Oversight Hearing on the Uses of Funds Provided by The Three Affiliated Tribes Equitable Compensation Act.

1. The governing body of this tribal government has yet to publicly divulge the amount and the expenditures of the interest of the Equitable Compensation funds it has received to date, to its tribal citizens, and more importantly, it has not allowed its tribal citizens a referendum vote, as a matter of practice and principle, in the planning, the budgeting, and the expenditure of the interest of these funds.

2. Require the Department of the Interior Bureau of Indian Affairs to receive viable documentation that the tribal citizens approve of the plan, the tribe submits to the Bureau to obtain interest funds. This tribal citizen requests your assistance to bring accountability into this process.

3. The shore lands along the Missouri River are the very same lands proffered for our use in the Fort Laramie Treaty of 1851, I request that these shorelands be returned to tribal use under the trust of the federal government.

FINAL REPORT OF THE GARRISON UNIT JOINT TRIBAL ADVISORY COMMITTEE

THE FORT BERTHOLD INDIAN RESERVATION
and
THE STANDING ROCK SIOUX INDIAN RESERVATION

MAY 23, 1986

THE GARRISON UNIT JOINT TRIBAL ADVISORY COMMITTEE
c/o WATER RESOURCES BRANCH
USDI BUREAU OF INDIAN AFFAIRS
316 NORTH 26th STREET
BILLINGS, MONTANA 59101

MAY 23, 1986

Honorable Donald P. Hodel
Secretary of the Department of Interior
Washington, D.C. 20240

Dear Mr. Secretary:

On May 10, 1985, you signed the charter which created the Garrison Unit Joint Tribal Advisory Committee. Our mission was to report to you on various aspects of the Garrison Unit insofar as they apply to the Fort Berthold and Standing Rock Indian Reservations. The committee considered:

1. Full potential for irrigation,
2. Financial assistance for on-farm development costs,
3. Development of shoreline recreation potential,
4. Return of excess lands,
5. Protection of reserved water rights,
6. Funding of all items from the Garrison Diversion Unit funds, if authorized,
7. Replacement if infrastructure lost by the creation of Garrison Dam and Lake Sakakawea and Oahe Dam and Lake Oahe,
8. Preferential rights to Pick-Sloan Missouri River Basin Power,
9. Additional financial compensation, and
10. Other items the committee deemed important.

We are pleased to transmit, herewith, the original, unbound copy of our final report. Many people labored long and hard to complete the report. Special recognition should go to Ms. Alice Spotted-Bear, Chairperson of the Three Affiliated Tribes of the Fort Berthold Indian Reservation and her staff and Mr. Charles Murphy, Chairman of the Standing Rock Sioux Indian Reservation, and his staff. Both staff organizations provided the committee with invaluable information.

There were, of course, many disagreements over the course of the year, but the Tribes and the Committee were able to arrive at a consensus on each major issue. The recommendations in the report represents the majority opinion of the committee.

We call your attention to the general direction of the recommendations which is to simply replace what was destroyed by the creation of the two dams, so that the Tribes may attain economic independence. No

recommendation calls for a lump sum payment or per-capita payments to the Tribes. In addition, the committee was able to complete the work within the budget allocated for the work.

Sincerely,

C. Emerson Murry, Chairman

Hans Walker, Jr.

Shirley W. Lee

Brent Blackwelder

Donald Giffey, Jr.

I. EXECUTIVE SUMMARY

The Garrison Unit Joint Tribal Advisory Committee (JTAC) was established by the Secretary of the Interior to examine and make recommendations with respect to the effects of the impoundment of waters under the Pick-Sloan Missouri Basin Program (Oahe and Garrison Reservoirs) on the Fort Berthold and Standing Rock Indian Reservations. The Secretary's action implemented a recommendation in the Final Report of the Garrison Diversion Unit Commission (GDUC) established pursuant to Public Law 98-360, Section 207.

The Secretarial Charter which established the JTAC (a copy of which is included in the appendix) directed and authorized this Committee to examine and make recommendations with respect to the following items:

Item 1. Full potential for irrigation on the Fort Berthold and Standing Rock Indian Reservations,

Item 2. Need for financial assistance for on-farm development costs,

Item 3. Development of the shoreline recreation potential of Lake Sakakawea and Lake Oahe,

Item 4. Return of excess lands,

Item 5. Protection of reserved water rights,

Item 6. Funding of all items from the Garrison Diversion Unit funds, if authorized,

Item 7. Replacement of infrastructure lost by the creation of Garrison Dam and Lake Sakakawea and Oahe Dam and Lake Oahe,

Item 8. Preferential rights to Pick-Sloan Missouri River Basin Power,

Item 9. Additional financial compensation, and

Item 10. Other items the commission many deem appropriate.

The Committee held hearings on the Standing Rock Reservation and the Fort Berthold Reservation as well as several hearings in Bismarck, North Dakota, to receive testimony and evidence. The Committee, during the process of the hearings, was made aware of the accuracy of the observation of the GDUC that ". . . the Tribes of the Standing Rock and Fort Berthold Indian Reservations bore an inordinate share of the cost of implementing Pick-Sloan Missouri Basin Program mainstream reservoirs." See Final GDUC Report, Appendix F, P.57.

This report includes findings and recommendations which undertake, as the GDUC recommended, "to find ways to resolve inequities" borne by the tribes. The findings and recommendations relating to the two reservations are not identical due to differences in their respective circumstances. Nevertheless, some of the effects of implementation of the Pick-Sloan Missouri Basin Program were common to <u>both</u> reservations.

1. The Indians were not only unwilling to sell their land, but strongly opposed the taking of their lands.

2. The Indians felt intimidated by the fact that construction on the dams began before Indian lands were acquired. They then felt that the taking of their lands was inevitable.

3. During the negotiation phases, assurances were given expressly or by implication by various Federal officials that problems anticipated by the Indians would be remedied. The assurances raised expectations which, in many cases, were never fulfilled.

4. The quality of replacement homes was inadequate in many respects, but most notably with regard to insulation and construction necessary to meet severe climatic conditions. The deficiencies, in many cases, resulted in inordinately high heating bills.

5. In the words of GDUC, the Indian land taken was, "prime river bottomland" and the most productive parts of the reservations.

6. The quality of life enjoyed by the tribes on the river bottomlands has not been replicated in the areas to which they were removed. The dramatic rise in the incidence of stress-related maladies and illnesses following removal of the Indians is circumstantial evidence that there is a casual relationship between these effects and the removal.

7. The Indians intensely feel that they were not justly compensated for the taking of their lands and related benefits by the United States.

8. Land acquisition practice of the United States was to acquire land in rectangular units. This practice with respect to Indians and non-Indians was to acquire all lands below a specific elevation by rectangular survey, metes and bounds. This resulted in the taking of a substantially larger area of Indian land.

A summary of the findings and recommendations with respect to each reservation follows:

A. FORT BERTHOLD INDIAN RESERVATION

Items 1 & 2. Full Potential For Irrigation and Financial Assistance For On-Farm Development Costs.

Development of irrigation on remaining Tribal lands would reduce the Tribes loss of their economic base and good farmlands. Reconnaissance-level studies suggest that up to 107,000 acres could be developed. The first step of this development is 30,000 acres and should be an integral part of the Garrison project and should be included in any Garrison funding authorization legislation. In the event that the Garrison funds are not used, the Tribal project should still be built. Costs should be deferred by Leavitt Act provisions. On-Farm costs associated with the irrigation project should be included as capital costs and deferred by Leavitt Act provisions.

Items 3 & 4. Development Of Shoreline Recreation Potential And Return Of Excess Lands.

The Army Corps of Engineers (COE) took lands up to the elevation of 1854 msl and other lands above this elevation for the operation of Lake Sakakawea because land ownership is based on a rectangular grid system. Thus, a considerable amount of land above this maximum position level of the reservoir is managed by the COE. The tribes contend that this excess land is not needed by the COE. The COE on the other hand, insists that all the land is required to operate the reservoir and assure public access. There is considerable potential for recreation development as well as existing facilities on Lake Sakakawea. The Three Affiliated Tribes would like to develop docks, campgrounds, resorts, picnic areas, boat ramps, etc., along the lakeshore as part of a Tribal economic enterprise. The former Indian lands comprising the present excess lands and the shorelands should be restored to the tribes subject to easements for project purposes.

Item 5. Protection Of Reserved Water Rights.

The tribe's right to water will be protected in a significant and beneficial manner by utilizing water on the irrigation project and municipal, industrial and rural system described in the report. The quantification of other uses should be carried out in cooperation with the tribe.

Item 6. Funding Of All Items From Garrison Diversion Unit Funds.

See Items 1, 2 and 10.

Item 7. Replacement Of Infrastructures Lost By The Creation Of The Garrison Dam and Lake Sakakawea.

The tribes are entitled to the replacement of infrastructure destroyed by Federal action: health care facilities, school dormitories, a bridge for access between the communities and the central facilities, and adequate secondary access roads. The replacement of a primary care in-patient health facility and out-patient services is deemed to be urgent and critical.

Item 8. Preferential Rights To Pick-Sloan Missouri Basin Power.

The Committee received a considerable amount of testimony that Tribal members were led to understand that they were to receive preferential rights to Pick-Sloan Basin power (some witnesses testified no-cost power was promised) to provide for lost fuel sources. That understanding is borne out by the history of the taking legislation. Preferential right to such power should not exceed 10 megawatts.

Item 9. Additional Financial Compensation.

The tribes clearly were not compensated in an amount calculated by a methodology which accounted for the unique circumstances and values taken from the tribe. The Committee received testimony from two economic experts who utilized methodologies designed to account for those unique circumstances and values. Utilizing both formulas for the Fort Berthold Reservation results in

compensation due between $178.4 million and $411.8 million. The tribes can be fairly compensated only by determining the value of interests taken by using a formula such as that provided by the economic experts. The compensation, in any event, should not be less than the lower amount determined by the formulas. Per capita payments are not recommended.

Item 10. Other Items Which The Committee Deemed Important.

A complete municipal, industrial and rural water system is essential if the tribes are to realize economic growth. Power requirements for water system fall under item 8 above. Some funds have been authorized in HR1116 of the 99th Congress, but more funding is needed to complete the system. Credit interests need to be transferred from the Farmers Home Administration to the Bureau of Indian Affairs.

B. STANDING ROCK SIOUX INDIAN RESERVATION

Items 1 & 2. Full Potential For Irrigation And Financial Assistance For On-Farm Development Costs.

Development of irrigation on remaining Tribal lands would reduce the Tribes loss of their economic base and good farmlands. Four irrigation projects are recommended for construction initially. This development should be an integral part of the Garrison project and should be included in any Garrison funding authorization legislation. In the event that the Garrison funding is not used, the Tribal projects should still be built. Costs should be deferred by Leavitt Act provisions.

Items 3 & 4. Development Of Shoreline Recreation Potential And Return Of Excess Lands.

The COE took lands up to the elevation of 1632 msl and other lands above this elevation for the operation of Lake Oahe because land ownership is based on a rectangular grid system. Thus, a considerable amount of land above this maximum position level of the reservoir is managed by the COE, The tribes contend that this excess land is not needed by the COE. The COE on the other hand, insists that all the land is required to operate the reservoir and assure public access. The Standing Rock Sioux Tribes would like to develop docks, campgrounds, resorts, picnic areas, boat ramps, etc., along the lakeshore as part of a Tribal economic enterprise. The former Indian lands comprising the present excess lands and the shorelands should be restored to the tribes subject to easements for project purposes.

Item 5. Protection Of Reserved Water Rights.

An initial step to protecting the tribe's right to water results from utilizing water on the irrigation and municipal water supply projects in the report. The quantification of other uses should be carried out in cooperation with the tribe as they may request.

Item 6. Funding Of All Items From Garrison Diversion Unit Funds.

See items 1, 2 and 10.

Item 7. Replacement Of Infrastructures Lost By The Creation Of The Oahe Dam And Lake Oahe.

The Federal action caused a loss of infrastructure including roads, housing, rodeo arenas, race tracks, sawmills, and monuments. The Committee notes the need for weatherized and improved housing to repair and replace the inadequate facilities provided to the families relocated. Remedies for the loss of infrastructure are provided in the section on Additional Financial Compensation.

Item 8. Preferential Rights To Pick-Sloan Missouri Basin Power.

The Committee received a considerable amount of testimony that Tribal members were led to understand that they were to receive preferential rights to Pick-Sloan Basin power (some witnesses testified no-cost power was promised) to provide for lost fuel sources. That understanding is borne out by the history of the taking legislation. Preferential right to such power not to exceed 15 megawatts should be provided.

Item 9. Additional Financial Compensation.

It is clear that the tribes were not compensated in an amount derived from a methodology which accounted for the unique circumstances and values taken from the tribe. The Committee received testimony from two economic experts who utilized methodologies designed to account for those unique circumstances and values. Utilizing both formulas for the Standing Rock Reservation results in compensation due between $181.2 million and $349.9 million. The tribe can be fairly compensated only by determining the value of interests taken by using a formula such as that provided by the economic experts. The compensation, in any event, should not be less than the lower amount determined by the formulas.

Item 10. Other Items Which The Committee Deemed Important.

A complete municipal, industrial and rural water system is essential if the tribes are to realize economic growth. Power requirements for water systems falls under item 8 above. Some funds have been authorized in HR1116 of the 99th Congress, but more funding is needed to complete the system. Credit interest needs to be transferred from the Farmers Home Administration to the Bureau of Indian Affairs. The tribe urges that an "Indian Desk" be established within the organization framework of the Corps of Engineers to deal specifically with Indian problems. Hunting and fishing rights of the Standing Rock Sioux Tribe need better protection and enforcement by Federal authorities.

II. RECOMMENDATIONS

A. FORT BERTHOLD INDIAN RESERVATION

Item 1. Full Potential For Irrigation.

Although 107,000 acres have been identified as potentially irrigable, the Secretary should proceed immediately with the construction of the two irrigation projects, Six Mile Creek and Lucky Mound. These projects should be regarded as the first phase in the full development of the irrigation potential of the remaining lands of the Fort Berthold Reservation. The Secretary should also submit proposed legislation to Congress that would allow all capital costs, including on-farm development costs to be deferred under the Leavitt Act. This proposed legislation should further provide for: the enlargement of the above referenced irrigation projects to 30,000 acres, as recommended by this Commission; land acquisition costs associated with the purchasing of all fee patented land in these areas to be treated as project costs; the BIA or Bureau of Reclamation to operate, maintain and replace the structural components of the project at a cost to the Tribal government, or its members, based on ability to pay; and intake and sprinkler pressure pumping power at preferential Pick-Sloan power rates for both for these projects.

Any fee land acquired for Tribal irrigation projects must be from willing sellers at fair market value. Land should be acquired under the rules established by the Department of Interior to ensure the protection of the tax base, school system, etc. The Secretary will be responsible for agreements for payments in lieu of taxes, where appropriate.

Item 2. Financial Assistance For On-Farm Development Costs.

On-farm development costs should be included in the capital cost of development and deferred under the Leavitt Act.

Item 3. Development Of Shoreline Recreation Potential.

Former Indian shoreline land and excess land should be returned to the Tribes, subject to flowage easements to protect U.S. Army Corps of Engineers (COE) administration and project needs and also subject to valid private leases. Such private leases should not be renewed but upon expiration, will include salvage rights and fair compensation for the loss of permanent improvements not subject to removal.

Item 4. Return Of Excess Lands.

See Recommendation 3.

Item 5. Protection Of Reserved Water Rights.

The Committee recommends the full development of irrigation and water systems to utilize and protect reserved water rights.

Item 6. Funding Of Items From Garrison Diversion Unit Funds.

Partial funding of the irrigation project (15,000 acres) in item 1 and partial funding of the municipal, industrial and rural water system in item 10 should be amendments to the authorization in HR1116 of the 99th Congress ($20.5 million has been authorized in HR1116 for Rural Water Systems).

Item 7. Replacement Of Infrastructure Lost By The Creation Of Garrison Dam And Lake Sakakawea.

The following facilities should be constructed to replace infrastructure lost:

a. A primary care in-patient health facility and out-patient services to meet the special health care needs of the tribe. This is an emergency need that should be pursued immediately.

b. A bridge over the lake at the old Highway State Route 8 should be constructed.

c. Dormitory annexes to two school facilities (Mandaree and White Shield) on the reservation for students presently attending off-reservation boarding schools should be constructed.

d. The grading, and other such routine maintenance, of all Tribal access roads from homesites to main travel routes should be made a routine part of the BIA program.

e. Housing should be weatherized and improved to repair and to replace the inadequate facilities provided to the families relocated.

Item 8. Preference Rights To Pick-Sloan Missouri River Basin Power.

The Secretary, in consultation with the Secretary of Energy, should make available to the tribe an allocation of preference power sufficient to meet energy related needs of the reservation as the result of the relocation. Further, the Secretary, if necessary, should propose draft legislation to Congress providing for an allocation of preference power to meet the Tribes full load demand for the above referenced purposes not to exceed 10 megawatts. This proposed legislation should also provide the necessary authority for the delivery of such power at no cost to the tribe except operation and maintenance costs to retail distribution facilities should be based on ability to pay. This legislation should also provide that any third party provider of such power to the tribe will not lose any allocation of preference power or otherwise be pecuniarily damaged by reason of any such allocation or delivery of preference power to the tribe. Power needs for irrigation and water systems are in addition to the 10 megawatts.

Item 9. Right To Additional Financial Compensation.

The Secretary should submit draft legislation to Congress that will ensure that the tribe is adequately compensated, either in cash or in-kind,

consistent with this Committee's findings and conclusions. The tribe is entitled to a sum in the range between $178.4 million and $411.8 million as the substitute, or replacement, value of their economic base that was taken as the site for Lake Sakakawea. The compensation should not be less than the lower of the two amounts.

Item 10. Other Items Which The Committee Deemed Important.

a. In addition to the authorization contained in House Resolution 1116 of the 99th Congress, the Secretary should seek authorization and proceed immediately with the construction of a complete municipal, industrial and rural water supply system, as described in this report, to protect the health and other interest of the Tribal population. The proposed legislation should also provide that the Bureau of Indian Affairs or the Bureau of Reclamation operate and maintain an efficient metered system at a cost to Tribal people not to exceed $10/month/household for 10,500 gallons per month. Uses in excess of 10,500 gallons per month will additionally be charged at the same rate. Further, power is to be supplied at the Pick-Sloan Missouri River Basin Program preference power rate. (Note: There is $20.5 million authorized in HR 1116 for rural water systems).

b. The Secretary is requested to take action that would provide for the transfer of the interests of agricultural and ranch related lenders on the reservation from the Farmers Home Administration to the Bureau of Indian Affairs Credit Program at fair market value of the interest in the land encumbered.

B. STANDING ROCK SIOUX INDIAN RESERVATION

Item 1. Full Potential For Irrigation.

The Secretary should proceed immediately with the construction of four irrigation projects, Miscol, Porcupine, Black Horse and Little Eagle Units, when authorized. These projects should be regarded as the first phase of the full development of the irrigation potential of remaining lands on the Standing Rock Reservation. The Secretary should also submit proposed legislation to Congress that would allow all capital costs, including on-farm development costs to be deferred under the Leavitt Act. This proposed legislation should further provide for: land acquisition costs associated with the purchasing of all fee patented land in these areas to be treated as project costs; BIA to operate, maintain and replace the project at a cost to the Tribal government, or its members, after construction to be set in accordance with ability to pay; and furnishing preferential Pick-Sloan power rates for both intake and sprinkler pressure pumping for this projects. (Note: under P.L. 97-273, the Standing Rock Sioux Tribe believe they have preferential power rights).

Item 2. Financial Assistance For On-Farm Development Costs.

On-farm development costs should be included in the capital cost of development and deferred under the Leavitt Act.

Item 3. Development Of Shoreline Recreation Potential.

Former Indian shoreline land and excess land should be returned to the tribe, subject to flowage easements to protect U.S. Army Corps of Engineers administration and project needs and subject to valid private leases.

Item 4. Return Of Excess Lands.

See Recommendation 3. In addition, the Standing Rock Sioux Tribe should have the authority to set grazing rates on former Indian lands for taking area permittees equivalent to rates established for Tribal lands until both excess and shoreline lands have been returned.

Item 5. Protection Of Reserved Water Rights.

The Committee recommends full development of irrigation and water system to utilize and protect reserved water rights.

Item 6. Funding Of All Items From The Garrison Diversion Unit Funds.

The Secretary should fund those projects in item 1 and 10 from the Garrison authorization bill (HR 1116) that the Secretary deems appropriate.

Item 7. Replacement Of Infrastructure Lost By The Creation Of Oahe Dam And Lake Oahe.

The following infrastructure was lost to the Standing Rock Sioux Tribe as a result of the creation of Lake Oahe:

190	domestic water system
50	ranch water system
55,944	acres of land
22,000	acres of riverbed
95	miles of main road
24	miles of private road
190	housing units
3	rodeo arenas
2	race tracks
3	sawmills

These items are covered either directly or indirectly in item 9, Additional compensation. The Committee is recommending a reservation-wide economic development approach, rather than ad hoc compensation of the above.

Item 8. Preferential Right To Pick-Sloan Missouri River Basin Power.

The Secretary, in consultation with the Secretary of Energy, should make available to the tribe an allocation of preference power sufficient to meet their full load demand for domestic and municipal purposes. Further, the Secretary, if necessary, should propose draft legislation to Congress providing for an allocation of preference power to meet the Tribe's full load

demand for the aboved referenced purposes not to exceed 15 megawatts. This proposed legislation should also provide the necessary authority for the delivery of such power at no cost to the tribe except operation and maintenance costs of retail distribution facilities should be based on ability to pay. This legislation should also provide that any third party provider of such power to the tribe will not lose any allocation of preference power or otherwise for pecuniarily damaged, by reason of any such allocation or delivery of preference power to the tribe.

Item 9. Right To Additional Financial Compensation.

The Secretary should submit draft legislation to Congress that will ensure that the tribe is adequately compensated, either in cash or in-kind, consistent with this Committee's findings and conclusions. The tribe is entitled to a sum in the range between $181.2 million and $349.9 million. As the substitute, or replacement, value of their economic base that was taken as the site for Lake Oahe. The compensation should not be less than the lower of the two amounts. That such compensation is to include restoration of forests and timber production, wildlife habitat, fruits, herbs and medicinal, and other plants and other restoration of vegetation, all of which was lost to the Oahe Reservoir. That such compensation is also to include development of shoreline recreation protection.

Item 10. Other Items Which The Committee Deemed Important.

a. In addition to the authorization contained in House Resolution 1116, the Secretary should seek authorization and proceed immediately with the construction of a complete municipal, industrial and rural water supply system, as described in this report, to protect the health and other interest of the Tribal population. The proposed legislation should also provide that the Bureau of Indian Affairs operate and maintain an efficient metered system at a cost to Tribal people not to exceed $10/month/household for 10,500 gallons per month. Further, power is to be supplied at the Pick-Sloan Missouri River Basin Program preference power rate. (Note: There is $20.5 million authorized in HR 1116 for rural water systems).

b. The Secretary is requested to take action that would provide for the transfer of the interests of agricultural and ranch related lenders on the reservation from the Farmers Home Administration to the Bureau of Indian Affairs Credit Program at fair market value of the interest in the land encumbered.

c. An "Indian desk" should be established within the Washington Headquarters of the U.S. Army Corps of Engineers. This office would deal with the numerous Indian concerns resulting from the Missouri River Reservoirs including, but not limited to, water level fluctuation; leasing shoreline land to non-Indians of, and other former Indian lands administered by the Corps, to non-Indians; reserved water rights, etc.

.. The rights of the Standing Rock Sioux Tribes to hunt and fish within that part of Lake Oahe within the exterior boundaries of the reservation should be vigorously protected by Federal authorities through additional game wardens who shall pursue prosecution of violations.

III. NARRATIVE

A. FORT BERTHOLD INDIAN RESERVATION

Items 1 & 2. Full Potential For Irrigation And Financial Assistance For On-Farm Development Costs.

The United States has an obligation under P.L. 534 (50 Stat. 837) and P.L. 81-437 (63 Stat. 1026) to assist the Three Affiliated Tribes in developing the full irrigation potential of the residual reservation. The tribes have developed an initial estimate of this level of development. Further, they have analyzed this development base and sited two projects which should be funded under the Garrison Diversion Unit. These units are considered as a necessary first step toward the ultimate development of the full irrigation potential of the reservation. The tribes have identified a preliminary plan of development, documented the estimated projected costs, and established how they would like the key project features handled under the authorizing legislation. Each of these subject areas are handled in the subsequent sections.

A preliminary study was completed which identified potentially irrigable lands on the present Fort Berthold Indian Reservation. Use was made of available Soil Conservation Service information together with a limited field investigation program of the Lucky Mound Irrigation Project area. Alluvial and aeolian soils classified as irrigable in the North Dakota Irrigation Guide comprised the initial potentially irrigable land base. In addition, glacial till lands with drainage outlets, such as those in the vicinity of Shell Creek, Deepwater Creek, and Six Mile Creeks were identified as having potential for long-term sustained irrigation. These glacial till tracts are similar to lands recently classified as irrigable by the U.S. Bureau of Reclamation associated with the Lake Andes-Wagner Unit in South Dakota.

It is estimated that there are 107,500 acres of potentially irrigable soils, of which 58,850 acres are alluvial derived lands and 48,650 acres are selected glacially derived soils exhibiting natural drainage outlets. It should be recognized that additional research of till lands together with future changes in technology could markedly expand this initial estimate of potentially irrigable lands.

When the fertile alluvial bottomlands of the reservation were flooded by Lake Sakakawea, the tribes lost over 40,000 acres of potentially irrigable lands. Studies completed by the Bureau of Indian Affairs and U.S. Bureau of Reclamation together with evidence presented at several Congressional hearings set the flooded irrigable land base at 30,000 acres. Irrigability, as used in these 1940's and 1950's investigations, is best defined by House Report No. 544. It states that "questions of soil adaptability, water rights, topography, and feasibility have been determined and conclusions are that irrigation of these lands, to be taken from the Fort Berthold Indians for Garrison Reservoir, is practical."

These Federal studies of the taking area were based only on gravity irrigation standards. Applying sprinkler standards and modern technology, it is

estimated that at least another 10,000 acres of irrigable land were located in the Garrison taking area. Therefore, at least 40,000 acres of irrigable land was unundated by the construction of Garrison Dam.

The costs of developing the irrigable land base flooded by Garrison Dam in 1986 are a fraction of the costs required for developing new irrigated agriculture as proposed by the GDUC reports. This conclusion is reached by analyzing a representative project (Independence Unit) and establishing what the cost of developing these irrigable lands would be today. Available soils, drainage and pre-Garrison Dam topography information was used for the design layouts. The service concept consisted of constructing a pumping plant adjacent to the river and pumping into a main canal. This canal would serve the lands in the lower elevations of the unit with water relifted to a higher bench canal to service the remaining lands. A total of six booster pumps would be used to pressurize the water for use in side roll sprinkler systems throughout the Independence Unit. The distribution system consists of 7.1 miles of canal and 18.2 miles of pipeline (diameters varying from 6 to 42 inches). Density of drains is 1 mile per 242 acres.

The capital costs per acre are $1,260 (See Table 1). The total construction cost is $4.6 M with operation, maintenance, replacement and power costs estimated at $30/acre using Pick-Sloan preference power rates. Therefore, using subsidized power and a 3-1/8 percent interest, the Independence Unit is found to be feasible to develop under current technology and economic conditions.

Based on the level of irrigable lands lost in the bottomlands by construction of Garrison Dam, it is reasonable for the tribes to place 30,000 acres of land under irrigation as part of the Garrison Diversion Unit. Further, it is justified that the major intake structures and delivery systems be oversized to accommodate the delivery of water to 10,000 acres for future irrigation on the Fort Berthold Reservation. It is anticipated that at least 40,000 acres will be established to be arable by means of subsequent land classification work to be performed on the reservation. This level of irrigation should be considered as the initial stage of development by the tribes toward developing the full irrigation potential of the reservation.

The proposed irrigation project consists of two large scale sprinkler irrigation units. Their location and physical plan of development are shown in Figure 1. The Lucky Mound Unit, located in the northeastern part of the reservation, is approximately 5 miles south of Parshall, North Dakota. This project consists of 15,000 acres and is served by an intake structure consisting of a caisson adjacent to the reservoir with two adits. Water would be lifted about 250 feet to the bench and relifted to the service area by means of five 2,000-horsepower vertical turbine pumps. Pipelines and three relift pumps will be used to distribute the water. The relift plans are sized at 3,700, 3,100 and 1,300 horsepower. The distribution systems consists of about 60 miles of pipeline ranging in diameter from 10 to 96 inches. Sufficient capacity has been included in the mainline to irrigate an additional 5,000 acres in the future. Center pivots will be used for water management and efficiency considerations. Due to the subsurface drainage conditions, relief drains are programmed for the entire service area. The average drain spacing was determined to be 275 feet. This compares very favorably with the drain spacing (320 feet) designed by the U.S. Bureau of

Reclamation for the Lake Andes-Wagner Unit.

Six Mile Creek Unit, consisting of 15,300 acres, is located north of Lake Sakakawea, near the town of White Shield. An intake is proposed adjacent to the reservoir consisting of a large rectangular caisson and two adits for inlets. The pumping plant will house five 1,000 horsepower vertical turbine pumps. The low operating level of the reservoir was set at 1,800 feet (msl). Water from the reservoir would be lifted approximately 120 feet to the bench and relifted with booster pumps to serve the lands within the unit. The size of the relift pumps are 6,600, 2,200, 350 and 300 horsepower, respectively. The distribution system consists of 61 miles of pipeline ranging from 10 to 96 inches. The mainline and pumping plant has been oversized to include capacity to irrigate an additional 5,000 acres. Center pivot irrigation is the method of application. Relief drains, with an average drain spacing of 275 feet, are programmed for the entire service area.

Table 1
Independence Unit Project Cost Summary

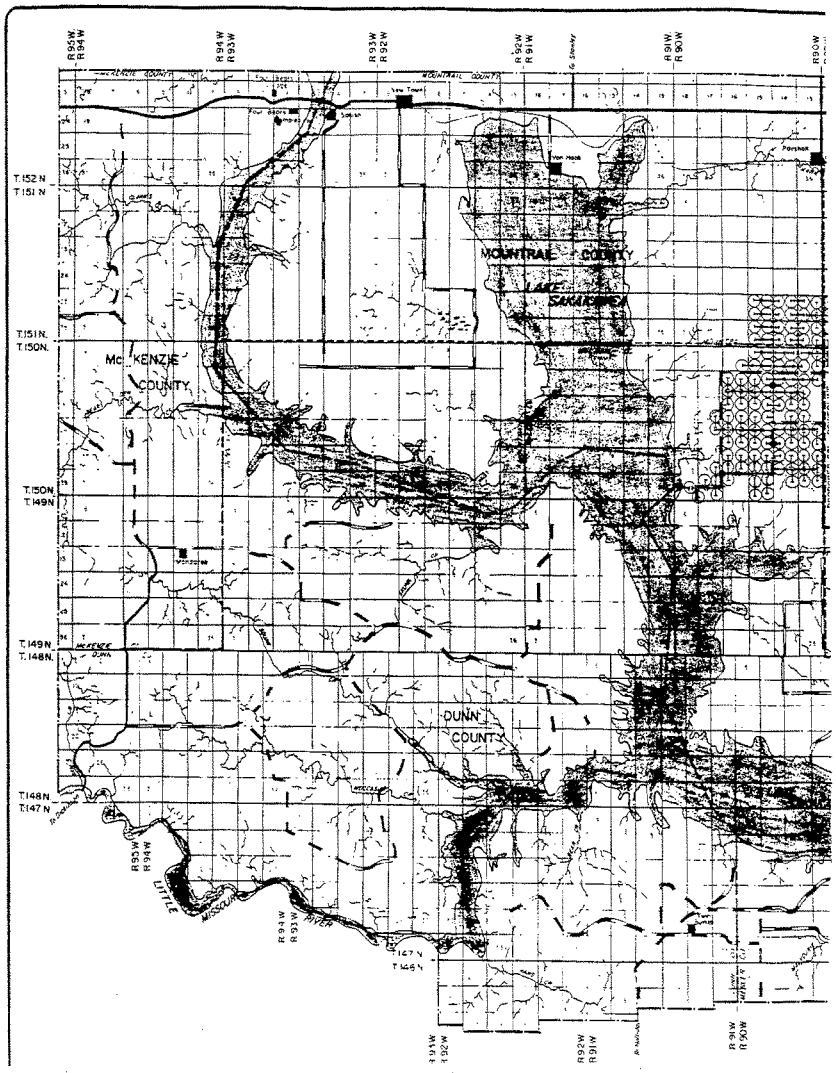
Item	Contingency[1] %	Direct Cost	Contingency	Total Cost
PROJECT COSTS				
a. Pump Plants	15	$ 677,500	$ 101,600	$ 779,100
b. Pipelines	10	1,222,000	122,200	1,344,200
c. Canals	10	142,400	14,200	156,600
d. Drainage	10	472,000	47,200	519,200
e. Electrical Dist.	15	500,000	75,000	575,000
f. Land Preparation	10	100,000	10,000	110,000
Subtotal				$3,484,100
Engineering & Administration (8 Percent of Direct Cost)[2]				278,700
Base Construction Cost				$3,762,800
OTHER COSTS				
On-Farm Costs				
1. Application Systems				793,900
TOTAL CONSTRUCTION COST				$4,556,700

Notes:

1. Contingency (%) is the sum designated to cover small miscellaneous, unpredictable and unforeseen items in a job that are applied to field cost.

2. Engineering (%) is the sum designated to cover engineering design, administrative and construction supervision costs that are applied to field and contingency costs.

LEGEND
Proposed Pipeline
Proposed Pipeline/ Additional Capacity
Proposed Center Pivot
Proposed Pumping Plant
Proposed 69kv Powerline
LUCKY MOUND UNIT
SIX MILE UNIT
McLEAN COUNTY
MERCER COUNTY
PROPOSED 69kv POWERLINE
T 152N
T 151N
T 150N
T 149N
T 148N
T 147N
T 146N
R 90W
R 89W
R 88W
R 87W
FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA
LUCKY MOUND AND SIX MILE UNITS
HKM ASSOCIATES
ENGINEERS-PLANNERS
Airport Industrial Park
P.O. Box 31318
Billings, Montana 59107
Branch Offices:
Libby, Montana
Sheridan, Wyoming
FIGURE


R95W
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R90W
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T.152 N.
T.151 N.
T.151 N.
T.150N.
T.150N.
T.149N
T.149N.
T.148N.
T.148N.
T.147 N.
MOUNTRAIL COUNTY
LAKE SAKAKAWEA
Mc KENZIE COUNTY
DUNN COUNTY
LITTLE MISSOURI RIVER

The construction design approach and projected costs for the principal water development facilities for the Lucky Mound and Six Mile Creek projects were similar to those used by the U.S. Bureau of Reclamation for the Lake Andes-Wagner Unit in South Dakota. All costs used in this analysis were developed at a reconnaissance level using January 1986 prices. Appropriate inflation factors should be applied to account for cost increases from the time of engineers costs estimate to construction. Costs were included for land acquisition plus to upgrade the power line from Garrison to White Shield to a 69Kv line and to loop it into the 69Kv line at Parshall. Distribution line and substation costs are included, as well.

Table 2 is a project cost summary for the Lucky Mound and Six Mile Creek Irrigation Units. The total capital costs including land acquisition, the electrical distribution network, the oversized pumping plant and mainline facilities, and on-farm sprinkler systems are $133.8M. The project size is 30,370 acres and the capital cost per acres is approximately $4,400/acre. The estimated operation, maintenance, replacement and power costs are $70/acre. It was assumed that Pick-Sloan preference power would be made available for both pumping plant and sprinkler pressure uses.

Table 2
Lucky Mound and Six Mile Creek Irrigation Units
Project Construction Cost Summary

Item	Contingency[1] %	Direct Cost	Contingency	Total Cost
PROJECT COSTS				
a. Pump Plants	15	$ 23,160,000	$ 3,470,000	$ 26,630,000
b. Pipelines	15	8,000	1,200	9,200
c. Canals	10	34,260,000	3,430,000	37,690,000
d. Drainage	10	31,890,000	3,190,000	35,080,000
e. Electrical Dist.	15	4,864,000	730,000	5,594,000
f. Land Acquisition	0	7,256,000	0	7,256,000
Subtotal		$101,438,000	$10,821,200	$112,259,200
Engineering & Administration (8 Percent of Direct Cost)[2]				8,980,700
Base Construction Cost				$121,239,900
OTHER COSTS				
On-Farm Costs				
1. Application Systems				$ 12,595,000
TOTAL CONSTRUCTION COST (January 1986)				$133,834,900

Notes:

1. Contingency (%) is the sum designated to cover small miscellaneous, unpredictable and unforeseen items in a job that are applied to field cost.

2. Engineering (%) is the sum designated to cover engineering design, administrative and construction supervision costs that are applied to field and contingency costs.

The capital costs per acre for the Lucky Mound and Six Mile Units ($4,400/acre) are significantly lower than the irrigation development costs associated with the GDUC's recommended irrigation plan. The Commission's plan estimated costs for just the designated project facilities at $5,144 per acres. On-farm costs add another $377/acre to the total GDUC Plan project costs.

The Lucky Mound and Six Mile Creek Units will be developed on predominately glacial till lands and are located on high benches at a considerable distance from Lake Sakakawea. The primary land feature deficiency will be subsurface drainage while the estimated operation, maintenance, replacement and power costs will be extremely high. Therefore, it is recommended that the following features be built in these projects:

1. Preference power from the Pick-Sloan Missouri River Basin Program should be made available for river intake as well as sprinkler pressure pumping.

2. The United States should operate and maintain the Lucky Mound and Six Mile Creek irrigation systems.

3. On-farm and drainage costs should be considered project costs.

It is further recommended that all project costs be deferred under the Leavitt Act. As such, all non-Indian lands within the Lucky Mound and Six Mile Units should be acquired and placed in trust status. Monies should be made available for land acquisition purposes and such funding should be considered a project cost.

The first stage of irrigation development on the reservation should be funded as part of the Garrison Diversion Unit. This consists of the proposed Lucky Mound and Six Mile Creek Unit. The estimated capital cost to construct these projects is $133.8M. The project size is 30,370 acres with the diversion and mainline conveyance structures oversized to serve an additional 10,000 acres of land in the future. Such facilities can also be used to supply water, if required, to meet some of the industrial water development goals of the Three Affiliated Tribes.

Item 3. Development Of Shoreline Recreation Potential

In rural areas throughout the United States, recreation may constitute substantial promise for economic growth. This is particularly true when unemployment, low incomes and a non-expanding economy dominate in a predominately rural area, such as the Fort Berthold Indian Reservation area. Lake Sakakawea provides the opportunity for recreational activities such as boating, fishing, swimming, camping and picnicking.

Outdoor recreation activities along Lake Sakakawea offer the Three Affiliated Tribes the opportunity for economic gain through catering to the recreation needs of fishermen, campers, swimmers and boaters in the western and central North Dakota area. The walleye-pike fishing in Lake Sakakawea is quite famous.

The Three Affiliated Tribes are particularly interested in developing commercial recreation sites along Lake Sakakawea for the use of non-tribal members. Tribal members would also benefit by using these sites at a reduced or no-cost basis. The recreational activities are seasonal, except for ice-fishing in the winter.

The tribes are forced into unfair competition with non-Indian business and governmental entities for the income generated by recreational activities. A total of 33 public recreational areas are located along Lake Sakakawea. All these areas are established on taken lands under the management of the U.S. Army Corps of Engineers.

Eleven public recreation areas are located along Lake Sakakawea within the external boundaries of the Fort Berthold Indian Reservation. The recreation sites are used for boating, swimming, fishing and camping. Seven of these recreation areas are managed by county and municipal governments. Four of these recreation areas are managed by the Three Affiliated Tribes. The Four Bears recreation area is the only tribal recreation site with significant development. The tribes have proposed five other recreation sites along Lake Sakakawea.

The recreation areas or sites managed by the Three Affiliated Tribes are mostly undeveloped. The potential for shoreline recreational development is probably significant. Because the potential shoreline recreational development would occur on taken lands managed by the U.S. Army Corps of Engineers (COE), the question of former Indian lands now excess to the project should be settled before any investigation into the feasibility of shoreline recreational development. A suitable drinking water supply, as described in Section III.A.10 of this report, is necessary for further development.

Item 4. Return Of Excess Lands

With the passage of P.L. 81-437, Congress decided to take lands from the Three Affiliated Tribes and place the lands in United States ownership under the administration of the COE. These lands had been identified, surveyed and incorporated into the Act. The lands were identified as those which the COE needed to operate the reservoir. The water levels of the reservoir follow contour lines, whereas, the boundaries of the taken lands generally are defined using a rectangular grid system. All lands below 1854 feet msl were taken for reservoir operation

Some 30 years after the reservoir was filled, there are still taken lands that have never been flooded. The COE was not really sure, prior to dam construction, what lands were required. The COE insists that there are no excess lands and the tribes maintain that there is significant acreage that would be valuable if returned to the tribes.

The Committee is not in a position to pass judgement or recommend to the Secretary, that specific tracts of land may or may not be excess to reservoir operations. The Committee believes, however, that there are lands adjacent to the reservoir that were taken that could be returned to the tribes. The identification of the lands, the determination of their present status and the

prediction of future use should be the subject of negotiations between the Department of Interior, on behalf of the tribes, and the COE.

Some of the lands taken for reservoir administration have been leased to non-Indians for recreational purposes. The lease conditions of these lands would be honored, but as the leases terminate the tribes should assume ownership. All COE needs for project administration, all lease requirements and guaranteed access to the lake by non-Indians would be a condition of any potential agreement between the Three Affiliated Tribes and the United States. In addition, any former non-Indian owner, or the heirs of that owner, would have first right of purchase for any lands in this category.

Item 5. Protection Of Reserved Water Rights.

The Secretarial Charter to the Committee asked specifically for recommendations to protect the reserved water rights of the Fort Berthold Indian Reservation. It is important to note that the Charter does not direct identification, quantification, or adjudication of reserved rights. Adjudication of water rights require a forum. Thus far, neither North Dakota nor the Three Affiliated Tribes have expressed the desire to adjudicate the reserved water rights of the Fort Berthold Indian Reservation. In addition, the tribes have expressed no desire to identify or quantify their water rights.

Given those constraints, the Committee can only recommend an approach that will protect at least part of the reserved water rights. The Committee believes this report is not the proper vehicle for an exhaustive legal review of reserved water rights. It seems reasonable to the Committee, however, that Fort Berthold has reserved water based on U.S. v. Winters. The United States Supreme Court has ruled that reserved water rights can be adjudicated in State Courts. Indian water rights are increasingly being subjected to rather stringent standards of quantification, most notably practicably irrigable acres.

The practicably irrigable acre has been applied in attempt to quantify potential future uses. Water uses in place at the time of adjudication are generally considered by the courts to be feasible and practical. Thus, it appears advantageous to the Tribes to develop systems that efficiently use water in the amount necessary to operate the project. The Committee believes that the construction of the irrigation project discussed in item 1 and the municipal, industrial and rural water system discussed in item 10 would use water in a practical manner. It can be argued, then, that this water use is part of the Tribes' reserved right and would be awarded in any future adjudication.

In addition to obvious economic benefit of the irrigation project and water system, it has the added benefit of using, thus protecting, reserved water rights. This partial de facto identification of the reserved water right will result in future dollar savings in the adjudication process. This benefit could be estimated and included on the benefit side of the irrigation project and the water system.

Item 6. Funding Of All Items From The Garrison Diversion Unit Funds.

The Garrison Unit authorization bill (HR 1116 of the 99th Congress) does not provide adequate funding to fully fund all water related projects at Fort Berthold. The Secretary has sufficient discretion to channel some Garrison Diversion Unit Commission (GDUC) funds into the development of both the irrigation project and the water system. The Secretary should seek authorization to complete the funding for these two projects.

Item 7. Replacement Of Infrastructures Lost By The Creation Of Garrison Dam And Lake Sakakawea.

a. Health Care Facilities

Prior to the construction of Garrison Dam, a U.S. Public Health Service Hospital was located at Elbowoods in the center of the reservation. In the 1-year period between June 1, 1947 and May 31, 1948, 460 patients were admitted to this hospital and 3,921 were treated as outpatients. The hospital, like the rest of Elbowoods, was flooded after the dam was completed. The COE had promised to construct a new hospital, but the BIA recommended hospital care in cities and towns adjacent to the reservation. The recommendation was based on an analysis of road facilities and vehicle ownership of Tribal members. The BIA analysis suggested that traveling to adjacent cities and towns would be easier than traveling to one central hospital on the reservation. Many Tribal members did not agree with this decision then and still do not agree with it.

In 1979, the Three Affiliated Tribes contracted a study to investigate the feasibility of hospital, extended care and ambulatory care services on the reservation. The Committee reviewed the report and believes it to be a credible document to assist the Committee. The 1979 costs in the report were updated at the Committee's request to 1985 dollars by Dr. Ronald Cummings. The conclusions of the report are based on a consideration of many variables including: (1) population distribution; (2) population projections; (3) age groups; (4) sex; (5) causes of death; (6) numbers and rates; (7) causes of hospitalization; (8) length of stay; (9) projected hospitalization costs by contract; (10) various outpatient and contract alternatives; and (11) several other factors. Testimony at the hearings served to emphasize critical needs in medical care on the reservation.

The Indian Health Service operates an ambulatory health center facility on the Fort Berthold Indian Reservation. The main health center, Minne-Tohe, is located at Four Bears. Three field stations or satellite clinics are operated at White Shield, Mandaree, and Twin Buttes. Due to the geographical makeup of the reservation, all four facilities are physically separated from each other by Lake Sakakawea. Minne-Tohe is staffed by two physicians, a nurse practitioner, support staff, and a community health nurse. Each of the satellite clinics has the services of a medical assistant. The clinics in Mandaree and White Shield are open 3 days a week. The clinic at Twin Buttes is open 1 day a week. The majority of patients are seen at the main facility, Minne-Tohe: 78 percent in 1983, 62 percent in 1984, and 72 percent in 1985. Until recently, the Indian Health Service had maintained contractual

relationships with the area hospitals to provide care to the native population. Medical care is now contracted with the United Hospital in Grand Forks, North Dakota, and with the University of Minnesota.

Leading causes of death for Indians of the Fort Berthold Indian Reservation and for Indians in the Aberdeen Area from 1981 through 1983 are shown in Table 3. Death rates for diabetes melitus, alcoholism and chronic liver disease in the same period for all Americans, American Indians, Aberdeen Area Indians and selected Indian groups within the Aberdeen Area are shown in Table 4.

Table 3
LEADING CAUSES OF DEATH FOR THE ABERDEEN AREA
AND FORT BERTHOLD, 1981 - 1983

Cause	Fort Berthold Rate*	Fort Berthold Rank	Aberdeen Area Rate*	Aberdeen Area Rank
Diseases of the Heart	284.1	1	282.8	1
Malignant Neoplasms	251.1	2	147.8	3
Chronic Liver Disease/Cirrhosis	148.6	3	72.8	4
Accidents	144.5	4	176.7	2
Diabetes Mellitus	113.1	5	51.3	6
Cerebrovascular Disease	39.6	6	-----	-
Pneumonia/Influenza	36.6	7	-----	-
Conditions Originating Perinatal Period (Early infant Mortality)	19.9	8	-----	-
Cholelithiasis/Disorder GB	17.9	9	-----	-
Chronic Obstructive Pulmonary Disease	17.9	10	-----	-

*Rate per 100,000
Source: Aberdeen Area Indian Health Service,
Leading Causes of Death Years Potential Life Lost April, 1986,
U.S. Department of Health and Human Services.

Table 4

DEATH RATES FOR DIABETES MELLITUS, ALCOHOLISM, AND CHRONIC LIVER DISEASE FOR 1981 -1983*

Diabetes Melitus		
U.S. All Races	9.6	
American Indian	19.9	
Aberdeen Area	51.3	
Fort Berthold		123.8
Omaha-Winnebago		110.6
Yankton		89.0
Fort Totten		87.4
Standing Rock		76.2
Alcoholism		
U.S. All Races	6.4	
American Indian	35.8	
Aberdeen Area	67.6	
Fort Berthold		200.6
Pierre		105.7
Sac and Fox		91.3
Cheyenne River		82.6
Standing Rock		78.4
Chronic Liver Disease		
U.S. All Races	10.5	
American Indian	31.0	
Aberdeen Area	72.1	
Fort Berthold		150.7
Pierre		139.2
Omaha-Winnebago		119.9
Rosebud		85.7
Rapid City		77.5

*Rate based on 100,000 population
Source: Adopted from Indian Health Service Reports

Indian Health Service data shows that Fort Berthold has the second highest infant mortality rate in the Aberdeen Area during the 1980 - 1982 period. At the same time the Aberdeen Area recorded the highest rate in this category of the 11 Indian Health Service areas. The infant mortality rates per 1,000 births are shown below:

Infant Mortality	
IHS	13.3
Aberdeen	21.7
Fort Berthold	32.8
Yankton	34.0

The development of obstetric units on the reservation with remote fetal monitoring from a hospital in Minot, Bismarck, or Williston may assist in reducing the infant mortality rate. Remote fetal monitoring requires the acquisition of technology and additional manpower to operate and maintain the service. The additional manpower includes a physician and nurse practitioner. An educational program that addresses the needs of expectant mothers is necessary. Prenatal clinics and well-child clinics that are already in place are important tools in this educational process.

The health records of all members of the Three Affiliated Tribes show that full-inheritance Indians (8/8 degree), age 35 years and older have a known precedence rate of diabetes of 22.3 percent; persons between half- (4/8 degree) and full-inheritance Indian have a rate of 14.9 percent; persons less than one-half Indian have a rate of 4.1 percent, the same as whites on the reservation. Below age 35, diabetes is rare among all racial subgroups. Lifestyle factors contribute to the control of diabetes and prevention programs are sound tools in this control process. However, when complications set in, then specific measures must be taken.

Kidney failure is an ailment related to diabetes. Data indicates that 12 people on the Fort Berthold Reservation require or will require kidney dialysis. Travel distances, transportation problems, and costs are problems related to kidney dialysis. This treatment is viable in a health center setting. Consequently, resources would be needed to operate a dialysis unit and possibly home dialysis units.

Alcoholism is a severe problem on the reservation (Table 4). An ailment which results from alcoholism is chronic liver disease. Again, prevention through education and lifestyle modification are key approaches to turning around this health problem. For those individuals suffering from alcoholism, resources for treatment in a counseling and rehabilitation center are needed. Programs that are now in place for alcoholism will complement such a unit in a manner that will produce an integrated system. It is possible that such a unit could develop into a regional facility for the Indian Health Service. There is, of course, a difference between a strict detoxification center and a counseling center. The former is directed at allowing a patient to reach a sober state whereas the latter seeks long-term care through rehabilitation. Detoxification can be over a 24 to 48 hour period and requires a physician to be on call. Counseling and rehabilitation may entail an extensive 6 to 8 week program for counselors, vocational guidance, and peer and family support groups.

The feasibility study contracted by the Tribes looked at costs, facilities and staffing for an integrated health center to include a hospital, nursing home, ambulatory clinic, live-in center, health department, and ambulance service with an integrated administrative space.

A summary of costs for the integrated health center are illustrated on Table 5.

Table 5

Summary of Costs in 1,000's of 1985 dollars
for Health Care Center

Service	Construction Cost	Equipment Cost	Operating Cost
Hospital a/	720	699	1,706
Nursing Home b/	1,160	182	290
Ambulatory c/	475	248	740
Live-in Center d/	99	44	67
Health Dept. e/	177	30	426
Integrated Space f/	486	131	859
Ambulance Svc. g/	----	127	272
Bus Svc. h/	----	70	47
Contract Care	----	----	399
TOTALS	3,117	1,551	4,806

a/ 25 beds, 7,310 s.f. @ $98.50/sf
b/ 30 beds, 11,780 s.f. @ $98.50/sf
c/ 5,615 s.f. @ $84.50/sf
d/ 5 beds, 1,560 s.f. @ $63.50/sf
e/ 3,140 s.f. @ $56.50/sf
f/ 5,750 s.f. @ $84.50/sf
g/ 5 ambulances
h/ 3 buses

The total medical care facility outlined in Table 5 would cost $3,117,000 to build and $1,551,000 to equip (a total of $4,668,000). Annual operating and maintenance cost would be approximately $5 million. The Committee supports the concept of the integrated facility. However, testimony at the hearings has led the Committee to believe that the first priority must be given to the special needs identified, i.e. obstetrics, dialysis, alcoholism and diabetes-related problems. The feasibility study did not address these specific items, but the cost of the hospital and cost of the Live-in center will approximate the facilities to address these needs. Thus, the cost for construction and equipment would be $819,000. Annual operating costs would be $1,773,000.

Further analysis would reveal the benefits that would offset the costs. Jobs would be created for Tribal members. Contract costs would be significantly reduced. Special needs would also be met. For example, for as little as

$30,000, portable dialysis machines could be set up that would eliminate the need for patients to travel off reservation for such care.

According to testimony provided by the Three Affiliated Tribes' Chairperson, Alyce Spotted Bear, before the Select Committee on Indian Affairs Oversight Committee on February 18, 1986, Fort Berthold has the highest death rates for diabetes, alcoholism and cardiovascular disease in the Aberdeen Area.

The Committee believes the high death rates are due in part to the available health facilities. Construction of the hospital and live-in center would be a good start on the medical center and would help to reduce the above death rates. Construction of a hospital would produce 25 additional beds which, on a state-wide basis, are not needed, according to North Dakota State Health Department personnel. About 800 to 2,000 empty hospital beds are available in the State on any given day. The problem is not one of facilities, but rather, one of the distribution of the facilities.

The State has worked with the Three Affiliated Tribes in the area of alcoholism treatment with varying degrees of success and failure. The problem seems to be administrative. The State is reluctant to commit State money on a Federal Indian reservation because the State has no contract or authority on the reservation.

The State, however, has the personnel, administrative machinery and expertise to assist the Tribes in alcoholism-related problems, as well as other areas, if a satisfactory agreement among the Three Affiliated Tribes, Federal government and State could be reached. The detoxification center, for example, needs to be an installation where people can be placed for the short term (1 or 2 days) while going through the detoxification process. During this period, paramedic-medics and nurses need to be available to handle the medical emergencies that arise during detoxification. After this period, the patient needs to enter a longer period of care which includes counseling.

Plans, methods, expertise are available from State and Federal agencies at a relatively reasonable cost given the magnitude of the problem. The same can be said of the other specific health problems on the reservation, i.e. diabetes, dialysis, obstetrics. The Committee believes it would be simple to concentrate on these problem areas and develop a reasonable facility to deal with them.

b. Bridge At Old State Highway Route 8

Prior to the construction of Garrison Dam, the transportation network on the Fort Berthold Reservation consisted of over 70 miles of State, County, and BIA roads. Eighty percent of this network was located in the Missouri River bottomlands and was lost due to flooding. There were also two bridges across the Missouri on the historic reservation which made access to either bank of the river possible on the reservation without travelling great distances. One of these bridges was centrally located at Elbowoods, and the other was located on the northern end of the reservation near the old town site of Sanish.

The construction of Garrison Dam had a significant negative effect on the road system of the Fort Berthold Indian Reservation. Agency and Tribal headquarters were located at Elbowoods which was located in the center of the reservation. Elbowoods was easily accessible from the entire reservation by a bridge crossing the Missouri River at Elbowoods.

When Elbowoods was inundated, both agency and Tribal headquarters were moved to the northwest corner of the reservation. Both offices are now a long distance away for many Tribal members. The only way to reduce the distance is a crossing of the reservoir at or near the old site where State Highway 8 crossed the Missouri River at Elbowoods. The North Dakota Department of Highways collected traffic data in 1949 for State Highway 8 on the Fort Berthold Indian Reservation. At the bridge on State Highway 8 over the Missouri River near Elbowoods, the annual 24-hour average traffic flow was 75 vehicles. Between Parshall and Elbowoods, the annual 24-hour average traffic flow ranged from 200 to 300 vehicles, whereas, the annual 24-hour average traffic flow between Elbowoods and Halliday ranged from 75 to 158 vehicles.

Traffic flow data in 1985, for the extant parts of State Highway 8 north of Lake Sakakawea (current State Highways 37 and 1894), indicate an annual 24-hour average traffic ranging from 900 vehicles near Parshall to 130 vehicles about 13 miles west of White Shield. In 1983, the average daily traffic on State Highway 8 near Twin Buttes ranged from 260 to 380 vehicles. The annual 24-hour average traffic flow on State Highway 23 within the Fort Berthold Indian Reservation ranged from 235 to 355 vehicles in 1949 and from 600 to 2,575 vehicles (New Town area) in 1985.

It is difficult to use these data to predict traffic flow that would occur on a bridge that would span the reservoir at the Old State Highway 8 site. Annual 24-hour average traffic flow in 1949 at Elbowoods and the New Town areas can be compared. In 1949, the annual 24-hour average traffic flow at Elbowoods ranges from 200 to 300 vehicles, whereas in the New Town area, the annual 24-hour average traffic flow ranged from 235 to 355 vehicles. State Highway 8 near Elbowoods had approximately 85 percent of the traffic as New Town area. If that same proportion were applied to the 1985 New Town area data (600 to 2,575 vehicles per day), the traffic count at a bridge crossing would range from 500 to 2,200 vehicles per day.

The North Dakota State Highway Department has estimated the cost of building a bridge across Lake Sakakawea above the inundated part of old State Highway 8 to be about $60,000,000.

c. Indian Boarding School Facilities

Prior to the construction of Garrison Dam, the student population of Fort Berthold numbered 861 and was divided among seven day schools and one high school with dormitory facilities located at Elbowoods. Some Tribal children were also educated off reservation in Bureau of Indian Affairs boarding schools or church-administered educational facilities.

The taking act fundamentally altered the shape of Indian education on the Fort Berthold Reservation. The Tribal children could no longer be educated in BIA-operated day schools or in a reservation-wide high school. Because of the

forced dispersion of the Tribal population throughout the various segments of the reservation, a new education delivery system had to be designed. Eventually, three new elementary and high school facilities were built at White Shield, Mandaree, and Twin Buttes. Cooperative agreements were signed by the BIA with three public school districts to enable Indian students to be served by those facilities. These facilities now serve approximately 800 Tribal Indian children. Ninety-seven Tribal children are presently being educated off-reservation.

The three public schools with which the BIA contracts are in Halliday, Parshall, and New Town. These three schools serve a total student population of 1,183. Indian enrollment is 457 and non-Indian is 726. Indian enrollment at the BIA day schools is 351. There are also 14 non-Indians enrolled at the day schools.

The Tribes' position is that dormitory facilities should be constructed to accommodate 97 Tribal children that now must leave the reservation to attend school at Wapheton, Flandreau, Chemawa, Pierre, or Marty. The boarding facilities would not be for children in either the public or day schools.

The actual location and number of dormitories would be subject to further Tribal consideration. The cost will depend primarily on number of students and not on the number of dormitories or location. Facilities for approximately 100 students is needed. Dormitories require 200 square feet per student and cost approximately $95 per square feet. Thus:

100 students x 200 sf/student = 20,000 s.f.
20,000 s.f. x $95/s.f. = $1,900,000

Based on the above calculations, approximately $2,000,000 is required to construct boarding facilities for those students now leaving the reservation. There would be no reduction of students in the existing public or day schools. There would be no reduction in State or Federal benefits to those schools presently in existence. There would, however, be a reduction in the Federal support per student to those boarding schools now attended by Fort Berthold students.

d. Off-Highway/Homesite Access Roads

Prior to the construction of the Garrison Dam and the subsequent flooding of the reservations' bottomland, most of the Fort Berthold Reservation population resided in the bottomland with relatively close access to the existing road system. Most of the Fort Berthold population were relocated at homesites on their existing upland allotments, often located long distances from the new highway system. These allotments were forced upon the allottees by the Bureau of Indian Affairs 30 years earlier. Little thought was given to future transportation needs.

A study initiated by the Tribal business council's transportation Committee and the Bureau of Indian Affairs indicated that 269 off-highway/homesite access roads need some degree of rebuilding or new construction. The current state of the off-highway/homesite access roads arises from cross country

trails to semi-finished roadways. The lengths of these access roads range from 1 to 3 miles. Impacts caused by this lack of adequate off-highway/homesite access roads include:

1. Costs for the maintenance, repair and replacement of school buses, are subtracted from funds for direct education service,

2. Buses cannot travel on the access roads in severe weather, resulting in increased absenteeism rates and/or additional expense for low-income families to transport children to school,

3. Cost for the maintenance, repairs and replacement of personal vehicles increase and are dehabilitating for low-income families,

4. Seeking employment opportunities or maintaining continual employment is difficult, and

5. Delivery of Tribal government and other agency services (health, medical and emergency services) are affected, at times requiring 4-wheel drive vehicles.

The Committee recognizes that the relocation process was not finished through the completion of off-highway/homesite access roads. The Federal Government then has the responsibility to provide the funds to complete the construction of the off-highway/homesite access roads.

e. Repair And Replacement Of Inadequate Housing

As documented in item 9 and elsewhere in this report, the creation of Lake Sakakawea forced the move of 420 families. These families had to move from the protected environment of the river bottom to exposed uplands. Most house in the river bottom were of log construction and heated by wood burning stoves. Fuel was plentiful and free and most house were protected from the elements by trees and topography.

The move to the uplands forced these families to live in an unprotected environment in poorly built, poorly insulated houses that were heated by electricity. Because of the location and construction of these houses and the lack of preferential power rates, winter electrical bills are exorbitant. Testimony was presented that documented electrical bills as high as $400 to $500/month during the winter.

The Secretary has an opportunity to weatherize, repair and replace housing, using today's technology, that would make the reservation a show-case. Energy efficient architectural design, proper insulation and preferential power rates could result in prototype housing that would be emulated by both Indian and non-Indian housing projects in severe climates. This would contrast with the usual perception of Indian housing as sub-standard.

There are a number of ways to attack this problem from direct Federal funding to gradual development through the infrastructure development fund described in item 9.

In any case, the housing problem should be immediately addressed by the Federal Government since the present situation was caused by a Federal action.

Item 8. Preferential Rights to Pick-Sloan Missouri River Basin Power.

The Three Affiliated Tribes are entitled, as a statutorily recognized preference customer, to an allocation of low cost Pick-Sloan hydro-electric power sufficient to meet their domestic and municipal needs. It is clear that the Tribes, under Section 5 of P.L. 534 and P.L. 437, have a preference right to such power on the same basis as local government and similar entities. However, the Tribes' case for such power is even more compelling than that of the ordinary preference customer.

The legislative history of P.L. 81-437 reveals that the Three Affiliated Tribes and their members relied heavily on the readily available coal and timber on the historic reservation as the source of fuel for domestic purposes. That same legislative history further confirms that Congress recognized the Tribes' historical reliance on these fuel sources and required that some alternative source of energy to replace that lost by the building of the Garrison Dam. The substance of the Federal promise contained in the legislative history of P.L. 437 obligated the Secretary of the Interior to make available low-cost hydro-electric power from the Garrison Dam Project to the Tribes. This promise is documented in a statement taken from page 11 of House Report No. 544; "Reservation of Garrison Electric Power.--One of the important measures which can be used to promote the rehabilitation of these displaced people is the setting aside for their benefit of a block of power from the power development at the Garrison Dam. The fact that the 155,000 acres of land being taken from the Fort Berthold Indian forms an integral part of the reservoir required in the development of the electric energy at Garrison Dam, and the further fact that the advancement of the new communities which the Indians must establish will depend to a substantial degree upon the availability of low-cost hydroelectric power, amply justify such a reservation."

The plain language of Section 14 of P.L. 437 reinforces this Committee's conclusion that the Tribes were promised the delivery of such low-cost hydro-electric power at prevailing preferential rates. Section 14 not only recognizes the Tribes' status as a preference customer but also extends the benefits available under the Rural Electrification Act, 7 U.S.C. 904, et seq., to the Tribes.

The Western Area Power Authority (WAPA) recognizes that the Tribes are entitled to preference power to meet their domestic and municipal needs. However, certain practical issues in achieving the delivery of the power to the Tribes must be addressed.

WAPA, the Federal marketing agent for Pick-Sloan Power, has already allocated its entire block of preference power to eligible customers under its 1985 marketing plan. The Tribes, even as a recognized preference customer, would not be able to receive its requested allocation until the year 2000, the date for WAPA's next marketing plan. Therefore, the Secretary, to provide preference power now to the Tribes, would have to obtain legislative authority to withdraw some of the reserved Pick-Sloan Power set aside for the project

purposes to meet the Tribes' needs. Further, the Secretary would have to provide a distribution system to deliver that power to the Tribes or he would have to authorize a third party transmission contract whereby the preference power could be wheeled out of the project through existing transmission lines and delivered to the Tribes. As of now, relatively little Pick-Sloan power, about 100 megawatts, is used for project purposes.

There is a great need for the preference power promised to the Tribes. Statistics show that electric utilities costs absorbed a large share of the income of the Tribal members and the Tribal government. This preference power was promised to the Tribes as the basis, in part, for their agreeing to remove from their historic homelands to make way for the Garrison Dam. It is recognized that much of the benefits gained from the Garrison Dam, especially cheap hydro-electric power, has come at the expense and sacrifice of the Three Affiliated Tribes. Yet, the Tribes do not benefit from the dam or the power. If the Tribes are to ever attain some degree of economic self-sufficiency, preferential power rates are essential.

Item 9. Additional Financial Compensation

The Three Affiliated Tribes are entitled to the substitute or replacement value of the thousand of acres of prime bottomlands that formed the economic base of the Fort Berthold Reservation. This determination is required, and justified, by the express terms of P.L. 81-437 and the takings clause of the Fifth Amendment to the Constitution.

The Tribes by nature and culture, unlike the other Great Plains' Tribes, were a village of agricultural people. Their economic lives, as well as their social lives, were structured around the use of the only remaining bottomlands of their reservation for ranching and farming purposes. This agricultural use of the reservation fulfilled Articles 1 and 2 of the Agreement of 1886, between the Tribes and the United States.

Reports by the Missouri River Basin Investigation group document that the Tribes, by the 1940s, were economically self-sufficient. The bottomlands of the Fort Berthold were characterized in these reports as a "natural factory," or "a productive engine," that provided for all the economic needs of the Tribal members. The bottomlands of the Fort Berthold Reservation, as utilized by the Tribal members, made a self-generating economy possible.

Congress recognized that the bottomlands of the reservation represented the sole remaining resource base of the Tribes' economic and social existence. There were no other bottomlands on the reservation where the Tribes could be removed or relocated. Congress, therefore, required the War Department, by Statute, to provide a suitable replacement reservation, called "lieu lands," so that the reservation as a "going concern" could continue. Section 6 of the War Department's Civil Appropriations Act of 1947, known as the Indian Limitation Clause, prohibited the construction of the Garrison Dam until suitable replacement lands were found by the War Department and offered to the Secretary of the Interior as the replacement reservation for the Tribes' lost resource base. These lieu lands were to be equal in quality, and sufficient in area, to compensate the Three Affiliated Tribes for the loss of their lands

on the Fort Berthold Reservation which were to be inundated by the construction of the Garrison Dam.

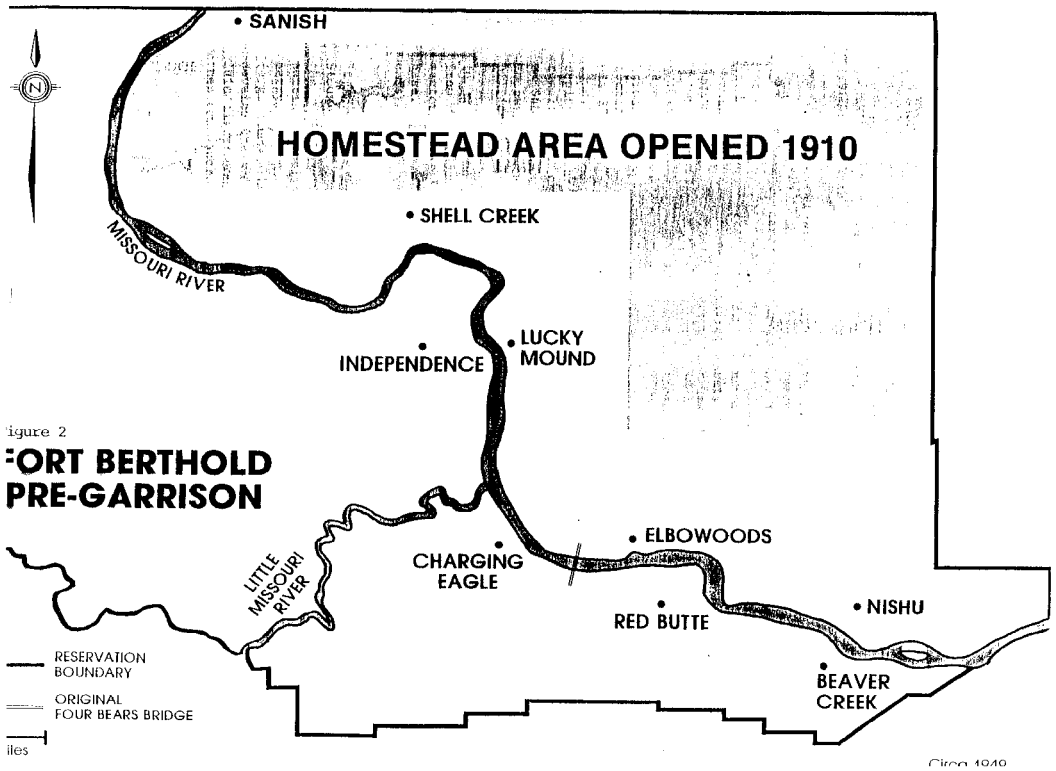
Congress recognized in Section 6 that only the principle of substitute, or replacement, valuation, by way of the replication of the resource base of the Tribes both as to area and quality, would adequately compensate the Tribes and make them whole. The Secretary of the Interior read Section 6 as requiring the War Department to compensate the Tribes on "a replacement cost basis."

Congress recognized that the bottomlands of the reservation represented the only income producing resource base that was sufficient to make the reservation a successful enterprise. Without that resource base, and the incomes it generated, the Tribes would simply be put out of business as an agriculturally viable reservation. The loss of the resource base of any economy is measured by the incomes foregone. North Dakota's right to a water development project, recognized by Congress in the Flood Control Act of 1944, was based on the State's loss of the substantial future incomes that would develop from the thousands of acres of prime bottomlands taken as the site for the Garrison Dam. By comparison, the Tribes lost their entire resource base that had supported their ranching and farming economy. Figures 2 and 3 show some geographical changes on the Fort Berthold Indian Reservation after the filling of Lake Sakakawea.

The War Department, for various reasons, proved unable to comply with the statutory requirements imposed as the basis for the compensation of the Three Affiliated Tribes. Congress, recognizing that "in-kind" value could not be provided, undertook to provide the Tribes with the cash equivalent of their economic base in accordance with the same standard of substitute, or replacement, value. The Congressional purpose in P.L. 81-437 was to accord the Tribes full indemnity value, as against mere fair market value, for the taking of their treaty protected resource base. This intent is clearly reflected in the legislative history of the statute. Congress recognized that the payment of mere fair market value, as if the Tribes were private condemnees, of the reservation lands would be insufficient to allow them to replace their resource base that was taken as the site for the Garrison Dam. This recognition is based on the MRBI reports indicating that the residual lands of the reservation were insufficient to support the replacement of the Tribes' ranching and farming industry. Those reports recommended a complex land consolidation and purchase program, sponsored and paid for by the Federal Government, as the pre-condition for any successful removal and relocation of over 420 Tribal families from the bottomlands of the reservation.

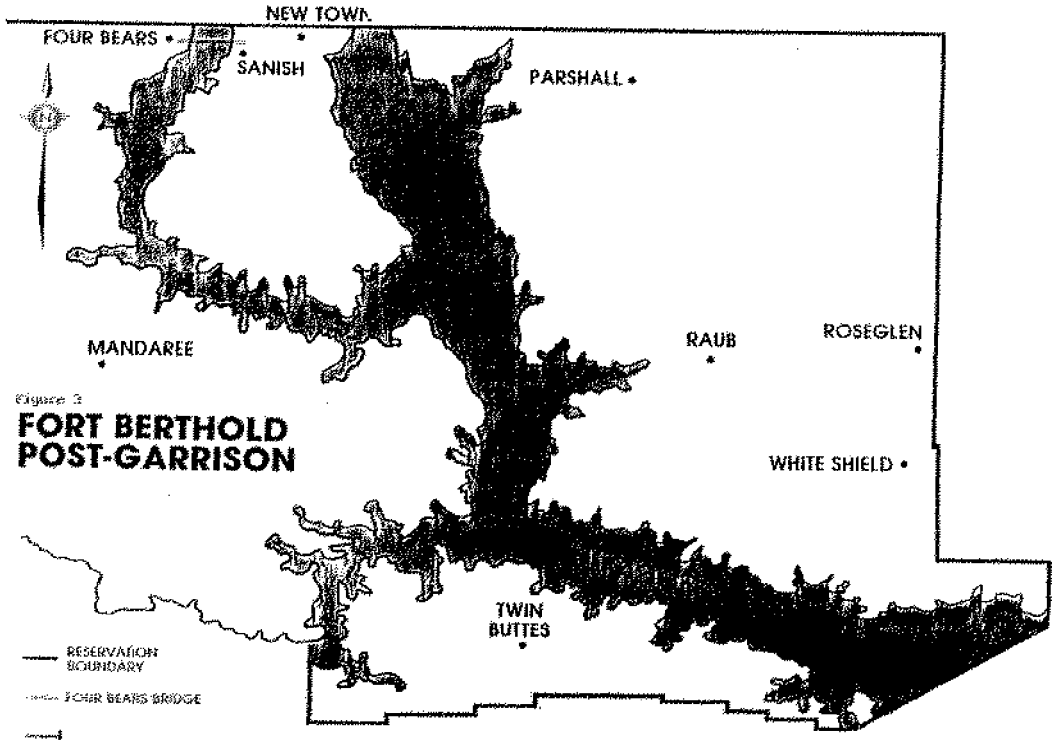
Ultimately, however, Congress failed for to pay the Tribes compensation that accorded with the principle of substitute, or replacement, valuation. The House of Representatives passed its version of H. J. Resolution 33 that called for a cash settlement of $17,105,625 for the taking of 156,035 acres of reservation lands. This amount included $3,000,000 for a Tribal land consolidation and purchase program to assist the Tribes in replacing their economic base.

But $12.6 million was the settlement amount that was offered by Congress, after a conference between the two houses, to the Tribes on a "take it or leave it" basis. By this time, the dam had been constructed and the lake was



igure 2

FORT BERTHOLD PRE-GARRISON


NEW TOWN
FOUR BEARS
SANISH
PARSHALL
MANDAREE
RAUB
ROSEGLEN
WHITE SHIELD
TWIN BUTTES
RESERVATION BOUNDARY
FORT BERTHOLD POST-GARRISON

beginning to form. The Tribes, aware that they were to be removed in any event, and likely left destitute, reluctantly voted to accept the terms of the settlement imposed by P.L. 81-437 on March 15, 1950.

This Committee directed Dr. Ronald G. Cummings, who specializes in resource economics, to prepare a report regarding this issue. His report, entitled "Valuing the Resource Base Lost by the Three Affiliated Tribes as a Result of Lands Taken for the Garrison Project," forms the basis for the Committee recommendations.

Dr. Cummings emphasized in his report that the 156,035 acres of land taken from the Three Affiliated Tribes represented the sole resource base available to the Tribes to carry out the purposes of the Fort Berthold Reservation. He chose to value the resource base by estimating the flow of land based earning or incomes attributable to that resource. This methodology contemplates the exchange of one income producing asset, the Tribes' resource base, with an equivalent liquid asset, or cash, that has the same incomes earning capacity.

Dr. Cummings estimated the flow of incomes produced by the Tribes' resource based by two alternative methods. In the first, he assumes that because the Tribal population was self-sufficient and that the Tribal family had an income comparable to that of the non-Indian family. The median family income in 1950 was $3,319.00. There were 420 Tribal families residing in the river bottoms thus, the income generated to the families was $1.4 million. This figure, if capitalized at 3.5 percent, (the Congressionally mandated rate in 1950), results in a capitalized value, in 1950 dollars, of the Tribes' resource base at $40 million. In 1986 dollars, the present value of that base is calculated to be $178.4 million by applying the Consumer Price Index of 4.46 to the $40 million.

In the second method, he assumes that the Tribes' economic product derived from its resource base paralleled the North Dakota non-Indian agricultural sector. This assumption results in an annual income of $15.3 million to that base. This amount if capitalized, at 9 percent, results in $170 million in capitalized value in 1986 dollars, or $38.1 million in 1950 dollars. (Table 6).

It should be noted at this point that the economist for the Standing Rock Sioux Tribe, Robert McLaughlin, used a different theory in the development of the amount of added compensation. McLaughlin calculated the economic loss by putting a dollar value on income producing items (e.g. timber, wildlife, berry picking, etc.) and adding the value of direct losses to infrastructure (e.g. roads, houses, etc.). This total value was capitalized at .025 to develop the value in 1986 dollars at the time the dam was completed in 1959. This figure was then assumed to be invested at the going interest rate and then compounded yearly to attain the 1986 figure of $342.9 million.

Table 6

1986 AGRICULTURAL INCOMES ASSOCIATED WITH THE TRIBE'S TAKEN LANDS

Activity	Net Returns per acre	No. of Acres In Taken Lands	Total Annual Income To Tribes ($ 000)
Irrigation a/	$194.52	30,000	$5,835.6
Dry Land Crops a/	101.82	41,062	4,180.9
Woodland/Pasture-land b/	61.92	84,973	5,278.5
		156,035	$15,278.0
		capitalized at 9%:	$169,756.0

a/ Leitch, Jay A. and D.E. Anderson, "Impact of Inundation and Changes in Garrison Diversion Project Plans on the North Dakota Economy". Ag, Econ Report No. 127, NDSU, Fargo, March, 1978, pp. 48-49.

b/ "Phase 2 Investigation Irrigation Water Development Plan for Lucky Mound Area", HKM Associates, Billings, Montana, August, 1978, pp. 100 and 101.

This approach is clearly different than the Fort Berthold approach and yields a much higher compensation claim. The Committee believes there is merit in both approaches and cannot recommend one over another. In order to be fair, however, the Fort Berthold theory was applied to Standing Rock and Standing Rock to Fort Berthold. In so doing, a range of values emerge which the Committee believes represent the range of actual damage to the two reservations.

The Committee also makes no recommendations as to how this money should be spent by the Tribes. It is suggested that the final added compensation fund not be awarded in one large sum nor should it be used for per capita payments. One suggestion for Fort Berthold is to create a fund of $42 million. This fund would be used by the Tribes to acquire fractionated heirship lands ($30 million) and make new land purchases for the irrigation projects ($12 million). Lands acquired would be from willing sellers at fair market value. No condemnation or eminent domain would be imposed by the United States.

Another possible use for the added compensation funds is the development of a Bank Affiliated Community Development Corporation. This is a private organization controlled by the Tribes but affiliated with a commercial bank for financial purposes. A proposal offered in testimony by the National Rural Development and Finance Corporation (NRDFC) on behalf of the Tribes suggests a 15 year program with a total investment of $30 million. Their proposal estimates over a thousand jobs to be developed over the 15 year period. NRDFC also proposed a 10 year $70 million program for an Infrastructure Development Trust fund. This allows the Tribes to create jobs while rebuilding their own infrastructure.

Again, these are not recommendations but are offered as evidence that the Tribes are interested in long term economic development. The goal is to achieve the same economic self-sufficiency that existed prior to the dam. It is also evident that the Tribes are not interested in lump sum per capita payments.

The idea that the Tribes should receive added compensation is further enforced by the testimony of Dr. H. Paul Friesma's report on the social and economic impacts of the Three Affiliated Tribes attributable to the Garrison Dam. The adverse effects of the Garrison Dam on the Tribes' existence are now clear and beyond reasonable dispute. Dr. Friesma's report further reinforced this Committee's conclusion that, prior to the taking act in 1949, the Three Affiliated Tribes were a self-sufficient and well integrated society. However, after the taking act, and because of their removal from their homelands, the Three Affiliated Tribes now suffer from high unemployment rates, a dependence on a welfare system for survival, and significant health and social problems. These clear, adverse economic effects on the Tribes are further evidence that the amount of compensation originally awarded the Tribes under P.L. 81-437 in 1949 was grossly inadequate to enable them to replace their economic base that was taken as the site for the Garrison Dam.

Item 10. Other Items Which The Committee Deemed Appropriate.

a. Municipal, Industrial and Rural Water System

The authorized Garrison Unit is basically a single-purpose agricultural plan. However, the Garrison Diversion Unit Commission expanded the overall development plan into other multi-use areas.

The Three Affiliated Tribes agree with this concept because a reservation-wide multiple use rural water system can be used to mitigate several of the impacts experienced by the Tribes from the building of Garrison Dam. Specifically, the Tribes want water supplied to:

1. Allow all residents on the reservation to have a long-term potable water supply;

2. Develop a firm supply of water for the Tribal livestock industry;

3. Enable potable water to be available at recreational access areas; and

4. Develop light industry on the reservation.

The problems with existing water supplies for domestic, municipal, livestock and light industrial purposes are very real. The JTAC staff and Tribes investigated the availability and quality of water on the residual reservation and developed the following conclusions.

1. Approximately 85 percent of the tribal population resided in the Garrison taking area and were relocated to the bench land area. Use had to be made of available water supplies for municipal, domestic and livestock needs.

2. Surface water resources, other than Lake Sakakawea, are sporadic and generally of poor quality for municipal and domestic use.

3. Groundwater sources are typically marginal or below U.S. Public Health Service water quality standards for drinking water.

4. Existing municipal surface water delivery systems to the residual reservation have had problems with delivering a dependable water supply.

5. The tribal livestock industry has been adversely impacted by lack of water supply in the designated grazing areas on the reservation. It is estimated that available water is less than 50 percent of what is needed.

6. Recreation for both tribal members and the general public is hindered by lack of a potable water supply at tribal recreational access sites.

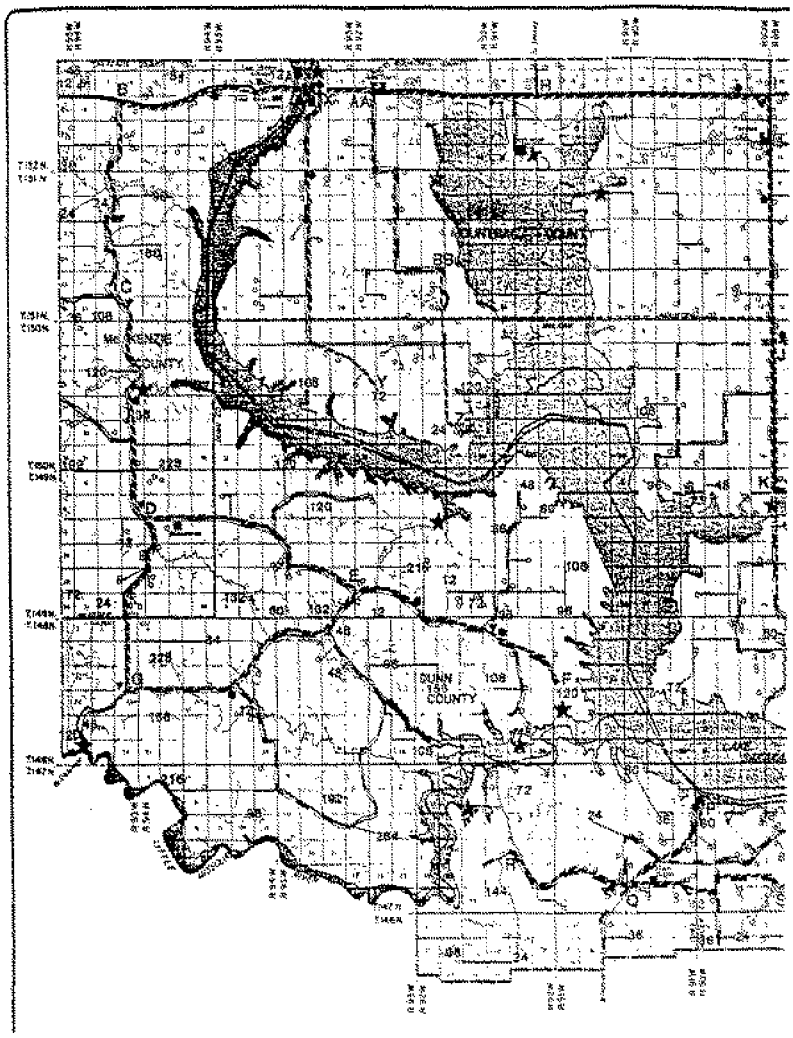
Based on the identified problems and the tribal council's concerns, a multi-use rural water system is required to meet the economic, public health and environmental needs of the Fort Berthold Reservation.

The service area consists of the entire Fort Berthold Indian Reservation including the towns of New Town and Parshall. The system has been sized to provide: domestic water for urban and rural residents, livestock water for water facilities on the range as well as feed lots adjacent to Mandaree and Twin Buttes, and potable water for recreation lake access locations. The overall service plan is presented in Figure 4.

Design flow requirements on a per capita basis were developed for municipal, recreational and rural areas. Stockwater and feedlot demands were estimated on a per head basis. The tribal business council recommended that this plan be based on instantaneous flow being provided to the rural and municipal users. This has major costs ramifications.

The council further wanted the towns of New Town and Parshall included plus a separate intake for the isolated southern segment area. These conditions are required because the Tribes do not know at this time whether New Town and Parshall are being served by the State of North Dakota's municipal, rural and

LEGEND
TRUNK LINES
LATERALS
SS SUPPLEMENTAL LIVESTOCK NEEDS
A PROFILE MATCH POINTS
RURAL RESIDENCE
RECREATIONAL ACCESS AREA
PUMPING STATION
TREATMENT PLANT
RESERVOIR
PRESSURE RELIEF VALVE
McLEAN COUNTY
FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA
MULTI-USE RURAL WATER SYSTEM
HEAM ASSOCIATES
ENGINEERS-PLANNERS
Airport Industrial Park
P.O. Box 31318
Billings, Montana 59107
Branch Offices:
Libby, Montana
Cheyenne, Wyoming
FIGURE
4


MOUNTAIL COUNTY
McKENZIE COUNTY
DUNN COUNTY

industrial water system. In addition, it is unknown whether suitable arrangements can be made to serve the reservation's southern segment from the Southwest Pipeline Project.

The system layout shown in Figure 4 was analyzed to provide appraisal level costs for development of the multi-use rural water system.

One supply/treatment facility was designated to serve both the east and west side segments, including New Town and Parshall. The lake intake would be located adjacent to the east abutment of the Four Bears Memorial Bridge. This intake would consist of a vertical shaft pump well (caisson) with a horizontal intake tunnel/pipe extending out into the lake. Screens would be placed on the intake pipe. Vertical turbine pumps would be placed in the caisson with the discharge pipe being placed along the highway to the main treatment plant located near Sanish.

Treatment of the raw lake water would include clarification, filtration, and disinfection. This is judged to be the minimum treatment required by the U.S. Public Health Service and North Dakota Department of Health. Softening of the water may also be a desired treatment.

A separate lake intake and treatment plant is included to serve the Southern Segment (Twin Buttes area). This system would be very similar to the main intake and treatment plant near Sanish but at a smaller scale.

From the two treatment plants, a system of pipelines, pumping stations and storage reservoirs would be constructed to transmit and distribute water to all urban centers, rural homes, range cattle water facilities, feed lots and lake recreation access facilities. Because of the hilly terrain, a considerable expenditure will be required for pressure reducing valve stations, air release assemblies and pipeline blow off facilities.

For this design, pump stations and supply plants have been sized to deliver the peak summer 24-hour use in a 12-hour period. The flow will be delivered in almost every case into a storage reservoir at a high enough elevation so night time demand, when supply pumps are not running, can flow back from this storage at an adequate deliverly pressure. The reservoir also serves, even when the supply pumps are running, to stabilize delivery pressure at a constant level by making up the difference between the average daily rate from supply and the instantaneous rate of use. In the cases where a storage reservoir is not practical (isolated systems with low demand), a large pneumatic tank facility will be installed to function with the pump for a constant pressure instantaneous rate of flow delivery system that will ensure the same standard of service given where gravity flow from a storage reservoir is provided.

In this system, certain reservoirs can be built of concrete and buried in a hillside at a high enough elevation to provide acceptable distribution pressure when only gravity flow out of this reservoir is supplying demand. At certain other locations, to attain adequate elevation for gravity flow pressure requirements, a stand pipe or elevated tank will be installed. Stand pipes would be above ground steel reservoirs with a height adequate to provide

system pressure. Elevated tanks are commonly used in municipal systems to provide a larger volume of water at system pressure.

Each new reservoir was sized to store a minimum volume of 1 day's use. Total storage provided in the system is approximately 2 day's peak demand.

For all existing towns (Four Bears, Mandaree, Twin Buttes, White Shield, New Town and Parshall), the transmission pipelines will simply deliver water into the existing storage reservoir/distribution system. No enlargement or improvement to this existing systems has been incorporated into project costs. These towns will gain access to additional storage since each will be fed by gravity from new reservoirs provided in this project.

With this arrangement, each town can be handled as a single "customer" buying a water supply which they will store and distribute just as they are presently doing. The project pipelines were designed to provide the peak daily demand to the municipalities with instantaneous demand being met by each town's existing storage.

Pipelines are divided into trunk mains and the lateral mains for service to customers located away from the trunk main routes. Trunk mains have been laid out along major roads for ease of maintenance and access to pump stations.

Costs are estimated at an anticipated mid-1986 level with an estimated Engineering News Record (ENR) Construction Cost Index of 4237. The ENR index should be used to update this cost data beyond 1986. Unit costs used in this study were based on costs developed for the North Dakota State Water Commission Southwest Pipeline Project by Bartlett & West Consulting Engineers and Boyle Engineering Corporation. Costs were also based on HKM's experience on similar projects. Costs for right-of-way acquisition and interest during construction were not included.

Detailed cost estimates for the principal project facilities plus the pipelines, reservoirs, storage facilities, pump stations, and distribution system for each design segment have been calculated. Table 7 is a summary of these cost estimates. Such costs are based on the instantaneous flow design concept.

PVC pipe has been assumed for PR (pressure rated) 160, 200 and 250 pipe. Because of the substantial terrain variations involved, a considerable amount of pipe will need to have a higher pressure rating than PR250. For this study, PR350 and 450 pipe has been estimated on the basis of ductile iron with a polyethylene wrap for protection against corrosive soils. On final design, steel pipe with cathodic protection will also be considered for use where strengths higher than PR250 are required. Pipe made from other synthetic materials and asbestos-cement pipe should also be considered.

Table 7
ESTIMATED COSTS, MULTI-USE RURAL WATER SYSTEM

ITEM	COST
I. PRINCIPAL PROJECT FACILITIES	
A. Water Supply Intake/Pumping Plant	$ 1,975,000
B. Raw Water Main - Intake to Plant	132,600
C. Treatment Plant	5,881,000
D. Contingencies, Engineering, Legal & Admin. Costs	1,997,400
Subtotal	$ 9,986,000
II. PIPELINES, RESERVOIRS, PUMP STATIONS, INTAKE, TREATMENT	
A. West Side of Lake	
1. Pipelines and Incidental Costs	$ 9,674,100
2. Pump Stations	976,250
3. Reservoirs	873,750
Subtotal	$11,524,100
B. South Side of Lake	
1. Pipelines and Incidental Costs	$ 2,678,000
2. Lake Intake and Treatment Plant	3,218,750
3. Pump Stations	125,000
5. Reservoirs	351,250
Subtotal	$ 6,373,000
C. East Side of Lake	
1. Pipeline and Incidental Costs	$23,032,500
2. Pump Stations	1,900,000
3. Reservoirs	1,591,250
Subtotal	$26,523,750
TOTAL COST	$54,406,850

A summary of project costs is presented in Table 8. The estimated total capital cost for the multi-use rural water system is $54.4 million. Appropriate inflation factors should be applied to account for cost increases from the time of the engineers cost estimate to construction. The capital cost was annualized using 3-1/8 percent interest (authorized interested rate for the Garrison Project) and appropriate lives for the system components. Annual operation and maintenance costs were also estimated for the system. Electrical power costs for the pumping plants were calculated using a rate of 7.2 mils. These power costs are included in the operation and maintenance costs.

Table 8
FORT BERTHOLD RURAL WATER SYSTEM
PROJECT COST SUMMARY

1. TOTAL PROJECT COSTS

	East and West System	South System	Total
Project Capital Cost	$48,034,000	$6,373,000	$54,407,000
Annualized Capital Cost	1,973,400	268,400	2,241,800
Annual Maintenance Cost	596,000	244,800	840,800
TOTAL ANNUAL PROJECT COST	$ 2,569,400	$ 513,200	$ 3,082,600

2. PROJECT COSTS PER USER

	Municipal	Rural	Livestock	Total
Population				
East & West System	4,437	4,114	9,796	
South System	177	527	2,792	
Total	4,614	4,641	12,588	
Number of Services				
East & West Side	986	914	319	2,219
South Side	39	117	91	247
Total	1,025	1,031	410	2,466
Demand (MGD)				
East & West Side	1.44	0.77	0.11	2.32
South Side	0.058	0.099	0.031	0.188
Percent of System Demand				
East & West System	62.2	33.2	4.6	100.0
South System	30.8	52.8	16.4	100.0

Monthly Project Costs/Service based on Percent of Demand

East & West System	- Capital	$103.74	$59.73	$23.71
	- O&M	31.33	18.04	7.16
	- Total	135.07	77.78	30.88
South System	- Capital	$176.64	$100.94	$40.31
	- O&M	161.11	92.06	36.76
	- Total	337.75	193.00	77.07
Total System	- Capital	$106.51	$ 64.41	$27.40
	- O&M	36.26	26.44	13.73
	- Total	142.78	90.85	41.13
MONTHLY USER FEE		10.00	10.00	10.00

3. TOTAL ANNUAL USER FEES $ 24,660.00

4. ANNUAL REPAYMENT FROM POWER REVENUES $3,057,940.00

There are a number of design alternatives which should be evaluated to refine this appraisal level design concept. Substantial cost savings could be achieved if one or more of the following major design alternatives are incorporated into the present design concept.

1. A trickle system rather than an instantaneous flow design could be utilized for the multi-use rural water system. Savings could be achieved by: reduced pipeline sizes and pressure ratings, a reduction in the number of major storage facilities, and reduced pumping costs. It is estimated, on a pre-reconnaissance level, that as much as $10-$15M could be saved by use of a trickle system.

2. The isolated Twin Buttes or Southern Segment could be served from the Southwest Pipeline or by a pipeline crossing under the Lake at a narrow point on the Little Missouri River Arm. If this could be achieved, major savings would result in that a separate river intake and water treatment plant would no longer be required for the Southern Segment.

3. If the State of North Dakota develops the New Town Rural Water System, both New Town and Parshall could be deleted from the reservation service plan. This obviously would have major cost ramifications.

The tribal council is reluctant at present to make any modifications to their preferred plan until all the unknowns associated with each of the above design alternatives are addressed.

The Fort Berthold Multi-Use Rural Water should be funded at a level which meets the needs of the Three Affiliated Tribes. Power should be supplied to the reservation at the Pick-Sloan Missouri River Basin preferred power rate. The Secretary of the Interior should be authorized to construct, operate and maintain this rural multiple use water system. It is recommended that the base monthly charge per household not exceed $10.00/month.

B. STANDING ROCK SIOUX INDIAN RESERVATION

Items 1 and 2. Full Potential For Irrigation And Financial Assistance For On-Farm Development Costs.

Irrigation potential and on-farm development costs were developed for two action and four potential sites. They were presented as part of the Tribes final report to the Committee. The two developed sites analyzed were the Fort Yates Unit and the Eagle Unit. The four potential sites are the Little Eagle Unit, located near Little Eagle, South Dakota; the Miscol Unit, located 3 miles west of Bullhead, South Dakota; the Black Horse Unit, located approximately 15 miles south of McIntosh, South Dakota; and the Porcupine Unit, located just north of Shields, North Dakota.

This evaluation is based on the actual on-farm development costs of the two existing sites, Fort Yates and Eagle Unit. These two were established in accordance with a high-tech project cycle which follows a disciplined order of project stages. Each stage must be completed in order to take the next step of development. The first phase, project development, is comprised of five stages. These are: (1) early water, soil and cost surveys, (2) technical engineering analysis, (3) business planning, (4) project design, and (5) construction. The second phase, project management and operation, consist of practices. These are: (1) operation planning and crop budgeting, (2) real time clock management, (3) high tech application and practices, (4) harvest yield checks and market, and (5) evaluation.

The following cost estimation of the four potential sites, is dependent upon the preliminary water and soil surveys and design criteria presented in the Phase III Morrison-Maierle report. A technical engineering and financial feasibility analysis of the proposed sites was beyond the scope of the report.

The cost estimations are the Tribes' best projections based on actual experience with the Fort Yates and Eagle Unit projects and the basic preliminary layouts and specifications listed for each proposed unit in the Phase III report. These cost estimations should, therefore, be considered an early cost survey. Which is part of the first stage under project development. Actual project cost can be expected to vary depending on the end product of the technical engineering analysis and business planning stages.

a. Individual Project Budget Estimation

Individual project estimation budgets were formulated for each of the six units analyzed. The model for these budgets was the engineering estimate made on May 10, 1985, by the project engineers for the Eagle Unit, DeWild Grant Reckert and Associates Company. An analysis of the estimates unit costs for pivots, pipe, and pumps became the basis of projects for the four sites proposed in the Phase III report. For each of the proposed units, a site map with pivot layout and a components listing was provided. This, plus the unit costs for the Fort Yates and Eagle Unit projects, formed the basis of the estimation.

In addition to pivots, pipe, and pumps, other project costs considered essential to high tech operations were estimated. These included remote monitoring and control systems, three phase power distribution line,

construction engineering and observation, and miscellaneous and contingency costs. Morrison-Maierle estimates of the cost of securing three phase power supply were used as the best available estimate for establishing those costs.

Following is a brief description of each project unit and the assumptions utilized in the estimated budget. In the case of the four units projected by the Phase III report, where wheel line systems were proposed, the Tribe has substituted part circle or whole circle center pivot systems. This is based on the assumption that for the sake of efficient management and the requirements of remote monitoring and control systems, project would be composed of center pivot systems only, with cornering systems added if feasible. Although cornering systems have been used in both the Fort Yates and Eagle Unit projects, they were not considered in the Phase III report and so are not included in the budget estimations for phase III sites.

b. Fort Yates Site

The total cost of the Fort Yates Unit to date is $1,075,000 for the development of a total 950 acres of irrigated cropland. The site has eight center pivot systems ranging from 72 acres to 139 acres in size. The pivots operated from a single intake structure located on the edge of the Oahe Reservoir. The intake structures has a 6' diameter steel well with water supplied by a lateral 4' steel intake pipe that extends 500' out into the reservoir at an elevation of 1,580 feet. This, according to Soil Conservation Service engineers and Army Corps of Engineers personnel, would be an 80 percent guarantee of an adequate supply of water. Near the bottom of the well, three pumps (200 HP, 150 HP, and 75 HP) deliver approximately 5,200 gpm to the eight pivot systems. The pivot systems are remotely monitored and controlled through a computer radio control system. This allows for a highly efficient management of power and water resources during the cropping season and provides an accurate record for evaluation purposes. The total cost of the intake structure, completed in May of 1983, was $480,000. The pivots, pumps, and pipes cost an additional $418,000. The following year the remote monitoring and control system became operational at an added cost of $57,000. Four cornering systems and an upgrade of the pumping plan were also added at a cost of $120,000. The total costs of the project to date has been $1,075,000. This represents a per acre cost of $4,132.

c. Eagle Unit

The next unit developed was the Eagle Unit. This unit is located near Mobridge, South Dakota, were U.S. Highway 12 crosses the Grand River. The project is designed to irrigate a total of 1,375 acres with 13 center pivot systems. The intake structure for the project is located approximately 4.5 miles from the main group of center pivots. This added nearly $1,100,000 to the cost of the project, but was necessary to obtain higher quality water directly from the Oahe Reservoir. The intake structure and pumping plant utilize an existing abandoned Chicago, Milwaukee, St. Paul and Pacific Rail Road bridge across the Grand River southeast of the project. The pumps are mounted directly on the bridge with pump intakes located near the lake bottom at 1,570 MSL. Engineering estimates are utilized since the project is still under construction. The total estimated cost for 13 pivot systems, seven of which have cornering systems, is $440,000. Total pipeline cost for the

project is estimated at $1,360,000. The total pump and intake structure costs is estimated at $500,000 and total other costs at $570,000. This equals a total estimated project cost of $2,870,000 for the irrigation of 1,375 acres, which represents a per acre cost of $2,087.

d. Miscol Unit

The Miscol Unit, located approximately 3 miles west of Bullhead, South Dakota, has two sub-units. The unit draws water from the Grand River. The South Bench Sub-unit is described in the Phase III report as consisting of nine center pivot fields. A total of 1,065 acres of irrigated fields are serviced out of 1,164 acres investigated. The pumping lift in the South Bench Sub-unit ranges from 155 feet to 265 feet. The water supply to the South Bench Sub-unit is provided by a single multiple-stage pumping plant. The Valley Sub-unit is the second Miscol Sub-unit. As described in the Phase III report, it consists of 12 pivot center pivot fields and eight wheel line fields. A total of 841 acres of irrigated fields are serviced out of 1,065 acres investigated. The pumping lift in the Valley Sub-unit ranges from 15 to 85 feet. The water supply to each of 11 separate land areas is provided by 11 individual pumping plants. The proposed budget for the South Bench Sub-unit estimates a total cost for nine center pivots of $196,259. Pipeline costs total $97,525 and include valves, pivot connections, and drain stations. Pumps and intake structure costs are estimated at $350,000 and total other costs at $945,483. Total estimated sub-unit cost is $1,589.266.

The proposed budget for the Valley Sub-unit estimates a total cost for 21 center pivots of $304,375. 18,463 linear feet of 8" pipe and 3,375 linear feet of 10" pipe plus valves, pivot connections, and drain stations total $183,465 for total pipe costs. Eleven pumps and pump intake stations with all electrical wiring, controls, structural work and enclosures is estimated at $1,669,300. Total other costs for remote monitoring and controls, electrical power distribution line, construction engineering and contingency are estimated to be $1,099,868. Total estimated sub-unit cost is $3,257,007. Total estimated project cost for the Miscol Unit is $4,846,273 for the irrigation of 1,906 acres. This is a per acre cost of $2,543 per acres.

e. Porcupine Unit

The Porcupine, located near Shields, North Dakota, is located on the Cannonball River. As described in the Phase III report, "The Porcupine Unit consists of eight center pivot fields and three wheel line fields. A total of 457 acres of irrigated fields are serviced out of 1,016 acres investigated. The maximum pumping lift in the Porcupine Unit is 50 feet. The water supply from the Cannonball River is provided by four individual pumping plants, one for each land area."

The proposed budget places the cost of 11 pivot systems at $168,325. Total cost of pipeline, valves, pivot connections, and drain stations if $111,638. Pumps and intake structures cost $614,400. Total other costs are $376,566. The total estimated project cost is $1,270,939 for a per acre cost of development at $2,781.

f. Black Horse Unit

The Black Horse Unit, located approximately 15 miles south of McIntosh, South Dakota, is located on the Grand River. As described in the Phase III report, "The Black Horse Unit consists of four center pivot fields and one wheel line field. A total of 317 acres of irrigated fields are services out of 494 acres investigated. The maximum pumping lift in the Black Horse Unit is 40 feet. The water supply to the Black Horse Unit is provided by three individual pumping plants, one for each separate land area."

The proposed budget calculates the cost of five pivot systems at $101,744. Total cost of pipeline, valves, pivot connections, and drain stations is $51,350. Pumps and intake structures cost $460,000. Total other costs are $831,180. The total estimated project cost is $1,444,274 for a per acre cost of development of $4,556.

g. Little Eagle Unit

The Little Eagle Unit, located near Little Eagle, South Dakota, is located on the Grand River. As described in the Phase III report, "The Little Eagle Unit consists of six center pivot field areas and four wheel line field areas. A total of 477 acres of irrigated fields are serviced out of 796 acres in the land area investigated. Water supply is provided from the Grand River by three pumping stations. The maximum pumping lift at the Little Eagle Unit is 15 feet.

The budget estimation sheet calculates the cost of 11 pivot systems at $215,566. Total cost of pipeline, valves, pivot connections, and drain stations is $162,247. Pumps and intake structures cost $335,000. Total other costs are $292,110.

The total estimated project cost is $1,076,556 for a per acre cost of development of $2,356.

Table 9 compiles the estimates for the six sites analyzed. The total amount of acres analyzed is 5,482 at a cost of $12,583,042 for an average per acre cost of $2,295. Total developed site acres equal 2,325. These acres were developed at a total cost of $3,945,000 for an average per care cost of $1,697.

Table 9

Cost Estimates Tabulation for Six Irrigation Locations

SITE	ACRES	COST	COST/ACRE
DEVELOPED SITES:			
Fort Yates Unit	950	$ 1,075,000	$ 1,132
Eagle Unit	1,375	2,870,000	2,987
Subtotals	2,325	$ 3,945,000	$ 1,697
PROPOSED SITES:			
Miscol Unit	1,906	$ 4,846,273	$ 2,543
Porcupine Unit	457	1,270,939	2,781
Black Horse Unit	317	1,444,274	4,556
Little Eagle Unit	477	1,076,556	2,257
Subtotals	3,157	$ 8,638,042	$ 2,736
Totals	5,482	$12,538,042	$ 2,295

The Fort Yates Unit was the least expensive unit to build because of its proximity to water supply and the ready availability of three phase power at the site. The increased per acre cost of the Eagle Unit is largely due to the distance between the Unit and Lake Oahe and the high cost of providing a three phase power supply. The four units proposed in the Phase III report have a projected cost of $8,638,042 to develop 3,157 acres, which is a per acre cost of $2,736. The cost per acre of the projected sites are on average more expensive because of the preliminary designs use of separate intake structures for each land area in the site. This increases the per acre cost of these units. The cost estimates are also higher for the projected sites because of the expense of securing three phase power in remote locations. Of the four sites, only the Little Eagle Unit has three phase power readily available. This sites, however, are representative of the remaining irrigation sites at Standing Rock.

Item 3. Development Of Shoreline Recreational Potential.

The Tribe, in their final report to the Committee, reference a Planning Support Group Study completed by the Bureau of Indian Affairs in 1974. The BIA visited 31 potential recreation sites along the west side of Lake Oahe and a few inland sites on the Standing Rock Indian Reservation were visited and examined for this study.

In the evaluation for recration potential, particular emphasis was placed on access and site factors and on present and potential recreation use during the period of June through August.

Some of the important access factors include:

* The distance from main highways and settlements,
* The topography and soils along the way, and
* The esthetic view from the road.

Some of the more important on-site factors include:

* The topography and soils,
* The kinds of plants and animals,
* The suitability for additional plantings,
* The presence of surface and underground water, and
* The General esthetic view, where pleasing or otherwise.

These access and site factors determine whether a site is accessible by motor vehicle and whether it is suitable for such things as wells, waste disposal, and various kinds of recreation development and activities.

Practically all of the sites with promise for development are along the shore of Lake Oahe. One of the major limitations to recreation development along much of this Lake is that the level may fluctuate as much as 25 feet or more. Such shifting of the shoreline is more likely on Lake Oahe than on the other reservoirs on the Missouri River because of its special function as a regulatory reservoir.

Considering the constraints, however, there are still potential recreation sites along the west bank of the reservoir. Some of these lie within the taking area, but if recommendations in item 4 are implemented, this problem could be solved. Full development of recreation potential could be an important part of tribal economic self-sufficiency. Thus, it is important to settle the former Indian lands issue and determine the added compensation amount so the Tribe can begin to develop the shoreline.

Item 4. Return Of Excess Lands.

Within the Standing Rock Indian Reservation are large areas of land known as Taking Areas. These lands were acquired by the Army Corps of Engineers (COE) for the Oahe Dam and Lake.

These lands were taken under the authorization of P.L. 85-915, which states in Section 10, "After the Oahe Dam gates are closed and water of the Missouri River impounded, the said Indian Tribe and the members thereof shall be given exclusive permission, without cost, to graze stock on the land between the water level of the reservoir and the exterior boundary of the taking area. The said tribal council and the member of said Indian Tribe shall be permitted to have, without cost, access to the shoreline of the reservoir, including permission to hunt and fish in and on the aforesaid shoreline of the reservoir, subject, however, to regulations governing the corresponding use by other citizens of the United States."

The Standing Rock Sioux Tribe has permitted the lands to Indian and non-Indian ranchers without charging them. Ranchers are allowed to graze the Taking Area without compensation to the Tribe. The Standing Rock Taking Area includes 16,283 acres of usable range land, of which 9,352 acres are in the range units. These 9,352 acres can support 4,464 AUM's annually at a rate of $5.00 and $7.00 per AUM. The Tribe is losing approximately $22,320 annually on the 9,352 acres. Similar figures are supported by the Inspector General's Report of March 1985.

Although the IG Report states that Standing Rock leases land without charge, it does not state that this is mandated by P.L. 85-915. What was meant to be a privilege and a treaty right serves as a detriment, by not allowing the Tribe to require compensation for grazing.

In addition, there are landowners who have requested that cattle operators who are leasing these lands be removed. The Tribe must lease these lands, at no costs, to both Indian and non-Indian cattle operators. Former owners know they have a right but the COE does not uphold this provision. The Standing Rock Sioux Tribe could benefit by applying its tribal grazing regulations at $5.00 and $7.00 per AUM.

In addition, to the loss of grazing revenues there are former Indian lands that are excess to COE project administration needs, according to a 1985 GAO report.

In July 1982, the COE identified 35,000 acres of unneeded land in response to the President's February 1982, Executive Order 12348 asking Federal agencies to report real property no longer needed to meet agency objectives.

At five projects, GAO identified an additional 16,682 acres which are not being used for project purposes, including 16,002 acres being leased for farming or grazing. The COE did not consider this land for possible disposal because most of it is occasionally flooded. GAO believes this land could be offered for sale, if it meets other Federal requirements such as environmental considerations, with easements that give the Government the perpetual right to flood the land and prevent incompatible development.

GAO is, therefore, recommending that the COE revise its land excessing policy to not automatically exclude for possible disposal land which is occasionally flooded and on which the government's interests can be fully protected through the use of easements.

The COE only lists other Interior agencies. There is no mention of Indian lands or there is no policy for Indian lands.

Most land would be considered for exchange to consolidate larger tracts, gain public access to other tracts and acquire lands with greater public resource value such as land along major river drainages and reservoirs.

Item 5. Protection Of Reserved Water Rights.

The Secretarial charter to the Committee asked specifically for recommendations to protect the reserved water rights of the Standing Rock Indian Reservation. It is important to note that the charter does not direct identification, quantification, or adjudication of reserved rights. Adjudication of water rights requires a forum. Thus far, neither North Dakota nor the Standing Rock Sioux Tribe have expressed the desire to adjudicate the reserved water rights of the Standing Rock Indian Reservation. In addition, the Tribe has expressed no desire to identify or quantify their water rights.

Given those constraints, the Committee can only recommend an approach that will protect at least part of the reserved water rights. The Committee believes this report is not the proper vehicle for an exhaustive legal review of reserved water rights. It seems reasonable to the Committee, however, that Standing Rock has reserved water based on U.S. v. Winters. The United States Supreme Court has ruled, to the satisfaction of most, that reserved water rights can be adjudicated in State Courts. It also appears that Indian water rights are increasingly being subjected to rather stringent standards of quantification, most notably practicably irrigable acres.

The practicably irrigable acre has been applied in attempt to quantify potential future uses. Water uses in place at the time of adjudication are generally considered by the courts to be feasible and practical. Thus, it appears advantageous to the Tribes to develop systems that efficiently use water in an amount necessary to operate the project. The Committee believes that the construction of the irrigation projects discussed in item 1 and the municipal, industrial and rural water system discussed in item 10 would use water in a practical manner. It can be argued, then, that this water use is part of the Tribes' reserved right and would be awarded in any future adjudication.

In addition to obvious economic benefit of the irrigation project and water system, it has the added benefit of using, thus protecting, reserved water rights. This de facto identification of part of the reserved water right will result in future dollar savings in the adjudication process. This benefit could be estimated and included on the benefit side of the irrigation project and the water system.

Item 6. Funding Of All Items From Garrison Diversion Unit Funds.

The Garrison Unit authorization bill (HR1116 of the 99th Congress) does not provide adequate funding to fully fund all water related projects at Standing Rock. The Secretary has sufficient discretion to channel some GDUC funds into the development of both the irrigation project and the water system. The Secretary should seek authorization to complete the funding for these two projects.

Item 7. Replacement Of Infrastructure Lost By The Creation Of Oahe Dam And Lake Oahe.

Robert McLaughlin, consulting economist to the Standing Rock Sioux Tribe, in his report to the Committee lists the following as direct losses to the infrastructure:

190	domestic water system
50	ranch water system
55,944	acres of land
22,000	acres of riverbed
95	miles of main road
24	miles of private road
190	housing units
3	rodeo arenas
2	race tracks
3	sawmills

The Committee, however, believes that compensation for these items is covered in item 9, Additional Financial Compensation. This is based on the tribe's report to the Committee (Analysis of Economic Loss, by Robert McLaughlin) that uses the above losses in the equation to compute Additional Financial Compensation.

Item 8. Preferential Right To Pick-Sloan Missouri River Basin Power

The Committee heard testimony that the Tribe was promised access to low cost power for their various needs. Currently, the Tribe is entitled to preferential power from the Pick-Sloan System for irrigation purposes under P.L. 97-273; however, the Tribe desires preferential power for municipal and industrial usage as well. The Tribe maintains that it is entitled to 250 megawatts of power from the Pick-Sloan System.

Furthermore, the Tribe maintains that they are entitled to receive a substantial percentage of the power revenues generated by Oahe Dam, perhaps as much as 50 percent. They base this argument on the premise that they would not have given up their homelands without receiving a substantial percentage of the benefits accruing from Oahe Dam. On analogy presented in testimony was that "if a Rockefeller had owned the land, he would not have given it up without bargaining for a share of the profits from the power revenues generated by the waters that flooded his land." While the committee does not pass judgement on these claims, the committee recognizes the Tribe has preference right to power on the same basis as local governments.

Item 9. Additional Financial Compensation

Both Tribes were given the opportunity to develop a process by which the Secretary could determine additional financial compensation due the Tribes as a result of dam construction. Both Tribes elected to hire an economic consultant. The Fort Berthold approach is discussed in Section III.A.2. Standing Rock hired the Robert McLaughlin Company to determine their economic loss.

The McLaughlin Company (RMC) approach, described in detail in his report "Analysis of Economic Loss Resulting From Lands Taken From the Standing Rock Sioux Tribe for the Oahe Dam," differs significantly from the approach used at Fort Berthold. The history of Standing Rock is similar to Fort Berthold in that the Tribe had no choice in their move and were not compensated at anywhere near the amount the tribal land was worth.

RMC uses January 1, 1959, as a base price year for determining reservation economic losses. Direct damages are based on 1958 prices, the year that the United States offered a settlement as compensation for the losses suffered by the taking of the best tribal homelands. The prices used in this analysis have been adjusted, both forward and backward, to base year prices utilizing the appropriate consumer or producer price index published in the Economic Report of the President for 1985.

Calculations of indirect damages or resources foregone establish an annual loss value. This value is then capitalized to determine the total present value of the loss as of January 1959.

RMC finds that the capitalized value of resources foregone in addition to the direct damages to land and infrastructure approximates just compensation at the time of the taking in 1958. This was the format developed by MRBI economists in 1954 and the one utilized to determine the United States' offer as provided in P.L. 85-915. Allowance is then made for the compensatory payment actually received by the Tribe. The remaining amount of shortfall in compensation is then brought forward to the present. This is done by utilizing the actual yearly fluctuation in the interest rate for 6-month treasury securities since 1959, resulting in a contemporary value compounded annually.

The process of capitalization normally focuses on annual net returns in order to arrive at a capital value. If a real estate investment is being valued, the expected net return (gross revenues minus all expenses) is the amount capitalized. In calculating certain resources foregone, however, one must consider the opportunity cost of the labor input that is foregone. This means that in the areas of timber, natural produces, and wildlife, the reservation net product loss is the total product value of those resources.

On the other hand, net product plus labor is utilized in determining values for crop and livestock production and irrigation potential. Unlike natural products directly used by residences of Standing Rock, other inputs are required in producing agricultural product besides labor. Costs of production for seed, fertilizer, machinery, interest, feed, medicines, and depreciation must be taken into account before considering the net value of reservation product foregone. These inputs represent, for the most part, external inputs and are not considered in determining economic loss at Standing Rock.

a. Resources Foregone

(1) Timber Loss

The river bottomlands along the Missouri that were inundated by the flooding of the Oahe reservoir contained 75 percent of the timber lands and 90 percent of the commercial timber at Standing Rock. The timber was directly utilized by residents of Standing Rock in several ways. Logs for construction were

processed by several local sawmills and by hand. Poles and posts for building fences and corrals were obtained from the timbered lands and cordwood provided fuel for cooking and heating. The timberlands provided shelter for families and their livestock from the extremes of Dakota winters and summers and provided a habitat for wild game and produce that made up a large part of the resident's diet.

A study done by the North Dakota Agricultural Economics Department in April of 1962 estimated the per acre net merchant volume of timber in the taking area to be 5.773 mbf per acre. In a timber cruise completed in August 1951, the Missouri River Basin Investigators determined the total number of woodland acres at Standing Rock to be 14,999. This means that the total net commercial volume of timber at Standing Rock at the time of the taking is an estimated 81,996 mbf.

This stand of timber was being harvested by local residents for fuel, fencing and construction needs. Several local sawmills were operating at that time and a potential for additional commercial production of sawed timber existed. Total utilization of wood was 643.8 mbf saw timber, 526.38 mbf fence posts and poles, and 2377.6 mbf of cordwood.

In comparing MRBI 1954 prices with advertisements in the local Sioux County Pioneer Arrow, the MRBI unit price estimates are a fair reflection of the use value of timber products. Adjusted to 1959, these values result in saw timber at $72.36 per mbf, fence posts at $86,40 per mbf, fence poles at $108,00 per mbf, and cordwood at $48.60 per mbf. This gives a total annual harvest value of commercial timber products of $209,176.

With a 90 percent loss of the commercial timber at Standing Rock, the benefit from this renewable resource is forever lost and today there is no commercial forestry enterprise at Standing Rock. Elimination of consumer surplus would have caused the price of commercial timber products to rise on a per-unit basis by approximately 50% in 1959. An average increased price of $120 per mbf represents the consumer surplus loss for these goods being permanently removed from Standing Rock. The surplus lost to local consumers amounted to $46,863 for this commodity. The estimated increased cost of cordwood represents not only the direct loss of a source of available fuel for heating and cooking but also the lost surplus of shelter provided by the timber lands. Elimination of consumer surplus would result in a price increase of 100 percent of cordwood. The surplus lost to local consumers amounted to $115,550. The total consumer surplus loss for all timber produces harvested is $162,413.

The annual fair market value for timber product lost is $209,276 and the annual consumer surplus loss is $162,413 for a total annual timber product loss of $371,690. Capitalized at .025, the value lost is $14,867.581

(2) Natural Products

The timber lost to the inundation created corresponding losses of natural products that were dependent on the woodland environment. To the residents of Standing Rock, these natural products were an irreplaceable source of nutritional, cultural, recreational, and spiritual value. Wild fruits such as plums, june berries, grapes, and buffalo berries are in short supply today.

Many species of natural vegetable and medicinal products can no longer be found locally because of the loss of the environment they were dependent upon. The Standing Rock settlement bill, H.R. 5608, set the value of the annual harvest of these products at $20,000. At an average price per bushel of $3.50 in 1955, the average quantity harvested would be 5,714 bushels of natural products. Processed primarily by drying and some home canning, this would represent 140 pounds of dried fruit per year per family for the 408 families at Standing Rock who were utilizing these resources.

With the loss of 75 percent of the woodland area at Standing Rock, this valuable commodity was almost completely lost. Today the wild fruit that does exist is not available at all in some years. This is a result of exposure to weather extremes on the upland prairie areas that can completely destroy all the fruit available in that season.

The value of this commodity locally has risen on a per unit basis by approximately 300 percent as a result of this loss. An average increased price of $15.12 per bushel represents the consumer surplus loss for the decreased availability of this good as a result of the flooding. The fair market value of the product lost to the reservation was $20,000 and the surplus lost to local consumers amounted to $64,800, for a total yearly economic loss for this commodity of $84,800 adjusted to 1959 prices. Capitalized at 2.5 percent this gives a total value of $3,392,002 for the natural products lost as result of the impoundment.

(3) Wildlife Losses

As a result of the loss of timberlands and natural products the big game, upland game, and fur game resources of the reservation were also decimated. A. U.S. Fish and Wildlife Service survey estimated the value of wildlife in the taken area of Standing Rock to be $60,300, based on 1936 to 1944 prices. The value of the annual harvest of these products was estimated in 1950 by the Standing Rock game conservationist of the Bureau of Indian Affairs to be $86,160. At an average annual use of 500 pounds of meat per family, this would amount to 208,000 pounds of meat per year by an estimated 60 percent of the families at Standing Rock that made use of the taken area woodlands. RMC beliefs this estimate is probably conservative, as the Missouri River bottomlands were a prime habitat area for all species of game. At an increased average 1959 value of $.54 per pound for all types of meat, dressed weight), the annual average harvest could be valued at $112,320. With an additional $8,748 estimated by the Fish and Game Service as the value of the fur bearing game in the taken area, the total annual harvest value of wild game from the taken area can be estimated at $121,068.16.

The inundation, however, radically altered game habitat and removed game and its accessibility from inhabited areas. The resulting decrease in game populations locally and their accessibility resulted in an estimated increased cost to residents at Standing Rock of 100 percent. An average increased price of $1.08 per pound of meat and $26.24 per fur animal represents the consumer surplus loss for the decreased availability of this good. The fair market value of the product lost to the reservation was $121,068 and the surplus lost to local consumers amounted to $116,694, for a total yearly economic loss for this commodity of $237,762 adjusted to 1959 prices. Capitalized at 2.5 percent this gives a total value of $9,510,480 for the wild game products lost as result of the impoundment.

(4) Agricultural Losses

The bottomlands flooded by Oahe represented the most productive agricultural lands on the reservation in 1959. According to North Dakota agricultural statistics published by the NDSU Department of Agricultural Economics, net returns/acre in 1959 averaged $5.08.

Of the 55,944 acres of reservation land taken by the project, 54,302 acres were classified as agricultural lands. Subtracting 14,419 acres of timbered lands and 1,379 acres of crop land, 38,724 acres of land were available for livestock use, primarily in cow/calf operations. At an average of one cow/calf unit per 20 acres, 1,936 cow/calf units could be supported by the lands taken. Cow/calf operations typically average an 84 percent calf birth rate and 68 percent of calves born are shipped to market. At an average 1959 price of $27,60 per cwt and an average weight of 400 pounds, this represents a total annual income of calf production from taken lands of $122,085. Added income from marketings of replacement cattle at an average of 16 percent of the cow herd numbers would yield an additional $65,049, based on an average weight of 1,000 pounds and a 1959 price of $21.00 per cwt. This amounts to an annual gross income from livestock lands of $4.83 per acre. At an average production cost of $2.08 per acre, the net return to the local rancher s $2.75 per acre. This represents an annual economic loss to Standing Rock of $106,490 in 1959. In addition to this production loss, however, is the added loss of consumer surplus as a result of the lost sheltered pasture land and associated increased costs of dealing with a harsher climate on the upland benches. The added production cost in maintaining cattle weights to increase by 30 percent representing a consumer surplus loss of $31,947, for a total economic loss of $138,438.

1,379 acres of acutal crop land were lost to the impoundment. In their 1978, study on the impact of the Garrison project on North Dakota's economy, Leitch and Anderson calculate a return over cost of $31.76 per acre for dryland crops in the taken area. Not included in this net revenue figure are the costs for hired labor of $6.59 per acre. Since hired labor at Standing Rock would be family members, the net product of dryland crops is $38.35 per acres in 1977 dollars. This represents an annual economic loss to Standing Rock of $26,711.

MRBI reported an estimated 7,844 acres of potential irrigation land in the taken area. The Leitch and Anderson study, however, indicates a much larger potential for irrigation in the taken lands. The potential for irrigation of taken lands at Standing Rock is approximately 16,000 acres, or 28.6 percent of the total fertile bottomlands. Leitch and Anderson estimate a net return of $60.38 for irrigated lands in the taken area. This return includes a $12.85 cost per acre for hired labor. Again assuming that hired labor represents an opportunity cost, the net product of irrigated land is $73.23 per acres between irrigated and dryland crops on unundated lands of $34.00. This represents a 1959 dollar value of $17.61 per acres, or an annual economic loss to Standing Rock of $24,284 for the irrigation potential on the dryland cropping acres.

The remaining 14,621 acres of irrigation potential are livestock lands. In 1977 dollars, the net product of irrigation lands including the opportunity cost of labor, was shown above to $73.23 per acre. Adjusting to 1959 dollars gives an irrigation net product value of $36.98 per acre. The difference in

net returns between land utilized for livestock production at $2.75 per acre and irrigation at $36.98 per acre is $34.23. This amounts to an annual economic loss of $500,477.

The total agricultural product loss as a result of impounded lands in 1959 dollars was $689,911. Capitalized at 2.5 percent, this amounts to a total present value loss in 1959 of $27,596,422.

(5) Other Labor

In the calculations of economic loss, the opportunity cost of labor has been included in the product or net product value. This does not account for, however, the opportunity cost of labor utilized in housing and other construction. Families from across the reservation made use of the local timber resources for construction of log homes. RMC estimates that 15 total homes would be built, replaced or substantially repaired during the year. Additionally, labor foregone from building corrals and other timber related construction is included in this category. The yearly economic loss for other labor for related construction activity is $38,000. This amount capitalized at 2.5 percent gives a total economic loss value $1,520,000.

b. Direct Damages

(1) Damages to Water

Supplies of potable water and accessible livestock watering sites were lost in the impoundment. Springs, streams and wells that supplied reliable high quality water were lost forever. These supplies had to be replaced by water of inferior quality at a high cost to local consumers. Currently wells cost approximately $12.00 per foot to drill and must be drilled to an average depth of 200 feet to obtain water that many times has a high mineral content and must be softened or filtered to provide fresh, clear water at a quality close to that which was lost. Current costs for water run approximately $200 per year per household. This represents a cost in 1959 dollars of $55 per household affected. MRBI reported 190 families affected by the inundation. The loss of fresh water to families at Standing Rock can be conservatively estimated at $10,450 per year. In addition to household use, ranchers were required to build dams to collect water for stock. MRBI estimated a one time cost of providing stock watering sites at $1,400. Since stock dams, however, have a tendency to wash out periodically, this cost continues into the future. For the 50 ranches moved this cost could reasonably be expected to average $110 per year for each ranch, at total cost of $5,500 per year in 1959 prices. Total water supply losses of $15,950 per year capitalized at 2.5 percent would equal a $638,000 economic loss for this resource.

(2) Damages to Land

55,944 acres were taken by the Oahe Reservoir resulting in direct damages to Standing Rock. Damages paid to Emmons County properties across the river from Standing Rock averaged $82.60 per acre. Allowing for an average higher value of property improvements made over Standing Rock lands of $15.00 per acre leaves an average price of $67.60 per acre. The average value of an acre of

North Dakota farm land in 1958 was $61.00. RMC estimates the average value of river bottomlands at Standing Rock to be $60.00 per acres in 1958. The total direct damages to land equals $3,356,640. This figure does not include resources foregone over the stream of years of the Oahe project's lifespan.

(3) Loss of River Bed

22,000 acres of riverbed was lost in addition to the 55,955 acres of bottomland. In 1958, the Tribe suggested the value of the riverbed was $133,380, or $6.06 per acre. This figure was not included in the settlement offered by the United States. RMC believes the value of the riverbed to exceed $6.06 per acre in 1959 prices. The present study utilizes the $133,380 figure in lieu of any other available data to determine cost.

(4) Damage to Roads

Ninety-five miles of road from Cannonball to Mobridge and approximately 24 miles of private access roads were lost to the impoundment. Class 3 gravel roads typically used by counties for farm to market roads, cost an estimated $75,000 per mile to construct in today's dollars. Adjusted by the producer price index for construction, this represents a 1958 value of $23,000 per mile. The total value of the main river bottom road is therefore, estimated at $2,185,000. In addition to the main road, approximately 24 miles of private access roads were also lost to the 190 families who were affected by the inundation. The total value for these private roads was calculated on a basis of 1/8 of a mile of road per family at a cost of $10,000 per mile. This equals an additional $760,000 for damages to private access roads.

(5) Damage to Housing

In addition to the direct damages to the land, water, and road system, the replacement hosing that was provided proved to be totally inadequate. The "650" houses, so called because they cost $650 to build, lasted only a few years and had to be replaced. Calculations for direct damages to land, did not include improvements. MRBI and other appraisers did not place much value on the existing housing stock along the bottomlands. The log cabins and frame houses along the river bottom were sheltered and protected by the wood;ands and adequate replacement housing on the treeless prairie would have required a much larger investment per house. Most had garden plots and summer shade structure. The river bottom environment was cool in the summer and protected in the winter and within easy reach of important fuel supplies. The value of housing list in terms of 1959 values is estimated to be $4,000 per unit. This results in $760,000 for housing stock lost to the impoundment.

The Secretary has an opportunity to weatherize, repair and replace housing, using today's technology, that would make the reservation a show-case. Energy efficient architectural design, proper insulation and preferential power rates could result in prototype housing that would be emulated by both Indian and non-Indian housing projects in severe climates. This would contrast with the usual perception on Indian housing as sub-standard.

(6) Other damages

Other direct damages to the reservation were ultimately overlooked by the MRBI, Corps of Engineers and Congress. Three rodeo arenas located in Cannonball, Fort Yates, and Kenel were lost to the impoundment. These are valued at $25,000 each, for a total loss of $75,000. Two race tracks located in Cannonball and Fort Yates were lost, each valued at $15,000, for a total of $30,000. Three sawmills located in Cannonball, Fort Yates, and Kenel, which provided both commercial product and employment, were lost. Each sawmill is valued at $10,000, for a total of $30,000. Finally several monuments were flooded with an estimated value of $3,000.

Total direct damages at Standing Rock as a result of the Oahe impoundment are valued at $7,448,520.

(7) Economic Loss and Additional Compensation

Total reservation product loss was $1,046,310 with a total consumer surplus loss of $375,856, for a total annual economic loss of $1,422,156. Capitalized at 2.5 percent, this equals a total net reservation product loss of $56,886,605. Total direct damages add another $7,448,520, for a total economic loss of $64,335,125.

The settlement received by the Standing Rock Sioux Tribe in 1959 for direct and indirect damages amounted to $5,251,553. This represents only 8.3 percent of the loss caused by the impoundment. Table 10 shows the value in 1986 of the $59,093,572 shortfall in compensation based on actual 6-month treasury security interest rates to be $342,897,374. This amount represents the additional; compensation due the Tribe currently. This additional compensation is now growing annually at approximately $24,000,000 per year. By 1990 the estimated value of the shortfall, at the average 1959-1986 rate of 6.52 percent, will be $441,457,389.

Again, the difference between the Fort Berthold and Standing Rock approach should be noted. The approach used by Dr. Cummings at Fort Berthold is to place a value on the economic base (flooded river bottomlands) and convert that to 1986 dollars. RMC, on the other hand, uses the best information available to place the dollar value on all the components lost to inundation. These values are summed and capitalized to produce a 1959 value. RMC then assumes that this money would be invested and compounded annually to 1986.

Both approaches have merit as explained above. Both also have arguable points. Dr. Cummings equates the median family income in the United States to median family income at Fort Berthold. While he explains the rationale for this choice, some would argue the Indian income at the time was considerably lower than the United States median income.

Annual compounding, as used by RMC, can also be argued. This approach assumes that the entire wealth of the Tribe is banked, and none is used for day to day existence. Also, consumer surplus and shadow pricing may not be considered appropriate by some.

It is for these reasons that the Committee decided to present the range of values to the Secretary.

Table 10

EARNINGS RECEIVED
BASED ON SIX-MONTH TREASURY SECURITY RATES

TOTAL ECONOMIC LOSS	64,335,125
1958 SETTLEMENT	5,251,553
ADDITIONAL COMPENSATION	59,083,572

YEAR	INTEREST RATE	ANNUAL YIELD	INVESTMENT AMOUNT AMOUNT
1959	3.83	2,264,082	61,347,654
1960	3.25	1,991,958	63,339,612
1961	2.61	1,649,997	64,989,609
1962	2.91	1,889,898	66,879,507
1963	3.25	2,175,590	69,055,098
1964	3.69	2,545,371	71,600,468
1965	4.06	2,903,399	74,503,867
1966	5.08	3,786,287	78,290,154
1967	4.63	3,624,834	81,914,988
1968	5.47	4,480,750	86,395,738
1969	6.85	5,920,700	92,316,438
1970	6.56	6,057,805	98,374,243
1971	4.51	4,437,662	102,811,905
1972	4.47	4,591,580	107,403,484
1973	7.18	7,709,422	115,112,906
1974	7.93	9.123,849	124,236,755
1975	6.12	7,605,774	131,842,529
1976	5.27	6,942,828	138,785,357
1977	5.51	7,647,073	146,432,430
1978	7.57	11,087,864	157,520,294
1979	10.02	15,778,808	173,299,102
1980	11.37	19,711,040	193,010,142
1981	13.78	26,589,077	219,599,219
1982	11.08	24,340,377	243,939,596
1983	8.75	21,344,715	265,284,311
1984	9.80	25,997,862	291,282,173
1985	9.00	26,215,396	317,497,569
1986	8.00	25,399,805	342,897,374
1987	6.52	22,356,909	365,254,283
1988	6.52	23,814,579	389,068,862
1989	6.52	25,367,290	414,436,152
1990	6.52	27,021,237	441,457,389

AVERAGE RATE: 6.52

Item 10. Other Items Which The Committee Deemed Important

a. Reservation Water System

Water is the key to increasing the quality of life and promoting full economic development on the Standing Rock Reservation. An adequate supply of good quality water is needed by many of the 8,278 Indians and 3,838 non-Indians living on the reservation. Problems with water quality and inadequately supply are common throughout the reservation and have a detrimental effect on health and quality of life as well as deterring economic growth. The availability of a plentiful and high quality water supply is vital to the health and well being of those living on the Standing Rock Reservation. The level of health and quality of life of the general population is directly related to the quality of their domestic water supply. Many residents currently depend on poorly constructed or low capacity individual wells or have water hauled to underground cisterns. These sources are often contaminated with bacteria or undesirable minerals, provide an inadequate quantity of water, and are costly to maintain and operate.

The Indian communities of Little Eagle, Porcupine, Kenel, Bullhead and Cannonball each depend on one or more wells for their water supply. Fort Yates obtains its water from the Missouri River. Water for Wakpala is delivered by pipeline from a Missouri River source at the site of the Chief Gall Inn some 5 miles distance. The non-Indian communities of Keldron, McIntosh, Morristown, Thunder Hawk, Walker, Watauga, Mahto, Solen, Selfridge, and McLaughlin depend on wells as their source of supply.

Agriculture is the primary industry on the Standing Rock Reservation and the key to the full development of this industry is water. Surface water in small streams, lakes, and dugouts is scattered throughout the area. Surface water, however, is an unreliable year-round supply and generally available only during the wet periods of spring. During drought periods, these sources often dry-up and livestock must be sold or moved off the reservation. Shallow groundwater is scarce and unreliable and deep groundwater, while generally more plentiful, is highly mineralized and of poor quality. This lack of an adequate water supply has also reduced the livestock production on the reservation. The grazing lands cannot be fully utilized and valuable resource is wasted. The lack of stability in the production of feeder cattle also discourages related industrial development such as packing plants, cattle feeding, and canneries.

DeWild Grant Reckert and Associates Company has completed a feasibility study for a water supply system on the Standing Rock Indian Reservation. The water system would supply water for domestic use and for livestock watering.

(1). Hydrologic Setting

Shallow groundwater is not obtainable in much of the Standing Rock Indian Reservation, and where it is found, it often is of poor quality. Surface water, with the exception of the Missouri and Cannonball Rivers, through a valuable and widely distributed resources, is undependable because of scanty and erratic precipitation. Artesian water from deeply buried bedrock aquifers underlies all of the reservation. These aquifers are not, and probably will not, become highly developed sources of water because of the high to very high salinity of artesian water in most of the area.

The best chemical quality and largest volume supply of water available within the reservation is from Lake Oahe, a large reservoir on the Missouri River. Development of some of the more than 16 million acre-feet of annual flow in the Missouri appears to be an attractive solution to water shortages and a boon to economic improvement, particularly for irrigation.

Surface runoff is widely developed through small reservoirs or stockponds. The total capacity of small reservoirs or stockponds on the reservation is estimated to be about 27,760 acre-feet. Approximately 77 percent of this capacity is lost through evaporation each year. The quantity of water in small reservoirs and stockponds is dependent upon the snowmelt and major rainfall events which occur in late spring and early summer. The small reservoirs or stock ponds provide only season water supplies for livestock. In years of extreme drought, these water supplies for stock use dry up.

Shallow groundwater of fairly good quality is available in only a few areas. These are (1) from the Fort Union Formation, (2) where both the Hell Creek and Fox Hills Formations are present, (3) where the Fox Hill Formation is at least 150 to 200 feet thick, (4) in the alluvium along Cedar Creek and the Cannonball River, (5) in the outwash and alluvial fill of buried valleys in northeastern Sioux County, (6) locally on a few terraces, and (7) locally in alluvium along the Grand River. Most future development of shallow groundwater probably will be for stock and domestic wells in the favorable areas. Water quality, of great importance in considering any possible source of supply, is of particular concern for shallow wells because of the ease of pollution from surface sources, the possible high nitrate concentrations, and the known possibility that the water may contain high selenium concentrations where it is or may have been in contact with Pierre Shale.

(2). Water Availability and Use

Surface water is the major water source for the reservation with the Missouri River provides by far the largest part of the surface water supply. Other reservation streams have extremely variable flow patterns and are not reliable enough for a year-round supply. Groundwater is not as abundant as surface water and where available it is usually adequate for only small scale withdrawals. For these reasons, the Missouri River is the obvious source for a reservation water supply system.

Because of the magnitude of flows in the Missouri River (16.2 million acre-feet annually at the downstream reservation boundary) and the large storage volume in the Oahe Reservoir (19.3 million acre-feet), the quantity of water needed for the reservation water supply is plentiful. Water of excellent quality can be delivered to system users, with a conventional surface water treatment plant.

Fort Yates currently utilizes the Missouri River as a water source. A river intake, treatment plant, distribution, and storage facilities have been constructed. The treatment facility is rated at 800 gpm, with a total 20 hour capacity of 960,000 gallons per day. Since the combined water needs of Fort Yates and a reservation water supply system are expected to exceed the capacity of the Fort Yates plant, a reservation supply system will need to expand the Fort Yates plant or construct a new plant at another location. An evaluation of the Fort Yates plant concluded that the expansion of the plant

would be difficult and not economically feasible. Consequently a new raw-water intake point and treatment plant location was selected closer to the center of use for a reservation water supply system. Construction cost estimates were based on these new facilities. Because the Fort Yates facilities will be adequate for the present and future needs of Fort Yates, the new supply facilities will not be sized to include the total present and future needs of Fort Yates but will include some standby capacity for an emergency supply in case of mechanical failure of the Fort Yates facilities. This standby capacity would also provide some capacity to supplement the Fort Yates water needs if future growth exceeds the present capacity of the Fort Yates plant.

Because present water users are not metered, water use was estimated by applying per capita use figures and peak use factors to the populations served. Various sources cite per capita demand rates for municipal and rural domestic water use in different regions and cities throughout the United States. Typically these rates vary from a low of 10 gallons per capita per day (gpcd) for rural homes without a pressurized system to over 400 gpcd for unmetered uses in municipalities in the western United States. Demand rates will vary greatly depending on the number and type of residential units served, the climate, whether the user is metered or not, income levels, and other factors. Water quality will also have an effect on usage. The Missouri River Basin Inter-Agency Committee has estimated that within its study area the average municipal and rural domestic demand rate is 90 gpcd. This demand rate was used in this study.

Using an estimated occupancy rate of five people per residential unit, average day use in a community was calculated using 90 gpcd or 450 gallons per residential unit. Peak day needs were estimated by multiplying average day use by a peak use factor of 2.0. Peak hour flows used to determine pipeline sizes were estimated from a operations data in existing rural water systems.

Peak day livestock water requirements were estimated using 12.0 gallons per day per animal unit. Provided there are 25 cows per section, the figure of 300 gallons per day per section was used for livestock water. Because livestock generally use water during daylight hours, the delivery of daily livestock water needs were made uniformly over a 12-hour period. Average daily livestock needs were estimated to be 75 percent of the peak day needs.

The present water needs for each Indian community were estimated by providing 450 gallons per day per residential unit for each housing unit. The projected population increase for the reservation is from a present Indian population of 8,278 to a year 2020 population of 13,450, a 62 percent increase. Accordingly, future water use was estimated by increase present use by 62 percent.

The present water for non-Indian communities needs were estimated by providing 90 gallons per person per day and using the 1980 Census data provided in the official highway map. For those communities too small to be listed, a population of 30 was assumed and 2,700 gallons per day provided for average day needs. The year 2020 non-Indian population will remain at present levels, future water needs for the non-Indian communities are projected to be the same as present needs.

Thirty-five Indian homesites have been identified. In addition to these, 93 HUD scatter-sites locates throughout the reservation will be served for a total number of 147 units. Applying 450 gallons per unit per day to this number yields a present daily average water need of 58,000 gallons per day and a peak day need of 116,000 gallons. Projected future demands, based on a population increase of 62 percent result in average day needs of 94,000 gallons and peak day needs of 188,000 gallons.

A tabulation and map of range units on Indian lands was provided by the BIA Land Operations Office. The tabulation indicates a total area of Indian Range Units of 624,000 acres. Based on 300 gallons per day per section of range, 292,000 gallons per day were estimated as the peak day water needs for these lands. Average day needs were estimated at 75 percent of peak day or 219,000 gpd. Since the amount of pasture land and the stocking rate is expected to remain as is, future livestock water needs were estimated to be the same as present needs.

The water needs south of the Grand River are outlined in "Engineering Design Report No. 1, State Line Rural Water System," prepared by DeWild Grant Reckert and Associates Company in 1984.

In order to estimate the total water needs for all domestic and livestock needs within the boundaries of the Standing Rock Reservation, an estimate was made of the livestock water needs for pasture land not served as part of Indian Range Units or State Line Rural Water System. This estimate was based on 1980 U.S. Census data.

The 1980 U.S. Census data lists total farm acreage for Corson County at 1,561,000 acres and for Sioux County, 686,000 acres or 2,247,000 acres total. Also listed is cropland of 345,000 acres for Corson County, and 151,000 for Sioux County for a total of 496,000 acres. Subtracting the total cropland acres from total farm acres yields 1,751,000 acres which we assume is pasture or grazing land. The total peak day water needs for this area, at 300 gallons per day per section, are 821,000 gpd. Of this amount, 292,000 gpd are provided as part of the Indian Range Units and 72,000 gpd as the livestock water needs for State Line Rural Water System members, leaving a balance of 457,000 gpd for non-served pasture lands (peak day) and 343,000 gpd (average day).

In order to estimate the amount of water that must be secured by a water rights, total annual needs were calculated by multiplying peak day needs by 365 and increasing them by 10 percent to account for treatment plant losses and 25 percent to account for distribution system losses. The Committee supports water conservation measures and construction of an efficient system which can save on water and energy costs.

A summary of present and future water needs for the reservation water system is shown on Table 11.

Table 11

Summary of Water Needs
Standing Rock Reservation Water System

	Present		Future	
	Average Day	Peak Day	Average Day	Peak Day
Community Needs	848,000	1,493,000	1,303,000	2,277,000
Homesites and Scatter-sites	58,000	116,000	94,000	188,000
Indian Range Units	219,000	292,000	219,000	292,000
Needs south of Grand River 1/	138,000	275,000	138,000	275,000
Total Served	1,263,000	2,176,000	1,754,000	3,032.000
Non-Served Pasture	343,000	457,000	343,000	457,000
Total Daily Need (gallons)	1,606,000	2,633,000	2,097,000	3,489,000
Total Annual Need 2/ (acre-feet)		4,055		5,373

1/ From a previous study by DeWild Grant Reckert and Associates Company, "State Line Rural Water System: Engineering Design Report No. 1."
2/ Includes non-metered distribution losses of 25 percent and treatment process losses of 10 percent.

(3). Water System Design

A completed design concept of a reservation water system was also developed by DeWild Grant Reckert and Associates Company. Because the facilities to be constructed would have a useful life of 40 or more years, the facilities were designed to deliver the future water needs projected for the system.

The intake and treatment facilities were designed to provide the peak-daily needs of the system in an 18-hour period. Because Fort Yates has its own supply facilities, only 150,000 gallons per day for emergency needs or future expansion is provided for Fort Yates. Adjusting the daily water needs figures by providing less water to Fort Yates and adding 10 percent for treatment plant losses and 25 percent for distribution system losses results in a pumping rate of 2,208,000 gallons per day or 2,100 gallons per minute.

Three ground storage reservoirs (GSR's) and one standpipe would be located at high points at key locations throughout the system. These reservoirs not only provide an emergency supply of water during power outages or line breaks, but also allow the pipelines connected to them to be reduced in size. The day's

water needs are delivered at a uniform rate throughout the day. This rate is lower than the peak demands which occur at different times during the day. Each GSR or standpipe was designed to store 1 day's use of water for the area served from it. The storage is additional to that storage already provided in some of the communities. A GSR was also located at the water treatment plant to balance flows leaving the plant with the plant's production capacity.

Two booster stations are included in the system, one at the Main GSR and one at McIntosh. The booster stations are needed to increase the main line pressure to deliver water to a higher elevation. The booster station at the Main GSR will pump the large part of the water used by the system and will require approximately 175 HP pumping capacity. The booster at McIntosh, on the other hand, will be smaller with less than 15 HP pumping capacity.

Main lines to storage reservoirs were sized to deliver peak day needs to each reservoir in a 18-hour period. Mainlines to communities with storage facilities were sized to deliver the communities peak day needs in 18-hours. If storage facilities were not present, the mainline was sized to deliver peak hour flows to that community. Branch lines were not sized for this study but their total length was estimated. A cost per mile typical for a rural water distribution system was used to develop the construction cost estimates in this report. The number of pasture taps needed to supply water to the range units was estimated to be one pasture tap per section of land.

(4). Cost Estimates

A breakdown of the costs used to calculate the total estimated construction cost is shown in Table 12.

Table 12

Construction Cost Estimate
Standing Rock Reservation Water System

Distribution System	$23,043,000
Storage	1,030,000
Intake, Treatment and Pumping	4,900,000
Total Estimated Construction Cost	$28,973,000
Other Costs (25%) including Engineering, Legal, Land Inspection Costs and Interest	$ 7,243,000
Contingencies (20%) 1/	5,800,000
Total Estimated Project Cost	$42,016,000

1/ A contingency fund of 20 percent of the construction cost was also included to ensure that sufficient funds were available if the scope of the project is increased or if construction costs are higher than those estimated.

Operation and Maintenance (O&M) costs were estimated and tabulated in Table 13. These costs are separated into two categories: annual costs and production costs. Annual costs are needed to maintain the facilities and operate the business part of the system. For the most part, these costs are fixed and do not vary with the quantity of water produced. To calculate a cost per 1,000 gallons, the total annual cost was divided by the average yearly water need. Production costs on the other hand vary directly with the amount of water produced. These costs include pump and equipment repair, chemicals used in the water treatment process, and electricity used for pumping at water treatment plant, intake and booster stations.

Table 13

Estimated Annual Operation and Maintenance Costs
Standing Rock Reservation Water System

Annual Costs:	
Operations Personnel	$120,000
Office Operations	42,000
Transportation	37,000
Building Maintenance	10,300
Pipeline Maintenance	80,000
Insurance	10,000
Miscellaneous	31,000
Total Estimated Fixed Costs	$330,300
Estimated Yearly Water Production (1,000 gal.)	663,500
Annual Cost per 1,000 gallons	$ 0.50
Production Costs (Cost per 1,000 gallons):	
Pump and Equipment Repair	$ 0.08
Chemicals	0.10
Energy	0.31
Total Estimated Production Costs	$ 0.49
Total O&M (Cost per 1,000 gallons)L	$ 0.99

Recommended Minimum Rates to Recover O&M Costs:*

Individual Homesite	$6.50.mo + $1.25/1,000 gal.
Pasture Tap	$4.00/mo + $1.25/1,000 gal.
Community	Negotiated monthly fee + $1.25/1,000 gal.

* Debt service requirements need to be added to obtain total water rates.

(5). Allocation of Costs

Any number of allocation methods can be used. Some of them are more favorable to one user class or another. The method used in this report is to allocate capital costs on the basis of the average day water needs of each user class. The method is reasonably equitable in allocating the costs for the intake, treatment, and storage facilities because these facilities are shared by all classes and are designed for the average day or peak day water use of the total number of users. Admittedly, the allocation of costs for the distribution system is less equitable. The cost for users near the water source will be the same as that for users far from the source. However, all users benefit from the economies of scale.

Costs for individual non-community users are broken down further in Table 14. Table 15 shows average day use for each user, the percentage of the total use, and the allocation of project costs based on the percentage.

Table 14
Cost Per Individual Non-Community Unit
Standing Rock Reservation Water System

	Number of Units	Total Daily Use (Gallons)	Daily Use Per Unit (Gallons)	Allocation Per Unit	Total Allocation
Homesites and Scattersites	128	94,000	450	$24,601	$ 3,149,000
Indian Range Units	970	219,000	225	$ 7,565	7,338,000
South of Grand River					
Pasture Taps	35	36,000	1,029	$34,457	1,206,000
Headquarters	70	102,000	1,457	$48,857	3,420,000
Totals		451,000			$15,113,000

Table 15
Construction Cost Allocation by Average Daily Water Use
Standing Rock Reservation Water System

District and Community	Average Day Water Use, Gallons	% of Total	Cost Allocation Indian	Cost Allocation Non-Indian
Wakpala:				
Wakpala	71,000	5.7	$ 2,379,000	
Bullhead:				
Bullhead	88,000	7.0	2,948,000	
Keldron	3,000	0.2		$ 101,000
McIntosh	38,000	3.0		1,273,000
Morristown	11,000	0.9		369,000
Thunder Hawk	3,000	0.2		101,000
Walker	3,000	0.2		101,000
Watauga	3,000	0.2		101,000
Kenel:				
Kenel	42,000	3.3	1,407,000	
Mahto	3,000	0.2		101,000
Little Eagle:				
Little Eagle	122,000	9.7	4,088,000	
Fort Yates:				
Fort Yates	150,000	12.0	5,026,000	
Cannonball:				
Cannonball	112,000	8.9	3,753,000	
Solen	12,000	1.0		402,000
Porcupine:				
Porcupine	19,000	1.5	637,000	
Selfridge	25,000	2.0		838,000
McLaughlin:				
Housing	81,000	6.5	2,714,000	
McLaughlin	17,000	1.4		570,000
Total Community	803,000	64.0	$22,952,000	$3,957,000
Homesites and Scattersites	94,000	7.5	3,149,000	
Indian Range Units	219,000	17.5	7,338,000	
South of Grand River	138,000	11.0		4,624,000
Total Non-Community	451,000	36.0	10,487,000	4,624,000
Total All Users	1,254,000	100.0	$33,439,000	$8,581,000

(6). Project Financing

Because of the different types of users to be served and various eligibility requirements for different funding programs, the total funding package will likely include a number of Federal, State, and private funding agencies. The primary funding sources have been identified below and briefly described; however, other funding sources may exist. An effort should be made to contact all agencies and private sources which might be able to participate.

Various potential funding sources are reviewed including: Garrison Diversion Unit Funds, HUD, State Rural Water Grants, FmHA, BIA, IHS, and Revenue Bonds.

(a) Garrison Diversion Unit Reassigned Funds

The Garrison Diversion Unit Commission was appointed by the Secretary of the Interior to review the controversy surrounding the authorized Initial Stage of the Garrison Diversion Unit, to evaluate the contemporary water needs of the State of North Dakota, and to make recommendations.

A recommendation of the Commission is that part of the power revenue repayment assistance, previously reserved for Garrison Diversion Unit irrigation, be designated for municipal, rural, and industrial water supplies to help meet capital costs of these water supply systems. The level of assistance suggested is the amount required to lower average monthly family costs for water to $10 or to the operation and maintenance costs of the system, whichever is greater.

(b) HUD

The States of South Dakota and North Dakota administer Federal Grant funds made available through the United States Department of Housing and Urban Development (HUD). The Standing Rock Sioux Tribe is also eligible to apply directly for funds. The objectives of this program are to:

a. Benefit low income and moderate income families, or;

b. Aid in the elimination of slums or blight, or;

c. Eliminate an existing condition that poses a serious or immediate threat to the health and welfare of a community.

To qualify for a grant, the project must meet income level guidelines, and meet at least one of the program objectives. The maximum grant amount available is $1,000,000 although the State strongly recommends that each application not exceed $300,000.

(c) State of South Dakota Rural Water Grant Program

Grant funds up to $300,000 are available through the South Dakota State Department of Water and Natural Resources to pay for the construction of rural water systems or improvements to an existing system. To qualify, the project needs to be included in the State Water Plan.

A special "Indian desk" at the COE Washington headquarters would afford a focal point for Indian concerns to be more sympathetically addressed. For example, the Tribe is working on plans to develop hydro-power potential and will have results available in the near future. Close coordination with the United States, especially the COE, would be advantageous to the Tribe.

c. Fish and Wildlife

The Committee heard testimony about the inequitable treatment of the Standing Rock Sioux Tribe on fish and wildlife matters, specifically on the failure to enforce game and fish regulations against non-Indian violators. The failure of Federal officials to uphold Federal and tribal laws by delegating their authority to the States allows non-Indian violators to ignore the laws and regulations.

The rights of the Standing Rock Sioux Tribe to hunt and fish on that part of Lake Oahe within the exterior boundary should be vigorously protected by Federal authorities through additional game wardens who shall pursue prosecution of violators. The Tribe believes there should be at least four additional Federal game wardens assigned to Lake Oahe.

d. Loss of the Bed of the Missouri River

The Standing Rock Sioux Tribe maintains that they never relinquished the bed of the Missouri River granted in the 1868 Treaty. This Committee has not performed a legal analysis of this issue and takes no position on the question of ownership of the riverbed.

(d) FmHA Loan and Grant Funds

Loan and grant funds for projects of this type are available through the United States Department of Agriculture, Farmers Home Administration (FmHA). If an applicant meets income requirements, grant funds are available and loan funds are available at a poverty rate (5 percent) or intermediate rate (average of poverty rate and market rate). If income requirements can not be met, only loan funds are available and are at a seasonally adjusted market rate. Loan repayment terms are generally 40 years.

The amount of funds available through this source is dependent on the amount of funds allocated to the State FmHA office as well as the need for funds by other applicants and the total demand for funds on a national level.

As an Indian Tribe on a Federal or State reservation, the Standing Rock Sioux Tribe is qualified to apply for FmHA funds. Applicants must certify that they are unable to finance the proposed project from their own resources and through commercial credit at reasonable rates and terms. The Standing Rock Sioux Tribe has some loans from FHA at present.

(e) Revenue Bonds

The issuance of water revenue bonds is a possible, but not very favorable method of obtaining a part of the financing for the project. These bonds would be issued in anticipation of net revenue from the operation of the water system. The revenue is derived from the sale of water to users.

Because the Standing Rock Reservation Water System would be a new utility without a proven track records and because the average amount of water used by each customer is uncertain, making revenue predictions difficult, a bond issue for the original construction will be difficult to sell and, if sold, will be at a relatively high interest rate.

(f) BIA and IHS

The Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) finance projects providing water service to Indians and should be approached to discuss participating in the construction of a reservation water system. Due to the economy of scale, this method of providing water service will be less costly than most other alternatives available.

b. "Indian Desk" within the Army Corps of Engineers Headquarters

The Committee has heard testimony about the failure of the COE to consult with the Fort Berthold and Standing Rock Tribes about many Corps decisions which affect the Tribes. These decisions include the issuing of leases along the shoreline to non-Indians, the fluctuation of the reservoirs, the grazing permitted in the taking area, and the development of recreational facilities. In the words of one tribal council member, "the Corps bullies us."

Because the COE is responsible for the overall policy and control of Garrison and Oahe Dams the the substantial impacts these projects have on the two Tribes, the Indian people should be consulted on a regular basis.

IV. APPENDIX

CHARTER

Garrison Unit Joint Tribal Advisory Committee

1. Official Designation: The Garrison Unit Joint Tribal Advisory Committee

2. Purpose, objectives, and Scope of Activities: The Committee is established pursuant to a recommendation of the Garrison Diversion Unit Commission (GDUC). Its functions are solely advisory. It is to study and report its recommendations to the Secretary of the Interior on the following aspects of the Garrison Unit insofar as they apply to the Fort Berthold and Standing Rock Reservations:

a. Full potential for irrigation,
b. Financial assistance for on-farm development costs,
c. Development of shoreline recreation potential,
d. Return of excess lands,
e. Protection of reserved water rights,
f. Funding of all items above from the Garrison Diversion Unit funds, if authorized,

The Committee shall consult with Federal agencies it believes may be affected by its recommendations to determine the feasibility and potential impacts of such recommendations, and shall provide its report to the Secretary within nine months from the date of its establishment.

Should the Committee have adequate time and resources after examining the above-mentioned six items, it may also receive information on the following items: 1) replacement of infra-structures lost by the creation of Garrison Dam and Lake Sakakawea and Oahe and Oahe Dam; 2) preferential rights to Pick-Sloan Missouri Basin power; 3) additional financial compensation; 4) other items the Committee may deem appropriate. If information is received on these items, the Committee may include a separate section on them in its report.

3. Period of Time Necessary For the Committee to Carry Out Its Purposes, and Termination Date: The Commission will need no longer than nine months to complete its work; therefore, it will terminate nine months from the date of its establishment or upon completion of its report, whichever is sooner.

4. Official To Whom The Committee Reports: The Committee reports to the Secretary of the Interior.

5. Agency Responsible For Providing Support: The Bureau of Indian Affairs shall provide support to the Committee and shall designate one of its employees as the Federal Representative.

6. Description of Duties For Which The Committee is Responsible: The Committee is responsible for the duties set forth in paragraph 2 of this Charter.

7. Estimated Operating Costs and Person-Years of Staff Support: The estimated operating costs for the Committee are $200,000, including four person-years of staff support.

8. Estimated Number and Frequency of Meetings: The Committee will meet as frequently as necessary, at the call of the Chairman or his designee.

9. Committee Membership: The Committee will have 5 members appointed by the Secretary of the Interior. At least two members will be representatives of Indian Tribes. The Secretary will designate the Chairman. A vacancy on the Committee will be filled in the same manner as an original appointment. Members of the Committee serve at the discretion of the Secretary.

10. Authority For The Committee: 43 U.S.C. § 373; 43 U.S.C § 390 ww(c); P.L. 78-665 § 9 (1944); P.L. 89-108 (1965); 25 U.S.C. § 2; 25 U.S.C. § 381; P.L. 98-350 § 207 (1984).

11. Compensation and Expenses of Members: Committee members will receive no compensation for their services on the Committee, but may be allowed necessary travel expenses as authorized by 5 U.S.C. § 5703.

Donald Paul Hodel
Secretary of the Interior

Date signed 5/10/85

Date charter filed: JUN 24 1985 / June 23, 1985

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Property of
Tribal Dept.

Standard Form 1034
Revised January 1980
Department of the Treasury
I TFRM 4-2000

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO. 01-03

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
FORT BERTHOLD AGENCY
NEW TOWN, ND 58763

DATE VOUCHER PREPARED: JULY 03, 2001

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

SCHEDULE NO.

PAID BY: Process 7/10/01 GT000786

PAYEE'S NAME AND ADDRESS:
THREE AFFILIATED TRIBES
BNC NATIONAL BANK, BISMARCK, ND
ABA 091310754
ACCT NO: 106722 THREE AFFILIATED TRIBES
(SAVINGS)

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM | TO | WEIGHT | GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (1)
		Withdrawal of JTAC Funds (interest) per Resolution # MWSR-164. for deposit into Three Affiliated Tribes BNC National Bank account Austin H Gillette AUSTIN H GILLETTE, TREASURER THREE AFFILIATED TRIBES				$8,865,714.54

(Use continuation sheet(s) if necessary) **(Payee must NOT use the space below)** **TOTAL** $8,865,714.54

PAYMENT:
- ☐ PROVISIONAL
- ☐ COMPLETE
- ☐ PARTIAL
- ☐ FINAL
- ☐ PROGRESS
- ☐ ADVANCE

APPROVED FOR =$ | EXCHANGE RATE =$1.00 | DIFFERENCES

BY [2] Dr. Perige Baker

TITLE Superintendent

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

7/6/01 (Date) | Kenneth [illegible] (Authorized Certifying Officer)[2] | Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

EC5197016 (Interest) $8,865,714.54

PAID BY

CHECK NUMBER | ON ACCOUNT OF U.S. TREASURY | CHECK NUMBER | ON (Name of bank)

CASH $ | DATE | PAYEE [3]

[1] When stated in foreign currency, insert name of currency.
[2] If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
[3] When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

PER

TITLE

vious edition usable 1034-119 NSN 7540-00-900-2234

PRIVACY ACT STATEMENT
The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

Resolution #01 164 -MWJR

COPY

Resolution of the Governing Body of the Three Affiliated Tribes of the Fort Berthold Reservation

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934 and the Authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally 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 (c) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to administer funds within the exclusive control of the Tribes and to make expenditures from available funds for public purposes of the Tribes; and

WHEREAS, The passage of Public Law 102-57 compensated the Three Affiliated Tribes for $149.2 millions dollars by the United States Government and,

WHEREAS, Only the interest earned from this fund to be used for Educational, Social Welfare, Economic Development and other programs subject to the approval of the Secretary of Interior, and

WHEREAS, The Tribe, as of July 2, 2001 has accrued interest available in the amount of $8,865,714.54 and,

WHEREAS, The Tribal Business Council has fully considered the matter and has decided that it is in the best interest of the Tribe and the enrolled members thereof to withdraw $8,865,714.54 interest on the JTAC fund from its present account (s) and place it in a money market/CD account in BNC located in Bismarck, North Dakota and,

WHEREAS, The Federal Governments money market is at 3.9% and BNC of Bismarck is offering the best interest of 5% to the Tribe, and

NOW, THEREFORE, BE IT RESOLVED, The Tribal Business Council hereby authorizes and directs the Tribal Chairman. the Tribal Treasurer, the Finance Department, the Legal Department and other necessary Tribal personnel to pursue the withdrawal of the interest on the Tribes JTAC recovery fund from its present account (s) and its transfer to a money market /CD account in the BNC Bank of Bismarck, North Dakota, and to execute all necessary documents to effectuate in the withdrawal and transfer.

Resolution #01-164 MWJR

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 seven (7) members of whom five (5) constitute a quorum, 7 were present at a SPECIAL Meeting, thereof duly called, noticed, convened, and held on the 3rd day of July, 2001; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 opposed, 1 members abstained, 1 not voting and that said Resolution has not been rescinded or amended in any way.

Chairman: (X) voting ( ) not voting

Dated this 3rd day of July, 2001

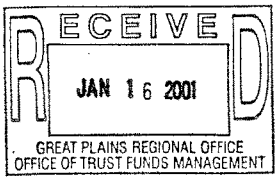
Secretary, Tribal Business Council

Attest:

Chairman, Tribal Business Council

ibal Government Services
-304

JAN 12 2001



Honorable Tex G. Hall
Chairman, Three Affiliated Tribes
Business Council
HC 3, Box 2
New Town, North Dakota 58763

Dear Chairman Hall:

Under the provisions of the Act of October 30, 1992, Pub. L. 102-575 (Act), the Three Affiliated Tribes (Tribes) Business Council (Council) adopted Resolution 00-365-DSB. Attached to the resolution is the general plan entitled Three Affiliated Tribes Economic Recovery Fund Proposal (Plan) for use of the Tribes' funds under the Act.

The funds or programs are identified in the "Acceptable Uses Matrix" of the Plan. The Plan also includes an Investment Fund feature. Under the delegated authority of 209 DM 8, Secretary's Order Nos. 3150 and 3177, as amended, and ŽM 4.4, this is to issue our approval of the Plan. Any changes to the Plan i also be subject to our approval.

With this approval of the Plan, the matter of Council's request in Resolution 00-366-DSB for withdrawal of up to $30 million in earned interest from the Economic Recovery Fund created by the Act, for placement in a private investment account, is now before the Special Trustee, Office of Trust Funds Management, for consideration. To assist the Special Trustee in determining the amount of funds presently available for withdrawal, please provide him the information requested in our December 15, 2000, letter to you.

We wish the Tribes every success with the projects and programs under this Plan.

Sincerely,

(SGD) CORA L. JONES
Cora L. Jones
Regional Director

cc: Financial Trust Services officer, MC-500,
Superintendent, Fort Berthold Agency
Economic Development Specialist, MC-305
Director, Div. of Tribal Government Services

HOLDINGS LIST PRICED AS OF: 7/05/01 PAGE 1 OF 13
EC5197016 ¬THREE AFFILIATED TRIBES,FT BERTHOLD CASH BASIS
COMMAND ===>

S	SECURITY DESCRIPTION / SHARES/PV	MARKET VALUE	FEDERAL COST	%MKT	P	ANNUAL INC/ UNREAL G/L	CURR YIELD
	US TREASURY OVERNIGHTER						
	GOVERNMENT OVERNIGHTER		ST0001005		1	894,971	
	24,058,362.9400	24,058,362.94	24,058,362.94	12.6		0	3.7
	GOVERNMENT OVERNIGHTER		ST0001005		3	1,413,020	
	37,984,409.8800	37,984,409.88	37,984,409.88	19.9		0	3.7
	US GOVT SPON ENTITY ISSUES-360						
	FNMA 6.230% 3/01/02		31364CXV5		1	311,500	
	5,000,000.0000	5,069,100.00	4,993,750.00	2.7		75,350	6.1

F1-HELP F2-HINT F3-END F4-SKIP F5-RFIND F6-PRINT F7-UP F8-DOWN F10-LEFT
4-© 1 Sess-1 192.168.161.210 T07EOD22

United States Department of the Interior
OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS
OFFICE OF TRUST FUNDS MANAGEMENT
Great Plains Region
IN REPLY REFER TO: **115 Fourth Avenue SE MS:500**
Aberdeen SD 57401

July 6, 2001

To: Sonny Holladay, Branch of Customer Service, Office of Trust Funds Management

From: Dean Webb, Financial Trust Services Officer, Great Plains Region

RE: SF1034 Three Affiliated Tribes

I am enclosing a SF1034 from the Three Affiliated Tribes to withdraw funds from the JTAC account for their Tribal Investment Program. These funds are being sent to the BNC National Bank in Bismarck, North Daakota. We do not have a name and address set up for the Bank. I did call the bank and verified the ABA number and account number. The telephone number of the bank is 701-250-3000.

If you have any questions, please call. Thanks.

Tribal Government Services
MC-304

DEC 15 2000

Honorable Tex G. Hall
Chairman, Three Affiliated Tribes
Business Council
HC 3, Box 2
New Town, North Dakota 58763

Dear Chairman Hall,

Thank you for the December 4, 2000, letter regarding three items of interest. This will address the first two items of your inquiry which involve the Act of October 30, 1992, Pub. L. 102-575 (Act). The third item involving an application to contract for appraisal of lands will be addressed in a separate reply.

Regarding the first item, we sent you a copy of our October 27, 2000, memorandum of our referral of the general Equitable Compensation Act plan (JTAC Plan), supported by Resolution 00-365-DSB, to the Field Solicitor for legal review and comment. We hope to receive the Field Solicitor's comments within the next 2 weeks. Our decision on the JTAC Plan will immediately follow our receipt of the Field Solicitor's opinion.

The second item of your letter concerns the Three Affiliated Tribes' request for withdrawal of up to $30 million from the JTAC account to establish an endowment fund under the JTAC Plan. We believe the Special Trustee can act on your request for withdrawal of funds for this purpose only after the general JTAC Plan, containing the Investment Fund (endowment) feature, receives a favorable legal review and is approved by me under delegated authority.

As noted in your letter, there are outstanding assignments of income against the JTAC funds. Upon closer inspection of the loan and bond documents in our possession, it seems there are two loans ($3,067,000 - approved November 18, 1999, and $8,985,615 - approved January 13, 2000) and one bonding arrangement ($5,200,000 - approved December 7, 1999) in which JTAC interest funds have been pledged as security.

The $3,067,000 loan may have been retired with proceeds from the $8,985,615 loan or a $6,587,000 loan from Miller & Schroeder, Inc. Please clarify whether this is the case.

For the $8,985,615 loan, the assignment of income states "that the maximum amount payable to Lender from such account shall be equal to the outstanding principal amount owing by the Tribe on the Loan (initially $8,985,615) and the maximum amount of interest payable on the Loan in the next succeeding two months." The assignment of income for the $3,067,000 loan essentially reads the same. In the $5,200,000 bond arrangement, the assignment of income involves JTAC interest funds "to the extent of the Maximum Annual Debt Service on the Bonds."

As stated earlier in this letter, once the general JTAC Plan is approved by the Bureau of Indian Affairs, the Special Trustee will likely be the deciding official regarding your drawdown request for establishment of the proposed endowment fund. In order for the Special Trustee to determine the amount of funds available for withdrawal from the JTAC interest earnings account, he will need information from you and/or the lenders/bonding company regarding the total amount of encumbrances based on the present assignments of income.

Please send this information to Dean Webb, Financial Trust Services Officer, with a copy to me, through the Fort Berthold Agency Superintendent.

Sincerely,

(SGD) CORA L. JONES

Cora L. Jones
Regional Director

cc: Superintendent, Fort Berthold Agency
Financial Trust Services Officer, MC-500
Contracting Officer, MC-206
Field Solicitor, Fort Snelling, Minnesota

The Art of Financial Success

BNC National Bank

BNC National Bank
322 E Main
PO Box 4050
Bismarck ND 58502-4050

(701) 250-3000
MEMBER FDIC

TO: Dean Webb	From: Larry Rolfson
Fax #: 1-605-226-7389	Company: BNC National Bank
Company:	Fax #: (701) 250-3028

Subject: Three Affiliated Tribes Ft. Berthold	
Sent: 7-9-01	Pages: 2 (including cover)

Comments:

Dean,
Here are the wire instructions for the 8.8 million. I will call Marcus and let him know also. Thanks, Larry Rolfson

The information contained in this Facsimile message may be privileged and confidential. It is intended only for the use of the individual or entity to which it is sent. If the recipient of this transmittal is not the intended recipient, or an employee or agent responsible to deliver it to the intended recipient, any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the US Postal Service. Postage will be reimbursed.

WIRE TRANFERS INFORMATION NEEDED FROM CUSTOMER

UNDER THE BENEFICIARY BANK DATA

ABA ROUTING NUMBER : 091310754

NAME OF INSTITUTION: BNC National Bank

BRANCH INFORMATNION: ADDRESS 322 E MAIN
Bismarck ND 58501

BENEFICIARY DATA

BENEFICIARY'S NAME: Three Affiliated Tribes of Fort Berthold

ADDRESS: STREET AND CITY HC 3 Box 2 NewTown ND 58763

ACCOUNT NUMBER : 163442

INSTRUCTION:

MANDAN, HIDATSA, & ARIKARA NATION
Three Affiliated Tribes • Fort Berthold Indian Reservation
HC3 Box 2 • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL
(701) 627-4781
Fax (701) 627-3805

6 Dec 00 from Tom & attny TAT copy to Nla

Name	Initial	Date
Regional Director		
Tribal Programs Officer Earl		
Trib Gov		

December 4, 2000

Cora Jones
Regional Director
Great Plains Region
Bureau of Indian Affairs
Federal Building
115 4th Avenue SE
Aberdeen, SD 57401

Mgmt: Copy of this letter to RZ for rep to #3. EA 12/11/00 PS. Copy to Adeline, Rod & Ira.

Re: 1) Approval of Equitable Compensation Act plan 2) Approval of investment of $30 million; and 3) approval of application to utilize a 93-638 contract for appraisal of lands being sold to the Tribe or being exchanged with Tribal lands or otherwise being transferred by or to Tribal members

Dear Cora:

We would like an update on the status of three items previously submitted to your office for approval. These include:

Earl **1. Approval of the general Equitable Compensation Act above plan of distribution and use of funds.**

Earl **2. Approval of the specific request (subject to outstanding assignments of income) of investment of up to $30 million of Equitable Compensation Act funds available to the Tribe.**

RZ **3. Approval of an ISDEA (P.L. 93-638 contract for appraisals for the purpose of land acquisition or transfer transactions.**

Please let us know as soon as possible the status of these various requests. I would like to know as soon as possible to be able to report back to the Tribal Business Council on these important matters.

Sincerely,

Tex G. Hall
Chairman
Three Affiliated Tribes

RECEIVED
DEC 8 2000
ABERDEEN AREA OFFICE
TRIBAL GOVERNMENT SERVICES

cc: Tribal Business Council

FAX TO: BRANCH OF TRIBAL ACCOUNTS MANAGEMENT
FAX #: 505/248-5785

TD-3

TRIBAL
NON-SCHEDULED
DIRECT DEPOSIT REQUEST (ACH)
(CASH - DISB) **Control ID:** 437

ACCOUNT NO.: EC 5197016 ACCT NAME: TIBBE Affiliated TRIBES

Enter the amount you wish to disburse from P1 or P3 (only one portfolio per workticket).
PAID PRINCIPAL (P1): _____
OR
INVESTED INCOME (P3): 8,865,714.54

DISBURSEMENT CODE #: Circle the appropriate ACH Disbursement Code.

	CHKG	SVGS
Economic Dev Program	200	201
Community Dev Program	208	209
Bid Deposit	250	251
Performance Bond	252	253
Advance Deposit	254	255
Forest Mgmt Deduction	256	257
Advance Payment	258	259

or select one code from the Disbursement codes list (2XX series):
Code #: 203 Description: INVESTMENT PROGRAM CHKG or SVGS (circle one)

PAID TO TAX ID#: 091310754 NAME: BNC NATL BANK BISMARCK, ND
(Enter the receiving bank's ABA Routing # and name of bank)

PAID FOR TAX ID#: _____ NAME: _____
(Enter TAX ID and NAME for the tribe that this is paid for)

PRODUCE CHECK Y/N: N

EXPLANATION: WITHDRAWAL OF INTEREST EARNINGS
(This explanation will appear on the check - Maximum 50 characters)

ASSET REFERENCE: BLANK P#: BLANK
TREAT AS INCOME: BLANK INCLUDE 1099R Y/N: N
FOR ACCRUALS: NO DATE INCOME APPLIES: *

EXPANDED EXPLANATION (if needed – each line has a maximum of 50 characters)
Line 1: WITHDRAWAL OF INTEREST EARNINGS
Line 2: PER TRIBAL RESOLUTION 01-164 - MWJR
Line 3: FOR TRIBAL INVESTMENT PROGRAM
Line 4: _____

* Must attach the SF-1034 Disbursement Authorization.
* Fax to Branch of Tribal Accounts Mgmt. by the following cutoff times:
- 9:00 a.m. MT for documents With Interest.
- 11:00 a.m. MT for documents Without Interest.

Prepared by: DEAN WEBB Phone: 605-226-7361 Date: 7/6/01
Approved by: _____ Phone: _____ Date: __/__/__
Entered by: _____ Batch #: _____ Tran #: _____
Verified by: _____ Phone: _____ Date: __/__/__

Workticket Last Updated: 6/9/00

Standard Form 1034
Revised January 1980
Department of the Treasury
I TFRM 4-2000

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO. 01-02

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
FORT BERTHOLD AGENCY

DATE VOUCHER PREPARED: NOVEMBER 01,2000

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

SCHEDULE NO.

PAID BY

Processed 11-15-00 DTC

PAYEE'S NAME AND ADDRESS
Three Affiliated Tribes
Community First National Bank, Dickinson, ND
ABA 091300489
Acct. No.: 6423700734 Three Affiliated Tribes
(Checking)

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM | TO | WEIGHT | GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (1)
		WITHDRAWAL OF JTAC FUNDS PER RESOLUTION #00-391-DSB AND APPROVED BUDGET, PER APPROVED JTAC PLAN BY CORA L. JONES TEX G. HALL, T.A.T. CHAIRMAN DATE 11-2-00				$12,500,000.00

(Use continuation sheet(s) if necessary) **(Payee must NOT use the space below)** TOTAL $12,500,000.00

PAYMENT:
- ☐ PROVISIONAL
- ☐ COMPLETE
- ☐ PARTIAL
- ☐ FINAL
- ☐ PROGRESS
- ☐ ADVANCE

APPROVED FOR = $ | EXCHANGE RATE = $1.00 | DIFFERENCES

BY [2]

TITLE

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

11-3-00 (Date) (Authorized Certifying Officer)[2] (Title)

11/14/00 ACCOUNTING CLASSIFICATION Certifying Officer

EC5197016 Income $12,500,000.00

PAID BY

CHECK NUMBER | ON ACCOUNT OF U.S. TREASURY | CHECK NUMBER | ON (Name of bank)

CASH $ | DATE | PAYEE [3]

PER

TITLE

[1] When stated in foreign currency, insert name of currency.
[2] If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
[3] When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary"; or "Treasurer", as the case may be.

rious edition usable 1034-119 NSN 7540-00-900-2234

PRIVACY ACT STATEMENT
The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Great Plains Regional Office
115 Fourth Avenue S.E.
Aberdeen, South Dakota 57401

IN REPLY REFER TO:

Tribal Government Services
MC-304

NOV 14 2000

Honorable Tex G. Hall
Chairman, Three Affiliated Tribes
Business Council
HC 3, Box 2
New Town, North Dakota 58763

Dear Chairman Hall,

As provided in the Act of October 30, 1992, Pub. L. 102-575 (Act), the Three Affiliated Tribes Business Council (Council) requests $12,500,000 of earned-interest from the Economic Recovery Fund.

Under the delegated authority of 209 DM 8, Secretary's Order Nos. 3150 and 3177, as amended, and 3 IAM 4.4, this is to issue our approval for use of $12,500,000 of interest earnings as designated in the attachments to Council Resolution 00-391-DSB. The funds will be used as follows: Education, $1,516,678; Social Welfare, $5,260,000; Economic Development, $2,766,000; Other Programs, $2,957,322; Total - $12,500,000. It is understood that per capita payments shall not be made from these funds, because the Act prohibits this kind of activity.

The General Plan, as supported by Resolution 00-366-DSB, is before the Field Solicitor for review and is also subject to our approval. Once the General Plan is approved, we believe all future drawdown requests, according to the plan and the Act, may then be forwarded, through the Fort Berthold Agency Superintendent, to Dean Webb, Financial Trust Services Officer, Office of Trust Funds Management, for processing.

By copy of this letter, Mr. Webb is informed of this approval.

Sincerely,

for Cora L. Jones
Regional Director

cc: Superintendent, Fort Berthold Agency
Financial Trust Services Officer, MC-500
Field Solicitor, Fort Snelling, Minnesota

3.1 Purpose. This release identifies the automatic order of succession for the Great Plains Region positions as required by 2 IAM 2.5 (B).

3.2 Order Of Succession. Designations for automatic succession in case of death, resignation, or absence of the Regional Director, and Agency Superintendents are set forth below.

A. Regional Director

1. Deputy Regional Director
2. Supervisory Highway Engineer
3. Natural Resource Manager
4. Supervisory Contract Specialist

B. Deputy Regional Director

1. Supervisory Highway Engineer
2. Natural Resource Manager
3. Realty Officer
4. Supervisory Contract Specialist

C. Superintendent, Chevenne River Agency

1. Supervisory Social Services Representative
2. Land Operations Officer
3. Lead Realty Specialist
4. Facility Manager

D. Superintendent, Crow Creek Agency

1. Social Services Program Manager
2. Natural Resources Officer
3. Administrative Manager

E. Superintendent, Fort Berthold Agency

1. Administrative Manager
2. Realty Officer
3. Self Determination Specialist

DIRECTORY FOR THE BIA OFFICES WITHIN THE ABERDEEN AREA, MAY 1997

MC:	AGENCY	SUPERINTENDENT / ADM. OFFICER	TELE. #	EDUCATION SUPT.	TELE. #
AAO	AREA OFFICE	CORA JONES, ATG. AREA DIRECTOR	605/226-7343		
A01	CHEYENNE RIVER	RUSSELL MCCLURE / VACANT	605/964-6611	CHERI FARLEE	605/964-8722
A04	FT. BERTHOLD	ADELINE BRUNSELL, ATG. / ANGUS FOX	701/627-4707		
A05	FT. TOTTEN	LARRY BODIN / VACANT	701/766-4545		
A06	PINE RIDGE	ROBERT ECOFFEY / PENNY HATCH	605/867-5126	NORMAN TIBBETS	605/867-1306
A07	ROSEBUD	LARRY BURR / JOANNE YOUNG	605/747-2224	NEVA SHERWOOD	605/856-4478
A08	YANKTON	TIM LAKE / HERBERT HARE	605/384-3651	NEVA SHERWOOD, ROSEBUD O.I.E.P.	
A09	SISSETON	PATRICK HEMMY / LOIS MONTREAL	605/698-7676	DAN SHROYER LOWER BRULE O.I.E.P.	
A10	STANDING ROCK	BOBBY THOMPSON / CARMEN JACOBS	701/854-3433	EMMETT WHITETEMPLE	701/854-3497
A11	TURTLE MTN	KEN DAVIS / MIKE KEPLIN	701/477-3191	ROMAN MARCELLAIS, ATG.	701/477-6471
A13	WINNEBAGO	RUSSELL BRADLEY / NOLAN SOLOMON	402/878-2502	NEVA SHERWOOD, ROSEBUD O.I.E.P.	
A14	CROW CREEK	STEVE MCLAUGHLIN / VACANT	605/245-2311	DAN SHROYER	605/245-2398
A15	LOWER BRULE	NOBLE LACROIX / MARTHA THOMPSON	605/473-5512	DAN SHROYER	605/473-5531

MC:	BRANCH / BRANCH CHIEF	EXT.
100	AREA DIRECTOR / CORA JONES	7343
	FAX: 605/226-7446	
102	EEO / LORETTA WEBSTER	7466
201	BUDGET / LESLIE (TEZ) TSO	7422
202	FACILITY MGMT. / WILLARD POTTER, ATG.	7371
203	ACCOUNTING MGMT. / LEE BEARHEELS	7361
204	MR & E / JIM BILL ROSS	7421
205	PERSONNEL / RICHARD GERRY	7401
206	CONTRACTING / RICHARD ZEPHIER	7426
206A	SELF DETERMINATION / VACANT	7426
206B	OFFICE SERVICES / VACANT	7443
206C	PROPERTY MGMT. / NICK CADOTTE	7613
207	IMC / VACANT	7486
208	SAFETY / WAYNE LABELLE	7467

MC:	BRANCH / BRANCH CHIEF	EXT.
301	NATURAL RESOURCES / TOM YOUNG,	7621
302	LAW ENFORCEMENT / RICHARD ARMSTRONG	7347
303	SOCIAL SERVICES / GERALD GALLEGOS, ATG.	7351
304	TRIBAL GOVERNMENT / PAUL PICOTTE	7376
305	ECONOMIC DEVELOPMENT / VACANT	7381
306	REALTY / JIM GEFFREE, ATG.	7618
306A	LAND TITLES & RECORDS / JIM GEFFRE	7393
307	ROADS / GERRY FOELL	7645
307A	ROADS CONSTR. CONTRACTING / MARY SUMPTION	7645
308	HOUSING / FRANK JOSEPH	7441
309	SECURITY / CONNIE REUER	7360
401	EDUCATION / SANDRA CARLSGAARD	7431
205	FREEDOM OF INFOR. ACT COORD. / CHERYL ANTAR	7401

MC:	AREA OFFICE TELEFAX NOS. :	FAX. #	VERIFY #
100	AREA DIRECTORS OFFICE	226-7446	226-7343
103	ACCOUNTING MANAGEMENT	226-7437	226-7361
105	PERSONNEL	226-7407	226-7401
106B	OFFICE SERVICES	226-7627	226-7443
107	INFORMATION MGMT. CENTER (IMC)	226-7488	226-7486
201	NATURAL RESOURCES	226-7358	226-7621
202	LAW ENFORCEMENT	226-7349	226-7347
205	ECONOMIC DEVELOPMENT	226-7392	226-7381
206	REAL PROPERTY MANAGEMENT	226-7625	226-7618
207	ROADS.	226-7430	7645

RECEIVED
BRANCH OF ADMINISTRATION
NOV 03 2000
FORT BERTHOLD AGENCY
NEW TOWN, NORTH DAKOTA 58763

COPY

Resolution #00-391-DSB

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

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the best interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Since October 1, 1997, the Tribe has been eligible to receive interest from the Economic Recovery Fund created by Congress under the Equitable Compensation Act of the Three Affiliated Tribes and the Standing Rock Sioux Tribe (the "Act"), Title XXXV of P.L. 102-575, 106 Stat. 4731, for the benefit of the Three Affiliated Tribes and its members; and

WHEREAS, In order to receive such interest funds, or a portion thereof, the Tribe must gain approval from the Secretary of the U.S. Department of Interior for its proposed expenditures of the funds so that the Secretary may make a payment, or payments, to the Tribe from the interest funds derived from investment of the Economic Recovery Fund Created by the Act; and

WHEREAS, It is now the desire of the Tribal Business Council to submit the attached proposal expenditures of portion of the interest funds derived from the Act, in the amount of $12,500,000, for approval by the U.S. Secretary of Interior or his duly authorized representative; and

WHEREAS, The tribe may from time to time during Fiscal Year 2001 wish to shift budget items from one category of expenditures listed in the attached chart and allowed under the Act to another category of expenditures that are allowed under the Act whether or not the expenditures are listed in the attached chart, so long as the shift in expenditures complies with the General Plan for expenditure of the funds derived from interest earned on the Economic Recovery Fund approved in Resolution No. 00-366-DSB and

COPY Resolution #00-391-DSB

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby reserves the right to shift budget items listed in the attached chart of planned expenditures and which are allowed under the Act to another category of expenditures allowed under the Act, whether or not listed in the attached chart of expenditures, so long as the shift in expenditures complies with the General Plan for expenditure of the funds derived from interest earned on the Economic Recovery Fund approved in Resolution No. 00-366-DSB

NOW, THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby resolves to submit the attached proposal for expenditure of a portion of the interest funds derived from the investment of the Economic Recovery Fund created by the Act in the amount of $12.500,000, for approval as soon as possible by the U.S. Secretary of Interior, or to his duly authorized representative; and

NOW, THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby authorizes the Chairman and the Treasurer of the Tribe to execute any and all documents and to make any and all actions necessary to allow the attached proposal for the expenditure of the interest funds derived from the investment of the Economic Recovery Fund created by the Act, in the amount of $12,500,000, to be approved by the Secretary of the Department of the Interior as soon as possible; and

NOW, THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby determines that all uses of the funds as outlined in the attached proposal are within the normal understanding of the uses of the funds as authorized in the Act; and

NOW, THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby reserves the right to amend, by a duly enacted Resolution, the attached proposal for the expenditure of interest funds derived from the investment of the Economic Recovery Fund created by the Act, with the understanding that such amended proposal must be submitted for approval to the Secretary of the Department of Interior; and

Resolution #00-391-DSB

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, 6 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 2nd day of November 2000; 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 said Resolution has not been rescinded or amended in any way.

Dated this 2nd day of November, 2000.

CHAIRMAN (X)VOTING ( )NOT VOTING

Dayton Spotted Bear
Secretary, Tribal Business Council

Attest:

Chairman, Tribal Business Council

COPY

Draw of interest Funds from Three Affiliated Tribes Economic Recovery Fund
Created by Three Affiliated Tribes and Standing Rock Sioux Tribe
Equitable Compensation Act
Title XXXV, P.L. 102-575

Total Draw Requested:$12,500,000,00

To be used in the following categories and in accordance with the attached plan:

Education:	**$1,516,678,00**
Social Welfare:	**$5,260,000,00**
Economic Development:	**$2,766,000,00**
Other:	**$2,957,322,00**

Note: none of the categorical funds will used for Per capita distribution.

JTAC DRAW FY-2001

Tribal Resolution #00-391-DSB	**12,500,000**		
Education	**1,516,678**	**Other Programs**	**2,957,322**
Competitive Pool	-	Competitive Pool	651,322
Education Grants	575,000	Detox	400,000
477 Youth Educ. Resources	165,000	Tourism	50,000
Transportation Grants	50,000	Film	100,000
Head Start Budget Request	269,678	Ag. Dept	500,000
Education Loan Reimbursement	200,000	Detention Center	250,000
White Shield School	57,000	Segment Funds @ 6	556,000
Education of TAT Budget Request	200,000	Tribal Building Expansion	450,000
Social Welfare	**5,260,000**	**Totals**	**12,500,000**
Competitive Pool			
Roads of TAT	250,000		
Homeownership Revolving Loan	200,000		
Health	500,000		
Housing	300,000		
North Segment Facility	500,000		
Detention Center	500,000		
Commodity Warehouse	450,000		
Elder Attended Care	240,000		
Circle of Life	700,000		
Parshall Resource Center	100,000		
White Shield Dispatcher	80,000		
MHA Elder Program FY01	760,000		
Senior Citizen Garages FY01	200,000		
Parshall Detox Center	150,000		
I-KI-PI Drug&Alcohol Elimination	150,000		
Truancy Officers	180,000		
Economic Development	**2,766,000**		
Competitive Pool			
Agriculture Department	300,000		
Land Purchase Fund	300,000		
Tourism Department	200,000		
Interpretive Center	100,000		
Convenience Stores	400,000		
Community Development	450,000		
Independence Program	56,000		
Figure Four Budget FY01	400,000		
Figure Four Buffalo FY01	200,000		
Land Purchase Fund	360,000		

Per Resolution #00-391-DSB
Dated 11/2/00

Attachment 1

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E8T08TMH&R10ABUA60B0WTSH(s8.5V(s0S(s0B(s0T&15.2727C&k0H&17E&a14L&11L&s0C&a0R     ADMIN      PG    1
                                   NAME & ADDRESS RELATIONSHIPS                          11/14/00 14:57

 TAXPAYER ID#: 3AFFB01

  NAME LINE 1:  THREE AFFILIATED TRIBES
       LINE 2:  ATTN:  TREASURER
       LINE 3:  HC3 BOX 2
       LINE 4:  NEW TOWN              ND 58763

            STATE OF RESIDENCE: ND
        ELIGIBLE FOR DELETION: YES
                   BIRTH DATE: OPEN
                 PHONE NUMBER: 701.627-4781
               DDA/ABA NUMBER: 6423700734
                  TAX COPY-TO:

              FAX PHONE NUMBER: 701.627-3805
  INTER-OFFICE MAIL DESTINATION:
            LETTER SALUTATION:

E
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BALANCES SUMMARY 11/14/00 14:54

EC5197016 ^THREE AFFILIATED TRIBES,FT BERTHOLD

	CURRENT	LAST MNTH 10/31	LAST STMT 10/31	LAST TAX YEAR
PRIN CSH:	0.00	0.00	0.00	0.00
INCOME CSH:	0.00	0.00	0.00	0.00
INV INC CSH:	0.00	0.00	0.00	0.00
TOTAL CSH:	0.00	0.00	0.00	0.00
PRIN INV:	150,872,957.79	150,872,957.79	150,872,957.79	149,941,250.32
INV INC INV:	42,955,559.20	42,511,888.91	42,511,888.91	41,309,093.20
TOTAL INV:	193,828,516.99	193,384,846.70	193,384,846.70	191,250,343.52

GAIN/LOSS THIS FISCAL YEAR	FEDERAL	STATE
LONG TERM GAINS:	0.00	0.00
LONG TERM LOSSES:	0.00	0.00
SHORT TERM GAINS:	0.00	0.00
SHORT TERM LOSSES:	0.00	0.00
LONG TERM LOSS CARRYFORWARD:	0.00	0.00
SHRT TERM LOSS CARRYFORWARD:	0.00	0.00

INCOME THIS FISCAL YEAR:	1,587,072.66
INCOME LAST FISCAL YEAR:	20,378,960.04
NOMINEE INCOME THIS FISCAL YEAR:	1,172,618.59
NOMINEE INCOME THIS CALENDER YEAR:	11,458,225.18
DISBURSEMENTS THIS FISCAL YEAR:	-1,587,072.66
DISBURSEMENTS LAST FISCAL YEAR:	-49,874,148.40
BROKERAGE YTD:	0.00
ALL FEES-CYTD:	0.00
PRIN FEES-FEE YR:	0.00
ALL FEES LAST CAL YR:	0.00
INC COM CYTD:	0.00
AUTOMATIC INCOME FEES CHARGED SINCE LAST PRINCIPAL FEE:	0.00
COMMISSIONABLE INCOME CYTD:	12,083,451.87
AMOUNT OF LAST PERIODIC FEE:	0.00

E

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M     M  V     V   SSSSS     JJJJJ  EEEEEEE   SSSSS     CCCC              TTTTTTT  RRRRRR   U     U   SSSSS
MM   MM  V     V  S     S       J   E        S     S   C    C                T     R     R  U     U  S
M M M M  V     V  S             J   E        S         C                     T     R     R  U     U  S
M  M  M   V   V   S             J   E        S         C                     T     R     R  U     U  S
M     M   V   V    SSSSS        J   EEEEEEE   SSSSS    C                     T     RRRRRR   U     U   SSSSS
M     M    V V            S     J   E              S  C                     T     R  R     U     U
M     M    V V            S     J   E              S  C                     T     R   R    U     U
M     M     V     S     S  J  J   E        S     S   C    C   ..            T     R    R   U     U  S
M     M     V      SSSSS    JJJ    EEEEEEE   SSSSS     CCCC    ..           T     R     R   UUUUU    SSSSS
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L        PPPPPP   TTTTTTT  FFFFFFF  FFFFFFF      1
L        P     P     T     F        F          11
L        P     P     T     F        F        1 1
L        P     P     T     F        F          1
L          'PP       T     FFFFFF   FFFFFF     1
L                    T     F        F          1
L        P           T     F        F          1
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HOLDINGS LIST PRICED AS OF:11/13/00 11/14/00 14:57

ED5197016 THREE AFFILIATED TRIBES,FT BERTHOLD CASH BASIS

S	SECURITY DESCRIPTION / SHARES/PV	MARKET VALUE	FEDERAL COST	%MKT	P	ANNUAL INC/ UNREAL G/L	CURR YIELD
	US TREASURY OVERNIGHTER						
	GOVERNMENT OVERNIGHTER		ST0001005		1	27,430	
	419,412.9400	419,412.94	419,412.94	0.2		0	6.5
	GOVERNMENT OVERNIGHTER		ST0001005		3	2,625,593	
	40,146,684.2000	40,146,684.20	40,146,684.20	21.0		0	6.5
	US GOVT SPON ENTITY ISSUES-360						
	FNMA	6.625% 4/16/01	31364CBD9		1	39,750	
	600,000.0000	600,252.00	595,968.75	0.3		4,283	6.6
	FNMA	6.450% 4/23/01	31364CBM9		1	64,500	
	1,000,000.0000	999,720.00	996,562.50	0.5		3,158	6.5
	FHLB	6.670% 5/10/01	313393S92		1	93,380	
	1,400,000.0000	1,400,434.00	1,394,750.00	0.7		5,684	6.7
	FNMA	6.230% 3/01/02	31364CXV5		1	311,500	
	5,000,000.0000	4,991,950.00	4,993,750.00	2.6		-1,800	6.2
	FNMA CC 12/99 W/10	6.32% 12/23/02	31364FLR0		1	31,600	
	500,000.0000	496,855.00	499,921.88	0.3		-3,067	6.4
	FNMA CC 1/00 W/10	5.900% 1/24/03	31364FPV7		1	59,000	
	1,000,000.0000	987,380.00	996,250.00	0.5		-8,870	6.0
	FHLB	6.520% 4/02/03	313393WJ5		1	540,508	
	8,290,000.0000	8,308,155.10	8,287,051.56	4.3		21,104	6.5
	FHLB	6.120% 4/24/03	3133M3326		1	459,000	
	7,500,000.0000	7,408,575.00	7,492,968.75	3.9		-84,394	6.2
	FHLMC	6.645% 3/10/04	3134A1DD5		1	66,450	
	1,000,000.0000	1,005,310.00	996,250.00	0.5		9,060	6.6
	FHLMC CC 11/99 W/10	6.665% 11/17/04	3134A1P61		3	66,650	
	1,000,000.0000	987,810.00	1,010,000.00	0.5		-22,190	6.7
	FNMA 1XC 12/00 W/10	6.300% 12/20/04	31364FKY6		1	31,500	
	500,000.0000	496,360.00	497,187.50	0.3		-828	6.3
	FNMA CC 12/99 W/10	6.500% 12/22/04	31364FLH2		1	32,500	
	500,000.0000	493,855.00	499,531.25	0.3		-5,676	6.6
	FHLB CQ 10/99 W/5	7.010% 1/13/05	3133M9RN1		3	126,180	
	1,800,000.0000	1,787,058.00	1,798,875.00	0.9		-11,817	7.1
	FNMA CC 1/02 W/10	6.000% 1/14/05	31364FMU2		1	60,000	
	1,000,000.0000	976,640.00	997,343.75	0.5		-20,704	6.1
	FHLB CQ 99 W/5	7.150% 1/20/05	3133M9D62		1	107,250	

UNITED STATES GOVERNMENT

memorandum

DATE: November 13, 2000

REPLY TO ATTN OF: Cora Jones, GPR Director

SUBJECT: Acting Superintendent

ATTEN: TRIBAL Government

TO: JTAC DRAW

This is in reference to the Fort Berthold Agency's comments regarding the attached JTAC Draw.

The original discussion regarding funding requirements were, not to make any per capita payments or distribution. The funding was for Tribal programs which the Tribe is in compliance.

As long as OTFM is in agreement with the draw down of $12.5 million along with the Resolution #00 391 OSB from the Three Affiliated Tribes the Fort Berthold Agency agrees with the whole process.

Angus B Fox

1 3 2000

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

# of pages ▶ 1

To: Earl Argue	From: Angus Fox
Dept./Agency: Tribal Govt.	Phone #
Fax # 605-226-7379	Fax # 627-3601

NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION

OPTIONAL FORM NO. 10 (REV. 1-80) GSA FPMR (41 CFR) 101-11.6 5010-114

FAX TO: BRANCH OF TRIBAL ACCOUNTS MANAGEMENT
FAX #: 505/248-5785

TD-3

TRIBAL
NON-SCHEDULED
DIRECT DEPOSIT REQUEST (ACH)
(CASH - DISB) **Control ID:** 437

ACCOUNT NO.: ECS19701 C ACCT NAME: THREE AFFILIATED TRIBES

Enter the amount you wish to disburse from P1 or P3 (only one portfolio per workticket).
PAID PRINCIPAL (P1): _____
OR
INVESTED INCOME (P3): 2,957,322.60

DISBURSEMENT CODE #: Circle the appropriate ACH Disbursement Code.

	CHKG	SVGS
Economic Dev Program	200	201
Community Dev Program	208	209
Bid Deposit	250	251
Performance Bond	252	253
Advance Deposit	254	255
Forest Mgmt Deduction	256	257
Advance Payment	258	259

or select one code from the Disbursement codes list (2XX series):
Code #: 288 Description: TRIBAL GOV OP CHKG or SVGS (circle one)

PAID TO TAX ID#: 091300489 NAME: COMMUNITY 1ST NAT BANK
(Enter the receiving bank's ABA Routing # and name of bank)

PAID FOR TAX ID#: 3AFFB01 NAME: THREE AFFILIATED TRIBES
(Enter TAX ID and NAME for the tribe that this is paid for)

PRODUCE CHECK Y/N: N

EXPLANATION: WITHDRAWAL of INTEREST
(This explanation will appear on the check - Maximum 50 characters)

ASSET REFERENCE: BLANK P#: BLANK
TREAT AS INCOME: BLANK INCLUDE 1099R Y/N: N
FOR ACCRUALS: NO DATE INCOME APPLIES: *

EXPANDED EXPLANATION (if needed – each line has a maximum of 50 characters)
Line 1: WITHDRAWAL of INTEREST PER TRIBAL
Line 2: RESOLUTION 00-351-PSB AND
Line 3: APPROVED PLAN AND BUDGET
Line 4: _____

*** Must attach the SF-1034 Disbursement Authorization.**
*** Fax to Branch of Tribal Accounts Mgmt. by the following cutoff times:**
- **9:00 a.m. MT for documents With Interest.**
- **11:00 a.m. MT for documents Without Interest.**

Prepared by: DEAN WEBB Phone: 406-734-7361 Date: 11/14/00
Approved by: _____ Phone: _____ Date: __/__/__
Entered by: _____ Batch #: _____ Tran #: _____
Verified by: _____ Phone: _____ Date: __/__/__

Workticket Last Updated: 6/9/00

FAX TO: BRANCH OF TRIBAL ACCOUNTS MANAGEMENT
FAX #: 505/248-5785

TD-3

TRIBAL
NON-SCHEDULED
DIRECT DEPOSIT REQUEST (ACH)
(CASH - DISB) **Control ID:** 437

ACCOUNT NO.: EC5197016 ACCT NAME: THREE AFFILIATED TRIBES

Enter the amount you wish to disburse from P1 or P3 (only one portfolio per workticket).
PAID PRINCIPAL (P1): _____
OR
INVESTED INCOME (P3): 2,766,000.00

DISBURSEMENT CODE #: Circle the appropriate ACH Disbursement Code.

	CHKG	SVGS
Economic Dev Program	200	201
Community Dev Program	208	209
Bid Deposit	250	251
Performance Bond	252	253
Advance Deposit	254	255
Forest Mgmt Deduction	256	257
Advance Payment	258	259

or select one code from the Disbursement codes list (2XX series):
Code #: 200 Description: ECONOMIC DEV CHKG or SVGS (circle one)

PAID TO TAX ID#: 091300489 NAME: COMMUNITY 1ST NATL BANK DICKINSON, ND
(Enter the receiving bank's ABA Routing # and name of bank)

PAID FOR TAX ID#: 3AFFB01 NAME: THREE AFFILIATED TRIBES
(Enter TAX ID and NAME for the tribe that this is paid for)

PRODUCE CHECK Y/N: N

EXPLANATION: WITHDRAWAL OF INTEREST EARNINGS
(This explanation will appear on the check - Maximum 50 characters)

ASSET REFERENCE: BLANK P#: BLANK
TREAT AS INCOME: BLANK INCLUDE 1099R Y/N: N
FOR ACCRUALS: NO DATE INCOME APPLIES: *

EXPANDED EXPLANATION (if needed -- each line has a maximum of 50 characters)
Line 1: WITHDRAWAL OF INTEREST PER TRIBAL
Line 2: RESOLUTION 00-381-DSB AND
Line 3: APPROVED PLAN AND BUDGET
Line 4: _____

*** Must attach the SF-1034 Disbursement Authorization.**
*** Fax to Branch of Tribal Accounts Mgmt. by the following cutoff times:**
- **9:00 a.m. MT for documents With Interest.**
- **11:00 a.m. MT for documents Without Interest.**

Prepared by: DEAN WEBB Phone: 605-226-7361 Date: 11/14/00
Approved by: _____ Phone: _____ Date: __/__/__
Entered by: _____ Batch #: _____ Tran #: _____
Verified by: _____ Phone: _____ Date: __/__/__

Workticket Last Updated: 6/9/00

FAX TO: BRANCH OF TRIBAL ACCOUNTS MANAGEMENT
FAX #: 505/248-5785

TD-3

TRIBAL
NON-SCHEDULED
DIRECT DEPOSIT REQUEST (ACH)
(CASH - DISB) **Control ID:** 437

ACCOUNT NO.: EC5197016 ACCT NAME: THREE Affiliated TRIBES

Enter the amount you wish to disburse from P1 or P3 (only one portfolio per workticket).
PAID PRINCIPAL (P1): _____
OR
INVESTED INCOME (P3): 1,516,678.00

DISBURSEMENT CODE #: Circle the appropriate ACH Disbursement Code.

	CHKG	SVGS
Economic Dev Program	200	201
Community Dev Program	208	209
Bid Deposit	250	251
Performance Bond	252	253
Advance Deposit	254	255
Forest Mgmt Deduction	256	257
Advance Payment	258	259

or select one code from the Disbursement codes list (2XX series):
Code #: 272 Description: EDUCATION CHKG or SVGS (circle one)

PAID TO TAX ID#: 0913 00489 NAME: COMMUNITY FIRST NAT BANK DICKINSON, ND
(Enter the receiving bank's ABA Routing # and name of bank)

PAID FOR TAX ID#: 3 Aff Bd NAME: THREE Affiliated TRIBES
(Enter TAX ID and NAME for the tribe that this is paid for)

PRODUCE CHECK Y/N: N

EXPLANATION: WITHDRAWAL of INT EARNINGS
(This explanation will appear on the check - Maximum 50 characters)

ASSET REFERENCE: BLANK P#: BLANK
TREAT AS INCOME: BLANK INCLUDE 1099R Y/N: N
FOR ACCRUALS: NO DATE INCOME APPLIES: *

EXPANDED EXPLANATION (if needed -- each line has a maximum of 50 characters)
Line 1: WITHDRAWAL of INTEREST PER TRIBAL
Line 2: RESOLUTION 00-391-DSB AND
Line 3: APPROVED PLAN AND BUDGET
Line 4:

*** Must attach the SF-1034 Disbursement Authorization.**
*** Fax to Branch of Tribal Accounts Mgmt. by the following cutoff times:**
- **9:00 a.m. MT for documents With Interest.**
- **11:00 a.m. MT for documents Without Interest.**

Prepared by: DEAN WEBB Phone: 605 224 7861 Date: 11/14/00
Approved by: _____ Phone: _____ Date: __/__/__
Entered by: _____ Batch #: _____ Tran #: _____
Verified by: _____ Phone: _____ Date: __/__/__

Workticket Last Updated: 6/9/00

FAX TO: BRANCH OF TRIBAL ACCOUNTS MANAGEMENT
FAX #: 505/248-5785

TD-3

TRIBAL
NON-SCHEDULED
DIRECT DEPOSIT REQUEST (ACH)
(CASH - DISB) **Control ID:** 437

ACCOUNT NO.: ECS157 016 ACCT NAME: THREE Affiliated TRIBES

Enter the amount you wish to disburse from P1 or P3 (only one portfolio per workticket).
PAID PRINCIPAL (P1): _____
OR
INVESTED INCOME (P3): 5,260,600.00

DISBURSEMENT CODE #: Circle the appropriate ACH Disbursement Code.

	CHKG	SVGS
Economic Dev Program	200	201
Community Dev Program	208	209
Bid Deposit	250	251
Performance Bond	252	253
Advance Deposit	254	255
Forest Mgmt Deduction	256	257
Advance Payment	258	259

or select one code from the Disbursement codes list (2XX series):
Code #: 248 Description: TRIBAL ASST (CHKG) or SVGS (circle one)

PAID TO TAX ID#: 091300488 NAME: COMMUNITY FIRST NATL BANK DICKINSON ND
(Enter the receiving bank's ABA Routing # and name of bank)

PAID FOR TAX ID#: 3AFF801 NAME: THREE Affiliated TRIBES
(Enter TAX ID and NAME for the tribe that this is paid for)

PRODUCE CHECK Y/N: N

EXPLANATION: WITHDRAWAL of INTEREST
(This explanation will appear on the check - Maximum 50 characters)

ASSET REFERENCE: BLANK P#: BLANK
TREAT AS INCOME: BLANK INCLUDE 1099R Y/N: N
FOR ACCRUALS: NO DATE INCOME APPLIES: *

EXPANDED EXPLANATION (if needed - each line has a maximum of 50 characters)
Line 1: WITHDRAWAL of INTEREST PER TRIBAL
Line 2: RESOLUTION 00-391-DSD AND
Line 3: APPROVED PLAN AND BUDGET
Line 4: _____

* Must attach the SF-1034 Disbursement Authorization.
* Fax to Branch of Tribal Accounts Mgmt. by the following cutoff times:
- 9:00 a.m. MT for documents With Interest.
- 11:00 a.m. MT for documents Without Interest.

Prepared by: DEAN WEBB Phone: 605 226-7361 Date: 11/27/00
Approved by: _____ Phone: _____ Date: __/__/__
Entered by: _____ Batch #: _____ Tran #: _____
Verified by: _____ Phone: _____ Date: __/__/__

Workticket Last Updated: 6/9/00

Standard Form 1034
Revised January 1980
Department of the Treasury
I TFRM 4-2000

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO. 00-13

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
FORT BERTHOLD AGENCY

DATE VOUCHER PREPARED: SEPTEMBER 01, 2000

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

SCHEDULE NO.

PAID BY: Received 9-6-00 Books of 000 w/s

PAYEE'S NAME AND ADDRESS
THREE AFFILIATED TRIBES
COMMUNITY FIRST NATIONAL BANK
DICKINSON, NORTH DAKOTA
ABA 091300489
ACCT NO: 6423700734 THREE AFFILIATED TRIBES
(CHECKING)

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT (If Available)

SHIPPED FROM | TO | WEIGHT | GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (1)
		WITHDRAWL OF JTAC FUNDS PER RESOLUTION #99-234-JPH AND APPROVED BUDGET, PER APPROVED JTAC PLAN BY CORA L. JONES TEX G. HALL, TAT CHAIRMAN DATE				$2,049,727.00

(Use continuation sheet(s) if necessary) (Payee must NOT use the space below) TOTAL $2,049,727.00

PAYMENT:
- [ ] PROVISIONAL
- [ ] COMPLETE
- [ ] PARTIAL
- [ ] FINAL
- [ ] PROGRESS
- [ ] ADVANCE

APPROVED FOR = $

EXCHANGE RATE = $1.00

DIFFERENCES

BY [2] Avgur B Fox

TITLE Adm Superintendent

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

9-2-00 (Date) | Kenneth Cabbit (Authorized Certifying Officer)[2] | Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

EC5197016 Income Cash $2,049,727.00

PAID BY

CHECK NUMBER | ON ACCOUNT OF U.S. TREASURY | CHECK NUMBER | ON (Name of bank)

CASH $ | DATE | PAYEE [3]

[1] When stated in foreign currency, insert name of currency.
[2] If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
[3] When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

PER

TITLE

ious edition usable 1034-119 NSN 7540-00-900-2234

PRIVACY ACT STATEMENT
The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

MANDAN, HIDATSA, & ARIKARA NATION
Three Affiliated Tribes • Fort Berthold Indian Reservation
HC3 Box 2 • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL
701-627-4781
Fax 701-627-3805

Bureau of Indian Affairs
Office of Trust Management
Attn: Dean Webb
115 Fourth Ave., SE
Aberdeen SD 57401

09-01-00

Dear Mr. Webb:

This is how the JTAC, $2, 049,727.00 drawdown will be allocated:

Economic Development	$1,365,566.00
Education	104,006.00
Social Welfare	~~566,333.00~~ 556,333.00
Other	23,822.00

If we can be of further assistance for any other questions, you may have, please

Call 701-627-4785.

Sincerely:

Myron A. Foote

Myron A Foote, Comptroller
Three Affiliated Tribes

TAXPAYER ID#: 3AFFB01

NAME LINE 1: THREE AFFILIATED TRIBES
LINE 2: ATTN: TREASURER
LINE 3: HC3 BOX 2
LINE 4: NEW TOWN ND 58763

STATE OF RESIDENCE: ND
ELIGIBLE FOR DELETION: YES
BIRTH DATE: OPEN
PHONE NUMBER: 701.627-4781
DDA/ABA NUMBER: 6423700734
TAX COPY-TO:

FAX PHONE NUMBER: 701.627-3805
INTER-OFFICE MAIL DESTINATION:
LETTER SALUTATION:

E

[illegible]

BALANCES SUMMARY 09/01/00 17:01

EC5197016 2 AFFILIATED FORT BERTHOLD - 5197

	CURRENT	LAST MNTH 08/31	LAST STMT 08/31	LAST TAX YEAR
PRIN CSH:	0.00	0.00	0.00	0.00
INCOME CSH:	0.00	0.00	0.00	0.00
INV INC CSH:	0.00	0.00	0.00	0.00
TOTAL CSH:	0.00	0.00	0.00	0.00
PRIN INV:	150,922,957.79	150,922,957.79	150,922,957.79	149,941,250.32
INV INC INV:	42,174,084.45	41,653,048.98	41,653,048.98	41,309,093.20
TOTAL INV:	193,097,042.24	192,576,006.77	192,576,006.77	191,250,343.52

GAIN/LOSS THIS FISCAL YEAR	FEDERAL	STATE
LONG TERM GAINS:	1,335,965.28	1,337,617.72
LONG TERM LOSSES:	-354,453.12	-355,390.22
SHORT TERM GAINS:	7,898.44	7,898.50
SHORT TERM LOSSES:	-4,247.44	-3,[illegible]
LONG TERM LOSS CARRYFORWARD:	0.00	0.00
SHRT TERM LOSS CARRYFORWARD:	0.00	0.00

INCOME THIS FISCAL YEAR:	19,134,830.95
INCOME LAST FISCAL YEAR:	0.00
NOMINEE INCOME THIS FISCAL YEAR:	18,829,475.27
NOMINEE INCOME THIS CALENDER YEAR:	9,041,477.50
DISBURSEMENTS THIS FISCAL YEAR:	-46,580,292.31
DISBURSEMENTS LAST FISCAL YEAR:	0.00
BROKERAGE YTD:	0.00
ALL FEES-CYTD:	0.00
PRIN FEES-FEE YR:	0.00
ALL FEES LAST CAL YR:	0.00
INC COM CYTD:	0.00

AUTOMATIC INCOME FEES CHARGED

SINCE LAST PRINCIPAL FEE:	0.00
COMMISSIONABLE INCOME CYTD:	9,540,855.97
AMOUNT OF LAST PERIODIC FEE:	0.00

E

S	SECURITY DESCRIPTION / SHARES/PV	MARKET VALUE	FEDERAL COST	%MKT	P	ANNUAL INC/ UNREAL G/L	CURR YIELD
	US TREASURY OVERNIGHTER						
	GOVERNMENT OVERNIGHTER		ST0001005		1	43,044	
	658,162.9400	658,162.94	658,162.94	0.3		0	6.5
	GOVERNMENT OVERNIGHTER		ST0001005		3	1,204,870	
	29,126,459.4500	29,126,459.45	29,126,459.45	15.4		0	6.5
	US GOVT SPON ENTITY ISSUES-360						
	FNMA	6.240% 9/07/00	31364BKD1		1	814,000	
	10,000,000.0000	9,999,700.00	10,050,000.00	5.3		-50,300	6.2
	FNMA	6.625% 4/18/01	31364CBD9		1	39,750	
	600,000.0000	599,508.00	595,968.75	0.3		3,539	6.6
	FNMA	6.450% 4/23/01	31364CBM9		1	64,500	
	1,000,000.0000	998,080.00	996,562.50	0.5		1,518	6.5
	FHLB	6.670% 5/10/01	313393S92		1	93,380	
	1,400,000.0000	1,399,132.00	1,394,750.00	0.7		4,382	6.7
	FNMA	6.230% 3/01/02	31364CXV5		1	311,500	
	5,000,000.0000	4,961,700.00	4,993,750.00	2.6		-32,050	6.3
	FNMA CC 12/99 W/10	6.32% 12/23/02	31364FLR0		1	31,600	
	500,000.0000	493,045.00	499,921.88	0.3		-6,877	6.4
	FNMA CC 1/00 W/10	5.900% 1/24/03	31364FPV7		1	59,000	
	1,000,000.0000	980,660.00	996,250.00	0.5		-15,590	6.0
	FHLB	6.520% 4/02/03	313393WJ5		1	540,508	
	8,290,000.0000	8,251,119.90	8,287,051.56	4.4		-35,932	6.6
	FHLB	6.120% 4/24/03	3133M3326		1	459,000	
	7,500,000.0000	7,364,100.00	7,492,968.75	3.9		-128,869	6.2
	FHLMC	6.645% 3/10/04	3134A1QD5		1	66,450	
	1,000,000.0000	995,940.00	996,250.00	0.5		-310	6.7
	FHLMC CC 11/99 W/10	6.665% 11/17/04	3134A1P61		3	66,650	
	1,000,000.0000	981,880.00	1,010,000.00	0.5		-28,120	6.8
	FNMA 1XC 12/00 W/10	6.300% 12/20/04	31364FKY6		3	31,500	
	500,000.0000	488,000.00	497,187.50	0.3		-9,188	6.5
	FNMA CC 12/99 W/10	6.500% 12/22/04	31364FLH2		1	32,500	
	500,000.0000	489,600.00	499,531.25	0.3		-9,931	6.6
	FHLB CQ 10/99 W/5	7.010% 1/13/05	3133M9BN1		3	126,180	
	1,800,000.0000	1,778,058.00	1,798,875.00	0.9		-20,817	7.1
	FNMA CC 12/99 W/10	6.000% 1/14/05	31364FMU2		1	[illegible]	

FAX

TRIBAL

To: Branch of Customer Services
ATTN: Sonny Hornaday
Fax: 1-505-248-5785
Phone: 1-505-248-5708
Control ID: 437

From: Dean West
Phone: 602-226-7161
Date: 9-2-00
10 Page(s) (Including coversheet)
Senior Administrator (Agency):

Enter number of each request in space provided:

1 TD-3 NONSCHEDULED DIRECT DEPOSIT REQUEST (ACH)
___ TD-5 SCHEDULED DIRECT DEPOSIT REQUEST (ACH)
___ TD-6 NONSCHEDULED CHECK REQUEST
___ TD-7 SAME DAY EFT PAYMENT REQUEST

___ TT-1 TRIBAL CASH TRANSFER (TRIBAL DISBURSEMENT)
___ TT-5 TRANSFER TO NON-CONVERTED IIM

___ F-4 MOVE TO ANOTHER CONTROL ID

___ OTHER
___ INFORMATION REQUESTED BY: ___

REMARKS/COMMENTS:
ST1034 THREE Affiliated

Faxed 9-2-00 10:44 AM

FAX TO: RANCH OF TRIBAL ACCOUNTS MANAGEMENT
FAX #: 505/248-5785

TD-3

TRIBAL
NON-SCHEDULED
DIRECT DEPOSIT REQUEST (ACH)
(CASH - DISB) Control ID: 437

ACCOUNT NO.: EC5197016 ACCT NAME: THREE Affiliated TRIBES

Enter the amount you wish to disburse from P1 or P3 (only one portfolio per workticket).
PAID PRINCIPAL (P1): _____
OR
INVESTED INCOME (P3): 1,365,566.00

DISBURSEMENT CODE #: Circle the appropriate ACH Disbursement Code.

	CHKG	SVGS
Economic Dev Program	200	201
Community Dev Program	208	209
Bid Deposit	250	251
Performance Bond	252	253
Advance Deposit	254	255
Forest Mgmt Deduction	256	257
Advance Payment	258	259

or select one code from the Disbursement codes list (2XX series):
Code #: ____ Description: _____ CHKG or SVGS (circle one)

PAID TO TAX ID#: 0913 00489 NAME: Community 1st Natl Bank Dickinson, ND
(Enter the receiving bank's ABA Routing # and name of bank)

PAID FOR TAX ID#: 3AffB01 NAME: THREE Affiliated TRIBE
(Enter TAX ID and NAME for the tribe that this is paid for)

PRODUCE CHECK Y/N: Y

EXPLANATION: WITHDRAWAL of INTEREST EARNINGS
(This explanation will appear on the check - Maximum 50 characters)

ASSET REFERENCE: BLANK P#: BLANK
TREAT AS INCOME: BLANK INCLUDE 1099R Y/N: N
FOR ACCRUALS: NO DATE INCOME APPLIES: *

EXPANDED EXPLANATION (If needed – each line has a maximum of 50 characters)
Line 1: WITHDRAWAL of INTEREST EARNINGS
Line 2: PER TRIBAL RESOLUTION 99-234-JPH
Line 3: AND APPROVED BUDGET FOR
Line 4: ECONOMIC DEVELOPMENT

* Must attach the SF-1034 Disbursement Authorization.
* Cutoff Time – Fax to Branch of Tribal Accounts Mgmt. By 10:00 a.m. MT for same day processing.

Prepared by: DEAN WEBB Phone: 605 224-7261 Date: 9/2/00
Approved by: _____ Phone: _____ Date: __/__/__
Entered by: _____ Batch #: _____ Tran #: _____
Verified by: _____ Phone: _____ Date: __/__/__

Workticket Last Updated: 5/26/99

FAX #: 505/248-5785

TD-3

TRIBAL
NON-SCHEDULED
DIRECT DEPOSIT REQUEST (ACH)
(CASH - DISB) Control ID: 437

ACCOUNT NO.: EC5197016 ACCT NAME: THREE Affiliated TRIBES

Enter the amount you wish to disburse from P1 or P3 (only one portfolio per workticket).
PAID PRINCIPAL (P1): ~~[illegible]~~ [illegible]
OR
INVESTED INCOME (P3): 104,006.00

DISBURSEMENT CODE #: Circle the appropriate ACH Disbursement Code.

	CHKG	SVGS
Economic Dev Program	200	201
Community Dev Program	208	209
Bid Deposit	250	251
Performance Bond	252	253
Advance Deposit	254	255
Forest Mgmt Deduction	256	257
Advance Payment	258	259

or select one code from the Disbursement codes list (2XX series):
Code #: 27- Description: EDUCATION (CHKG) or SVGS (circle one)

PAID TO TAX ID#: 091300499 NAME: Community 1st Natl Bank Dickinson, ND
(Enter the receiving bank's ABA Routing # and name of bank)

PAID FOR TAX ID#: 3Aff B01 NAME: THREE Affiliated TRIBES
(Enter TAX ID and NAME for the tribe that this is paid for)

PRODUCE CHECK Y/N: Y

EXPLANATION: WITHDRAWAL of INTEREST EARNINGS
(This explanation will appear on the check - Maximum 50 characters)

ASSET REFERENCE: BLANK P#: BLANK
TREAT AS INCOME: BLANK INCLUDE 1099R Y/N: N
FOR ACCRUALS: NO DATE INCOME APPLIES: *

EXPANDED EXPLANATION (If needed - each line has a maximum of 50 characters)
Line 1: WITHDRAWAL of INTEREST EARNINGS
Line 2: PER TRIBAL RESOLUTION 99-234-JPH
Line 3: AND APPROVED BUDGET FOR
Line 4: EDUCATION

* Must attach the SF-1034 Disbursement Authorization.
* Cutoff Time - Fax to Branch of Tribal Accounts Mgmt. By 10:00 a.m. MT for same day processing.

Prepared by: DEAN WEBB Phone: 605 224-7261 Date: 9/2/00
Approved by: Phone: Date: / /
Entered by: Batch #: Tran #:
Verified by: Phone: Date: / /

Workticket Last Updated: 5/26/99

FAX TO BRANCH OF TRIBAL ACCOUNTS MANAGEMENT
FAX #: 505/248-5785

TD-3

TRIBAL
NON-SCHEDULED
DIRECT DEPOSIT REQUEST (ACH)
(CASH - DISB) Control ID: 437

ACCOUNT NO.: EC5197016 ACCT NAME: THREE Affiliated TRIBES

Enter the amount you wish to disburse from P1 or P3 (only one portfolio per workticket).
PAID PRINCIPAL (P1): _____
OR
INVESTED INCOME (P3): 556,333.00

DISBURSEMENT CODE #: Circle the appropriate ACH Disbursement Code.

	CHKG	SVGS
Economic Dev Program	200	201
Community Dev Program	208	209
Bid Deposit	250	251
Performance Bond	252	253
Advance Deposit	254	255
Forest Mgmt Deduction	256	257
Advance Payment	258	259

or select one code from the Disbursement codes list (2XX series):
Code #: 2YR Description: TRIBAL ASST (CHKG or SVGS (circle one)

PAID TO TAX ID#: 091300499 NAME: COMMUNITY 1st NATL BANK DICKINSON, ND
(Enter the receiving bank's ABA Routing # and name of bank)

PAID FOR TAX ID#: 3AFFB01 NAME: THREE Affiliated TRIBES
(Enter TAX ID and NAME for the tribe that this is paid for)

PRODUCE CHECK Y/N: Y

EXPLANATION: WITHDRAWAL of INTEREST EARNINGS
(This explanation will appear on the check - Maximum 50 characters)

ASSET REFERENCE: BLANK P#: BLANK
TREAT AS INCOME: BLANK INCLUDE 1099R Y/N: N
FOR ACCRUALS: NO DATE INCOME APPLIES: *

EXPANDED EXPLANATION (If needed - each line has a maximum of 50 characters)
Line 1: WITHDRAWAL of INTEREST EARNINGS
Line 2: PER TRIBAL RESOLUTION 99-234-JPH
Line 3: AND APPROVED BUDGET FOR
Line 4: SOCIAL WELFARE PROGRAMS

* Must attach the SF-1034 Disbursement Authorization.
* Cutoff Time – Fax to Branch of Tribal Accounts Mgmt. By 10:00 a.m. MT for same day processing.

Prepared by: DEAN WEBB Phone: 605 224-7261 Date: 9/2/03
Approved by: _____ Phone: _____ Date: __/__/__
Entered by: _____ Batch #: _____ Tran #: _____
Verified by: _____ Phone: _____ Date: __/__/__

Workticket Last Updated: 5/26/99

FAX TO BRANCH OF TRIBAL ACCOUNTS MANAGEMENT
FAX #: 505/248-5785

TD-3

TRIBAL
NON-SCHEDULED
DIRECT DEPOSIT REQUEST (ACH)
(CASH - DISB) Control ID: 437

ACCOUNT NO.: EC5197016 ACCT NAME: THREE Affiliated TRIBES

Enter the amount you wish to disburse from P1 or P3 (only one portfolio per workticket).
PAID PRINCIPAL (P1): _____
OR
INVESTED INCOME (P3): 23,822.00

DISBURSEMENT CODE #: Circle the appropriate ACH Disbursement Code.

	CHKG	SVGS
Economic Dev Program	200	201
Community Dev Program	208	209
Bid Deposit	250	251
Performance Bond	252	253
Advance Deposit	254	255
Forest Mgmt Deduction	256	257
Advance Payment	258	259

or select one code from the Disbursement codes list (2XX series):
Code #: 288 Description: TRIBAL EWS of CHKG or SVGS (circle one)

PAID TO TAX ID#: 0913 00489 NAME: COMMUNITY 1st NATL BANK DICKINSON, ND
(Enter the receiving bank's ABA Routing # and name of bank)

PAID FOR TAX ID#: 3AFFB01 NAME: THREE Affiliated TRIBES
(Enter TAX ID and NAME for the tribe that this is paid for)

PRODUCE CHECK Y/N: Y

EXPLANATION: WITHDRAWAL of INTEREST EARNINGS
(This explanation will appear on the check - Maximum 50 characters)

ASSET REFERENCE: BLANK P#: BLANK
TREAT AS INCOME: BLANK INCLUDE 1099R Y/N: N
FOR ACCRUALS: NO DATE INCOME APPLIES: *

EXPANDED EXPLANATION (If needed – each line has a maximum of 50 characters)
Line 1: WITHDRAWAL of INTEREST EARNINGS
Line 2: PER TRIBAL RESOLUTION 99-234-JPH
Line 3: AND APPROVED BUDGET FOR
Line 4: OTHER PROGRAMS

* Must attach the SF-1034 Disbursement Authorization.
* Cutoff Time – Fax to Branch of Tribal Accounts Mgmt. By 10:00 a.m. MT for same day processing.

Prepared by: DEAN WEBB Phone: 605 226-7261 Date: 9/2/00
Approved by: _____ Phone: _____ Date: __/__/__
Entered by: _____ Batch #: _____ Tran #: _____
Verified by: _____ Phone: _____ Date: __/__/__

Workticket Last Updated: 5/26/99

Standard Form 1034
September 1973
4 Treasury FRM 2000

PUB VOUCHER FOR PURCHASES AI SERVICES OTHER THAN PERSONAL

VOUCHER NO. 00-11

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
Department of the Interior
Bureau of Indian Affairs
Fort Berthold Agency
New Town, ND 58763

DATE VOUCHER PREPARED: August 02, 00

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

SCHEDULE NO.

PAID BY: Batch OT 000266 Trans 2 Trans 3, 4, 5, 6 7 + 8

PAYEE'S NAME AND ADDRESS:
THREE AFFILIATED TRIBES
COMMUNITY FIRST NATIONAL BANK
DICKINSON, NORTH DAKOTA
ABA 091300489
ACCT NO: 6423700734 THREE AFFILIATED TRIBES
(CHECKING)

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM

GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (1)
		Withdrawal #5 of JTAC Funds per Reso# 99-234-JPH and approved budget, per approved JTAC Plan by Cora L. Jones.				1,431,106.00
		Tex G. Hall, Chairman 08/02/00				

(Use continuation sheet(s) if necessary) **(Payee must NOT use the space below)** **TOTAL** 1,431,106.00

PAYMENT: ☐ COMPLETE ☐ PARTIAL ☐ FINAL ☐ PROGRESS ☐ ADVANCE

APPROVED FOR = $

EXCHANGE RATE = $ 1.00

DIFFERENCES

BY[2] Angie B. Fox

TITLE Acting Superintendent

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

8/3/00 (Date) Kenneth West (Authorized Certifying Officer)[2] Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

EC5197016 Income Cash $1,431,106.00

PAID BY

CHECK NUMBER ON TREASURER OF THE UNITED STATES

CHECK NUMBER ON (Name of bank)

CASH $ DATE

PAYEE[3]

PER

TITLE

[1] When stated in foreign currency, insert name of currency.
[2] If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise each approving officer will sign in the space provided, over his official title.
[3] When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

1034-116

FAX TO: BRANCH OF TRIBAL ACCOUNTS MANAGEMENT
FAX #: 505/248-5785

TD-3

TRIBAL
NON-SCHEDULED
DIRECT DEPOSIT REQUEST (ACH)
(CASH - DISB) **Control ID:** 437

ACCOUNT NO.: EC5197.016 ACCT NAME: THREE Affiliated TRIBES

Enter the amount you wish to disburse from P1 or P3 (only one portfolio per workticket).
PAID PRINCIPAL (P1): _____
OR
INVESTED INCOME (P3): 772,787.00

DISBURSEMENT CODE #: Circle the appropriate ACH Disbursement Code.

	CHKG	SVGS
Economic Dev Program	200	201
Community Dev Program	208	209
Bid Deposit	250	251
Performance Bond	252	253
Advance Deposit	254	255
Forest Mgmt Deduction	256	257
Advance Payment	258	259

or select one code from the Disbursement codes list (2XX series):
Code #: ____ Description: _____ CHKG or SVGS (circle one)

PAID TO TAX ID#: 091300489 NAME: Community 1st Natl Bank
(Enter the receiving bank's ABA Routing # and name of bank) Dickinson, ND

PAID FOR TAX ID#: 3Aff B01 NAME: THREE Affiliated TRIBES
(Enter TAX ID and NAME for the tribe that this is paid for)

PRODUCE CHECK Y/N: Y

EXPLANATION: WITHDRAWAL of FUNDS
(This explanation will appear on the check - Maximum 50 characters)

ASSET REFERENCE: BLANK P#: BLANK
TREAT AS INCOME: BLANK INCLUDE 1099R Y/N: N
FOR ACCRUALS: NO DATE INCOME APPLIES: *

EXPANDED EXPLANATION (if needed – each line has a maximum of 50 characters)
Line 1: WITHDRAWAL of INTEREST EARNINGS
Line 2: PER TRIBAL RESOLUTION 99-234-JPH
Line 3: AND APPROVED BUDGET FOR
Line 4: ECONOMIC DEVELOPMENT

* Must attach the SF-1034 Disbursement Authorization.
* Cutoff Time – Fax to Branch of Tribal Accounts Mgmt. By 10:00 a.m. MT for same day processing.

Prepared by: DEAN WEBB Phone: 605 226-7361 Date: 8/3/00
Approved by: _____ Phone: _____ Date: __/__/__
Entered by: _____ Batch #: _____ Tran #: _____
Verified by: _____ Phone: _____ Date: __/__/__

Workticket Last Updated: 5/26/99

FAX TO: BRANCH OF TRIBAL ACCOUNTS MANAGEMENT
FAX #: 505/248-5785

TD-3

TRIBAL
NON-SCHEDULED
DIRECT DEPOSIT REQUEST (ACH)
(CASH - DISB) **Control ID:** 437

ACCOUNT NO.: EC5197 016 ACCT NAME: THREE AFFILIATED TRIBES

Enter the amount you wish to disburse from P1 or P3 (only one portfolio per workticket).
PAID PRINCIPAL (P1): _____
OR
INVESTED INCOME (P3): 128 800.00

DISBURSEMENT CODE #: Circle the appropriate ACH Disbursement Code.

	CHKG	SVGS
Economic Dev Program	200	201
Community Dev Program	208	209
Bid Deposit	250	251
Performance Bond	252	253
Advance Deposit	254	255
Forest Mgmt Deduction	256	257
Advance Payment	258	259

or select one code from the Disbursement codes list (2XX series):
Code #: 272 Description: EDUCATION CHKG or SVGS (circle one)

PAID TO TAX ID#: 091300489 NAME: COMMUNITY 1ST NATL BANK DICKINSON, ND
(Enter the receiving bank's ABA Routing # and name of bank)

PAID FOR TAX ID#: 3 AFF 801 NAME: THREE AFFILIATED TRIBES
(Enter TAX ID and NAME for the tribe that this is paid for)

PRODUCE CHECK Y/N: Y

EXPLANATION: WITHDRAWAL OF FUNDS
(This explanation will appear on the check - Maximum 50 characters)

ASSET REFERENCE: BLANK P#: BLANK
TREAT AS INCOME: BLANK INCLUDE 1099R Y/N: N
FOR ACCRUALS: NO DATE INCOME APPLIES: *

EXPANDED EXPLANATION (If needed – each line has a maximum of 50 characters)
Line 1: WITHDRAWAL OF INTEREST EARNINGS
Line 2: PER TRIBAL RESOLUTION 99-234-JPH
Line 3: AND APPROVED BUDGET FOR EDUCATION
Line 4: _____

* **Must attach the SF-1034 Disbursement Authorization.**
* **Cutoff Time – Fax to Branch of Tribal Accounts Mgmt. By 10:00 a.m. MT for same day processing.**

Prepared by: DEAN WEBB Phone: 605-226-7361 Date: 8/13/00
Approved by: _____ Phone: _____ Date: __/__/__
Entered by: _____ Batch #: _____ Tran #: _____
Verified by: _____ Phone: _____ Date: __/__/__

Workticket Last Updated: 5/26/99

FAX TO: BRANCH OF TRIBAL ACCOUNTS MANAGEMENT
FAX #: 505/248-5785

TD-3

TRIBAL
NON-SCHEDULED
DIRECT DEPOSIT REQUEST (ACH)
(CASH - DISB) **Control ID:** 437

ACCOUNT NO.: EC5197 016 ACCT NAME: THREE AFFILIATED TRIBES

Enter the amount you wish to disburse from P1 or P3 (only one portfolio per workticket).
PAID PRINCIPAL (P1): _____
OR
INVESTED INCOME (P3): 300,532.00

DISBURSEMENT CODE #: Circle the appropriate ACH Disbursement Code.

	CHKG	SVGS
Economic Dev Program	200	201
Community Dev Program	208	209
Bid Deposit	250	251
Performance Bond	252	253
Advance Deposit	254	255
Forest Mgmt Deduction	256	257
Advance Payment	258	259

1

or select one code from the Disbursement codes list (2XX series):
Code #: 298 Description: TRIBAL ASSC. CHKG or SVGS (circle one)

PAID TO TAX ID#: 091300489 NAME: COMMUNITY 1ST NATL BANK DICKINSON, ND
(Enter the receiving bank's ABA Routing # and name of bank)

PAID FOR TAX ID#: 3 AFF 801 NAME: THREE AFFILIATED TRIBES
(Enter TAX ID and NAME for the tribe that this is paid for)

PRODUCE CHECK Y/N: Y

EXPLANATION: WITHDRAWAL of FUNDS
(This explanation will appear on the check - Maximum 50 characters)

ASSET REFERENCE: BLANK P#: BLANK
TREAT AS INCOME: BLANK INCLUDE 1099R Y/N: N
FOR ACCRUALS: NO DATE INCOME APPLIES: *

EXPANDED EXPLANATION (If needed – each line has a maximum of 50 characters)
Line 1: WITHDRAWAL of INTEREST EARNINGS
Line 2: PER TRIBAL RESOLUTION 99-234-JPH
Line 3: AND APPROVED BUDGET FOR
Line 4: SOCIAL WELFARE PROGRAMS

* Must attach the SF-1034 Disbursement Authorization.
* Cutoff Time – Fax to Branch of Tribal Accounts Mgmt. By 10:00 a.m. MT for same day processing.

Prepared by: DEAN WEBB Phone: 605 226-7361 Date: 1/3/00
Approved by: _____ Phone: _____ Date: __/__/__
Entered by: _____ Batch #: _____ Tran #: _____
Verified by: _____ Phone: _____ Date: __/__/__

Workticket Last Updated: 5/26/99

FAX TO: BRANCH OF TRIBAL ACCOUNTS MANAGEMENT
FAX #: 505/248-5785

TD-3

TRIBAL
NON-SCHEDULED
DIRECT DEPOSIT REQUEST (ACH)
(CASH - DISB) Control ID: 437

ACCOUNT NO.: EC5197 016 ACCT NAME: THREE AFFILIATED TRIBES

Enter the amount you wish to disburse from P1 or P3 (only one portfolio per workticket).
PAID PRINCIPAL (P1): _____
OR
INVESTED INCOME (P3): 228 977.00

DISBURSEMENT CODE #: Circle the appropriate ACH Disbursement Code.

	CHKG	SVGS
Economic Dev Program	200	201
Community Dev Program	208	209
Bid Deposit	250	251
Performance Bond	252	253
Advance Deposit	254	255
Forest Mgmt Deduction	256	257
Advance Payment	258	259

or select one code from the Disbursement codes list (2XX series):
Code #: 298 Description: TRIBAL GOVT OP (CHKG) or SVGS (circle one)

PAID TO TAX ID#: 69/3 00 489 NAME: COMMUNITY 1ST NATL BANK
(Enter the receiving bank's ABA Routing # and name of bank)

PAID FOR TAX ID#: 3 AFF B01 NAME: THREE AFFILIATED TRIBES
(Enter TAX ID and NAME for the tribe that this is paid for)

PRODUCE CHECK Y/N: Y

EXPLANATION: WITHDRAWAL of FUNDS
(This explanation will appear on the check - Maximum 50 characters)

ASSET REFERENCE: BLANK P#: BLANK
TREAT AS INCOME: BLANK INCLUDE 1099R Y/N: N
FOR ACCRUALS: NO DATE INCOME APPLIES: *

EXPANDED EXPLANATION (If needed – each line has a maximum of 50 characters)
Line 1: WITHDRAWAL of ~~FUNDS~~ INTEREST EARNINGS
Line 2: PER TRIBAL RESOLUTION 99-234-JPH
Line 3: AND APPROVED BUDGET FOR
Line 4: OTHER PROGRAMS

* Must attach the SF-1034 Disbursement Authorization.
* Cutoff Time – Fax to Branch of Tribal Accounts Mgmt. By 10:00 a.m. MT for same day processing.

Prepared by: DEAN WEBB Phone: 226-7261 Date: 8/13/00
Approved by: _____ Phone: _____ Date: __/__/__
Entered by: _____ Batch #: _____ Tran #: _____
Verified by: _____ Phone: _____ Date: __/__/__

Workticket Last Updated: 5/26/99

United States Department of the Interior
OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS
OFFICE OF TRUST FUNDS MANAGEMENT
Aberdeen Area Office
IN REPLY REFER TO: **115 Fourth Avenue SE MS:500**
Aberdeen SD 57401

August 3, 2000

To: Sonny Holladay, Branch of Tribal Accounts Management, OTFM

From: Dean Webb, Financial Trust Services Officer, Great Plains Region

RE: JTAC Draw - Three Affiliated Tribes

I am enclosing a 1034 from the Three Affiliated Tribes for $1,431,106.00. When this was prepared by the Tribe they had typed $1,431,106.64. When Marcus Wells brought this in he had rounded the figures on the 1034 to $1,431,106.00. However, the budget breakdown sheet used the full amount. In working with Marcus Wells, we calculated the rounded figure for the Budget breakdown as follows:

Economic Development	$772,797.00
Education	$128,800.00
Social Welfare	$300,532.00
Other	$228,977.00

If you have any questions, please call me.

MANDAN, HIDATSA, & ARIKARA NATION
Three Affiliated Tribes • Fort Berthold Indian Reservation
HC3 Box 2 • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL
(701) 627-4781
Fax (701) 627-3805

M E M O

TO: Dean Webb
Aberdeen OTFM

DATE: 2 August 2000

FR: Marcus Wells, Sr
TAT Financial Advisor

RE: Budget attachment for JTAC draw #5

For your files or records the following is our general budget catergorized by the various Funds:

	Rs#99-234-JPH	Rs#99-268-DSB	Other	Balance
Economic Development	$7,551,522	$1,887,079	$4.298,877.59	$1,365,565.41
Education	1,222,845	422,845	695,993.60	104,006.40
Social Welfare	3,656,191	1,403,148	1,696.710.39	556,332.61
Other	1,569,442	219,442	1,326,178.06	23,821.94
T O T A L	$14,000,000	$3,932,514	$8,017,759.64	$2,049,726.36

Thank you.

CATEGORIES	A JTAC DRAW PLAN #99-234-JPH	B FY 2000 BUDGET #99-268-DSB	C OTHER ALLOCATIONS	A-B-C REMAINING BALANCE	Aug 3 Plan	BAL
ECONOMIC DEVELOPMENT	7,551,522	1,887,079	3,526,080	2,138,363	772,797.00	1365,566.00
EDUCATION	1,222,845	422,845	567,194	232,806	128,800.00	104,006.00
SOCIAL WELFARE	3,656,191	1,403,148	1,396,178	856,865	300,532.00	556,333.00
OTHER	1,569,442	219,442	1,097,201	252,799	228,877.00	23,922.00
TOTAL	14,000,000	3,932,514	6,586,653	3,480,833	1,431,106.00	2,049,727.00

GENERAL _ UND FY2000 & JTAC #99-_34-JPH		
JTAC DRAW FY2000; $14,000,0000	**#99-234-JPH**	**FY 2000 BUD**
ECONOMIC DEVELOPMENT;$7,551,522		
Competive Pool	$ 1,464,443	
Indirect Cost Programs FY-2000 - Exhibit A	$ -	
Tribal Programs FY-2000 General Fund Budget-Exhibit B	$ -	
Tribal Enterprises FY-2000 General Fund Budget-Exhibit C		$ 557,442
Loans to Debt Service FY-2000 General Fund Budget-Exhibit E		$ 1,200,000
Federal Programs FY-2000 General Fund Budget-Exhibit F		$ 129,637
ED Department	$ 750,000	
Tourism Department	$ 500,000	
Film Department	$ 200,000	
Agriculture Department	$ 1,000,000	
Central Planning Department	$ 750,000	
Roads Department	$ 500,000	
Law Enforcement	$ 500,000	
TOTAL ECONOMIC DEVELOPMENT	**$ 5,664,443**	**$ 1,887,079**
EDUCATION; $1,222,845		
Competive Pool	$ 800,000	
Indirect Cost Programs FY-2000 - Exhibit A		
Tribal Programs FY-2000 General Fund Budget-Exhibit B	$ -	
Tribal Enterprises FY-2000 General Fund Budget-Exhibit C		$ 264,802
Loans to Debt Service FY-2000 General Fund Budget-Exhibit E		$ 96,043
Federal Programs FY-2000 General Fund Budget-Exhibit F		$ 62,000
TOTAL EDUCATION	**$ 800,000**	**$ 422,845**
SOCIAL WELFARE; $3,656,191		
Competive Pool	$ 153,043	
Indirect Cost Programs FY-2000 - Exhibit A		
Tribal Programs FY-2000 General Fund Budget-Exhibit B		$ 261,704
Tribal Enterprises FY-2000 General Fund Budget-Exhibit C		$ 410,217
Loans to Debt Service FY-2000 General Fund Budget-Exhibit E	$ -	
Federal Programs FY-2000 General Fund Budget-Exhibit F		$ 731,227
Health Facility	$ 500,000	
Elder Program	$ 1,000,000	
Health Director	$ 200,000	
Drug & Addiction Detox	$ 400,000	
TOTAL SOCIAL WELFARE	**$ 2,253,043**	**$ 1,403,148**
OTHER PROGRAMS; $1,569,442		
Competive Pool	$ 750,000	
Indirect Cost Programs FY-2000 - Exhibit A		
Tribal Programs FY-2000 General Fund Budget-Exhibit B		$ 157,778
Tribal Enterprises FY-2000 General Fund Budget-Exhibit C		$ 15,000
Loans to Debt Service FY-2000 General Fund Budget-Exhibit E		
Federal Programs FY-2000 General Fund Budget-Exhibit F		$ 46,664
MIS Department	$ 100,000	
North Segment CDBG Facility	$ 500,000	
TOTAL OTHER PROGRAMS	**$ 1,350,000**	**$ 219,442**
TOTAL DRAW & 4 ARES OF JTAC OBLIGATION	$ 10,067,486	$ 3,932,514

[illegible] 1

BALANCES SUMMARY 08/03/00 14:43

EC5197016 3 AFFILIATED FORT BERTHOLD - 5197

	CURRENT	LAST MNTH 07/31	LAST STMT 07/31	LAST TAX YEAR
PRIN CSH:	0.00	0.00	0.00	0.00
INCOME CSH:	0.00	0.00	0.00	0.00
INV INC CSH:	0.00	0.00	0.00	0.00
TOTAL CSH:	0.00	0.00	0.00	0.00
PRIN INV:	149,941,250.32	149,941,250.32	149,941,250.32	149,941,250.32
INV INC INV:	41,803,801.63	41,645,409.18	41,645,409.18	41,309,093.20
TOTAL INV:	191,745,051.95	191,586,659.50	191,586,659.50	191,250,343.52

GAIN/LOSS THIS FISCAL YEAR	FEDERAL	STATE
LONG TERM GAINS:	195.31	1,843.75
LONG TERM LOSSES:	-1,328.12	-1,328.12
SHORT TERM GAINS:	7,898.44	6,250.00
SHORT TERM LOSSES:	-3,309.94	-3,309.94
LONG TERM LOSS CARRYFORWARD:	0.00	0.00
SHRT TERM LOSS CARRYFORWARD:	0.00	0.00

INCOME THIS FISCAL YEAR:	17,333,442.13
INCOME LAST FISCAL YEAR:	0.00
NOMINEE INCOME THIS FISCAL YEAR:	17,066,959.42
NOMINEE INCOME THIS CALENDER YEAR:	7,278,961.65
DISBURSEMENTS THIS FISCAL YEAR:	-43,347,797.49
DISBURSEMENTS LAST FISCAL YEAR:	0.00
BROKERAGE YTD:	0.00
ALL FEES-CYTD:	0.00
PRIN FEES-FEE YR:	0.00
ALL FEES LAST CAL YR:	0.00
INC COM CYTD:	0.00
AUTOMATIC INCOME FEES CHARGED SINCE LAST PRINCIPAL FEE:	0.00
COMMISSIONABLE INCOME CYTD:	7,324,622.91
AMOUNT OF LAST PERIODIC FEE:	0.00

E

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M     M  V     V   SSSSS     JJJJJ  EEEEEEE   SSSSS     CCCC            TTTTTTT  RRRRRR   U     U   SSSSS
MM   MM  V     V  S     S       J   E       S     S   C    C               T     R     R  U     U  S
M M M M  V     V  S             J   E       S         C                    T     R     R  U     U  S
M  M  M   V   V   S             J   E       S         C                    T     R     R  U     U  S
M     M   V   V    SSSSS        J   EEEEEE   SSSSS    C                    T     RRRRRR   U     U   SSSSS
M     M    V V            S     J   E            S    C                    T     R  R     U     U
M     M    V V            S     J   E            S    C                    T     R   R    U     U
M     M     V     S     S  J   J   E       S     S    C    C    ..          T     R    R   U     U  S
M     M     V      SSSSS    JJJ    EEEEEEE   SSSSS     CCCC     ..         T     R     R   UUUUU    SSSSS
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P        PPPPPP   TTTTTTT  FFFFFFF  FFFFFFF     1
P      P       T  F        F        F        11
P      P       T  F        F        F      1 1
       P       T  F        F        F        1
       'PP     T  FFFFFF   FFFFFF   FFFFFF   1
P      P       T  F        F        F        1
P      P       T  F        F        F        1
```

S	SECURITY DESCRIPTION / SHARES/PV	MARKET VALUE	FEDERAL COST	%MKT	P	ANNUAL INC/ UNREAL G/L	CURR YIELD
	US TREASURY OVERNIGHTER						
	GOVERNMENT OVERNIGHTER		ST0001005		1	3,969	
	62,111.4000	62,111.40	62,111.40	0.0		0	6.4
	GOVERNMENT OVERNIGHTER		ST0001005		3	91,448	
	1,431,106.6400	1,431,106.64	1,431,106.64	0.8		0	6.4
	US TREAS NOTES & BONDS-365						
	U.S. TREASURY NOTE 6.250% 2/15/03		912827J78		1	1,250,000	
	20,000,000.0000	19,987,600.00	19,940,625.00	10.7		46,975	6.3
	US GOVT SPON ENTITY ISSUES-360						
	FHLB 6.320% 8/21/00		31339CMB3		1	63,200	
	1,000,000.0000	999,400.00	1,000,937.50	0.5		-1,538	6.3
	FNMA 6.240% 9/07/00		31364BKD1		1	624,000	
	10,000,000.0000	9,995,400.00	10,050,000.00	5.3		-54,600	6.2
	FNMA 6.625% 4/18/01		31364CBD9		1	39,750	
	600,000.0000	599,076.00	595,968.75	0.3		3,107	6.6
	FNMA 6.450% 4/23/01		31364CBM9		1	64,500	
	1,000,000.0000	997,230.00	996,562.50	0.5		668	6.5
	FHLB 6.670% 5/10/01		313393S92		1	93,380	
	1,400,000.0000	1,398,250.00	1,394,750.00	0.7		3,500	6.7
	FNMA 6.230% 3/01/02		31364CXV5		1	311,500	
	5,000,000.0000	4,959,550.00	4,993,750.00	2.6		-34,200	6.3
	FNMA CC 12/99 W/10 6.32% 12/23/02		31364FLR0		1	31,600	
	500,000.0000	491,530.00	499,921.88	0.3		-8,392	6.4
	FNMA CC 1/00 W/10 5.900% 1/24/03		31364FPV7		1	59,000	
	1,000,000.0000	976,950.00	996,250.00	0.5		-19,300	6.0
	FHLB 6.520% 4/02/03		313393WJ5		1	540,508	
	8,290,000.0000	8,220,032.40	8,287,051.56	4.4		-67,019	6.6
	FHLB 6.120% 4/24/03		3133M3326		1	459,000	
	7,500,000.0000	7,335,975.00	7,492,968.75	3.9		-156,994	6.3
	FNMA 5.450% 10/10/03		31359CAF2		1	391,038	
	7,175,000.0000	6,881,255.50	5,997,851.56	3.7		883,404	5.7
	FHLMC 6.645% 3/10/04		3134A1QD5		1	66,450	
	1,000,000.0000	991,560.00	996,250.00	0.5		-4,690	6.7
	FHLMC C 1/99 W/10 6.665% 11/17/04		3134A1P61		3	66,650	

TAXPAYER ID#: 3AFFB01

NAME LINE 1: ^THREE AFFILIATED TRIBES
LINE 2: ATTN: TREASURER
LINE 3: HC3 BOX 2
LINE 4: NEW TOWN ND 58763

STATE OF RESIDENCE: ND
ELIGIBLE FOR DELETION: YES
BIRTH DATE: OPEN
PHONE NUMBER: 701.627-4781
DDA/ABA NUMBER: 6423700734
TAX COPY-TO:

FAX PHONE NUMBER: 701.627-3805
INTER-OFFICE MAIL DESTINATION:
LETTER SALUTATION:

E

MANDAN, HIDATSA, & ARIKARA NATION
Three Affiliated Tribes • Fort Berthold Indian Reservation
HC3 Box 2 • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL
(701) 627-4781
Fax (701) 627-3805

To: Dean Webb
OTFM
AAO

Date: 02 August 00

From: Marcus Wells, Sr., Financial Advisor
Three Affiliated Tribes

Re: Status of $14M JTAC Draws
per Reso# 99-234-JPH

Here's a list of the draws that have been approved, and the remaining balance.

1st draw, Our #00-03 dated 12/17/99, Received 12/21/99 -	$ 3,672,500.00
2nd draw, Our #00-05 dated 02/11/00, Received 02/18/00 -	2,129,342.00
3rd draw, Our #00-06 dated 04/07/00, Received 04/20/00	2,500,000.00
4th draw, Our #00-10 dated 06/26/00, Received 07/11/00	2,217,325.00
5th draw, Our #00-10 dated 08/02/00, pending	1,431,106.64
TOTAL DRAWS	$11,950,273.64

Which leaves us with a balance of $ 2,049,726.36 to draw.

File

Standard Form 1034
September 1973
4 Treasury FRM 2000

PUBL VOUCHER FOR PURCHASES AN SERVICES OTHER THAN PERSONAL

VOUCHER NO. 00-10

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
Department of the Interior
Bureau Of Indian Affairs
'ort Berthold Agency
ew Town, ND 58763

DATE VOUCHER PREPARED: June 26, 2000

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

SCHEDULE NO.

PAID BY: Processed 7-11-00 V507-053654 7-11-00

PAYEE'S NAME AND ADDRESS
THREE AFFILIATED TRIBES
COMMUNITY FIRST NATIONAL BANK
DICKINSON, NORTH DAKOTA
ABA 091300489
ACCT NO: 6423700734
THREE AFFILIATED TRIBES (CHECKING)

DATE INVOICE RECEIVED: BATCH 07 000 981

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM | TO | WEIGHT | GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (1)
		Withdrawal of JTAC Funds per Reso# 99-234-JPH and approved budget per approved JTAC Plan by Cora L. Jones.				2,217,325.00
		Marcus Wells Jr. 6-26-00 Marcus Wells, Jr. Executive Treasurer 06/26/00				

(Use continuation sheet(s) if necessary) **(Payee must NOT use the space below)** **TOTAL** 2,217,325.00

PAYMENT: ☐ COMPLETE ☐ PARTIAL ☐ FINAL ☐ PROGRESS ☐ ADVANCE

APPROVED FOR = $ | EXCHANGE RATE = $ 1.00 | DIFFERENCES

BY[2] Cora B Fox

TITLE Acting Superintendent

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

6/29/00 (Date) | Renato Valera (Authorized Certifying Officer)[2] | Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

EC5197016 Income Cash $2,217,325.00

PAID BY: CHECK NUMBER ON TREASURER OF THE UNITED STATES | CHECK NUMBER ON (Name of bank)

CASH $ | DATE | PAYEE[3]

PER

TITLE

[1] When stated in foreign currency, insert name of currency.
[2] The ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise approving officer will sign in the space provided, over his official title.
[3] When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

1034-116

FAX TO: BRANCH OF TRIBAL ACCOUNTS MANAGEMENT
FAX #: 505/248-5785

TD-3

TRIBAL
NON-SCHEDULED
DIRECT DEPOSIT REQUEST (ACH)
(CASH - DISB) **Control ID:** 437

ACCOUNT NO.: EC5197016 ACCT NAME: Three Affiliated Tribes

Enter the amount you wish to disburse from P1 or P3 (only one portfolio per workticket).
PAID PRINCIPAL (P1): _____
OR
INVESTED INCOME (P3): 2,217,325.00

DISBURSEMENT CODE #: Circle the appropriate ACH Disbursement Code.

	CHKG	SVGS
Economic Dev Program	200	201
Community Dev Program	208	209
Bid Deposit	250	251
Performance Bond	252	253
Advance Deposit	254	255
Forest Mgmt Deduction	256	257
Advance Payment	258	259

or select one code from the Disbursement codes list (2XX series):
Code #: 200 Description: Economic Dev CHKG or SVGS (circle one)

PAID TO TAX ID#: 091300489 NAME: Community First National Bank ~~Dickinson, North Dakota~~
(Enter the receiving bank's ABA Routing # and name of bank)

PAID FOR TAX ID#: 3AFFB01 NAME: Three Affiliated Tribes
(Enter TAX ID and NAME for the tribe that this is paid for)

PRODUCE CHECK Y/N: N

EXPLANATION: Withdrawal of Funds
(This explanation will appear on the check - Maximum 50 characters)

ASSET REFERENCE: BLANK P#: BLANK
TREAT AS INCOME: BLANK INCLUDE 1099R Y/N: N
FOR ACCRUALS: NO DATE INCOME APPLIES: *

EXPANDED EXPLANATION (if needed – each line has a maximum of 50 characters)
Line 1: Withdrawal of Interest Earnings per Tribal
Line 2: Resolution 99-234-JPH and approved Budget
Line 3: _____
Line 4: _____

*** Must attach the SF-1034 Disbursement Authorization.**
*** Fax to Branch of Tribal Accounts Mgmt. by the following cutoff times:**
- **9:00 a.m. MT for documents With Interest.**
- **11:00 a.m. MT for documents Without Interest.**

Prepared by: Dean Webb Phone: 605-226-7361 Date: 6/29/00
Approved by: _____ Phone: _____ Date: __/__/__
Entered by: _____ Batch #: _____ Tran #: _____
Verified by: _____ Phone: _____ Date: __/__/__

Workticket Last Updated: 6/9/00

B&T0B%KCHI%RIBABUAEOBOWISH(s8.5V(sOS(sOB(sOT&l5.2727C&k8H&l7E&a14L&l1L&sOC&aOR ADMIN PG 1
HOLDINGS LIST PRICED AS OF: 6/28/00 06/29/00 09:08
EC5197016 3 AFFILIATED FORT BERTHOLD - 5197 CASH BASIS

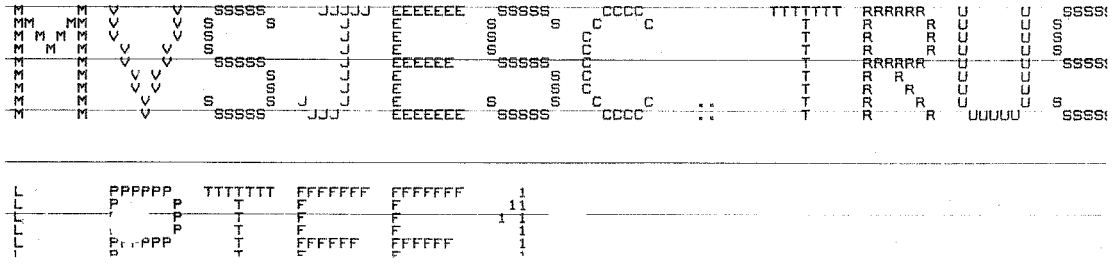
S	SECURITY DESCRIPTION SHARES/PV	MARKET VALUE	FEDERAL COST	%MKT	P	ANNUAL INC/ UNREAL G/L	CURR YIELD
	US TREASURY OVERNIGHTER						
	GOVERNMENT OVERNIGHTER		ST0001005		1	3,994	
	62,111.4000	62,111.40	62,111.40	0.0		0	6.4
	GOVERNMENT OVERNIGHTER		ST0001005		3	160,029	
	2,488,793.5600	2,488,793.56	2,488,793.56	1.3		0	6.4
	US TREAS NOTES & BONDS-365						
	U.S. TREASURY NOTE 6.250% 2/15/03		912827J78		1	1,250,000	
	20,000,000.0000	19,900,000.00	19,940,625.00	10.6		-40,625	6.3
	US GOVT SPON ENTITY ISSUES-360						
	FHLB 6.320% 8/21/00		31339CMB3		1	63,200	
	1,000,000.0000	1,000,400.00	1,000,937.50	0.5		-538	6.3
	FNMA 6.240% 9/07/00		31364BKD1		1	624,000	
	10,000,000.0000	9,992,500.00	10,050,000.00	5.3		-57,500	6.2
	FNMA 6.625% 4/18/01		31364CBD9		1	39,750	
	600,000.0000	598,770.00	595,968.75	0.3		2,801	6.6
	FNMA 6.450% 4/23/01		31364CBM9		1	64,500	
	1,000,000.0000	996,600.00	996,562.50	0.5		38	6.5
	FHLB 6.670% 5/10/01		313393S92		1	93,380	
	1,400,000.0000	1,396,500.00	1,394,750.00	0.7		1,750	6.7
	FNMA 6.230% 3/01/02		31364CXV5		1	311,500	
	5,000,000.0000	4,944,250.00	4,993,750.00	2.6		-49,500	6.3
	FNMA CC 12/99 W/10 6.32% 12/23/02		31364FLR0		1	31,600	
	500,000.0000	489,640.00	499,921.88	0.3		-10,282	6.5
	FNMA CC 1/00 W/10 5.900% 1/24/03		31364FPV7		1	59,000	
	1,000,000.0000	972,240.00	996,250.00	0.5		-24,010	6.1
	FHLB 6.520% 4/02/03		313393WJ5		1	540,508	
	8,290,000.0000	8,181,235.20	8,287,051.56	4.4		-105,816	6.6
	FHLB 1XC 4/00 W/5 6.120% 4/24/03		3133M3326		1	459,000	
	7,500,000.0000	7,303,125.00	7,492,968.75	3.9		-189,844	6.3
	FNMA 5.450% 10/10/03		31359CAF2		1	391,038	
	7,175,000.0000	6,829,739.00	5,997,851.56	3.6		831,887	5.7
	FHLMC 6.645% 3/10/04		3134A1QD5		1	66,450	
	1,000,[illegible]0000	984,060.00	996,250.00	[illegible].5		-12,190	6.8
	FHLMC CC [illegible]1/99 W/10 6.665% 11/17/04		3134A1P61		3	66,650	

[illegible] 1
BALANCES SUMMARY 06/29/00 09:08
EC5197016 3 AFFILIATED FORT BERTHOLD - 5197

	CURRENT	LAST MNTH 05/31	LAST STMT 05/31	LAST TAX YEAR
PRIN CSH:	0.00	0.00	0.00	0.00
INCOME CSH:	0.00	0.00	0.00	0.00
INV INC CSH:	0.00	0.00	0.00	0.00
TOTAL CSH:	0.00	0.00	0.00	0.00
PRIN INV:	149,941,250.32	149,941,250.32	149,941,250.32	149,941,250.32
INV INC INV:	42,861,488.55	42,400,506.75	42,400,506.75	41,309,093.20
TOTAL INV:	192,802,738.87	192,341,757.07	192,341,757.07	191,250,343.52

GAIN/LOSS THIS FISCAL YEAR	FEDERAL	STATE
LONG TERM GAINS:	195.31	1,843.75
LONG TERM LOSSES:	-1,328.12	-1,328.12
SHORT TERM GAINS:	7,898.44	6,250.00
SHORT TERM LOSSES:	-3,309.94	-3,309.94
LONG TERM LOSS CARRYFORWARD:	0.00	0.00
SHRT TERM LOSS CARRYFORWARD:	0.00	0.00

INCOME THIS FISCAL YEAR:	16,173,804.05
INCOME LAST FISCAL YEAR:	0.00
NOMINEE INCOME THIS FISCAL YEAR:	15,927,417.33
NOMINEE INCOME THIS CALENDER YEAR:	6,139,419.56
DISBURSEMENTS THIS FISCAL YEAR:	-39,970,834.41
DISBURSEMENTS LAST FISCAL YEAR:	0.00
BROKERAGE YTD:	0.00
ALL FEES-CYTD:	0.00
PRIN FEES-FEE YR:	0.00
ALL FEES LAST CAL YR:	0.00
INC COM CYTD:	0.00
AUTOMATIC INCOME FEES CHARGED	
SINCE LAST PRINCIPAL FEE:	0.00
COMMISSIONABLE INCOME CYTD:	6,164,984.83
AMOUNT OF LAST PERIODIC FEE:	0.00



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BST08XFBHERIBABUASOBWTSH(s8.5V(s0S(s0B(s0T&l5.2727C&k8H&l7E&a14L&l1L&s0C&a0R     ADMIN       PG     1
                                   NAME & ADDRESS RELATIONSHIPS                        06/29/00 09:09

 TAXPAYER ID#: 3AFFB01

  NAME LINE 1: ^THREE AFFILIATED TRIBES
       LINE 2:  ATTN:  TREASURER
       LINE 3:  RC3 BOX 2
       LINE 4:  NEW TOWN              ND 58763

            STATE OF RESIDENCE: ND
      ELIGIBLE FOR DELETION: YES
                 BIRTH DATE: OPEN
               PHONE NUMBER: 701.627-4781
             DDA/ABA NUMBER: 6423700734
                 TAX COPY-TO:

             FAX PHONE NUMBER: 701.627-3805
  INTER-OFFICE MAIL DESTINATION:
           LETTER SALUTATION:

E
```

FAX

TRIBAL

To: Branch of Customer Services
ATTN: SONNY HOLLADAY
Fax: 1-505-248-5785
Phone: 1-505-248-5708
Control ID: 437

From: DEAN WEITT
Phone: 605-226-7361
Date: 6-28-00
6 Page(s) (including coversheet)

Senior Administrator (Agency):

Enter number of each request in space provided:

1 TD-3 NONSCHEDULED DIRECT DEPOSIT REQUEST (ACH)
___ TD-5 SCHEDULED DIRECT DEPOSIT REQUEST (ACH)
___ TD-6 NONSCHEDULED CHECK REQUEST
___ TD-7 SAME DAY EFT PAYMENT REQUEST

___ TT-1 TRIBAL CASH TRANSFER (TRIBAL DISBURSEMENT)
___ TT-5 TRANSFER TO NON-CONVERTED IIM

___ F-4 MOVE TO ANOTHER CONTROL ID

___ OTHER
___ INFORMATION REQUESTED BY:

REMARKS/COMMENTS:
ST1034 THREE AFFILIATED TRIBES

FAX TO: BRANCH OF TRIBAL ACCOUNTS MANAGEMENT
FAX#: 505/248-5785

TD-7

TRIBAL
SAME DAY EFT PAYMENT REQUEST
(Payments must be greater than or equal to $100,000 per Treasury)
(CASH - DISB) **Control ID:** 437

ACCOUNT NO.: EC5197016 ACCT NAME: THREE AFFILIATED TRIBES

Enter the amount you wish to disburse from P1 or P2 (only one portfolio per workticket).
PAID PRINCIPAL (P1): _____
OR
INVESTED INCOME (P3): 2 217 325.00

DISBURSEMENT CODE: **85** for Same Day EFT.

PAID TO TAX ID#: 091300036 NAME: COMMUNITY FIRST BANK FARGO, ND
(Enter the receiving bank's ABA Routing # and name of bank)

PAID FOR TAX ID#: 3AFFB01 NAME: THREE AFFILIATED TRIBES
(Enter TAX ID and NAME for the tribe that this is paid for)

PRODUCE CHECK Y/N: N for **NO**

EXPLANATION: JTAC INTEREST
(This explanation will appear on the check - Maximum 50 characters)

ASSET REFERENCE: BLANK
TREAT AS INCOME: BLANK
FOR ACCRUALS: NO
P#: BLANK
INCLUDE 1099R Y/N: N
DATE INCOME APPLIES: *

EXPANDED EXPLANATION (if needed – each line has a maximum of 50 characters)
Line 1: WITHDRAWAL OF INTEREST EARNINGS
Line 2: PER TRIBAL RESOLUTION 95-235 JTH
Line 3: AND APPROVED PLAN AND BUDGET
Line 4: _____

*** Must attach the SF-1034 Disbursement Authorization.**
*** Cutoff Time – Fax to Branch of Tribal Accounts Mgmt. by 10:00 a.m. MT for same day processing.**

Prepared by: DEAN WERR Phone: 605-224-7301 Date: 7/7/00

Approved by: _____ Phone: _____ Date: __/__/__

Entered by: _____ Batch #: _____ Tran #: _____

Verified by: _____ Phone: _____ Date: __/__/__

NOTE: **This workticket may also be used for "Further Credit" EFT payments.**

Workticket Last Updated: 4/1/99

United States Department of the Interior
OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS
OFFICE OF TRUST FUNDS MANAGEMENT
Aberdeen Area Office
IN REPLY REFER TO: **115 Fourth Avenue SE MS:500**
Aberdeen SD 57401

June 27, 2000

To: Larry Burr, Acting Superintendent, Fort Berthold Agency

From: Dean Webb, Financial Trust Services Officer, Great Plains Region

RE: Three Affiliated Tribes JTAC Funds

I am enclosing a copy of Tribal Resolution 99-234-JPH dated December 2, 1999 whereby the Tribe approved the expenditure of $14,000,000 of earned interest from the Economic Recovery Fund. A copy of the proposed expenditures is also attached along with a memo from Cora Jones dated December 16, 1999 approving this plan.

The Tribe has already made withdrawals based on this approved plan as follows:

December 17, 1999	$3,672,000.00
February 11, 2000	$2,129,342.00
April 7, 2000	$2,500,000.00

This would leave a balance of $5,698,158.00 to complete the withdrawal of the $14,000,000. The Tribe currently has $2,217,325.00 available in cash at the present time in the interest earnings portion of this fund. I understand that they are requesting that this amount be withdrawn to meet the funding of their plan. If you have any questions, please call me at 605-226-7361.

JTAC BUDGET

CATEGORIES	A JTAC DRAW PLAN #99-234-JPH	B FY 2000 BUDGET #99-268-DSB	C OTHER ALLOCATIONS	A-B-C REMAINING BALANCE
ECONOMIC DEVELOPMENT	7,551,522	1,887,079	3,526,080	2,138,363
EDUCATION	1,222,845	422,845	567,194	232,806
SOCIAL WELFARE	3,656,191	1,403,148	1,396,178	856,865
OTHER	1,569,442	219,442	1,097,201	252,799
TOTAL	14,000,000	3,932,514	6,586,653	3,480,833

THREE AFFILIATED TRIBES
FY 2000 General Fund & JTAC Budget

	USES PER P.L. 102-575				
	Economic Development	Education	Social Welfare	Other Programs	**Totals**
Budgeted Amount: -->	**$7,551,522.00**	**$1,222,845.00**	**$3,656,191.00**	**$1,569,442.00**	**$14,000,000.00**
	WITHDRAWALS				
First 3 Draws	$4,783,899.00	$542,845.00	$1,658,455.00	$1,316,643.00	$8,301,842.00
07/10/00	$629,260.00	$447,194.00	$1,140,871.00		$2,217,325.00
					$0.00
Total W/D	$5,413,159.00	$990,039.00	$2,799,326.00	$1,316,643.00	$10,519,167.00
Balance:	**$2,138,363.00**	**$232,806.00**	**$856,865.00**	**$252,799.00**	**$3,480,833.00**

Standard Form 1034
Revised January 1980
Department of the Treasury
I TFRM 4-2000

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO. 00-06

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION

APR 17 2000

Department of the Interior
Bureau of Indian Affairs
~~XXXXXXXXX~~ Fort Berthold Agency
NEW TOWN, ND 58763

DATE VOUCHER PREPARED: April 07, 2000

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

SCHEDULE NO.

PAID BY: Returned 4-18-00 Batch 8 of 087

PAYEE'S NAME AND ADDRESS:

THREE AFFILIATED TRIBES
COMMUNITY FIRST NATIONAL BANK
DICKINSON, ND 58601
ABA 091300489
THREE AFFILIATED TRIBES (Checking) Acct# 64X23700734

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM | TO | WEIGHT | GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (1)
		Withdrawl of JTAC Funds per Res#99-234-JPH and approved budget, per approved JTAC Plan by Cora L. Jones.				$2,500,000
		Tex G. Hall, TAT Chairman 04-07-00				

(Use continuation sheet(s) if necessary) **(Payee must NOT use the space below)** **TOTAL** $2,500,000

PAYMENT: ☐ PROVISIONAL ☐ COMPLETE ☐ PARTIAL ☐ FINAL ☐ PROGRESS ☐ ADVANCE

APPROVED FOR =$

EXCHANGE RATE =$1.00

DIFFERENCES

BY [2] Paniza Baker

TITLE Superintendent

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

4/17/00 (Date) — Kenneth M. Wise (Authorized Certifying Officer)[2] — Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

EC5197016 Income Cash $2,500,000.00

PAID BY: CHECK NUMBER | ON ACCOUNT OF U.S. TREASURY | CHECK NUMBER | ON (Name of bank)

CASH $ | DATE | PAYEE [3]

[1] When stated in foreign currency, insert name of currency.
[2] If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
[3] When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

PER

TITLE

ous edition usable 1034-119 NSN 7540-00-900-2234

PRIVACY ACT STATEMENT
The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

RECEIVED
DEC 1 6 1999
OFFICE OF TRUST FUNDS MANAGEMENT

Tribal Government Services
MC-304

DEC 16 1999

Honorable Tex G. Hall
Chairman, Three Affiliated Tribes
Business Council
HC 3, Box 2
New Town, North Dakota 58763

Dear Chairman Hall:

As provided in the Act of October 30, 1992, Pub. L. 102-575 (Act), the Three Affiliated Tribes (Tribes) of the Fort Berthold Reservation developed an Economic Recovery Fund Plan (Plan). In Resolution 99-234JPH, the Tribes' Business Council (Council) requests $14,000,000 of earned-interest from the Economic Recovery Fund to be used according to the Act and Plan.

Under the delegated authority of 209 DM 8, Secretary's Order Nos. 3150 and 3177, as amended, and 3 IAM 4.4, this is to issue our approval of the Plan and the use of $14,000,000 of interest earnings from the Economic Recovery Fund as designated in the above resolution.

Supported by Council Resolution 99-234JPH and the Plan, which includes an Acceptable Uses Matrix, the funds will be used as follows: Education, $1,222,845; Social Welfare, $3,656,191; Economic Development, $7,551,522; Other Programs, $1,569,442; Total - $14,000,000.

Please coordinate processing of a corresponding SF 1034 with the Fort Berthold Agency Superintendent and Dean Webb, Financial Trust Services Officer.

Sincerely,

(SGD) CORA L. JONES

Cora L. Jones
Regional Director

cc: Financial Trust Services Officer, MC-500
Superintendent, Fort Berthold Agency
Economic Development Specialist, MC-305

FAX #: 303/240-3705

TRIBAL
NON-SCHEDULED

TD-3 **DIRECT DEPOSIT REQUEST (ACH)**

(CASH - DISB) Control ID: 437

ACCOUNT NO.: EC 5197 01C ACCT NAME: THREE AFFILIATED TRIBES

Enter the amount you wish to disburse from P1 or P3 (only one portfolio per workticket).

PAID PRINCIPAL (P1): _____

OR

INVESTED INCOME (P3): 3,500,000.00

DISBURSEMENT CODE #: Circle the appropriate ACH Disbursement Code.

	CHKG	SVGS
Economic Dev Program	200	201
Community Dev Program	208	209
Bid Deposit	250	251
Performance Bond	252	253
Advance Deposit	254	255
Forest Mgmt Deduction	256	257
Advance Payment	258	259

or select one code from the Disbursement codes list (2XX series):

Code #: 200 Description: ECON DEV (CHKG or SVGS (circle one)

PAID TO TAX ID#: 091300489 NAME: COMMUNITY FIRST NATIONAL BANK
(Enter the receiving bank's ABA Routing # and name of bank) DICKINSON, ND

PAID FOR TAX ID#: 3AFFB01 NAME: THREE AFFILIATED TRIBES
(Enter TAX ID and NAME for the tribe that this is paid for)

PRODUCE CHECK Y/N: N

EXPLANATION: WITHDRAWAL of FUNDS
(This explanation will appear on the check - Maximum 50 characters)

ASSET REFERENCE: BLANK P#: BLANK
TREAT AS INCOME: BLANK INCLUDE 1099R Y/N: N
FOR ACCRUALS: NO DATE INCOME APPLIES: *

EXPANDED EXPLANATION (if needed – each line has a maximum of 50 characters)

Line 1: WITHDRAWAL of INTEREST EARNINGS
Line 2: PER TRIBAL RESOLUTION 99-234-JPH
Line 3: AND APPROVED PLAN
Line 4: _____

*** Must attach the SF-1034 Disbursement Authorization.**
*** Cutoff Time – Fax to Branch of Tribal Accounts Mgmt. By 10:00 a.m. MT for same day processing.**

Prepared by: DEAN WEBB Phone: 226-7361 Date: 4/17/00
Approved by: _____ Phone: _____ Date: __/__/__
Entered by: _____ Batch #: _____ Tran #: _____
Verified by: _____ Phone: _____ Date: __/__/__

Workticket Last Updated: 5/26/99

M E M O

APR 17 2000

TO: DEAN WEBB
OTFM
AAO

DATE: 11 FEBRUARY 2000

FR: MARCUS WELLS, SR.
FINANCIAL ADVISOR

RE: STATUS OF $14M JTAC DRAWS
PER RESO#99-234-JPH

I THOUGHT THAT A SUMMATION OF THE DRAWS, WOULD BE IN ORDER, SO AS TO LET OUR OWN PEOPLE AND YOUR PEOPLE KNOW THE CURRENT DRAW STATUS OF THESE FUNDS.

1st Draw, our Number#00-03 dated 12-17-99 & Received 12-21-99 -	$3,672,500
2nd Draw, our Number#00-05 dated today and pending.	2,129,342
New Total	$5,801,842

YES, WE WILL SIT DOWN WITH AND LET YOU KNOW THE DATES WE NEED ANY AND ADDITIONAL DRAWS. THEREFORE, GIVING YOU TIME TO PULL AND RETIRE ANY INVESTMENT INSTRUMENTS YOU MAY NEED TO MEET OUR PURPOSE.

MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation
HC3 Box 2 • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL
701-627-4781
Fax 701-627-3805

December 3, 1999

Cora Jones
Regional Director
Great Plains Regional Office
Bureau of Indian Affairs
115 4th Avenue SE
Aberdeen, SD 57401

Re: Requested Approval of Expenditure of $14 million of interest from Three Affiliated Tribes Economic Recovery Fund

Dear Cora:

Enclosed is a proposal for the Three Affiliated Tribes concerning expenditure of a portion of the interest earned from the Three Affiliated Tribes Economic Recovery Fund (TERF) created by the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act. We forward this document to you for approval in accordance with Title XXXC of P.L. 102-575. It is our understanding that authority for approval of the expenditures has been delegated to you in your capacity as Regional Director of the Bureau of Indian Affairs Great Plains Regional Office.

Presently there has been accumulated approximately $44 million in interest in the TERF. This proposal calls for a draw down of $14 million initially. Resolution No. 99-234-JPH was passed December 2, 1999, approving this draw down. As you will note from Resolution No. 99-234-DSB, the Council will be holding a referendum on the entire plan as attached to the Resolution. However, the plan as outlined will control the expenditure of the $14 million to be drawn down at this time, and the expenditure of the $14 million by the Tribe is explicitly not subject to the referendum.

According to the plan, the balance of the funds will remain with the Office of Trust Funds Management as the proposal is refined and placed into action. This proposal outlines acceptable uses, controls and prioritization for use, and also has a component that allows a portion of the funds to be invested in the private sector by a qualified investment firm – preferably a major brokerage house. This investment will be a long-term growth strategy investment and the interest generated by these instruments will be reinvested back into this portfolio. The council intends to "lock down" this investment portfolio to continue the growth of this investment for a minimum of 15 years. Resolutions to that effect will accompany the draw down of funds for that purpose, provided the plan is approved pursuant to the referendum to be held. Any future annual interest accumulated on the original judgment will be programmed to meet the needs identified in the plan according the Acceptable Uses Matrix of the plan.

Should any or all parts of the plan for expenditure of the $14 million be unacceptable as written, please advise us immediately with your objections and/or possible courses of action to make that specific portion acceptable to you.

Sincerely,

Tex G. Hall
Chairman
Three Affiliated Tribes

cc: Tribal Business Council

Draw of Interest Funds from Three Affiliated Tribes Economic Recovery Fund
Created by Three Affiliated Tribes and Standing Rock Sioux Tribe
Equitable Compensation Act
Title XXXV, P.L. 102-575

Total Draw Requested: $14,000,000.00

To be used in following categories and in accordance with the attached plan:

Education:	**$ 1,222, 845**
Social Welfare:	**$ 3,656,191**
Economic Development:	**$ 7,551,522**
Other Programs:	**$ 1,569,442**

Resolution #99- 234-JPH

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

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally 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, Since October 1, 1997, the Tribe has been eligible to receive interest from the Economic Recovery Fund created by Congress under the Equitable Compensation Act of the Three Affiliated Tribes and the Standing Rock Sioux Tribe (the "Act"), Title XXXV of P.L. 102-575, 106 Stat. 4731, for the benefit of the Three Affiliated Tribes and its members; and

WHEREAS, In order to receive such interest funds, or a portion thereof, the Tribe must gain approval from the Secretary of the U.S. Department of Interior for its proposed expenditures of the funds so that the Secretary may make a payment, or payments, to the Tribe from the interest funds derived from investment of the Economic Recovery Fund created by the Act; and

WHEREAS, After extensive consultation with Tribal members, the work of a special advisory "JTAC" Committee, full discussion by the Tribal Business Council and input about how the interest funds now available to the Tribe under the Act should be used, the Tribal Business Council has developed, for approval by the Secretary of Interior, a proposal for expenditure of a portion of the funds derived from the Act now available, in the amount of $14 million, as attached hereto; and

WHEREAS, It is the goal of the proposal of the Tribal Business Council providing for expenditures of a portion of the interest funds derived from the Act, in the amount of $14 million, that such expenditures shall fall within the categories of expenditures allowed by the Act, that such expenditures will be spent fairly and for the benefit of the Tribe and its members, and that such expenditures will in the aggregate result in the improvement of the economy of the Tribe along with improved social welfare and educational services for Tribal members and other programs that benefit the Tribe and its members; and

WHEREAS, It is now the desire of the Tribal Business Council to submit the attached proposal for expenditures of a portion of the interest funds derived from the Act, in the amount of $14 million, for approval by the U.S. Secretary of Interior or his duly authorized representative; and

WHEREAS, It is the desire of the Tribal Business Council within 120 days of the enactment of this resolution to submit for a referendum vote of the members of the Three Affiliated Tribes a plan for expenditure of such funds that remain available for distribution to the Tribe from the interest funds derived from the Act that have not otherwise been designated for expenditure pursuant to this resolution or that have not otherwise been set aside or expended pursuant to previous resolutions;

NOW, THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby resolves to submit the attached proposal for expenditure of a portion of the interest funds derived from the investment of the Economic Recovery Fund created by the Act, in the amount of $14 million, for approval as soon as possible by the U.S. Secretary of Interior, or to his duly authorized representative; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby authorizes the Chairman and the Treasurer of the Tribe to execute any and all documents and to take any and all actions necessary to allow the attached proposal for the expenditure of interest funds derived from the investment of the Economic Recovery Fund created by the Act, in the amount of $14 million, to be approved by the Secretary of the Department of Interior as soon as possible, and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby determines that all uses of the funds as outlined in the attached proposal are within the normal understanding of the uses of the funds as authorized in the Act; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby reserves the right to amend, by a duly enacted Resolution, the attached proposal for the expenditure of interest funds derived from the investment of the Economic Recovery Fund created by the Act, with the understanding that such amended proposal must be submitted for approval to Secretary of the Department of Interior; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby determines that pursuant to the Tribal Constitution and Tribal law, it shall, within 120 days of the enactment of this resolution, submit to a referendum vote of the members of the Three Affiliated Tribes a plan for expenditure of such funds that remain available for distribution to the Tribe from the interest funds derived from the Act that have not otherwise been designated for expenditure pursuant to this resolution or that have not otherwise been set aside or expended pursuant to previous resolutions.

Resolution No. 99- 234 JPH
Page 3 of 3

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, 6 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 2 day of Dec, 1999; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 3 members, 2 members opposed, 1 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 2 day of Dec, 1999.

James P. Hale
James P. Hale
Temporary Secretary, Tribal Business Council

ATTEST:

Tex G. Hall
Chairman, Tribal Business Council

Draw of Interest Funds from Three Affiliated Tribes Economic Recovery Fund
Created by Three Affiliated Tribes and Standing Rock Sioux Tribe
Equitable Compensation Act
Title XXXV, P.L. 102-575

Total Draw Requested: $14,000,000.00

To be used in following categories and in accordance with the attached plan:

Education:	**$ 1,222, 845**
Social Welfare:	**$ 3,656,191**
Economic Development:	**$ 7,551,522**
Other Programs:	**$ 1,569,442**

GENERAL FUND FY2000 & JTAC #99-234-JPH		
JTAC DRAW FY2000; $14,000,0000	**#99-234-JPH**	**FY 2000 BUD**
ECONOMIC DEVELOPMENT;$7,551,522		
Competive Pool	$ 1,464,443	
Indirect Cost Programs FY-2000 - Exhibit A	$ -	
Tribal Programs FY-2000 General Fund Budget-Exhibit B	$ -	
Tribal Enterprises FY-2000 General Fund Budget-Exhibit C		$ 557,442
Loans to Debt Service FY-2000 General Fund Budget-Exhibit E		$ 1,200,000
Federal Programs FY-2000 General Fund Budget-Exhibit F		$ 129,637
ED Department	$ 750,000	
Tourism Department	$ 500,000	
Film Department	$ 200,000	
Agriculture Department	$ 1,000,000	
Central Planning Department	$ 750,000	
Roads Department	$ 500,000	
Law Enforcement	$ 500,000	
TOTAL ECONOMIC DEVELOPMENT	**$ 5,664,443**	**$ 1,887,079**
EDUCATION; $1,222,845		
Competive Pool	$ 800,000	
Indirect Cost Programs FY-2000 - Exhibit A		
Tribal Programs FY-2000 General Fund Budget-Exhibit B	$ -	
Tribal Enterprises FY-2000 General Fund Budget-Exhibit C		$ 264,802
Loans to Debt Service FY-2000 General Fund Budget-Exhibit E		$ 96,043
Federal Programs FY-2000 General Fund Budget-Exhibit F		$ 62,000
TOTAL EDUCATION	**$ 800,000**	**$ 422,845**
SOCIAL WELFARE; $3,656,191		
Competive Pool	$ 153,043	
Indirect Cost Programs FY-2000 - Exhibit A		
Tribal Programs FY-2000 General Fund Budget-Exhibit B		$ 261,704
Tribal Enterprises FY-2000 General Fund Budget-Exhibit C		$ 410,217
Loans to Debt Service FY-2000 General Fund Budget-Exhibit E	$ -	
Federal Programs FY-2000 General Fund Budget-Exhibit F		$ 731,227
Health Facility	$ 500,000	
Elder Program	$ 1,000,000	
Health Director	$ 200,000	
Drug & Addiction Detox	$ 400,000	
TOTAL SOCIAL WELFARE	**$ 2,253,043**	**$ 1,403,148**
OTHER PROGRAMS; $1,569,442		
Competive Pool	$ 750,000	
Indirect Cost Programs FY-2000 - Exhibit A		
Tribal Programs FY-2000 General Fund Budget-Exhibit B		$ 157,778
Tribal Enterprises FY-2000 General Fund Budget-Exhibit C		$ 15,000
Loans to Debt Service FY-2000 General Fund Budget-Exhibit E		
Federal Programs FY-2000 General Fund Budget-Exhibit F		$ 46,664
MIS Department	$ 100,000	
North Segment CDBG Facility	$ 500,000	
TOTAL OTHER PROGRAMS	**$ 1,350,000**	**$ 219,442**
TOTAL DRAW & 4 ARES OF JTAC OBLIGATION	**$ 10,067,486**	**$ 3,932,514**

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Great Plains Regional Office
115 Fourth Avenue S.E.
Aberdeen, South Dakota 57401

LY REFER TO:

:ibal Government Services
:-304

DEC 16 1999

Honorable Tex G. Hall
Chairman, Three Affiliated Tribes
Business Council
HC 3, Box 2
New Town, North Dakota 58763

Dear Chairman Hall:

As provided in the Act of October 30, 1992, Pub. L. 102-575 (Act), the Three Affiliated Tribes (Tribes) of the Fort Berthold Reservation developed an Economic Recovery Fund Plan (Plan). In Resolution 99-234JPH, the Tribes' Business Council (Council) requests $14,000,000 of earned-interest from the Economic Recovery Fund to be used according to the Act and Plan.

Under the delegated authority of 209 DM 8, Secretary's Order Nos. 3150 and 3177, as amended, and 3 IAM 4.4, this is to issue ~ur approval of the Plan and the use of $14,000,000 of interest rnings from the Economic Recovery Fund as designated in the ove resolution.

Supported by Council Resolution 99-234JPH and the Plan, which includes an Acceptable Uses Matrix, the funds will be used as follows: Education, $1,222,845; Social Welfare, $3,656,191; Economic Development, $7,551,522; Other Programs, $1,569,442; Total - $14,000,000.

Please coordinate processing of a corresponding SF 1034 with the Fort Berthold Agency Superintendent and Dean Webb, Financial Trust Services Officer.

Sincerely,

Cora L. Jones
Regional Director

cc: Financial Trust Services Officer, MC-500
Superintendent, Fort Berthold Agency
Economic Development Specialist, MC-305

Standard Form 1034
Revised January 1980
Department of the Treasury
I TFRM 4-2000

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO. 00-05

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION

Department of the Interior
Bureau of Indian Affairs
Fort Berthold Agency

DATE VOUCHER PREPARED: February 11, 2000

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

SCHEDULE NO.

PAID BY: Paid 2-17-00 Batch # 00-0115

PAYEE'S NAME AND ADDRESS

THREE AFFILIATED TRIBES
COMMUNITY FIRST NATIONAL BANK
DICKINSON, ND 58601
ABA 091300489
ACCT NO: 6423700734 es
THREE AFFILIATED TRIBES (CHECKING)

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM

WEIGHT

GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (1)
		Withdrawl of JTAC FUNDS PER Resolution #99-234-JPH and approved budget, per approved JTAC Plan by Cora L. Jones. From Government Overnighters @ 2-11-00				$2,129,342.00
		Tex G. Hall, TAT Chairman 02-11-00				
(Use continuation sheet(s) if necessary)		(Payee must NOT use the space below)			TOTAL	$2,129,342.00

PAYMENT:
- ☐ PROVISIONAL
- ☐ COMPLETE
- ☐ PARTIAL
- ☐ FINAL
- ☐ PROGRESS
- ☐ ADVANCE

APPROVED FOR =$

EXCHANGE RATE =$1.00

DIFFERENCES

BY [2] Cora L. Jones

TITLE Acting Superintendent

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

02/16/00 (Date) — Kenneth Parker (Authorized Certifying Officer)[2] — Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

EC5197016 Income Cash $2,129,342.00

PAID BY

CHECK NUMBER	ON ACCOUNT OF U.S. TREASURY	CHECK NUMBER	ON (Name of bank)
CASH $	DATE	PAYEE [3]	

[1] When stated in foreign currency, insert name of currency.
[2] If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
[3] When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

PER

TITLE

Previous edition usable 1034-119 NSN 7540-00-900-2234

PRIVACY ACT STATEMENT
The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

M E M O

TO: DEAN WEBB
OTFM
AAO

DATE: 11 FEBRUARY 2000

FR: MARCUS WELLS, SR.
FINANCIAL ADVISOR

RE: STATUS OF $14M JTAC DRAWS
PER RESO#99-234-JPH

I THOUGHT THAT A SUMMATION OF THE DRAWS, WOULD BE IN ORDER, SO AS TO LET OUR OWN PEOPLE AND YOUR PEOPLE KNOW THE CURRENT DRAW STATUS OF THESE FUNDS.

1st Draw, our Number#00-03 dated 12-17-99 & Received 12-21-99 -	$3,672,500
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YES, WE WILL SIT DOWN WITH AND LET YOU KNOW THE DATES WE NEED ANY AND ADDITIONAL DRAWS. THEREFORE, GIVING YOU TIME TO PULL AND RETIRE ANY INVESTMENT INSTRUMENTS YOU MAY NEED TO MEET OUR PURPOSE.

BALANCES SUMMARY 02/16/00 11:29

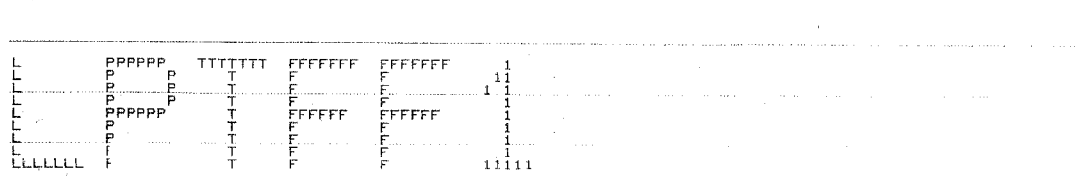
EC5197016 3 AFFILIATED FORT BERTHOLD - 5197

	CURRENT	LAST MNTH 01/31	LAST STMT 01/31	LAST TAX YEAR
PRIN CSH:	0.00	0.00	0.00	0.00
INCOME CSH:	0.00	0.00	0.00	0.00
INV INC CSH:	0.00	0.00	0.00	0.00
TOTAL CSH:	0.00	0.00	0.00	0.00
PRIN INV:	149,941,250.32	149,941,250.32	149,941,250.32	149,941,250.32
INV INC INV:	43,064,926.22	42,280,508.69	42,280,508.69	41,309,093.20
TOTAL INV:	193,006,176.54	192,221,759.01	192,221,759.01	191,250,343.52

GAIN/LOSS THIS FISCAL YEAR	FEDERAL	STATE
LONG TERM GAINS:	195.31	1,843.75
LONG TERM LOSSES:	-1,328.12	-1,328.12
SHORT TERM GAINS:	7,898.44	6,250.00
SHORT TERM LOSSES:	-3,309.94	-3,309.94
LONG TERM LOSS CARRYFORWARD:	0.00	0.00
SHRT TERM LOSS CARRYFORWARD:	0.00	0.00

INCOME THIS FISCAL YEAR:	11,747,899.72
INCOME LAST FISCAL YEAR:	0.00
NOMINEE INCOME THIS FISCAL YEAR:	11,526,206.53
NOMINEE INCOME THIS CALENDER YEAR:	1,738,208.76
DISBURSEMENTS THIS FISCAL YEAR:	-30,915,588.08
DISBURSEMENTS LAST FISCAL YEAR:	0.00
BROKERAGE YTD:	0.00
ALL FEES-CYTD:	0.00
PRIN FEES-FEE YR:	0.00
ALL FEES LAST CAL YR:	0.00
INC COM CYTD:	0.00
AUTOMATIC INCOME FEES CHARGED	
SINCE LAST PRINCIPAL FEE:	0.00
COMMISSIONABLE INCOME CYTD:	1,782,166.35
AMOUNT OF LAST PERIODIC FEE:	0.00

E



EC5197016 3 AFFILIATED FORT BERTHOLD - 5197 HOLDINGS LIST PRICED AS OF: 2/15/00 CASH BASIS 02/16/00 11:29

S	SECURITY DESCRIPTION / SHARES/PV	MARKET VALUE	FEDERAL COST	%MKT	P	ANNUAL INC/ UNREAL G/L	CURR YIELD
	US TREASURY OVERNIGHTER						
	GOVERNMENT OVERNIGHTER		ST0001005		1	3,671	
	62,111.4000	62,111.40	62,111.40	0.0		0	5.9
	GOVERNMENT OVERNIGHTER		ST0001005		3	159,111	
	2,692,231.2300	2,692,231.23	2,692,231.23	1.4		0	5.9
	US TREAS NOTES & BONDS-365						
	U.S. TREASURY NOTE 6.250% 2/15/03		912827J78		1	1,250,000	
	20,000,000.0000	19,762,600.00	19,940,625.00	10.6		-178,025	6.3
	US GOVT SPON ENTITY ISSUES-360						
	FHLB NOTE 6.320% 8/21/00		31339CMB3		1	63,200	
	1,000,000.0000	1,000,100.00	1,000,937.50	0.5		-838	6.3
	FNMA 6.240% 9/07/00		31364BKD1		1	624,000	
	10,000,000.0000	9,992,100.00	10,050,000.00	5.4		-57,900	6.2
	FNMA 6.625% 4/18/01		31364CBD9		1	39,750	
	600,000.0000	600,030.00	595,968.75	0.3		4,061	6.6
	FNMA 6.450% 4/23/01		31364CBM9		1	64,500	
	1,000,000.0000	998,010.00	996,562.50	0.5		1,448	6.5
	FHLB 6.670% 5/10/01		313393S92		1	93,380	
	1,400,000.0000	1,400,434.00	1,394,750.00	0.8		5,684	6.7
	FNMA 6.230% 3/01/02		31364CXV5		1	311,500	
	5,000,000.0000	4,928,650.00	4,993,750.00	2.6		-65,100	6.3
	FNMA CC 12/99 W/10 6.32% 12/23/02		31364FLR0		1	31,600	
	500,000.0000	487,095.00	499,921.88	0.3		-12,827	6.5
	FNMA CC 1/00 W/10 5.900% 1/24/03		31364FPV7		1	59,000	
	1,000,000.0000	966,420.00	996,250.00	0.5		-29,830	6.1
	FHLB 6.520% 4/02/03		313393WJ5		1	540,508	
	8,290,000.0000	8,160,510.20	8,287,051.56	4.4		-126,541	6.6
	FHLB 1XC 4/00 W/5 6.120% 4/24/03		3133M33Z6		1	459,000	
	7,500,000.0000	7,275,000.00	7,492,968.75	3.9		-217,969	6.3
	FNMA 5.450% 10/10/03		31359CAF2		1	391,038	
	7,175,000.0000	6,780,375.00	5,997,851.56	3.6		782,523	5.8
	FHLMC 6.645% 3/10/04		3134A1QD5		1	66,450	
	1,000,000.0000	979,690.00	996,250.00	0.5		-16,560	6.8
	FHLMC CC 11/99 W/10 6.665% 11/17/04		3134A1P61		3	66,650	

TAXPAYER ID#: 3AFFB01

NAME LINE 1: ^THREE AFFILIATED TRIBES
LINE 2: ATTN: TREASURER
LINE 3: HC3 BOX 2
LINE 4: NEW TOWN ND 58763

STATE OF RESIDENCE: ND
ELIGIBLE FOR DELETION: YES
BIRTH DATE: OPEN
PHONE NUMBER: 701.627-4781
DDA/ABA NUMBER: 6423700734
TAX COPY-TO:

FAX PHONE NUMBER: 701.627-3805
INTER-OFFICE MAIL DESTINATION:
LETTER SALUTATION:

TAXPAYER ID#: 091300489

NAME LINE 1: ^COMMUNITY FIRST NATIONAL BANK
LINE 2:
LINE 3:
LINE 4: DICKINSON ND 58601

STATE OF RESIDENCE: ND
ELIGIBLE FOR DELETION: YES
BIRTH DATE: OPEN
PHONE NUMBER: 701.483.0801
DDA/ABA NUMBER:
TAX COPY-TO:

FAX PHONE NUMBER:
INTER-OFFICE MAIL DESTINATION:
LETTER SALUTATION:

FAX TO: BR CH OF TRIBAL ACCOUNTS ANAGEMENT
FAX #: 505/248-5785

TD-3

TRIBAL
NON-SCHEDULED
DIRECT DEPOSIT REQUEST (ACH)
(CASH - DISB) **Control ID:** 437

ACCOUNT NO.: EC5197016 ACCT NAME: THREE Affiliated TRIBES

Enter the amount you wish to disburse from P1 or P3 (only one portfolio per workticket).
PAID PRINCIPAL (P1): _____
OR
INVESTED INCOME (P3): 2,129,342.00

DISBURSEMENT CODE #: Circle the appropriate ACH Disbursement Code.

	CHKG	SVGS
Economic Dev Program	200	201
Community Dev Program	208	209
Bid Deposit	250	251
Performance Bond	252	253
Advance Deposit	254	255
Forest Mgmt Deduction	256	257
Advance Payment	258	259

or select one code from the Disbursement codes list (2XX series):
Code #: 200 Description: Econ DEV (CHKG) or SVGS (circle one)

PAID TO TAX ID#: 091300489 NAME: Community First Natl Bank
(Enter the receiving bank's ABA Routing # and name of bank)

PAID FOR TAX ID#: 3Aff801 NAME: THREE Affiliated TRIBES
(Enter TAX ID and NAME for the tribe that this is paid for)

PRODUCE CHECK Y/N: Y

EXPLANATION: WITHDRAWAL of FUNDS
(This explanation will appear on the check - Maximum 50 characters)

ASSET REFERENCE: BLANK P#: BLANK
TREAT AS INCOME: BLANK INCLUDE 1099R Y/N: N
FOR ACCRUALS: NO DATE INCOME APPLIES: *

EXPANDED EXPLANATION (if needed – each line has a maximum of 50 characters)
Line 1: WITHDRAWAL of INTEREST
Line 2: EARNINGS PER TRIBAL RESOLUTION 99-234-SPIT
Line 3: + BIA APPROVED PLAN
Line 4: _____

* Must attach the SF-1034 Disbursement Authorization.
* Cutoff Time – Fax to Branch of Tribal Accounts Mgmt. By 10:00 a.m. MT for same day processing.

Prepared by: DEAN WEBB Phone: 606-226-7361 Date: 2/16/00
Approved by: _____ Phone: _____ Date: __/__/__
Entered by: _____ Batch #: _____ Tran #: _____
Verified by: _____ Phone: _____ Date: __/__/__

Workticket Last Updated: 5/26/99

TFM - BCS

FAX

TRIBAL

To: Branch of Customer Services
ATTN: Sandy Holladay
Fax: 1-505-248-5785
Phone: 1-505-248-5708
Control ID:

From: DEAN WEBB
Phone: 605-226-7361
Date: 2-16-00
8 Page(s) (Including coversheet)

Senior Administrator (Agency):

Enter number of each request in space provided:

- ✓ TD-3 NONSCHEDULED DIRECT DEPOSIT REQUEST (ACH)
- ___ TD-5 SCHEDULED DIRECT DEPOSIT REQUEST (ACH)
- ___ TD-6 NONSCHEDULED CHECK REQUEST
- ___ TD-7 SAME DAY EFT PAYMENT REQUEST
- ___ TT-1 TRIBAL CASH TRANSFER (TRIBAL DISBURSEMENT)
- ___ TT-5 TRANSFER TO NON-CONVERTED IIM
- ___ F-4 MOVE TO ANOTHER CONTROL ID
- ___ OTHER
- ___ INFORMATION REQUESTED BY:

REMARKS/COMMENTS:
ST1034 THREE AFFILIATED TRIBES

Standard Form 1034
Revised January 1980
Department of the Treasury
I TFRM, 4-2000

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO. 00-03

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
FORT BERTHOLD AGENCY

DATE VOUCHER PREPARED: DECEMBER 17, 1999

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

SCHEDULE NO.

PAID BY: Processed 12-21-99

PAYEE'S NAME AND ADDRESS:
THREE AFFILIATED TRIBES
COMMUNITY FIRST BANK, FARGO, ND
ABA 091300036
FURTHER CREDIT TO: COMMUNITY FIRST BANK,
DICKINSON, ND ACCT NO: 6310386617
FURTHER CREDIT: THREE AFFILIATED TRIBES
ACCT NO: 6423700734 (CHECKING)

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM | TO | WEIGHT | GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (1)
		WITHDRAWL OF JTAC FUNDS PER RESOLUTION #99-234-JPH AND APPROVED BUDGET, PER APPROVED JTAC PLAN BY CORA L. JONES Tex G. Hall, TAT Chairman Date				$3,672,500.00

(Use continuation sheet(s) if necessary) (Payee must NOT use the space below) TOTAL $3,672,500.00

PAYMENT:
- ☐ PROVISIONAL
- ☐ COMPLETE
- ☐ PARTIAL
- ☐ FINAL
- ☐ PROGRESS
- ☐ ADVANCE

APPROVED FOR =$ | EXCHANGE RATE =$1.00 | DIFFERENCES

BY [2] Cora L. Jones

TITLE Act Superintendent

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

12/20/99 (Date) | Kenneth Stevens (Authorized Certifying Officer)[2] | Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

EC5197016 Income Cash $3,672,500.00

PAID BY

CHECK NUMBER	ON ACCOUNT OF U.S. TREASURY	CHECK NUMBER	ON (Name of bank)
CASH $	DATE	PAYEE [3]	

PER

TITLE

[1] When stated in foreign currency, insert name of currency.
[2] If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
[3] When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

PRIVACY ACT STATEMENT
The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

FAX TO: BRANCH OF TRIBAL ACCOUNTS MANAGEMENT
FAX#: 505/248-5785

TD-7

TRIBAL
SAME DAY EFT PAYMENT REQUEST
(Payments must be greater than or equal to $100,000 per Treasury)
(CASH - DISB) **Control ID:** 437

ACCOUNT NO.: EC5197016 ACCT NAME: THREE AFFILIATED TRIBES

Enter the amount you wish to disburse from P1 or P2 (only one portfolio per workticket).
PAID PRINCIPAL (P1): _____
OR
INVESTED INCOME (P3): $3,672,500.00

DISBURSEMENT CODE: **85** for Same Day EFT.

PAID TO TAX ID#: 091300036 NAME: COMMUNITY FIRST BANK FARGO, ND
(Enter the receiving bank's ABA Routing # and name of bank)

PAID FOR TAX ID#: 3AFFB01 NAME: THREE AFFILIATED TRIBES
(Enter TAX ID and NAME for the tribe that this is paid for)

PRODUCE CHECK Y/N: **N** for **NO**

EXPLANATION: JTAC INTEREST
(This explanation will appear on the check - Maximum 50 characters)

ASSET REFERENCE: BLANK P#: BLANK
TREAT AS INCOME: BLANK INCLUDE 1099R Y/N: N
FOR ACCRUALS: NO DATE INCOME APPLIES: *

EXPANDED EXPLANATION (if needed – each line has a maximum of 50 characters)
Line 1: WITHDRAWAL OF INTEREST EARNINGS
Line 2: PER TRIBAL RESOLUTION 99-235 JPH
Line 3: TRIBAL RESOLUTION AND APPROVED
Line 4: PLAN

*** Must attach the SF-1034 Disbursement Authorization.**
*** Cutoff Time – Fax to Branch of Tribal Accounts Mgmt. by 10:00 a.m. MT for same day processing.**

Prepared by: DEAN WEBB Phone: 605-226-7301 Date: 12/15/99

Approved by: _____ Phone: _____ Date: __/__/__

Entered by: _____ Batch #: _____ Tran #: _____

Verified by: _____ Phone: _____ Date: __/__/__

NOTE: This workticket may also be used for "Further Credit" EFT payments.

Workticket Last Updated: 4/1/99

WHEREAS, It is the desire of the Tribal Business Council within 120 days of the enactment of this resolution to submit for a referendum vote of the members of the Three Affiliated Tribes a plan for expenditure of such funds that remain available for distribution to the Tribe from the interest funds derived from the Act that have not otherwise been designated for expenditure pursuant to this resolution or that have not otherwise been set aside or expended pursuant to previous resolutions;

NOW, THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby resolves to submit the attached proposal for expenditure of a portion of the interest funds derived from the investment of the Economic Recovery Fund created by the Act, in the amount of $14 million, for approval as soon as possible by the U.S. Secretary of Interior, or to his duly authorized representative; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby authorizes the Chairman and the Treasurer of the Tribe to execute any and all documents and to take any and all actions necessary to allow the attached proposal for the expenditure of interest funds derived from the investment of the Economic Recovery Fund created by the Act, in the amount of $14 million, to be approved by the Secretary of the Department of Interior as soon as possible, and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby determines that all uses of the funds as outlined in the attached proposal are within the normal understanding of the uses of the funds as authorized in the Act; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby reserves the right to amend, by a duly enacted Resolution, the attached proposal for the expenditure of interest funds derived from the investment of the Economic Recovery Fund created by the Act, with the understanding that such amended proposal must be submitted for approval to Secretary of the Department of Interior; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby determines that pursuant to the Tribal Constitution and Tribal law, it shall, within 120 days of the enactment of this resolution, submit to a referendum vote of the members of the Three Affiliated Tribes a plan for expenditure of such funds that remain available for distribution to the Tribe from the interest funds derived from the Act that have not otherwise been designated for expenditure pursuant to this resolution or that have not otherwise been set aside or expended pursuant to previous resolutions.

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, 6 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 2 day of Dec, 1999; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 3 members, 2 members opposed, 1 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 2 day of Dec, 1999.

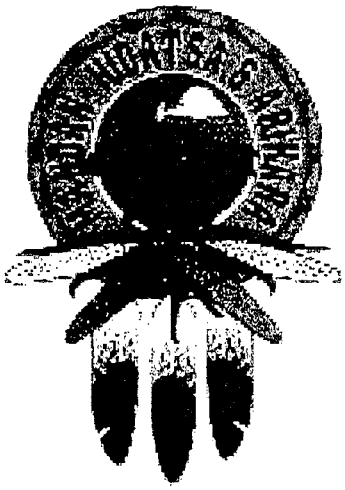
James P. Hale
James P. Hale
Temporary Secretary, Tribal Business Council

ATTEST:

Tex G. Hall
Tex G. Hall
Chairman, Tribal Business Council

Three Affiliated Tribes

Economic Recovery Fund Proposal



Presented to:
U.S Department of Interior

Three Affiliated Tribes
Economic Recovery Fund Proposal

Overview

The purpose of this plan is to provide the procedures for accessing funds as they become available as a result of the JTAC reparations settlement to the Three Affiliated Tribes creating a Tribal Economic Recovery Fund as awarded by congress in 1992 as a result of P.L. 102-575. Section 3504 (b) of P.L. 102-575 directs that "only the interest on the monies in such fund shall be available and is hereby appropriated, for use by the Secretary of the Interior in making payments to the Three Affiliated tribes for use for educational, social welfare, economic development, and other programs, subject to the approval of the Secretary". This plan details the methods to access the funds and the requirements of application to be considered by various entities/individuals.

Definitions

For the purposes of this plan the following classifications of funds are:

(a) 1st Generation funds - this classification covers the original endowment of $149.9 Million as approved and appropriated by congress. This funding classification may not be accessed and shall remain on deposit with the U.S. Department of the Treasury.

(b) 2nd Generation funds - this classification of funds covers all interest earned on the 1st generation funds. This class of funds is the primary subject of this plan and is made available to the Tribe on an annual basis via the Department of the Interior. The annual amount of funds available shall depend upon the prevailing rate of interest provided by the applicable investment securities over that previous year. These funds are restricted in their usage as mandated by congress and shall be utilized in strict accordance with this Access Plan.

(c) 3rd Generation funds - this classification of funds covers all interest accrued from investments of or security deposits of any and all 2nd generation funds. Such funds shall be deposited to accounts designated by the Tribe or as designated by the respective fund, plan, or proposal.

(d) Leverage. All funds accessed will be leveraged at a minimum of 1:1. Leverage is defined as using the ERF funds to attract funds from other sources of funding, thereby "pooling" multiple sources of funding to achieve the amount needed for the project.

(e) Sustainability. All applications to the funds shall incorporate as a facet of the plan provisions for or assurances of the long-term sustainability of the project. Sustainability is defined as the ability of the project to provide the necessary elements to maintain the long term operation and development of the project.

(f) Needs Based. All applications for projects to the funds will be needs based and demonstrate the documented need for said project.

(g) Part of a greater plan/vision. All projects/applications shall, in essence, be components of, or at a minimum, lead to the attainment of a long-term strategic plan which conforms to the goals and objectives of the Tribe.

Authority

The Three Affiliated Tribes Tribal Business Council is ultimately responsible for the ERF funds. In that capacity the four standing committees of, Education, Health and Human Resources, Natural Resources, and Executive committees shall be responsible for creating a strategic plan and direction for each funding area based on the needs to be addressed by each funding area (see Acceptable Uses Matrix). Annually at a minimum, or as necessary, each strategic plan and direction shall be reviewed and or modified.

- The Education Committee shall maintain responsibility for the Education area strategic plan and direction.
- The Health and Human Resources Committee shall maintain responsibility for the Social Welfare area strategic plan and direction.
- The Natural Resources Committee shall maintain responsibility for the Other Programs area strategic plan and direction.
- The Executive Committee shall maintain responsibility for the Economic Development area strategic plan and direction.

Three Affiliated Tribes – Economic Recovery Fund Proposal

The basic tenets of the funds are as follows:

1. The amount of funds allocated to each ERF fund shall be established annually by the Tribal Business Council.
2. The required funding leverage match can come from any source.
3. The Tribe will adhere to the Tribal Uniform Commercial Code.

The respective program Manager/Analyst and their staff responsible for that funding shall administer the operational procedures of the funding. Each administrator shall be responsible at a minimum, to maintain the appropriate documentation to clearly establish goals and objectives of funding. Funding administrators shall clearly establish and communicate the application process of the Funding, qualify and present applications for action, maintain investment records and interim and final reports, compile and present funding statistical information to the Tribal Council.

Accountability
The Three Affiliated Tribes will create an Office of ERF Oversight that will ensure strict accountability in the administration of the funds entrusted to the various funds created.

The minimum qualifications for the Office of ERF Oversight shall be that the office holder(s) shall have a demonstrated broad financial management background.

The Office of ERF Oversight shall ensure that annual financial audits of each fund created are performed. The Office of ERF Oversight shall bring criminal and civil charges as necessary to ensure the full financial accountability of each fund.

The Three Affiliated Tribes shall create an ERF Business Advisory Board comprised of individuals that have extensive demonstrated expertise in the areas of Finance, Planning, Management, or Administration. ERF Business Advisory Board will be required to concur with the funding recommendations of the Office of ERF Oversight in order to fund projects and proposals, and to provide assistance in the operations of the respective funds. None of the members may be Elected Officials of the Tribe nor employed by the Tribe in an executive or director capacity.

Procedure
All applications for funding shall conform to and enhance the long term planning efforts of the District, Department, or Institution applying to the fund. All applications shall conform to the requisite leverage requirements as established. The respective funding administrators shall establish funding application windows. These application "windows" shall be announced a minimum of 3 months in advance of the application deadline.

Technical Assistance
The Tribe shall provide technical assistance to all prospective applicants. In the event the required expertise/experts are not available locally, it shall be the responsibility of the Tribe to acquire that assistance on behalf of the proposed applicant.

Three Affiliated Tribes – Economic Recovery Fund Proposal

Economic Recovery Fund long-term vision and needs
As a result of a reservation-wide needs assessment, the following vision and needs are established for priority for funding. All projects applying for funding that are in concert with attaining this vision and meeting these needs shall receive priority. An initial prioritization is established as follows. The vision and needs shall be reassessed annually at a minimum.

Reservation-wide Vision

1. Our Healthcare systems (hospital, doctors, clinics, services, etc.) are providing excellent quality care and services.
2. Our educational systems are excellent. Our high school drop out rate is very low and many people are going to Ft. Berthold Community College and other colleges.
3. Our unemployment rate is under 10% and higher paying jobs are available for people who want to work.
4. Our Elderly and Disabled are well cared for.
5. Our reservation is still intact and we have a strong tribal government system that provides excellent leadership to our members.
6. I own my own home.
7. Our culture/heritage has been preserved (language, history, arts, etc.) and continues to be the most important part of the Tribe.
8. Our communities are self-supporting and they are a good place to live and raise our families.
9. Our reservation no longer has a drug/alcohol abuse problem.
10. We have many new tribal member-owned businesses and services available for shopping and things we need.
11. My community is a safe place with a low crime rate and good public safety services.
12. The welfare programs have been reduced and people are much more self-sufficient.
13. I am very comfortable where I live and doing well economically.

Areas of need

1. Health Care Services
2. Economic Development
3. Housing Programs and Support
4. Better Planning for our community future
5. Education programs for all ages
6. Infrastructure (roads, utilities, lights)
7. Expand our community center and facility
8. Sovereignty, jurisdiction treaty rights protection and self governance
9. Social Services for all ages
10. Culture programs for my community

Three Affiliated Tribes – Economic Recovery Fund Proposal

Economic Development Needs

1. Develop Long-term Economic Development Plan
2. Loan programs for Housing renovations - Private Homes
3. Jobs Development and support programs for individuals seeking employment
4. Develop Savings and Investment programs that benefit Tribal members
5. Private enterprise development (creation of small cottage businesses)
6. Land use resources and Land use planning
7. Minerals development programs
8. Tribally owned enterprise development
9. Bank - Tribally owned/managed
10. Casino development and expansion
11. Tourism programs for tribe and individuals
12. Continue to develop the Buffalo Project

*** Cattle Re-lending program

*** Technical Assistance support to help in the development of business

*** Asked only on the OFF RESERVATION Survey

Social Welfare Needs

1. Health Care Services
2. Housing Services - More Homes needed
3. Youth Programs
4. Health Care for Elderly
5. Law and Order systems for community
6. Burial Plan for Tribal members
7. Comprehensive Mental health programs
8. Services for victims of child abuse/neglect
9. Housing Services - Renovation programs
10. Daycare Programs
11. Independent Assisted living for Elderly
12. Strengthen Food Services for Needy and Elderly
13. Welfare Reform Programs
14. Health and Fitness Center
15. Handicap Services
16. Centralized Jail in New Town

Education Needs

1. Educational Scholarships (grants)
2. Education programs in our schools
3. Native language and tribal culture
4. Education loans for students
5. Special education needs for all ages
6. Early childhood education programs for children/families
7. Vocational programs (age 16 to adult)
8. Support for Ft. Berthold College
9. Tribal School
10. Adult Education (GED), Basic Skills
11. Health Education Awareness/prevention
12. Tribal education plan and education codes
13. Fine arts program for young and old
14. Tribal language immersion schools

Other Needs

1. Emergency Services/Facilities (Police, fire, ambulance)
2. Infrastructure Support (water sewer, utilities, lights)
3. Funeral Services Support and Cemetery Maintenance
4. Road Improvement and Maintenance
5. Legal Aid Lawyers to aid tribal members
6. Individual water systems need to be improved
7. Land purchase to increase Tribal land base
8. Community improvement programs in my district
9. Public Transportation System
10. Communications and technology enhancement system
11. Community building for my district
12. Tribal museum and programs to preserve history/culture
13. Veterans program support
14. Tribal archives/document (place to keep tribal records)
15. Libraries for all community members

Three Affiliated Tribes – Economic Recovery Fund Proposal

Economic Recovery Fund Financial Parameters

1. Legislative Guidelines – Public Law 102-575 – Oct. 30, 1992 (see Tab VIII, Appendix A)
   A. Section 3504. Funds. Subsection (4) The Secretary of the Treasury shall deposit the interest which accrues on deposits to the Three Affiliated Tribes Economic Recovery Fund in a separate account in the Treasury of the United States. Such interest shall be available, without fiscal year limitation, for use by the Secretary of the Interior, commencing with fiscal year 1998, and each fiscal year thereafter, in making payments to the Three Affiliated tribes for use for educational, social welfare, economic development, and other programs, subject to the approval of the Secretary. No part of the principal of the Three Affiliated Tribes Economic Recovery Fund shall be available for making such payments.
   B. Section 3505. Eligibility for other Services not affected. No payments pursuant to this title shall result in the reduction, or the denial, of any Federal services or programs that the Three Affiliated Tribes or the Standing Rock Sioux Tribe, or any of their members, are otherwise entitled to, or eligible for, because of their status as a federally recognized Indian tribe or member pursuant to Federal Law. No payments pursuant to this title shall be subject to Federal or State income tax, or affect Pick-Sloan Missouri River Basin lower rates in any way.
   C. Section 3506 Per Capita payments prohibited. No part of any moneys in any fund under this title shall be distributed to any member of the Three Affiliated Tribes or the Standing Rock Sioux Tribe on a per capita basis.
2. Other financial Parameters for Economic Recovery Fund programs: In addition to the regulations specified in the Equitable Compensation Act, the following guidelines that will be incorporated into all programs and services that are provided financial support through the Economic recovery Fund include, but are not limited, to:
   A. Economic Recovery funds must be used for projects designed to strengthen the economic recovery of members of the Three Affiliated Tribes. Funding will go to projects with greatest impact for tribal membership (i.e. scholarships, tribal language, land purchase, and projects which will leverage funding from other sources).
   B. Economic Recovery fund programs cannot supplant any existing resources (federal, tribal, county, state, city, etc.) that currently or traditionally have supported services to the Tribal members, reservation, or the communities; particularly financial support that is obligated by Federal/State legislation and treaty obligations (i.e. health care, trust responsibilities, land resources, and others). (See limits outlined in Section 3505 of the Legislation)
   C. Economic Recovery funds directed for specific programs/services should not cause that particular service/program to reduce its normal financial support to the Tribal members and the reservation community (i.e. social services for children, families, elderly, handicapped, etc.).
   D. Accountability of all expenditures shall be ensured by:
      a. All personnel who are responsible for the financial management of Economic Recovery funds shall be bonded and have training and skill in financial management. Appropriate insurance services shall be secured to protect property and personnel as outlined by the ERF administration and approved by the ERF Board of Directors (i.e. property insurance, errors and omissions, liability, etc.).
      b. A yearly audit, performed under the authority of this plan and results will be made available to all Tribal members for review and will be included in the yearly oversight report to the people of the Three Affiliated Tribes.
      c. The evaluation/monitoring processes will be implemented yearly by the staff.
      d. Bonds will be required on all contracts using Economic Recovery funds.
   E. All personnel hired by Economic Recovery Fund programs shall have fringe benefits.
   F. Qualified tribal enrolled members shall have preference in hiring for Economic Recovery Fund positions.

Three Affiliated Tribes – Economic Recovery Fund Proposal

Investment Fund
The Investment Fund shall be invested, as directed by the Tribe, to preserve the real value of the JTAC Funds against the impact of inflation and to become the embodiment of the Tribes long-term investment strategy.

- The investment practices utilized shall be clearly identified in an objectives and policy plan (Investment Plan). This plan shall outline as a minimum the following: Investment objectives, Investment policies, Evaluation and Review procedures and policies, Plan revision policies.

- The Investment Fund will utilize a combination of investment options to realize a minimum return that exceeds the maximum Government Security Rate of Return.

A. Statement of Investment Objectives and Policy for the Three Affiliated Tribes

I. Introduction
The purpose of this statement is to express the objectives of the fund and to establish its investment policies.

II. Investment Objectives
The principal investment objectives of the fund are to invest in assets in a manner which:
A. Provides safeguards and diversity to which a prudent investor would adhere.
B. All transactions must be in the sole interest of the Three Affiliated Tribes.
C. Provides for income for those accounts with the objective of income.
D. Provides for growth of capital for those accounts with the objective of growth.
E. Consistent year to year results is preferred to large fluctuation in return.

III. Investment Policies
A. **General**
1. Assets must be invested in compliance with the objectives of each account.
2. Appropriate due diligence will be conducted prior to entering into agreements with brokers or like investment entities as well as prior to making particular investments in specific securities.
3. Only 2nd and 3rd generation JTAC funds will be invested under the Investment Fund.
4. Prohibited investments shall include:
   - unrecognized or restricted stock
   - the use of foreign headquartered corporations
   - commodities including futures contracts
   - stock or index options
   - margin buying
   - short-selling
   - initial public offerings of stock

B. **Fixed Income Investments**
1. Fixed income securities may include US Treasury obligations, obligations of government sponsored enterprises, Federal Agency obligations, corporate bonds, and commercial paper and commercial bank certificates of deposit (CD's).
2. Fixed income securities are to be selected and managed so as to assure appropriate balance of quality, maturity and coupon rate consistent with current money market and economic conditions.
3. All investments in bonds that are not U.S. Government or agency issues must be rated with the three highest ratings of the bond rating services.

C. **Equity Securities**
   1. Equity securities are defined as common stocks of companies.
   2. Equity securities are to be selected in accordance with the criteria to be determined by the Three Affiliated Tribes and the investment advisor.
   3. Investing in equity securities is limited to 10% of the total portfolio subject to Tribal Business Council approval/directive.
   4. Funds available for equity securities may temporality be invested in short-term US Treasury bills, short-term obligations of government sponsored enterprises, Federal Agencies, commercial paper and commercial bank Certificates of Deposit.

D. **Cash Equivalents**
   Cash equivalents may include US Treasury Bills, short-term obligation of government sponsored enterprises, commercial paper, commercial bank Certificates of Deposit and money market accounts.

E. **Diversification**
   1. The asset mix of fixed income investments, equity investments and cash equivalents will be established based on each account's objective.
   2. For accounts that are utilizing federal funds, diversification can be made according to the investing of federal funds guidelines.

IV. Evaluation and Review
   A. It is expected that the financial consultant will meet with the Tribal Business Council at least semi-annually.
   B. It is expected that the financial consultant will report to the Tribal Treasurer at least monthly. Performance results, portfolio listing and valuations, and transaction summaries should be provided monthly.
   C. Any significant changes in the market value of the investments should be communicated to the Tribal Business Council.

V. Revisions
   A. The Three Affiliated Tribes', Tribal Business Council may make changes in this statement from time to time. It shall be the responsibility of the Tribal Treasurer to communicate such revisions, in writing, to the financial consultant immediately.

Three Affiliated Tribes – Economic Recovery Fund Proposal

Three Affiliated Tribes Economic Recovery Fund Acceptable Uses Matrix		
Education (Strategic Plan & Direction – Education Committee)	Schools	Preschool Elementary/Secondary Post-Secondary Continuing Education Literacy Leadership
	Training	Entrepreneurship Training Vocational Education Job Training/Retention
	Programming	Planning Facilities
	Language & Culture	Immersion Preservation
Social (Strategic Plan & Direction – Health & Human Resources Committee)	Health & Human Service	Elder Health Mental Health Health Care Child Care Low Income Services Special Needs Services
	Housing	Private/Public Subsidized/non-subsidized Elderly/Congregate Single Family Multi Family
	Law & Order	Courts Enforcement Codes
Economic Development (Strategic Plan & Direction – Executive Committee)	Jobs Development	Creation Expansion Unemployment Underemployment
	Planning	Recruitment Retention/Expansion Start-up
	Finance	Investment Availability Cost
	Business Development	Private Public
	Community Development	Roads/Highways/Bridges Rail Transportation Air Transportation Utilities Public Facilities Public Transportation
Other (Strategic Plan & Direction – Natural Resources Committee)	Community Amenities	Cultural Recreational
	Environmental	Water Quality Waste Management Air Quality Land Management

Standard Form 1034
September 1973
4 Treasury FRM 2000

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO. 98-08

SCHEDULE NO. VS0970321A

PAID BY 9-28-98

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION

Department of Interior
Bureau of Indian Affairs
Fort Berthold Agency
New Town, ND 58763

DATE VOUCHER PREPARED: September 21, 1998

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

PAYEE'S NAME AND ADDRESS:
Community First Natinal Bank
150 West Villard
Dickinson, ND 58601
For Credit to: Three Affiliated Tribes
Account #6423700734

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM | TO | WEIGHT | GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (3)
		Draw down request as per Resolution #98-134-DSB P.L. 102-575 Account # EC-5197-01-6 Bank Routing Number 091300036 Online Bank Comm FST Fargo Beneficiary CFB Dickinson Account Number 6310386617 For further Credit Three Affiliated Tribes Customer Account Number 6423700734				$1,700,000.00
(Use continuation sheet(s) if necessary)		Mark N. Fox (Payee must NOT use the space below)			TOTAL	

PAYMENT: ☐ COMPLETE ☐ PARTIAL ☐ FINAL ☐ PROGRESS ☐ ADVANCE

APPROVED FOR = $

EXCHANGE RATE = $ 1.00

DIFFERENCES

BY[2]

TITLE

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

9/24/98 (Date) — (Authorized Certifying Officer)[2] — Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

EC5197-01-6 (Income Cash) 824 $1,700,000.00

PAID BY

CHECK NUMBER ON TREASURER OF THE UNITED STATES

CHECK NUMBER ON (Name of bank)

CASH DATE

PAYEE[3]

PER

TITLE

1 If stated in foreign currency, insert name of currency.
2 If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
3 When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

1034-116

COPY

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

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally 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, The Tribal Business Council of the Three Affiliated Tribes has consistently advocated the creation of new projects for the purpose of decreasing the high unemployment rate on the Fort Berthold Reservation; and

WHEREAS, The Tribal Business Council of the Three Affiliated Tribes in 1989 created a one hundred percent (100%) wholly-owned tribal chartered corporation, to-wit: "Mandaree Enterprise Corporation", for the purpose of creating employment and opportunities for the Fort Berthold Reservation; and

WHEREAS, Mandaree Enterprise has been certified as an 8(a) firm by the US Small Business Administration Office, which allows Mandaree Enterprise Corporation unique advantages in the federal marketplace; and

WHEREAS, To further develop a long-term viable Tribally-owned enterprise Mandaree Enterprise has established a "Teaming Agreement" with Data Dimensions Corporation, which would assist Mandaree Enterprise in establishing commercial data entry capabilities on the Fort Berthold Reservation; and

WHEREAS, A strategic plan, projections and method of implementation has been developed by Mandaree Enterprise Corporation to: 1) utilize the available Uniband satellite facility located in White Shield, North Dakota, and 2) expand into the Parshall community at first opportunity; and

WHEREAS, When additional expanding opportunities are present the communities with smallest amount of employment opportunities such as Twin Buttes shall receive the next or highest priority; and

WHEREAS, In addition, The West Segment Development Corporation, a tribally chartered corporation is seeking additional avenues to create employment opportunities which includes Y2K conversion; and

WHEREAS, Any and all opportunities that WSDC proposes will be subject to review and

with Mandaree Enterprise shall be subject to the satisfaction of Mandaree Enterprise; and

WHEREAS, P.L. 102-575, Title XXXV, Section 3504-Funds, establishes in the Treasury of the United States the "Three Affiliated Tribes Economic Recovery Fund" and accrued interest from such fund are available for use by the Three Affiliated Tribes in Fiscal Year 1998; and

WHEREAS, The Tribal Business Council for the Three Affiliated Tribes through Resolution #98-56-DSB had pursued and secured funds previously; and

WHEREAS, The Tribal Business Council continues review of the Special Economic Recovery Fund Committees final report and development of policies and procedures for the annual use of the Economic Recovery Fund Interest Revenues.

WHEREAS, Enrolled members are in need of funding immediately to attend their respective higher-learning institutions to further their education and opportunities;

NOW, THEREFORE, BE IT RESOLVED, That the Three Affiliated Tribes Tribal Business Council agrees to appropriate funds and hereby submits a Financial Proposal to increase Economic Development Opportunities under P.L. 102-575 in the amount $1,700,000 (see the attached budgets).

BE IT FURTHER RESOLVED, That the Chairman and Treasurer of the Tribal Business Council are hereby, authorized and directed to seek, negotiate and secure P.L. 102-575 funds as soon as possible, in order to create employment opportunities on the Fort Berthold Indian Reservation.

BE IT FURTHER RESOLVED, That the Chairman and Treasurer are hereby authorized by the Three Affiliated Tribes Tribal Business Council to sign any and all documents required to secure the funds to support this proposed project.

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, 7 were present at a Special meeting thereof duly called, noticed, convened, and held on the 2nd day of September, 1998; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 2 members opposed, 0 members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.
Date this 2nd day of September, 1998.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

Chairman, Tribal Business Council

COPY

Budget **Sept. 1, 1998**

1. Fast startup with "Key from Paper" at White Shield

Upgrade White Shield software immediately, rehire staff as quickly as possible

Upgrade White Shield software	$30,000
Train the trainers	$8,000
Train the operators	$16,000
Establish new support functions	$7,000
One month's expenses (rent, phone, etc.)	$3,000
	$64,000

2. Upgrade White Shield to "Key from Image"

Upgrade White Shield system by adding 25 "Key from Image" work sta

Upgrade White Shield system	$135,000
Train the trainers to key from image	$8,000
Hire and train 25 new operators	$62,000
Train original operators on new system	$16,000
	$221,000

3. Add Parshall as a "Key from Paper" and "Key from Image" site

System acquisition	$150,000
Desks and office equipment	$75,000
Renovate Parshall facility	$50,000
Hire and train 30 new operators	$80,000
Train supervisors	$20,000
	$375,000

Three months operating capital at 60 operator level	$440,000
Startup funding for West Segment Development Corporation	$150,000
Grand total	$1,250,000

COPY

PROPOSED HIGHER EDUCATION GRANT PROGRAM

COUNCILMAN: Mark N. Fox

EDUCATIONAL GRANT FOR 1998-1999

STUDENT YEAR IN COLLEGE	AMOUNT OF GRANT	NUMBER OF STUDENTS	TOTAL PER YEAR
FRESHMAN	up to $2,000.00	(x) 50	=$100,000.00
SOPHOMORE	up to $3,000.00	(x) 40	=$120,000.00
JUNIOR	up to $3,000.00	(x) 30	=$ 90,000.00
SENIOR	up to $4,000.00	(x) 20	=$ 80,000.00
GRADUATE STUDENT	up to $5,000.00	(x) 15	=$ 75,000.00
SCHOLARSHIP	(3.0): $500.00	(x) 20	=$ 10,000.00

TOTAL $475,000.00

Tribal Government Services
MC-304

SEP 10 1998

Honorable Russell D. Mason
Chairman, Three Affiliated Tribes
Business Council
HC 3, Box 2
New Town, North Dakota 58763

Dear Chairman Mason:

As provided in the Act of October 30, 1992, Pub. L. 102-575, the Three Affiliated Tribes (Tribes) of the Fort Berthold Reservation have developed what we will refer to as Phase II of their Economic Recovery Plan (ERP).

Under the delegated authority of 209 DM 8, Secretary's Order Nos. 3150 and 3177, as amended, and 10 BIAM, Bulletin 13, as amended, this is to issue our approval for Phase II of the ERP.

As defined by the Tribes' Business Council Resolution 98-134-DSB, with supporting budgets, the Phase II funds will be used as follows: Education Grants for 1998-1999, $475,000; Start-up of Data Entry Facility at White Shield, $64,000; Upgrade of White Shield Data Entry Facility, $221,000; Addition of Parshall Data Entry Facility, $375,000; 3 Months Operating Capital - Data Entry Facilities, $440,000 and Start-up Funding - West Segment Development Corporation, $150,000.

The Phase II grand total is $1,725,000. It is our belief that the $1,700,000 reflected in Resolution 98-134-DSB represents a rounded figure of the Tribes' actual request. Please contact the Fort Berthold Agency Superintendent and arrange for the preparation and forwarding of a corresponding SF 1034 to the Dean Webb, Financial Trust Services Officer, Office of Special Trustee, for processing.

Although previous requests for withdrawals from the ERP Account have been approved to meet emergency needs, we encourage you, the Tribes' Business Council, and your staff to continue your efforts in completing the overall ERP at the earliest possible date.

Sincerely,

/SGD/RICHARD G. ZEPHIER

Area Director

cc: Financial Trust Services officer, MC-500
Superintendent, Fort Berthold Agency
Director, Division of Tribal Government Services, MIB, MS-4641, w/copy of resolution and budgets

Standard Form 1034
September 1973
4 Treasury FRM 2000

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO. 98-07

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
FORT BERTHOLD AGENCY
NEW TOWN, ND 58763

DATE VOUCHER PREPARED: SEPTEMBER 17, 1998

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

SCHEDULE NO. VS/OT 03213 4

PAID BY 10-1-98

PAYEE'S NAME AND ADDRESS
THREE AFFILIATED TRIBES
COMMUNITY FIRST BANK, FARGO, ND
ABA 091300036
FURTHER CREDIT TO: COMMUNITY FIRST BANK,
DICKINSON, NORTH DAKOTA
ACCT NO: 6310386617
FURTHER CREDIT: THREE AFFILIATED TRIBES
ACCT 1590017508 (LOAN BLOCK)

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM | TO | WEIGHT | GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (1)
		LOAN AGREEMENT WITH COMMUNITY FIRST BANK DICKINSON ND - FINAL PAYMENT				1,640,097.81
		BANK ROUTING NUMBER 091300036				
		ONLINE BANK COMM FST FARGO				
		BENEFICIARY CFB DICKINSON				
		ACCOUNT NUMBER 6310386617				
		FOR FURTHER CREDIT THREE AFFILIATED TRIBES				
		LOAN BLOCK CLEARING GL				
		FOR DICKINSON (BRANCH) 1590017508				
		Mark N. Fox				
		MARK N. FOX, THREE AFFILIATED TRIBES TREASURER				

(Use continuation sheet(s) if necessary) (Payee must NOT use the space below) TOTAL 1,640,097.81

PAYMENT: ☐ COMPLETE ☐ PARTIAL ☐ FINAL ☐ PROGRESS ☐ ADVANCE

APPROVED FOR = $

EXCHANGE RATE = $ 1.00

BY² Cam L. Jones

TITLE Area Director

DIFFERENCES

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

9/21/98 (Date) Kenneth D. West (Authorized Certifying Officer)² Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

EC5197-01-6 (Income Cash) 824 $1,640,097.81

PAID BY

CHECK NUMBER ON TREASURER OF THE UNITED STATES | CHECK NUMBER ON (Name of bank)

CASH DATE | PAYEE³

PER

TITLE

1 If stated in foreign currency, insert name of currency.
2 The ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
3 When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

1034-116

Community First

(701) 227-0801

Community First National Bank • 150 West Villiard • P.O. Box 1158 • Dickinson, North Dakota 58602-1158

September 10, 1998

COPY

Donna Erwin Director
Office of Trust Funds Management
505 Marquette NW Suite 1000
Albuquerque NM 87102

RE: Three Affiliated Tribes of the Fort Berthold Reservation

Dear Ms. Erwin:

In accordance with the terms of the loan agreement with Three Affiliated; we are providing you with the correct wiring instructions for the final payment that will be due in October, 1998. The payoff on October 1, 1998, is $1,640,097.81

We would appreciate receiving this wire in the first order of business of that day and not later than 12 noon, MDT. to allow us to provide proper credit on our note. Payoff amounts received on the specific days listed above will pay this note in its entirety.

The wire instructions are as follows:

Customer to wire to loan:	Example
1. Bank Routing Number	091300036
2. Online Bank	Comm Fst Fargo
3. Beneficiary	CFB Dickinson
4. Account Number	6310386617
5. For Further Credit	Three Affiliated Tribe
6. Loan Block Clearing gl for Dickinson (branch)	1590017508

Your considerations in this matter are greatly appreciated; and if you have any further questions, please do not hesitate to call me.

Sincerely,

COMMUNITY FIRST NATIONAL BANK

D. J. Schwindt
Vice President

kf

cc: Robert L. Upton, Chief Division of Trust Fund Services
Office of Trust Funds Management
505 Marquette NW Suite 1000
Albuquerque NM 87102

Dean Webb Finance Officer
BIA Aberdeen Area Office
115 4th Ave SE
Federal Building
Aberdeen SD 57401

Mark N. Fox
Treasurer, Three Affiliated Tribes
HC 3 Box 2
New Town ND 58763

David Brendsel
Financial Advisor, Three Affiliated Tribes
HC 3 Box 2
New Town ND 58763

Standard Form 1034
September 1973
4 Treasury FRM 2000

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO. 98-05

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
FORT BERTHOLD AGENCY
NEW TOWN, ND 58763

DATE VOUCHER PREPARED: MAY 12, 1998

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

SCHEDULE NO. V506T02919A

PAID BY 6-8-98

PAYEE'S NAME AND ADDRESS:
THREE AFFILIATED TRIBES
COMMUNITY FIRST, FARGO, ND
ABA 091300036
FURTHER CREDIT TO: COMMUNITY FIRST, DICKINSON, ND
ACCT NO: 6310373670
FURTHER CREDIT TO: THREE AFFILIATED TRIBES
ACCT NO: 6423700734 (CHECKING)

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM | TO | WEIGHT | GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (1)
		PAY TO THE THREE AFFILIATED TRIBES, TRIBAL BUSINESS COUNCIL AS PER RESOLUTION #98-56-DSB, DATED MAY 05, 1998.				5.5 MILLION
		RUSSELL MASON SR., TRIBAL CHAIRMAN				

(Use continuation sheet(s) if necessary) (Payee must NOT use the space below) TOTAL 5,500,000.00

PAYMENT: ☐ COMPLETE ☐ PARTIAL ☐ FINAL ☐ PROGRESS ☐ ADVANCE

APPROVED FOR = $

EXCHANGE RATE = $ 1.00

DIFFERENCES

BY[2] Cora L. Jones

TITLE Area Director

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

5/18/98 (Date) — Kenneth D. Wilson (Authorized Certifying Officer)[2] — Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

EC5197-01-6 (Income Cash) 824 $5,500,000.00

PAID BY

CHECK NUMBER ON TREASURER OF THE UNITED STATES

CHECK NUMBER ON (Name of bank)

CASH $ DATE

PAYEE[3]

PER

TITLE

1 When stated in foreign currency, insert name of currency.
2 If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
3 When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

1034-116

Tribal Government Services
MC-304

MAY 15 1998

Honorable Russell D. Mason
Chairman, Three Affiliated Tribes
of the Fort Berthold Reservation
HC 3, Box 2
New Town, North Dakota 58763

Dear Chairman Mason:

As provided in the Act of October 30, 1992, Pub. L. 102-575, the Three Affiliated Tribes (Tribes) of the Fort Berthold Reservation have developed Phase I, Emergency Unmet Financial Needs (EUFN), of their Economic Recovery Plan (ERP).

Under the delegated authority of 209 DM 8, Secretary's Order Nos. 3150 and 3177, as amended, and 10 BIAM, Bulletin 13, as amended, this is to issue our approval for the use of the earned-interest funds designated in the EUFN portion of the ERP.

Supported by the Tribes' Business Council Resolution 98-56-DSB, and as further defined in the program description, the funds will be used as follows: M,R, & I Project, $2,000,000; 4 Bears Lagoon, $750,000; CDBG Shortfalls, $1,012,000; Day Care, $200,000; Headstart, $175,500; Aging & Meals Sites, $99,500; Youth Build, $64,500; Uniband, $55,000; Administration BLDG. (Addition), $250,000; Administration BLDG. (Reroofing), $95,000; Mandaree Center (Reroofing), $20,000; Legal - NARF, $12,000; Tribal Court, $100,000; Election, $100,000; Global Program Shortfalls, $566,500; Total - $5,500,000.

We commend you, the Tribes' Business Council, and your staff for your efforts in addressing the immediate needs of the Tribes. We wish you continued success in developing the balance of the ERP.

Sincerely,

[redacted]

Acting Area Director

cc: Area Supervisory Accountant, MC-203/
Superintendent, Fort Berthold Agency
Director, Division of Tribal Government Services, MIB, MS-4641, w/copy of resolution and program description

ORIGINAL

Resolution #98- 56 - DSB

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

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally 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, P.L. 102-575, Title XXXV, Section 3504-Funds, establishes in the Treasury of the United States the "Three Affiliated Tribes Economic Recovery Fund" and accrued interest from such fund are available for use by the Three Affiliated Tribes in Fiscal Year 1998; and

WHEREAS, The Tribal Business Council for the Three Affiliated Tribe through Resolution #95-162-DSB dated 08-24-95, authorized the Chairman and Treasurer of the Business Council to seek and secure emergency funds in the amount of $5,000,000 to re-establish the financial base of the Three Affiliated Tribes; and

WHEREAS, Resolution #98-03-DSB authorized the establishment of a Special Economic Recovery Fund Committee to develop short-term and long-term plans for the expenditure of the interest from the $149.2 million Economic Recovery Fund established by Congress; and

WHEREAS, The Tribal Business Council has discovered additional emergency unmet needs accrued due to lack of funds; and

WHEREAS, The Special Economic Recovery Fund Committee met with the Tribal Business Council on 04-02-98 and presented the results of a sample survey of the membership and said survey supports Tribal Business Council action to utilize Economic Recovery Fund Interest Revenues for the Special Emergency Unmet Financial Needs, **(attached page 72)**; and

WHEREAS, The Tribal Business Council continues review of the Special Economic Recovery Fund Committees final report and **development of Policies and Procedures for the annual use of the Economic Recovery Fund Interest Revenues.**

Resolution #98-56-DSB

NOW, THEREFORE, BE IT RESOLVED, That the Three Affiliated Tribes Tribal Business Council hereby submits an Emergency Unmet Financial Needs Proposal under P.L.102-575 in the amount of $5,500,000 (see **attached budget page**).

BE IT FURTHER RESOLVED, That the Chairman and Treasurer of the Tribal Business Council are hereby, authorized and directed to seek and secure P.L.102-575 funds as soon as possible, in order to meet the emergency financial unmet need.

BE IT FURTHER RESOLVED, That the Chairman and Treasurer are hereby authorized to sign any and all documents pertaining to said Emergency Financial Unmet Needs Proposal and all pertinent financial documentation necessary.

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, 6 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 5th day of May, 1998; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 1 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.
Dated the 5th day of May, 1998.

Dayton Spotted Bear
Secretary, Tribal Business Council

ATTEST:

Chairman, Tribal Business Council

[illegible] following is a list of suggestions/ideas that have already been identified by the Three Affiliated Tribal Council, their legal counsel, and various tribal programs. Some already have specific budget amounts requested. *Please indicate whether you agree with these plans or not.*

Agree Yes	Disagree No	Non Response		
53	25	4	a. Indian Community Block Grant Matching Funds	$ 920,000.00.
53	24	5	b. MR & I Phase (11)	$2,800,000.00
32	42	8	c. Hobbes Strauss (Accounts Payable - debt)	$ 328,466.00
50	23	9	d. FBCC Projects	$1,375,000.00
34	41	7	e. Federal Unemployment Tax Act (FUTA) debt	$ 100,000.00
38	33	11	f. Ag Capital Credit (Road Equipment Account Payable)	$ 100,000.00
41	31	10	g. Legal (In-house Expansion Program)	$ 218,325.00
36	39	7	h. Workmen's Compensation (Accounts Payable)	$ 470,000.00
20	54	8	i. Grand Forks (Buildings)	$ 350,000.00
36	39	7.	j. Motor Pool Development	$ 100,000.00
42	34	6	k. TAT Admin Building Roof	$ 100,000.00
28	52	2	l. Animal Control Program	$ 114,338.00
32	40	10	m. Comprehensive Debt Restructuring, Completing Federal Projects for which grant funding was redirected to other purposes by the previous tribal administration and current operating shortfalls ($8.8 million est.)	
53	26	3	n. Centralized Health Care Facility ($11 to 14 million).	
53	23	6	o. Tribal Financial Institution (Small Business Investment Corporation; Small federal thrift; bring a National financial institution branch to the reservation; Credit Union).	
46	32	4	p. Four Bears Bridge Project.	
52	23	7	q. Land purchase.	
69	6	7	r. Water Projects	
70	6	6	s. Higher Education (grants and loans to support students in return for their commitment to return to reservation in a professional capacity	
63	11	8	t. Block of Power Alternative (free electricity and water)	
27	47	8	u. Lewis and Clark Bicentennial Fort Clark: Mandan-Arikara Village	
57	21	4	v. Cultural Learning Center	

Emergency Unmet Needs
Three Affiliated Tribes
May 5, 1998

M,R, & I Project $3.2m reimbursable	$2,000,000
4 Bears Lagoon $1.2m start-up funding	$ 750,000
CDBG Shortfalls - Mandaree, Four Bears & Twinn Buttes	$1,012,000
Program Shortfalls:	
Day Care	$ 200,000
Headstart	$ 175,500
Aging & Meal Sites	$ 99,500
Youth Build	$ 64,500
Uniband	$ 55,000
Administration Bldg. Renovation of addition	$ 250,000
Administration Bldg. Reroofing project	$ 95,000
Mandaree Center Reroofing project - materials	$ 20,000
Legal - NARF	$ 12,000
Tribal Court	$ 100,000
Election	$ 100,000
Global Program Shortfalls	$ 566,500
Total	$5,500,000

emgfdjtac598

ERF - USE OF FUNDS APPLICATIONS

MAY 5, 1998

	Social Welfare	Economic Dev.	O.Progrms
MR & I Project	$1,000,000.00	$1,000,000.00	
4 Bears Lagoon	$ 375,000.00	$ 375,000.00	
CDBG Comm. Bldgs	$ 506,000.00	$ 506,000.00	
Mandaree, 4 Bears & Twin Buttes			
DayCare	$ 200,000.00		
Headstart	$ 175,500.00		
Aging & Meal Sites	$ 99,500.00		
Youth Build	$ 64,500.00		
Uniband		$ 55,000.00	
Mandaree Center-reroof materials		$ 20,000.00	
Legal - NARF	$ 12,000.00		
Global Program shtfls	$ 566,500.00		
Admin. Bldg. Reno. Add.			$ 250,000.00
Admin. Bldg. Reroof			$ 95,000.00
Tribal Court			$ 100,000.00
Election			$ 100,000.00
Total	$2,999,000.00	$1,956,000.00	$ 545,000.00
% of Total Drawdown	55%	35%	10%
Grand Total of Drawdown	$5,500,000.00		

ECONOMIC RECOVERY FUND
USE OF FUNDS APPLICATIONS
DESCRIPTION OF PROJECTS LISTED

1. Municipal, Rural, &Industrial

Under P.L. 99-249 and P.L. 93-638, as amended, authorized the Bureau of Reclamation to enter into a cooperative agreement with the Three Affiliated Tribes. The BOR has approved the cooperative agreement on June 27, 1995. The project is for the Design and Construction of the Fort Berthold Rural Water Supply System, Phase I..

The MR&I Water Project has authority to operate and maintain the community water system on the Fort Berthold Reservation. This includes the operation and maintenance of water and water mains at White Shield; Four Bears; Mandaree and Twin Buttes, that do not fall within the BIA Government Compounds. There is a total of 500 connections to the communities of White Shield; Four Bears; Mandaree and Twin Buttes.

2. 4 Bears Lagoon

The 4 Bears Lagoon is located West of New Town, ND on ND highway 23. The 4 Bears Lagoon services the Four Bears Segment, Four Bears Village, Tribal Administration Offices, IHS Office compound, and the Four Bears Park Peninsula to include the 4 Bears Casino & Lodge. The current system is inadequate to service the entire area mentioned above and will require expansion to accommodate the growing area. The tribe has secured financing through various Federal Agencies but is experiencing a shortfall which the tribe will have to absorb.

3. CDBG Communities Buildings

The tribe has secured financing for three communities facilities to be located in the Mandaree, Four Bears, and Twin Buttes Segments through the HUD Indian Community Development Grant Program. The additional funds necessary are the tribal match, which is a requirement of the grant program. The Community Facilities Projects house several Federal, State and Tribal Program operations and staff. The Communities utilize these buildings for all community functions as well as individual/private events. The Community Facilities are a great asset to community members in that they have space for youth programs and events, elder programs and events, delivery of Federal, State and Tribal program services and community functions.

4. Mandan, Hidatsa, & Arikara DayCare Facility

The MHA Daycare Facility is a tribally operated program. The Daycare provides daycare to tribal employees, college students, single parent families and other tribal members. Service is also provided to low-income families and often federal subsidies are not available to the family and the tribe has traditionally covered the operating shortfall. The total budget amount for the day care is over $300,000.00. The Daycare employees 11 staff members. The facility accommodates 30 slots, ages 6 weeks to 3 years of age. Business Hours are from 7:00 a.m. until 6:00 p.m.

5. Headstart

The Headstart Program is operated by the tribe under P.L 93-638 and the budget amount is approximately $900,000.00. This budget amount is insufficient to meet the needs of this

expanding program. The tribe supplements the shortfall experienced annually.

6. Aging & Meal Sites

The Three Affiliated Tribes currently supplements Senior Citizen Meals Program in each district of the Fort Berthold Reservation. Each site employs approximately 2-4 staff members. Meals are served 5 days a week, congregate and home delivery. The program services approximately 513 elderly members.

7. Youth Build

The Youth Build Program is supplemented with tribal funds and employees approximately 4 staff members. The program is designed to target the youth of Fort Berthold. The program conducts youth athletic and cultural events year round and sponsors youth events aimed at reducing juvenile delinquency and truancy.

8. Uniband

Uniband is sate lite project spin off from the Turtle Mountain Parent Company through a Joint Agreement with the tribe. Program Operations are located in the White Shield Segment and employ approximately 38 staff members. The business' product is data entry through government and commercial contracts. The current facility will support future expansion and potential growth of the business is anticipated. The tribe has had to absorb start-up costs and also the cost to renovate the existing facility to become compatible with the data entry business.

9. Mandaree Center/Re-roof Materials

This community facility is located in the West Segment of the Fort Berthold Reservation. The facility was constructed in the early 1970's with a grant secured from EDA. The facility is well over 25 years old and the roof requires replacement. This community facility is a tribal responsibility.

10. Legal-NARF

The Native American Rights Fund is a non-profit organization that the tribe utilizes with legal matters that pertain to program operations and other tribal issues. The tribe has utilized this legal organization for a number of issues. The tribe has fallen behind in payment of services. The funds required will bring the account current.

11. Global Program Shortfalls

The tribe operates a sundry of programs that exceeds $12 million and are funded by various Federal and State agencies. Occasionally these programs experience shortfalls, in these instances the tribe covers the shortfall. Also the tribe under the 638 process, is required to cover the cash flow of Indirect Direct Cost Programs with greater restrictions mandated by Federal and State Funding Agencies. These shortfalls and other contingencies would be funded with the requested funds.

12.Administration Building Administration Addition

The Three Affiliated Tribes employs approximately 318 staff and operates 200

Federal, State, and Tribal Programs. The current Administration Building is inadequate in meeting the needs of the expanding tribal government base. Office needs space has long been an issue for the tribe, currently program staff are scattered throughout tribal headquarters. This piece meal approach results in downtime in productivity and program delivery.

13. Tribal Court

Tribal Court operations are supplemented with tribal funds and the current budget amount is insufficient to meet the needs of timely and efficient program delivery to the expanding clientele. Tribal Court is a prime example of under funding and under staffing prevalent in Indian Country.

14. Election

September 1998 marks the beginning of tribal elections with the primaries being conducted in September 1998 and the general election in November 1998. In order for the tribe to operate a orderly and efficient election process, the tribe will need sufficient funds to cover training and staff expenses. The upcoming election will include the chairmanship position and is the most high tribally elected seat of tribal government and will require an adequate budget amount to ensure a normal election process and any other contingencies that may arise.

Standard Form 1034
September 1972
4 Treasury FRM 2000

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO.

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION

INTERIOR-BUREAU OF INDIAN AFFAIRS
Fort Berthold Agency
New Town, ND 58763

DATE VOUCHER PREPARED: September 9, 1997

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

SCHEDULE NO.: VS/OT 02793

PAID BY: 10-1-97

PAYEE'S NAME AND ADDRESS

Three Affiliated Tribes
COMM FST FARGO ABA # 091300036
For further credit to: CFB Dickinson
Item account number #6310373670
Customer Name: Three Affiliated Tribes
Account #6420016752

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM | TO | WEIGHT | GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (1)
		Payment on Tribal loan to Community First Bank, Dickinson, ND as per Tribal Resolution 95-162-DSB and 95-163-DSB and Assignment of Income dated September 27, 1995 to be repaid from Three Affiliated Tribes Economic Recovery Fund P.L. 102-575.				$2,250,000.00
		Mark N. Fox Mark N. Fox, Tribal Treasurer				

(Use continuation sheet(s) if necessary) (Payee must NOT use the space below) TOTAL $2,250,000.00

PAYMENT: ☐ COMPLETE ☐ PARTIAL ☐ FINAL ☐ PROGRESS ☐ ADVANCE

APPROVED FOR = $ | EXCHANGE RATE = $ 1.00 | DIFFERENCES

BY² Adelise Bruscell

TITLE Superintendent

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

9-11-97 (Date) | Kenneth Dick (Authorized Certifying Officer)² | Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

EC5197-01-6 824 (Income Cash) $2,250,000.00

PAID BY

CHECK NUMBER ON TREASURER OF THE UNITED STATES | CHECK NUMBER ON (Name of bank)

CASH DATE | PAYEE³

PER

TITLE

¹ If stated in foreign currency, insert name of currency.
² The ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
³ When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

1034-116

Community First (701) 227-0801
National Bank • 150 West Villard • Dickinson, North Dakota 58601

September 3, 1997

Donna Erwin, Director
Office of Trust Funds Management
505 Marquette N.W. Suite 1000
Albuquerque New Mexico 87102

RE: Three Affiliated Tribes, Fort Berthold Indian Reservation

Dear Miss Erwin:

In accordance with the terms of the loan agreement with Three Affiliated, we are providing you with the correct wiring instructions for the $2,250,000.00 that will be due on October 25, 1997. The entire payment will be credited to principle only and will not be applied to any accrued interest. Three Affiliated pays the interest monthly from the scheduled monthly payments of $50,000.00

We would appreciate receiving this wire in the first order of business of that day and not later than 12 noon, MDT., to allow us to provide proper credit on our note as well as the participating lender.

The wire instructions are:

Bank Routing Number	091300036
Online Bank	COMM FST FARGO
For further credit	CFB Dickinson
Item Account Number	6310373670
Customer Name	Three Affiliated Tribes
Customer Account Number	6420016752

EOE

Your considerations in this matter are greatly appreciated and if you have any further questions, please do not hesitate to call me.

Sincerely,

COMMUNITY FIRST NATIONAL BANK

D. J. Schwindt
Vice President

kf

cc: Robert L. Upton, Chief, Division of Trust Funds Services
Office of Trust Funds Management

Dean Webb
Aberdeen Area Trust Accountant

Mark N. Fox
Treasurer, Three Affiliated Tribes

David Brendsel
Financial Advisor, Three Affiliated Tribes

BUREAU OF INDIAN AFFAIRS
ABERDEEN AREA OFFICE
115 FOURTH AVENUE S.E.
ABERDEEN, SOUTH DAKOTA 57401

IN REPLY REFER TO:

Area Director, Aberdeen Area AUG 25 1995

Through: Superintendent, Ft. Berthold Agency

Honorable Russell D. Mason, Sr., Chairman
Three Affiliated Tribes Business Council
HC 3, Box 2
New Town, ND 58763-9402

Dear Chairman Mason:

This is in reference to your letter dated July 27, 1995 requesting approval of your plan to assign interest income totalling $5,000,000 plus interest from the Three Affiliated Tribes Economic Recovery Fund, P.L. 102-575, to Community First National Bank of Dickinson, ND for repayment of a loan.

We approved this plan on August 9, 1995. However, the resolution did not specify interest accrual. We have now received resolution #95-162-DSB that specifies interest accrual. Based on this change, I am approving your plan for $5,000,000 plus interest.

If our office can be of assistance in this matter, please contact me at (605) 226-7343.

Sincerely,

Area Director

cc: Supt., Fort Berthold Agency
Branch of Accounting Management, Aberdeen Area
Branch of Natural Resources, Aberdeen Area
Branch of Realty, Aberdeen Area

THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally 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, The Three Affiliated Tribes Tribal Business Council has disclosed significant financial deficiencies resulting from actions of the previous Administration;and

WHEREAS, It is imperative that the Treasurer and Staff be directed to seek and secure the necessary funds to re-establish the financial base and integrity of the Three Affiliated Tribes; and

WHEREAS, P.L. 102-575, Title XXXV, Section 3504-Funds, establishes in the Treasury of the United States the "Three Affiliated Tribes Economic Recovery Fund;" and

WHEREAS, The Three Affiliated Tribes Tribal Business Council must develop a Distribution Plan for the interest earnings of the Economic Recovery Fund, available for distribution in Fiscal Year 1998.

NOW, THEREFORE, BE IT RESOLVED, The Three Affiliated Tribes Tribal Business Council hereby deems it imperative that the Tribal Chairman, Tribal Treasurer, and Staff be directed to seek and secure the necessary funds, not to exceed $5 million dollars plus any and all accrued interest, to re-establish the financial base and integrity of the Three Affiliated Tribes.

NOW, THEREFORE, BE IT FURTHER RESOLVED, The Three Affiliated Tribes Tribal Business Council hereby commits to pledge a portion of the interest earned, in accordance with an approved amortization schedule, by the Economic Recovery Fund as the primary source of re-payment for the funding necessary to re-establish the financial base of the Three Affiliated Tribes.

NOW THEREFORE, BE IT FURTHER RESOLVED, That the Distribution Plan, Refunding Package and all pertinent financial documentation shall be subject to review and approval by the Three Affiliated Tribes Tribal Business Council at the time of loan closing.

FINALLY, BE IT RESOLVED, That the Tribal Chairman and the Tribal Treasurer are hereby authorized to sign any and all documents pertaining to said Distribution Plan, Refunding Package and all pertinent financial documentation as necessary.

C E R T I F I C A T I O N

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 Special Meeting thereof duly called, noticed, convened, and held on the 24th day of August, 1995; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 4 members, 1 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated the 24th day of August, 1995.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

Chairman, Tribal Business Council

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

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally 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, The Three Affiliated Tribes Tribal Business Council has disclosed significant financial deficiencies resulting from actions of the previous Administration;and

WHEREAS, It is imperative that the Treasurer and Staff be directed to seek and secure the necessary funds to re-establish the financial base and integrity of the Three Affiliated Tribes; and

WHEREAS, P.L. 102-575, Title XXXV, Section 3504-Funds, establishes in the Treasury of the United States the "Three Affiliated Tribes Economic Recovery Fund;" and

WHEREAS, The Three Affiliated Tribes Tribal Business Council has reviewed the Distribution Plan; Refunding Package, the terms and conditions set forth in the Commitment Letter and Term Sheet presented by Community First National Bank & Trust Company of Dickinson, ND for the loan to re-establish the financial base of the Three Affiliated Tribes; and

WHEREAS, The Three Affiliated Tribes Tribal Business Council will instruct the Bureau of Indian Affairs - Office of Trust Funds Management to automatically wire funds from the Economic Recovery Fund to the Community First National Bank & Trust Company of Dickinson, ND for the described installments due in the documented note.

NOW, THEREFORE, BE IT RESOLVED, That the Three Affiliated Tribes Tribal Business Council approves the terms and conditions set forth in the Commitment Letter and Term Sheet presented by Community First National Bank & Trust Company of Dickinson, ND and further authorizes the Tribal Chairman and the Tribal Treasurer to sign any and all documents to complete this transaction.

C E R T I F I C A T I O N

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 Special Meeting thereof duly called, noticed, convened, and held on the 24th day of August, 1995; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 4 members, 1 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated the 24th day of August, 1995.

Dawson Spotted Bear
Secretary, Tribal Business Council

ATTEST:

Chairman, Tribal Business Council

TERM NOTE

$5,000,000

September 28, 1995
Dickinson, North Dakota

FOR VALUE RECEIVED, THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION, a tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934 (as amended, the "IRA") (the "Tribal Government"), and chartered as a federal corporation pursuant to Section 17 of the IRA (the "Tribal Corporation"; such tribe, in all manifestations including the Tribal Government and the Tribal Corporation, the "Borrower") and COMMUNITY FIRST NATIONAL BANK AND TRUST COMPANY OF DICKINSON, a national banking association (the "Bank") at its main office in Dickinson, North Dakota, in lawful money of the United States of America in Immediately Available Funds (as such term and each other capitalized term used herein are defined in the Loan Agreement hereinafter referred to), the principal amount of FIVE MILLION AND NO/100 DOLLARS ($5,000,000), and to pay interest (computed on the basis of actual days elapsed and a year of 360 days) in like funds on the unpaid principal amount hereof from time to time outstanding at the rates and times set forth in the Loan Agreement referred to below.

The principal hereof is payable in the amounts and at the times set forth in the Loan Agreement.

This note is the Term Note referred to in the Loan Agreement dated as of September 28, 1995 (as the same may hereafter be from time to time amended, restated or otherwise modified, the "Loan Agreement") between the undersigned and the Bank. This note is secured and its maturity is subject to acceleration, in each case upon the terms provided in said Loan Agreement.

In the event of default hereunder, the undersigned agrees to pay all costs and expenses of collection, including reasonable attorneys' fees. The undersigned waives demand, presentment, notice of nonpayment, protest, notice of protest and notice of dishonor.

THE VALIDITY, CONSTRUCTION AND ENFORCEABILITY OF THIS NOTE SHALL BE GOVERNED BY THE INTERNAL LAWS OF THE STATE OF

NORTH DAKOTA WITHOUT GIVING EFFECT TO THE CONFLICT OF LAWS PRINCIPLES THEREOF, BUT GIVING EFFECT TO FEDERAL LAWS OF THE UNITED STATES APPLICABLE TO NATIONAL BANKS.

THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION,
an Indian tribe organized under Section 16 of the IRA and chartered as a federal corporation pursuant to Section 17 of the IRA

By _____
Russell D. Mason Sr.
Chairman

By _____
Mark N. Fox
Treasurer

Address for the Borrower:
HC3, Box 2
New Town, North Dakota 58763
Attention: Mark N. Fox
Facsimile: (701) 627-3805

ASSIGNMENT OF INCOME FROM TRUST PROPERTY

(For use in connection with any loans)

1. Name of lender (hereafter called the "lender")
Community First National Bank and Trust
Company of Dickinson

2. Name of Borrower(s) (hereafter called "I")	Address
Three Affiliated Tribes of the Fort Berthold Reservation	HC 3 - Box 2
	New Town, ND 58763-9402

3. In consideration of a loan from the lender, I hereby assign to the lender as security for repayment of such loan, ~~xx~~ from the following ~~description~~:

The Income Account of the Three Affiliated Tribes Economic Recovery Fund (PL 102-
OTFM Account #EC517-01-6) is assigned as collateral and debt service. On or afte
October 1, 1997, on request of the lender, amounts certified by the lender as due
and payable, not to exceed $5,000,000 plus accrued interest thereon, shall be pai
to the lender from the Income Account.

4. I hereby appoint the authorized Bureau officer or his successor (hereafter called the "officer") having jurisdiction o
area in which the lender is operating as my attorney to pay upon demand of the lender any payment on my loan when no
as agreed upon, said payment to be made from income from the trust land described above, and I ratify all that the attorne
lawfully do, or cause to be done, under this authority.

5. I hereby grant to the lender, full right, power, and authority in its own name or in my name, to demand, collect, sue, or
for any income from such land and to apply all such income upon my indebtedness to the lender in accordance with the te
the note or other evidence of the debt.

The rights, powers, and authority granted herein shall be exercised only if payments on my loan are not made as agreed u
if I otherwise default on the provisions of the loan agreement.

6. It is understood that in the case of my death, this assignment shall constitute a claim against trust funds, income, o
property superior to that of my heirs.

7. This instrument shall not be effective unless approved by the officer having jurisdiction over the area in which the
situated, but immediately upon approval, evidenced by said officer's signature below, this instrument shall be fully ef
according to its terms. The officer shall be advised in writing of any action which the lender contemplates under this aut
at least 10 days prior to the exercise of the rights, powers, and authority conferred herein.

Date	Signature(s) of borrower(s)
September 27, 1995	Russell D. Mason, Sr. Tribal Chairman
Signature(s) of witness(es) DANILE J. W. HENRY (NOTARY) Notary Public, State of North Dakota My Commission Expires Nov. 2, 1998	~~Address(es) of witness(es)~~ Mark N. Fox Mark N. Fox Treasurer

APPROVAL

Date	Signature of authorized Bureau officer
	Title Agency Superintendent

* U.S. Government Printing Office: 1975-640-427/1142, Reg 8

Fo
Av

ASSIGNMENT OF INCOME FROM TRUST PROPERTY

(For use in connection with any loans)

1. Name of lender (hereafter called the "lender")
Community First National Bank and Trust Company of Dickinson

2. Name of Borrower(s) (hereafter called "I")	Address
Three Affiliated Tribes of the Fort Berthold Reservation	HC 3 - Box 2
	New Town, ND 58763-9402

3. In consideration of a loan from the lender, I hereby assign to the lender as security for repayment of such loan, ~~XX~~ from the following ~~described trust land~~:

The Income Account of the Three Affiliated Tribes Economic Recovery Fund (PL 102-: OTFM Account #EC517-01-6) is assigned as collateral and debt service. On or afte October 1, 1997, on request of the lender, amounts certified by the lender as due and payable, not to exceed $5,000,000 plus accrued interest thereon, shall be pai to the lender from the Income Account.

4. I hereby appoint the authorized Bureau officer or his successor (hereafter called the "officer") having jurisdiction ov area in which the lender is operating as my attorney to pay upon demand of the lender any payment on my loan when no as agreed upon, said payment to be made from income from the trust land described above, and I ratify all that the attorne lawfully do, or cause to be done, under this authority.

5. I hereby grant to the lender, full right, power, and authority in its own name or in my name, to demand, collect, sue, or for any income from such land and to apply all such income upon my indebtedness to the lender in accordance with the te the note or other evidence of the debt.

The rights, powers, and authority granted herein shall be exercised only if payments on my loan are not made as agreed u if I otherwise default on the provisions of the loan agreement.

6. It is understood that in the case of my death, this assignment shall constitute a claim against trust funds, income, o property superior to that of my heirs.

7. This instrument shall not be effective unless approved by the officer having jurisdiction over the area in which the l situated, but immediately upon approval, evidenced by said officer's signature below, this instrument shall be fully ef according to its terms. The officer shall be advised in writing of any action which the lender contemplates under this aut at least 10 days prior to the exercise of the rights, powers, and authority conferred herein.

Date	Signature(s) of borrower(s)
September 27, 1995	Russell D. Mason, Sr. Tribal Chairman
Signature(s) of witness(es) DANILE J. W. HENRY (NOTARY) Notary Public, State of North Dakota My Commission Expires Nov. 2, 1998	~~Address(es) of witness(es)~~ Mark N. Fox Treasurer

APPROVAL

Date	Signature of authorized Bureau officer
	Title

* U.S. Government Printing Office: 1973-540-427/HC Reg 8

Interest Method:	6	Ins 1:	Prem:
Cash Proceeds:	5,000,000.00	Ins 2:	Prem:
Expenses Financed:		Ins 3:	Prem:
Fees Financed:		Total Principal:	5,000,000.00
Fees Prepaid:		Amount Financed:	5,000,000.00
Total Interest:	1,179,106.38	Finance Charge:	1,179,106.38
Earning Rate:	9.2500	Annual Percentage Rate:	9.3784
Note Date:	09/19/95	Total of Payments:	6,179,106.38
First Sched Pymt Date:	10/25/95	Additional Interest:	
Sched Pymt Frequency:	M	Maturity Date:	10/25/98
First Sched Int Pymt Date:			
Sched Int Pymt Frequency:			
Dealer Interest:			
Dealer Rate:			

- - - - P A Y M E N T S C H E D U L E - - - -

Num		Amount	Num		Amount	Num		Amount
24	@	50,000.00	1	@	2,250,000.00	11	@	50,000.00
1	@	2,179,106.38		@			@	
	@			@			@	

Date	Payment Amount	Principal Portion	Interest Portion	Period Interest	Principal Balance	Interest Balance
09/19/95					5000,000.00	
10/25/95	50,000.00	3,750.00	46,250.00	46,250.00	4996,250.00	.00
11/25/95	50,000.00	10,203.49	39,796.51	39,796.51	4986,046.51	.00
12/25/95	50,000.00	11,565.90	38,434.10	38,434.10	4974,480.61	.00
	150,000.00	25,519.39	124,480.61	124,480.61	TOTALS FOR YEAR 1995	
01/25/96	50,000.00	10,376.89	39,623.11	39,623.11	4964,103.72	.00
02/25/96	50,000.00	10,459.54	39,540.46	39,540.46	4953,644.18	.00
03/25/96	50,000.00	13,088.48	36,911.52	36,911.52	4940,555.70	.00
04/25/96	50,000.00	10,647.11	39,352.89	39,352.89	4929,908.59	.00
05/25/96	50,000.00	11,998.63	38,001.37	38,001.37	4917,909.96	.00
06/25/96	50,000.00	10,827.49	39,172.51	39,172.51	4907,082.47	.00
07/25/96	50,000.00	12,174.58	37,825.42	37,825.42	4894,907.89	.00
08/25/96	50,000.00	11,010.70	38,989.30	38,989.30	4883,897.19	.00
09/25/96	50,000.00	11,098.41	38,901.59	38,901.59	4872,798.78	.00
10/25/96	50,000.00	12,438.85	37,561.15	37,561.15	4860,359.93	.00
11/25/96	50,000.00	11,285.89	38,714.11	38,714.11	4849,074.04	.00
12/25/96	50,000.00	12,621.73	37,378.27	37,378.27	4836,452.31	.00
Date	Payment Amount	Principal Portion	Interest Portion	Period Interest	Principal Balance	Interest Balance
	600,000.00	138,028.30	461,971.70	461,971.70	TOTALS FOR YEAR 1996	
01/25/97	50,000.00	11,476.32	38,523.68	38,523.68	4824,975.99	.00
02/25/97	50,000.00	11,567.73	38,432.27	38,432.27	4813,408.26	.00
03/25/97	50,000.00	15,370.21	34,629.79	34,629.79	4798,038.05	.00
04/25/97	50,000.00	11,782.30	38,217.70	38,217.70	4786,255.75	.00
05/25/97	50,000.00	13,105.95	36,894.05	36,894.05	4773,149.80	.00
06/25/97	50,000.00	11,980.54	38,019.46	38,019.46	4761,169.26	.00
07/25/97	50,000.00	13,299.33	36,700.67	36,700.67	4747,869.93	.00
08/25/97	50,000.00	12,181.90	37,818.10	37,818.10	4735,688.03	.00
09/25/97	50,000.00	12,278.93	37,721.07	37,721.07	4723,409.10	.00
10/25/97	2250,000.00	2213,590.39	36,409.61	36,409.61	2509,818.71	.00
11/25/97	50,000.00	30,008.60	19,991.40	19,991.40	2479,810.11	.00
12/25/97	50,000.00	30,884.80	19,115.20	19,115.20	2448,925.31	.00
	2800,000.00	2387,527.00	412,473.00	412,473.00	TOTALS FOR YEAR 1997	
01/25/98	50,000.00	30,493.63	19,506.37	19,506.37	2418,431.68	.00
02/25/98	50,000.00	30,736.52	19,263.48	19,263.48	2387,695.16	.00
03/25/98	50,000.00	32,821.86	17,178.14	17,178.14	2354,873.30	.00
04/25/98	50,000.00	31,242.79	18,757.21	18,757.21	2323,630.51	.00
05/25/98	50,000.00	32,088.69	17,911.31	17,911.31	2291,541.82	.00
06/25/98	50,000.00	31,747.24	18,252.76	18,252.76	2259,794.58	.00
07/25/98	50,000.00	32,580.76	17,419.24	17,419.24	2227,213.82	.00
08/25/98	50,000.00	32,259.63	17,740.37	17,740.37	2194,954.19	.00
09/25/98	50,000.00	32,516.59	17,483.41	17,483.41	2162,437.60	.00
10/25/98	2179,106.38	2162,437.60	16,668.78	16,668.78	.00	.00
	2629,106.38	2448,925.31	180,181.07	180,181.07	TOTALS FOR YEAR 1998	
	6179,106.38	5000,000.00	1179,106.38	1179,106.38	TOTALS FOR LOAN	

MANDAN, HIDATSA, & ARIKARA NATION
Three Affiliated Tribes • Fort Berthold Indian Reservation
HC3 Box 2 • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL
(701) 627-4781
Fax (701) 627-3805

In Reply Refer To:

Russell D. Mason, Sr., Tribal Chairman

September 28, 1995

Office of Trust Management
Bureau of Indian Affairs
Attn: Robert Upton, Chief Services
Division of Trust Funds ~~Management~~
505 Marquette NW
Albuquerque, New Mexico 87102

RE: Three Affiliated Tribes Recovery Fund

Dear Sir:

Reference is made to (a) Public Law 102-575, Title XXXV, Section 3504 - Funds pursuant to which the Three Affiliated Tribes Recovery Fund (the "Fund"), was established, (b) Resolution 95-1662-DSB of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation (the "Borrower"), (c) that certain Assignment and Security Agreement dated as of September 28, 1995, (the "Security Agreement"), by the Borrower for the benefit of the Community First National Bank and Trust Company of Dickinson (the "Bank"), and (d) the approval of the Bureau of Indian Affairs of such Security Agreement and of the Loan Agreement (the "Loan Agreement") to which such Security Agreement relates.

To give effect to the foregoing and for the purposes and intents set forth in P.L. 102-575, we hereby irrevocably instruct you to pay amounts of interest income from the Fund to the Bank for the credit of the Tribe from time to time on or after October 1, 1997, such amounts of principal (not to exceed $5,000,000), together with interest thereon as the Bank may from time to time demand. So long as the Borrower is not in default of its obligations to the Bank under the Loan Agreement and the Security Agreement, such payments are scheduled to be in the amount of $2,250,000 on October 25, 1997, and the outstanding principal amount due to the Bank, together with all accrued and unpaid interest thereon, on October 25, 1998. Such payments should be made by wire transfer to Community First National Bank and Trust Company of Dickinson, North Dakota, ABA#: 091300489, for credit to: Loan to Three Affiliated Tribes, Attention: Note Teller, or as otherwise directed by the Bank.

It is the intent of the Tribe that the above-referenced assignment of income from the Fund and the payment instructions set forth above be irrevocable. Accordingly, you are hereby instructed to make such payments upon the demand of the Bank, in the amounts calculated as set forth in such demand by the Bank (not to exceed $5,000,000 in principal amount, plus accrued interest thereon), notwithstanding any future instruction from us.

IN WITNESS WHEREOF, the undersigned has caused this instruction to be signed this 28th day of September, 1995.

THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION, an Indian tribe organized under Section 16 of the Indian Reorganization Act of 1934 as amended, the "IRA") and chartered as a federal corporation pursuant to Section 17 of the IRA

By _____
Russell D. Mason, Sr., Chairman

By _____
Mark N. Fox, Tribal Treasurer

ACKNOWLEDGEMENT AND AGREEMENT

The Office of Trust Funds Management hereby acknowledges receipt of the above irrevocable instructions and agrees that from time to time on or after October 1, 1997, that we shall pay to the Banks the amounts referenced above in the amounts and upon the demand of the Bank, not to exceed $5,000,000 plus accrued interest.

OFFICE OF TRUST FUNDS MANAGEMENT
BUREAU OF INDIAN AFFAIRS

By _____
Robert Upton, Chief
Division of Trust Funds Services

TRIBAL RESOLUTIONS APPROVING EXPENDITURES FROM ECONOMIC RECOVERY FUND

Accompanied by Approval of Fund Transfer Forms and Letters of Approval from Bureau of Indian Affairs

1995-2001

For the Three Affiliated Tribes

Three Affiliated Tribes
Schedule of 1034 Forms
JTAC Receipts by
Fiscal Year

Date	Voucher Number	Resolution Number(s)	Amount
September 9, 1997		95-162-DSB, 95-163-DSB	2,250,000.00
May 12, 1998	98-05	98-56-DSB	5,500,000.00
September 21, 1998	98-08	98-134-DSB	1,700,000.00
1998 Total			9,450,000.00
September 17, 1998	98-07	95-162-DSB, 95-163-DSB	1,640,097.81
1999 Total			1,640,097.81
December 17, 1999	00-03	99-234-JPH	3,672,500.00
February 11, 2000	00-05	99-234-JPH	2,129,342.00
April 7, 2000	00-06	99-234-JPH	2,500,000.00
June 26, 2000	00-10	99-234-JPH	2,217,325.00
August 2, 2000	00-11	99-234-JPH	1,431,106.64
September 1, 2000	00-13	99-234-JPH	2,049,727.00
2000 Total			14,000,000.64
November 1, 2000	01-02	00-391-DSB	12,500,000.00
2001 Total			12,500,000.00

Resolution #95-162-DSB

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

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally 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, The Three Affiliated Tribes Tribal Business Council has disclosed significant financial deficiencies resulting from actions of the previous Administration;and

WHEREAS, It is imperative that the Treasurer and Staff be directed to seek and secure the necessary funds to re-establish the financial base and integrity of the Three Affiliated Tribes; and

WHEREAS, P.L. 102-575, Title XXXV, Section 3504-Funds, establishes in the Treasury of the United States the "Three Affiliated Tribes Economic Recovery Fund;" and

WHEREAS, The Three Affiliated Tribes Tribal Business Council must develop a Distribution Plan for the interest earnings of the Economic Recovery Fund, available for distribution in Fiscal Year 1998.

NOW, THEREFORE, BE IT RESOLVED, The Three Affiliated Tribes Tribal Business Council hereby deems it imperative that the Tribal Chairman, Tribal Treasurer, and Staff be directed to seek and secure the necessary funds, not to exceed $5 million dollars plus any and all accrued interest, to re-establish the financial base and integrity of the Three Affiliated Tribes.

NOW, THEREFORE, BE IT FURTHER RESOLVED, The Three Affiliated Tribes Tribal Business Council hereby commits to pledge a portion of the interest earned, in accordance with an approved amortization schedule, by the Economic Recovery Fund as the primary source of re-payment for the funding necessary to re-establish the financial base of the Three Affiliated Tribes.

NOW THEREFORE, BE IT FURTHER RESOLVED, That the Distribution Plan, Refunding Package and all pertinent financial documentation shall be subject to review and approval by the Three Affiliated Tribes Tribal Business Council at the time of loan closing.

Resolution #95-162 DSB

FINALLY, BE IT RESOLVED, That the Tribal Chairman and the Tribal Treasurer are hereby authorized to sign any and all documents pertaining to said Distribution Plan, Refunding Package and all pertinent financial documentation as necessary.

C E R T I F I C A T I O N

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 Special Meeting thereof duly called, noticed, convened, and held on the 24th day of August, 1995; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 4 members, 1 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated the 24th day of August, 1995.

COPY

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

Chairman, Tribal Business Council

Resolution #95-163 DSB

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

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally 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, The Three Affiliated Tribes Tribal Business Council has disclosed significant financial deficiencies resulting from actions of the previous Administration;and

WHEREAS, It is imperative that the Treasurer and Staff be directed to seek and secure the necessary funds to re-establish the financial base and integrity of the Three Affiliated Tribes; and

WHEREAS, P.L. 102-575, Title XXXV, Section 3504-Funds, establishes in the Treasury of the United States the "Three Affiliated Tribes Economic Recovery Fund;" and

WHEREAS, The Three Affiliated Tribes Tribal Business Council has reviewed the Distribution Plan, Refunding Package, the terms and conditions set forth in the Commitment Letter and Term Sheet presented by Community First National Bank & Trust Company of Dickinson, ND for the loan to re-establish the financial base of the Three Affiliated Tribes; and

WHEREAS, The Three Affiliated Tribes Tribal Business Council will instruct the Bureau of Indian Affairs - Office of Trust Funds Management to automatically wire funds from the Economic Recovery Fund to the Community First National Bank & Trust Company of Dickinson, ND for the described installments due in the documented note.

NOW, THEREFORE, BE IT RESOLVED, That the Three Affiliated Tribes Tribal Business Council approves the terms and conditions set forth in the Commitment Letter and Term Sheet presented by Community First National Bank & Trust Company of Dickinson, ND and further authorizes the Tribal Chairman and the Tribal Treasurer to sign any and all documents to complete this transaction.

Resolution #95-163 DSB

C E R T I F I C A T I O N

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 Special Meeting thereof duly called, noticed, convened, and held on the 24th day of August, 1995; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 4 members, 1 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated the 24th day of August, 1995.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

Chairman, Tribal Business Council

Resolution #95-165 DSB

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

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally 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, P.L. 102-575, Title XXXV, Section 3504-Funds, establishes in the Treasury of the United States the "Three Affiliated Tribes Economic Recovery Fund;" and

WHEREAS, The Three Affiliated Tribes Tribal Business Council must coordinate the investment of the Economic Recovery Fund and its earnings with the Bureau of Indian Affairs-Office of Trust Funds Management, to generate the best return possible; and

NOW, THEREFORE, BE IT RESOLVED, The Three Affiliated Tribes Tribal Business Council directs the Treasurer and Financial Advisor to coordinate these investment responsibilities with the Bureau of Indian Affairs-Office of Trust Funds Management, in a sound fiduciary manner.

FINALLY, BE IT RESOLVED, that an investment report be presented to the Tribal Business Council outlining all account activities and account status on a quarterly basis.

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 Special Meeting thereof duly called, noticed, convened, and held on the 24th day of August, 1995; 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.

Dated the 24th day of August, 1995.

Dayton Spotted Bear
Secretary, Tribal Business Council

ATTEST:

Chairman, Tribal Business Council

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JTAC
CFNB

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LOAN AGREEMENT

THIS LOAN AGREEMENT, dated as of September 28, 1995, is by and between THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION, a tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934 (as amended, the "IRA") (the "Tribal Government"), and chartered as a federal corporation pursuant to Section 17 of the IRA (the "Tribal Corporation"; such tribe, in all manifestations including the Tribal Government and the Tribal Corporation, the "Borrower") and COMMUNITY FIRST NATIONAL BANK AND TRUST COMPANY OF DICKINSON, a national banking association (the "Bank").

WITNESSETH THAT:

WHEREAS, the Constitution of the Borrower generally authorizes and empowers the Tribal Business Council (the "Council") to engage in activities on behalf of and in the interest of the welfare and benefit of the Borrower and of the enrolled members thereof; and

WHEREAS, the Council has determined that it is imperative that the Borrower secure the necessary funds to re-establish its financial base and integrity; and

WHEREAS, to so re-establish such financial base and integrity, the Borrower has requested that the Bank lend it $5,000,000, such loan to be used for the purposes set forth on Schedule 2.8 and to be repaid as set forth herein; and

WHEREAS, the Bank has agreed to provide such loan, subject to the terms and conditions set forth herein;

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE I

DEFINITIONS AND ACCOUNTING TERMS

Section 1.1 Defined Terms. As used in this Agreement the following terms shall have the following respective meanings (and such meanings shall be equally applicable to both the singular and plural form of the terms defined, as the context may require):

"Affiliate": When used with reference to any Person, (a) each Person that, directly or indirectly, controls, is controlled by or is under common control with, the Person referred to, (b) each Person which beneficially owns or holds, directly or indirectly, five percent or more of any class of voting stock of the Person referred to (or if the Person referred to is not a corporation, five percent or more of the equity interest), (c) each Person, five percent of more of the voting stock (or if such Person is not a corporation, five percent or more of the equity interest) of which is beneficially owned or held, directly or indirectly, by the Person referred to, and (d) each of such Person's officers, directors, joint venturers and partners. The term control (including the terms "controlled by" and "under common control with") means the possession, directly, of the power to direct or cause the direction of the management and policies of the Person in question.

"Bank": As defined in the opening paragraph hereof.

"BIA": Bureau of Indian Affairs.

"Board": The Board of Governors of the Federal Reserve System or any successor thereto.

"Borrower": As defined in the opening paragraph hereof.

"Business Day": Any day (other than a Saturday, Sunday or legal holiday in the State of North Dakota) on which national banks are permitted to be open in Dickinson, North Dakota.

"Casino": The Four Bears Casino and Lodge, located at Highway 23 West, New Town, North Dakota 58763.

"Closing Date": The Business Day on which all the conditions precedent to the obligation of the Bank to make the Initial Term Loan, as set forth in Article III, have been satisfied.

"Code": The Internal Revenue Code of 1986, as amended.

"Contingent Obligation": With respect to any Person at the time of any determination, without duplication, any obligation, contingent or otherwise, of such Person guaranteeing or having the economic effect of guaranteeing any Indebtedness of any other Person (the "primary obligor") in any manner, whether directly or otherwise: (a) to purchase or pay (or advance or supply funds for the purchase or payment of) such Indebtedness or to purchase (or to advance or supply funds for the purchase of) any direct or indirect security therefor, (b) to purchase property, securities or services for the purpose of assuring the owner of such

Indebtedness of the payment of such Indebtedness, (c) to maintain working capital, equity capital or other financial statement condition of the primary obligor so as to enable the primary obligor to pay such Indebtedness or otherwise to protect the owner thereof against loss in respect thereof, or (d) entered into for the purpose of assuring in any manner the owner of such Indebtedness of the payment of such Indebtedness or to protect the owner against loss in respect thereof; provided, that the term "Contingent Obligation" shall not include endorsements for collection or deposit, in each case in the ordinary course of business.

"Council": As defined in the first recital.

"Default": Any event which, with the giving of notice (whether such notice is required under Section 7.1, or under some other provision of this Agreement, or otherwise) or lapse of time, or both, would constitute an Event of Default.

"Event of Default": Any event described in Section 7.1.

"GAAP": Generally accepted accounting principles set forth in the opinions and pronouncements of the Accounting Principles Board of the American Institute of Certified Public Accountants and statements and pronouncements of the Financial Accounting Standards Board or in such other statements by such other entity as may be approved by a significant segment of the accounting profession, which are applicable to the circumstances as of any date of determination.

"Immediately Available Funds": Funds with good value on the day and in the city in which payment is received.

"Indebtedness": With respect to any Person at the time of any determination, without duplication, all obligations, contingent or otherwise, of such Person which in accordance with GAAP should be classified upon the balance sheet of such Person as liabilities, but in any event including: (a) all obligations of such Person for borrowed money, (b) all obligations of such Person evidenced by bonds, debentures, notes or other similar instruments, (c) all obligations of such Person upon which interest charges are customarily paid or accrued, (d) all obligations of such Person under conditional sale or other title retention agreements relating to property purchased by such Person, (e) all obligations of such Person issued or assumed as the deferred purchase price of property or services, (f) all obligations of others secured by any Lien on property owned or acquired by such Person, whether or not the obligations secured thereby have been assumed, (g) all obligations of such Person in respect of interest rate protection agreements, (h) all obligations of such Person, actual or contingent, as an account party in respect of letters of credit or bankers' acceptances, (i) all obligations of any partnership or joint venture as to

which such Person is or may become personally liable, and (j) all Contingent Obligations of such Person.

"Investment": The acquisition, purchase, making or holding of any stock or other security, any loan, advance, contribution to capital, extension of credit (except for trade and customer accounts receivable for inventory sold or services rendered in the ordinary course of business and payable in accordance with customary trade terms), any acquisitions of real or personal property (other than real and personal property acquired in the ordinary course of business) and any purchase or commitment or option to purchase stock or other debt or equity securities of or any interest in another Person or any integral part of any business or the assets comprising such business or part thereof. The amount of any Investment shall be the original cost of such Investment plus the cost of all additions thereto, without any adjustments for increases or decreases in value, or write-ups, write-downs or write-offs with respect to such Investment.

"IRA": As defined in the opening paragraph hereof.

"Lien": With respect to any Person, any security interest, mortgage, pledge, lien, charge, encumbrance, title retention agreement or analogous instrument or device, in, of or on any assets or properties of such Person, now owned or hereafter acquired, whether arising by agreement or operation of law.

"Loan Documents": This Agreement, the Term Note and the Security Documents.

"Management Agreement": The Management Agreement dated December 7, 1992, together with the Addendum dated February 19, 1993, by and between the Borrower and the Bruce H. Lien Company.

"Obligations": The Borrower's obligations in respect of the due and punctual payment of principal and interest on the Term Note when and as due, whether by acceleration or otherwise and all fees, expenses, indemnities, reimbursements and other obligations of the Borrower under this Agreement or any other Loan Document, in all cases whether now existing or hereafter arising or incurred.

"OTFM": Office of Trust Fund Management of the Bureau of Indian Affairs.

"Payment Instructions": As defined in the Security Agreement.

"Person": Any natural person, corporation, partnership, limited partnership, limited liability company, joint venture, firm, association, trust,

unincorporated organization, government or governmental agency or political subdivision or any other entity, whether acting in an individual, fiduciary or other capacity.

"Security Agreement": The Assignment and Security Agreement dated as of September 28, 1995 given by the Borrower for the benefit of the Bank substantially in the form of Exhibit C hereto.

"Security Documents": The Security Agreement and the BIA Acknowledgment, together with all necessary UCC financing statements and other instruments or documents to be filed, recorded or delivered to the Bank or its agents pursuant to the Security Agreement.

"Subordinated Debt": Any Indebtedness of a Borrower, now existing or hereafter created, incurred or arising, which is subordinated in right of payment to the payment of the Obligations in a manner and to an extent (a) that the Bank has approved in writing prior to the creation of such Indebtedness, or (b) as to any Indebtedness of a Borrower existing on the date of this Agreement, that the Bank has approved as Subordinated Debt in a writing delivered by the Bank to such Borrower on or prior to the Closing Date.

"Term Loan": As defined in Section 2.1.

"Term Loan Commitment": The agreement of the Bank to make a Term Loan to the Borrower in the amount specified in Section 2.1 upon the terms and subject to the conditions of this Agreement.

"Term Loan Commitment Amount": $5,000,000.

"Term Loan Commitment Termination Date": The earlier of (a) January 25, 1996, or (b) the date on which the Term Loan Commitment is terminated pursuant to Section 7.2 hereof.

"Term Loan Date": The date of the making of any Term Loan hereunder.

"Term Note": A promissory note of the Borrower in the form of Exhibit A hereto.

"Tribal Corporation": As defined in the opening paragraph hereof.

"Tribal Government": As defined in the opening paragraph hereof.

"Trust Fund": The Three Affiliated Tribes Economic Recovery Fund, established pursuant to P.L. 102-575 and managed by OTFM.

Section 1.2 Accounting Terms and Calculations. Except as may be expressly provided to the contrary herein, all accounting terms used herein shall be interpreted and all accounting determinations hereunder shall be made in accordance with GAAP. To the extent any change in GAAP affects any computation or determination required to be made pursuant to this Agreement, such computation or determination shall be made as if such change in GAAP had not occurred unless the Borrower and the Bank agree in writing on an adjustment to such computation or determination to account for such change in GAAP.

Section 1.3 Computation of Time Periods. In this Agreement, in the computation of a period of time from a specified date to a later specified date, unless otherwise stated the word "from" means "from and including" and the word "to" or "until" each means "to but excluding".

Section 1.4 Other Definitional Terms. The words "hereof", "herein" and "hereunder" and words of similar import when used in this Agreement shall refer to this Agreement as a whole and not to any particular provision of this Agreement. References to Sections, Exhibits, schedules and like references are to this Agreement unless otherwise expressly provided. The words "include", "includes" and "including" shall be deemed to be followed by the phrase "without limitation". Unless the context in which used herein otherwise clearly requires, "or" has the inclusive meaning represented by the phrase "and/or".

ARTICLE II

TERMS OF THE LOAN

Section 2.1 Term Loan. Upon the terms and subject to the conditions hereof, the Bank agrees to make loans (each, a "Term Loan" and collectively, the "Term Loans") to the Borrower at any time and from time to time from the Closing Date to the Term Loan Commitment Termination Date; *provided*, that the aggregate principal balance of Term Loans made hereunder shall not exceed the Term Loan Commitment Amount. Notwithstanding any provision hereof, this Agreement shall terminate and the Bank shall have no obligation hereunder if no Term Loan has been made hereunder by January 25, 1996; *provided, however*, that the obligations of the Borrower under Section 8.2 shall survive any such termination.

Section 2.2 Procedure for Term Loan. Any request by the Borrower for a Term Loan hereunder shall be in writing and must be given so as to be received by the Bank not later than 11:30 A.M. (Dickinson time) on the requested Term Loan Date. Each request for a Term Loan hereunder shall be irrevocable and shall be

deemed a representation by the Borrower that on the requested Term Loan Date and after giving effect to the requested Term Loan, the applicable conditions specified in Article III have been and will be satisfied. Each request for a Term Loan hereunder shall specify (i) the requested Term Loan Date, and (ii) the amount of the Term Loan to be made on such date which shall be in a minimum amount of $100,000. Unless the Bank determines that any applicable condition specified in Article III has not been satisfied, the Bank will make available to the Borrower at the Bank's principal office in Dickinson, North Dakota in Immediately Available Funds not later than 4:00 p.m. (Dickinson time) on the requested Term Loan Date the amount of the requested Term Loan.

Section 2.3 Note. The Term Loans shall be evidenced by a Term Note payable to the order of the Bank in the principal amount of the Term Loan Commitment Amount. The Bank shall enter in its ledgers and records the amounts of the Term Loans and the payments made thereon, and the Bank is authorized by the Borrower to enter on a schedule attached to the Term Note a record of such Term Loans and payments; *provided, however*, that the failure by the Bank to make any such entry or any error in making such entry shall not limit or otherwise affect the obligation of the Borrower hereunder and on the Term Note, and, in all events, the principal amounts owing by the Borrower in respect of the Term Note shall be the aggregate amount of the Term Loans less all payments of principal thereof made by the Borrower.

Section 2.4 Interest on the Term Loan. Interest shall accrue and be payable on the Term Loans as follows:

2.4(a) Until due, the Term Loan shall bear interest on the unpaid principal amount thereof at a per annum rate of 9.25%.

2.4(b) Any amount of the Term Loan not paid when due, whether at the date scheduled therefor or earlier upon acceleration shall bear interest until paid in full at a per annum rate specified in the preceding paragraph (a) plus 2%.

2.4(c) Interest on the Term Loan shall be payable monthly on the twenty-fifth (25th) day of each month and at final maturity (whether at the date scheduled therefor or earlier upon acceleration), provided that interest under Section 2.4 (b) shall be payable on demand.

Section 2.5 Repayment. The principal amount of the Term Loans shall be amortized based on level payments of principal and interest (other than interest due under Section 2.4(b)) of $50,000 on the twenty-fifth (25th) day of each month (other than October 25, 1997 and October 25, 1998), commencing October 25, 1995. A balloon payment of $2,250,000 shall be due and payable on October 25, 1997 and the

remaining unpaid balance of the Term Note, and all accrued and unpaid interest shall be due and payable on October 25, 1998.

Section 2.6 Computation. Interest on the Term Loan shall be computed on the basis of actual days elapsed and a year of 360 days.

Section 2.7 Payments. Payments and prepayments of principal of, and interest on, the Term Note and all fees, expenses and other obligations under this Agreement payable to the Bank shall be made without setoff or counterclaim in Immediately Available Funds not later than 4:00 p.m. (Dickinson time) on the dates called for under this Agreement and the Term Note to the Bank at its main office in Dickinson, North Dakota. Funds received after such time shall be deemed to have been received on the next Business Day. Whenever any payment to be made hereunder or on the Term Note shall be stated to be due on a day which is not a Business Day, such payment shall be made on the next succeeding Business Day and such extension of time, in the case of a payment of principal, shall be included in the computation of any interest on such principal payment.

Section 2.8 Use of Loan Proceeds. The proceeds of the Term Loan shall be used for the purposes set forth in Schedule 2.8 hereto.

ARTICLE III

CONDITIONS PRECEDENT

Section 3.1 Conditions Precedent to Initial Term Loan. The making of the Initial Term Loan shall be subject to the prior or simultaneous fulfillment of the following conditions:

Section 3.1(a) Documents. The Bank shall have received the following:

(i) The Term Note executed by a duly authorized officers of the Borrower and dated the Closing Date.

(ii) The Security Documents duly executed by the respective parties thereto.

(iii) A certificate, showing the names and titles and bearing the signatures of the officers of the Borrower, certifying as to (A) the resolutions of the Borrower authorizing the execution, delivery and performance of the Loan Documents, (B) the Constitution and Bylaws of the Tribal Government, (C) the corporate charter of the Tribal Corporation and (D) the Management

Agreement, and addressing such other matters as the Bank may reasonably request.

(iv) The Payment Instructions, duly executed by the Borrower and acknowledged by OTFM.

(v) BIA approval of this Loan Agreement, the Security Agreement and the transactions contemplated herein and therein.

Section 3.1(b) Opinions. The following written opinions shall have been delivered to the Bank:

(i) The opinion of Christopher D. Quale and Thomas M. Disselhorst, in-house counsel to the Borrower, covering the matters set forth in Exhibit B-1 hereto; and

(ii) The opinion of Jacobson, Buffalo, Schoessler & Magnuson, Ltd., special counsel to the Borrower, substantially in the form of Exhibit B-2 hereto.

Section 3.1(c) Compliance. The Borrower shall have performed and complied with all agreements, terms and conditions contained in this Agreement required to be performed or complied with by the Borrower prior to or simultaneously with the Closing Date.

Section 3.1(d) Security Documents. All Security Documents (or financing statements with respect thereto) shall have been appropriately filed or recorded and the priority and perfection of the Liens created by the Security Documents shall have been established, in each case to the satisfaction of the Bank and its counsel.

Section 3.1(e) BND Participation. The Bank shall have received a written agreement, duly executed by the Bank of North Dakota, in form and substance satisfactory to the Bank, to purchase a participation in the Term Loans of not less than 83.2% of the Term Loan Commitment Amount.

Section 3.1(f) Facility Fee. The Bank shall have received from the Borrower a facility fee in the amount of $32,500.

Section 3.1(g) Other Matters. All official proceedings relating to the Borrower and all instruments and agreements in connection with the transactions contemplated by this Agreement shall be satisfactory in scope, form and substance to the Bank and its counsel, and the Bank shall have received all information and copies of all documents, including records of

official proceedings, as the Bank or its counsel may reasonably have requested in connection therewith, such documents where appropriate to be certified by proper authorities.

Section 3.2 Conditions Precedent to All Term Loans. The obligation of the Bank to make any Term Loan hereunder (including the initial Term Loan) shall be subject to the fulfillment of the following conditions:

3.2(a) Representations and Warranties. The representations and warranties contained in Article IV herein shall be true and correct on and as of the respective Term Loan Date, with the same force and effect as if made on such date.

3.2(b) No Default. No Default or Event of Default shall have occurred and be continuing on the respective Term Loan Date or will exist after giving effect to the Term Loan made on such date.

3.2(c) Loan Request. The Bank shall have received the Borrower's request for such Term Loan as required under Section 2.2.

3.2(d) Evidence of Use of Proceeds. The Bank shall have received receipts or other evidence documenting the use of the proceeds of such Term Loan in a manner not inconsistent not inconsistent with Section 2.9 hereof, in each case satisfactory to the Bank.

3.2(e) Certificate. A certificate dated such Term Loan Date of the chief executive officer or chief financial officer of the Borrower certifying as to the matters set forth in Sections 3.2 (a) and 3.2 (b) above.

ARTICLE IV

REPRESENTATIONS AND WARRANTIES

To induce the Bank to enter into this Agreement and to make the Term Loans hereunder, the Borrower represents and warrants to the Bank:

Section 4.1 Organization, Standing, Etc. The Tribal Government is duly organized under Section 16 of the IRA and the Tribal Corporation is duly chartered and validly existing and in good standing under Section 17 of the IRA. The Borrower has all requisite power and authority to carry on its business as now conducted, to enter into this Agreement and to issue the Term Note and to perform its obligations under the Loan Documents. The Borrower holds all certificates of authority, licenses and permits necessary to carry on their business as presently conducted in each jurisdiction in which it is carrying on such business, except where

the failure to hold such certificates, licenses or permits would not have a material adverse effect on the business, operations, property, assets or condition, financial or otherwise, of the Borrower.

Section 4.2 Authorization and Validity. The execution, delivery and performance by the Borrower of the Loan Documents has been duly authorized by all necessary official action by the Borrower, and this Agreement constitutes, and the Term Note and other Loan Documents when executed will constitute, the legal, valid and binding obligations of the Borrower, enforceable against the Borrower in accordance with their respective terms, subject to limitations as to enforceability which might result from bankruptcy, insolvency, moratorium and other similar laws affecting creditors' rights generally and subject to limitations on the availability of equitable remedies; *provided*, for the avoidance of doubt, that the legal, valid and binding nature of the obligations of the Borrower hereunder and under the other Loan Documents and the enforceability of this Agreement and the other Loan Documents shall not be in any way affected by any changes in the composition of the Tribal Business Council, whether effected through regularly scheduled elections or otherwise.

Section 4.3 No Conflict; No Default. The execution, delivery and performance by the Borrower of the Loan Documents will not (a) violate any provision of any law, statute, rule or regulation or any order, writ, judgment, injunction, decree, determination or award of any court, governmental agency or arbitrator presently in effect having applicability to the Borrower, (b) violate or contravene any provision of the Constitution or Bylaws of the Tribal Government, (c) violate or contravene any provision of the corporate charter of the Tribal Corporation, or (d) result in a breach of or constitute a default under any indenture, loan or credit agreement or any other agreement, lease or instrument to which the Borrower is a party or by which they or any of their properties may be bound or result in the creation of any Lien thereunder. The Borrower is not in default under or in violation of any such law, statute, rule or regulation, order, writ, judgment, injunction, decree, determination or award or any such indenture, loan or credit agreement or other agreement, lease or instrument in any case in which the consequences of such default or violation could have a material adverse effect on the business, operations, properties, assets or condition (financial or otherwise) of the Borrower.

Section 4.4 Government Consent. No order, consent, approval, license, authorization or validation of, or filing, recording or registration with, or exemption by, any governmental or public body or authority is required on the part of the Borrower to authorize, or is required in connection with the execution, delivery and performance of, or the legality, validity, binding effect or enforceability of, the Loan Documents, except as set forth in Schedule 4.4 hereto.

Section 4.5 Financial Statements and Condition. Except as noted or excepted therein, the Borrower's audited financial statements as of September 30, 1993 and its unaudited financial statements as of July 13, 1995, as heretofore furnished to the Bank, have been prepared in accordance with GAAP on a consistent basis and fairly present the financial condition of the Borrower as at such dates and the results of its operations and changes in financial position for the respective periods then ended. As of the dates of such financial statements, the Borrower had no material obligation, contingent liability, liability for taxes or long-term lease obligation which is not reflected in such financial statements or in the notes thereto. Since July 13, 1995, there has been no material adverse change in the business, operations, property, assets or condition, financial or otherwise, of the Borrower.

Section 4.6 Litigation. There are no actions, suits or proceedings pending or, to the knowledge of the Borrower, threatened against or affecting the Borrower or any of its properties before any court or arbitrator, or any governmental department, board, agency or other instrumentality which, if determined adversely to the Borrower, would have a material adverse effect on the business, operations, property or condition (financial or otherwise) of the Borrower or on the ability of the Borrower to perform its obligations under the Loan Documents.

Section 4.7 Environmental, Health and Safety Laws. There does not exist any violation by the Borrower of any applicable federal or tribal law, rule or regulation or order of any government, governmental department, board, agency or other instrumentality relating to environmental, pollution, health or safety matters which will or threatens to impose a material liability on the Borrower or which would require a material expenditure by the Borrower to cure. The Borrower has not received any notice to the effect that any part of its operations or properties is not in material compliance with any such law, rule, regulation or order or notice that it or its property is the subject of any governmental investigation evaluating whether any remedial action is needed to respond to any release of any toxic or hazardous waste or substance into the environment, which non-compliance or remedial action could reasonably be expected to have a material adverse effect on the business, operations, properties, assets or condition (financial or otherwise) of the Borrower.

Section 4.8 Federal Reserve Regulations. The Borrower is not engaged principally or as one of its important activities in the business of extending credit for the purpose of purchasing or carrying margin stock (as defined in Regulation U of the Board). The value of margin stock, if any, owned by the Borrower does not constitute more than 25% of the value of the assets of the Borrower.

Section 4.9 Title to Property. The Borrower, through the Tribal Government, is the beneficiary of the Trust Fund and the owner of the Casino. No

interest of the Borrower in the Trust Fund or the Casino is maintained through the Tribal Corporation.

Section 4.10 Burdensome Restrictions. Neither Borrower is a party to or otherwise bound by any indenture, loan or credit agreement or any lease or other agreement or instrument or subject to any charter, corporate or partnership restriction which would foreseeably have a material adverse effect on the business, properties, assets, operations or condition (financial or otherwise) of either Borrower or on the ability of the Borrower to carry out its obligations under any Loan Document.

Section 4.11 Force Majeure. Since the date of the most recent financial statements referred to in Section 4.5, the business, properties and other assets of the Borrower have not been materially and adversely affected in any way as the result of any fire or other casualty, strike, lockout, or other labor trouble, embargo, sabotage, confiscation, condemnation, riot, civil disturbance, activity of armed forces or act of God.

Section 4.12 Full Disclosure. Subject to the following sentence, neither the financial statements referred to in Section 4.5 nor any other certificate, written statement, exhibit or report furnished by or on behalf of the Borrower in connection with or pursuant to this Agreement contains any untrue statement of a material fact or omits to state any material fact necessary in order to make the statements contained therein not misleading. Certificates or statements furnished by or on behalf of the Borrower to the Bank consisting of projections or forecasts of future results or events have been prepared in good faith and based on good faith estimates and assumptions of the management of the Borrower, and the Borrower has no reason to believe that such projections or forecasts are not reasonable.

ARTICLE V

AFFIRMATIVE COVENANTS

Until the Term Note and all of the other Obligations have been paid in full, unless the Bank shall otherwise consent in writing:

Section 5.1 Financial Statements and Reports. The Borrower will furnish to the Bank:

5.1(a) As soon as available and in any event within 180 days after the end of each fiscal year of the Borrower, the financial statements of the Borrower consisting of at least statements of income and cash flow, and a balance sheet as at the end of such year, setting forth in each case in comparative form corresponding figures from the previous annual audit;

audited by Joseph Eve & Company or other independent certified public accountants acceptable to the Bank, together with (a) any management letters, management reports or other supplementary comments or reports to the Borrower or its governing body furnished by such accountants and (b) a letter from such accountants addressed to the Bank acknowledging that the Bank is extending credit in reliance on such financial statements and authorizing such reliance.

5.1(b) Together with the audited financial statements required under Section 5.1 (a), a statement by the accounting firm performing such audit to the effect that it has reviewed this Agreement and that in the course of performing its examination nothing came to its attention that caused it to believe that any Default or Event of Default exists, or, if such Default or Event of Default exists, describing its nature.

5.1(c) As soon as available and in any event within 30 days after the end of each fiscal quarter (i) a report setting forth the revenue received by the Borrower pursuant to the Management Agreement during such fiscal quarter and (ii) a report setting forth (A) the Investments held by the Trust Fund as at the end of such fiscal quarter, (B) the income earned by the Trust Fund during such fiscal quarter, (C) changes in the principal amount of the Trust Fund occurring during such fiscal quarter, if any, (D) the income projected to be available for distribution to or for the benefit of the Borrower on October 25, 1997 and October 25, 1998 and (E) the aggregate principal amount of obligations secured by assignments of such income.

5.1(d) As soon as practicable and in any event within 120 days after the beginning of each fiscal year of the Borrower, statements of forecasted income for the Borrower for such fiscal year and forecasted balance sheet of the Borrower, together with supporting assumptions, all in reasonable detail and reasonably satisfactory in scope to the Bank.

5.1(e) Immediately upon either officer of the Borrower becoming aware of any Default or Event of Default, a notice describing the nature thereof and what action the Borrower proposes to take with respect thereto.

5.1(f) From time to time, such other information regarding the business, operation and financial condition of the Borrower as the Bank may reasonably request.

Section 5.2 Inspection. The Borrower shall permit any Person designated by the Bank to visit and inspect any of the properties, books and financial records of the Borrower, to examine and to make copies of the books of accounts and other financial records of the Borrower, and to discuss the affairs, finances and

accounts of the Borrower with, and to be advised as to the same by, its officers at such reasonable times and intervals as the Bank may designate. The expenses of the Bank for such visits, inspections and examinations shall be at the expense of the Bank.

Section 5.3 Books and Records. The Borrower will keep adequate and proper records and books of account in which full and correct entries will be made of their dealings, business and affairs.

Section 5.4 Compliance. The Borrower will comply in all material respects with all laws, rules, regulations, orders, writs, judgments, injunctions, decrees or awards to which they may be subject; *provided, however*, that failure so to comply shall not be a breach of this covenant if such failure does not have, or is not reasonably expected to have, a materially adverse effect on the properties, business, prospects or condition (financial or otherwise) of the Borrower and the Borrower is acting in good faith and with reasonable dispatch to cure such noncompliance.

Section 5.5 Notice of Litigation. The Borrower will give prompt written notice to the Bank of the commencement of any action, suit or proceeding before any court or arbitrator or any governmental department, board, agency or other instrumentality affecting the Borrower or any property of the Borrower or to which the Borrower is a party in which an adverse determination or result could have a material adverse effect on the business, operations, property or condition (financial or otherwise) of the Borrower or on the ability of the Borrower to perform its obligations under this Agreement and the other Loan Documents, stating the nature and status of such action, suit or proceeding.

Section 5.6 Further Assurances. The Borrower shall promptly correct any defect or error that may be discovered in any Loan Document or in the execution, acknowledgment or recordation thereof. Promptly upon request by the Bank, the Borrower also shall do, execute, acknowledge, deliver, record, re-record, file, re-file, register and re-register, any and all deeds conveyances, mortgages, deeds of trust, trust deeds, assignments, estoppel certificates, financing statements and continuations thereof, notices of assignment, transfers, certificates, assurances and other instruments as the Bank may reasonably require from time to time in order: (a) to carry out more effectively the purposes of the Loan Documents; (b) to perfect and maintain the validity, effectiveness and priority of any security interests intended to be created by the Loan Documents; and (c) to better assure, convey, grant, assign, transfer, preserve, protect and confirm unto the Bank the rights granted now or hereafter intended to be granted to the Bank under any Loan Document or under any other instrument executed in connection with any Loan Document or that the Borrower may be or become bound to convey, mortgage or assign to the Bank in order to carry out the intention or facilitate the performance of the provisions of any

Loan Document. The Borrower shall furnish to the Bank evidence satisfactory to the Bank of every such recording, filing or registration.

ARTICLE VI

NEGATIVE COVENANTS

Until the Term Note and all of the other Obligations have been paid in full, unless the Bank shall otherwise consent in writing:

Section 6.1 Change in Nature of Business. The Borrower will not make any material change in the nature of the business activities of the Borrower relevant to this Agreement, as carried on at the date hereof.

Section 6.2 Accounting Changes. The Borrower will not make any significant change in accounting treatment or reporting practices, except as required by GAAP.

Section 6.3 Subordinated Debt. The Borrower will not (a) make any scheduled payment of the principal of or interest on any Subordinated Debt which would be prohibited by the terms of such Subordinated Debt and any related subordination agreement; (b) directly or indirectly make any prepayment on or purchase, redeem or defease any Subordinated Debt or offer to do so (whether such prepayment, purchase or redemption, or offer with respect thereto, is voluntary or mandatory); (c) amend or cancel the subordination provisions applicable to any Subordinated Debt; (d) take or omit to take any action if as a result of such action or omission the subordination of such Subordinated Debt, or any part thereof, to the Obligations might be terminated, impaired or adversely affected; or (e) omit to give the Bank prompt notice of any notice received from any holder of Subordinated Debt, or any trustee therefor, or of any default under any agreement or instrument relating to any Subordinated Debt by reason whereof such Subordinated Debt might become or be declared to be due or payable.

Section 6.4 Liens. The Borrower will not create, incur, assume or suffer to exist any Lien on or with respect to the Trust Fund, the Borrower's rights to receive income from the Trust Fund or any of the rights of the Borrower under the Management Agreement, including without limitation any rights to receive payments thereunder, except:

6.4(a) Liens granted to the Bank under the Security Documents to secure the Obligations.

6.4(b) Liens existing on the date of this Agreement and set forth on Schedule 6.4 hereto.

7.1(c) The Borrower shall fail to comply with Section 5.2 hereof or any Section of Article VI hereof.

7.1(d) The Borrower shall fail to comply with any other agreement, covenant, condition, provision or term contained in this Agreement (other than those hereinabove set forth in this Section 7.1) and such failure to comply shall continue for 30 calendar days after whichever of the following dates is the earliest: (i) the date the Borrower gives notice of such failure to the Bank, (ii) the date the Borrower should have given notice of such failure to the Bank pursuant to Section 5.1, or (iii) the date the Bank gives notice of such failure to the Borrower.

7.1(e) Any default (however denominated or defined) shall occur under any Security Document.

7.1(f) The Borrower shall become insolvent or shall generally not pay its debts as they mature or shall apply for, shall consent to, or shall acquiesce in the appointment of a custodian, trustee or receiver of it or for a substantial part of its property or, in the absence of such application, consent or acquiescence, a custodian, trustee or receiver shall be appointed for such Borrower or for a substantial part of its property and shall not be discharged within 45 days, or such Borrower shall make an assignment for the benefit of creditors.

7.1(g) Any bankruptcy, reorganization, debt arrangement or other proceedings under any bankruptcy or insolvency law shall be instituted by or against the Borrower, and, if instituted against the Borrower, shall have been consented to or acquiesced in by the Borrower, or shall remain undismissed for 60 days, or an order for relief shall have been entered against such Borrower.

7.1(h) Any dissolution or liquidation proceeding shall be instituted by or against the Borrower, and, if instituted against the Borrower, shall be consented to or acquiesced in by the Borrower or shall remain for 45 days undismissed.

7.1(i) A judgment or judgments for the payment of money shall be rendered against the Borrower, the judgment creditor shall execute or attempt to execute on such judgment against the rights of the Borrower to receive income from the Trust Fund, and the aggregate amount of all such judgments together with the aggregate principal amount of obligations secured by Liens on the rights of the Borrower to receive income from the Trust Fund shall exceed the difference of (i) the income projected to be

available for distribution to or for the benefit of the Borrower, as set forth in the report most recently provided to the Bank pursuant to Section 5.1(c)(ii) hereof, *minus* (ii) 124% of the aggregate outstanding principal balance of the Term Loans at such time.

7.1(j) The maturity of any material Indebtedness of the Borrower (other than Indebtedness under this Agreement) shall be accelerated, or the Borrower shall fail to pay any such material Indebtedness when due (after the lapse of any applicable grace period) or, in the case of such Indebtedness payable on demand, when demanded (after the lapse of any applicable grace period), or any event shall occur or condition shall exist and shall continue for more than the period of grace, if any, applicable thereto and shall have the effect of causing, or permitting the holder of any such Indebtedness or any trustee or other Person acting on behalf of such holder to cause, such material Indebtedness to become due prior to its stated maturity or to realize upon any collateral given as security therefor. For purposes of this Section, Indebtedness of the Borrower shall be deemed "material" if it exceeds $500,000 as to any item of Indebtedness for the Borrower or in the aggregate for all items of Indebtedness for the Borrower with respect to which any of the events described in this Section 7.1(j) has occurred.

7.1(k) Any Security Document shall, at any time, cease to be in full force and effect or shall be judicially declared null and void, or the validity or enforceability thereof shall be contested by either Borrower, or the Bank shall cease to have a valid and perfected security interest having the priority contemplated thereunder in all of the collateral described therein, other than by action or inaction of the Bank.

Section 7.2 Remedies. If (a) any Event of Default described in Sections 7.1(f), (g) or (h) shall occur with respect to either Borrower, the Term Note and all other Obligations shall automatically become immediately due and payable; or (b) any other Event of Default shall occur and be continuing, then the Bank may declare the outstanding unpaid principal balance of the Term Note, the accrued and unpaid interest thereon and all other Obligations to be forthwith due and payable, whereupon the Term Note, all accrued and unpaid interest thereon and all such Obligations shall immediately become due and payable, in each case without presentment, demand, protest or other notice of any kind, all of which are hereby expressly waived, anything in this Agreement or in the Term Note to the contrary notwithstanding. Upon the occurrence of any of the events described in clauses (a) or (b) of the preceding sentence the Bank may exercise all rights and remedies under any of the Loan Documents, and enforce all rights and remedies under any applicable law.

Section 7.3 Offset. In addition to the remedies set forth in Section 7.2, upon the occurrence of any Event of Default and thereafter while the same be continuing, the Borrower hereby irrevocably authorizes the Bank to set off any Obligations against all deposits and credits of the Borrower with, and any and all claims of the Borrower against, the Bank. Such right shall exist whether or not the Bank shall have made any demand hereunder or under any other Loan Document, whether or not the Obligations, or any part thereof, or deposits and credits held for the accounts of the Borrower is or are matured or unmatured, and regardless of the existence or adequacy of any collateral, guaranty or any other security, right or remedy available to the Bank. The Bank agrees that, as promptly as is reasonably possible after the exercise of any such setoff right, it shall notify the Borrower of their exercise of such setoff right; *provided, however*, that the failure of the Bank to provide such notice shall not affect the validity of the exercise of such setoff rights. Nothing in this Agreement shall be deemed a waiver or prohibition of or restriction on the Bank to all rights of banker's Lien, setoff and counterclaim available pursuant to law.

ARTICLE VIII

MISCELLANEOUS

Section 8.1 Modifications. Notwithstanding any provisions to the contrary herein, any term of this Agreement may be amended with the written consent of the Borrower; *provided* that no amendment, modification or waiver of any provision of this Agreement or consent to any departure by the Borrower therefrom shall in any event be effective unless the same shall be in writing and signed by the Bank, and then such amendment, modification, waiver or consent shall be effective only in the specific instance and for the purpose for which given.

Section 8.2 Expenses. The Borrower shall reimburse the Bank upon demand for all reasonable out-of-pocket expenses (including expenses of legal counsel) paid or incurred by the Bank in connection with the collection and enforcement of this Agreement and any other Loan Document. The obligations of the Borrower under this Section shall survive any termination of this Agreement.

Section 8.3 Waivers, etc. No failure on the part of the Bank or the holder of the Term Note to exercise and no delay in exercising any power or right hereunder or under any other Loan Document shall operate as a waiver thereof; nor shall any single or partial exercise of any power or right preclude any other or further exercise thereof or the exercise of any other power or right. The remedies herein and in the other Loan Documents provided are cumulative and not exclusive of any remedies provided by law.

Section 8.4 Notices. Except when telephonic notice is expressly authorized by this Agreement, any notice or other communication to any party in connection with this Agreement shall be in writing and shall be sent by manual delivery, facsimile transmission, overnight courier or United States mail (postage prepaid) addressed to such party at the address specified on the signature page hereof, or at such other address as such party shall have specified to the other party hereto in writing. All periods of notice shall be measured from the date of delivery thereof if manually delivered, from the date of sending thereof if sent by facsimile transmission, from the first Business Day after the date of sending if sent by overnight courier, or from four days after the date of mailing if mailed; *provided, however*, that any notice to the Bank under Article II hereof shall be deemed to have been given only when received by the Bank.

Section 8.5 Successors and Assigns; Disposition of Loans; Transferees. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns, except that the Borrower may not assign their rights or delegate their obligations hereunder or under any other Loan Document without the prior written consent of the Bank. The Bank may at any time sell, assign, transfer, grant participations in, or otherwise dispose of any portion of the Term Loans (each such interest so disposed of being herein called a "Transferred Interest") to banks or other financial institutions ("Transferees"). The Borrower agrees that each Transferee shall be entitled to the benefits of Section 8.2 with respect to its Transferred Interest and that each Transferee may exercise any and all rights of banker's Lien, setoff and counterclaim as if such Transferee were a direct lender to the Borrower. If the Bank makes any assignment to a Transferee, then upon notice to the Borrower such Transferee, to the extent of such assignment (unless otherwise provided therein), shall become a "Bank" hereunder and shall have all the rights and obligations of the Bank hereunder and the Bank shall be released from its duties and obligations under this Agreement to the extent of such assignment. Notwithstanding the sale by the Bank of any participation hereunder, (a) no participant shall be deemed to be or have the rights and obligations of the Bank hereunder except that any participant shall have a right of setoff under Section 7.3 as if it were the Bank and the amount of its participation were owing directly to such participant by the Borrower and (b) the Bank shall not in connection with selling any such participation condition the Bank's rights in connection with consenting to amendments or granting waivers concerning any matter under any Loan Document upon obtaining the consent of such participant other than on matters relating to (i) any reduction in the amount of any principal of, or the amount of or rate of interest on, the Term Note, (ii) any postponement of the date fixed for any payment of principal of or interest on the Term Notes, (iii) the release or subordination of any material portion of any collateral other than pursuant to the terms of any Security Document.

Section 8.6 Confidentiality of Information. The Bank shall use reasonable efforts to assure that information about the Borrower and its operations, affairs and financial condition, not generally disclosed to the public, which is furnished to the Bank pursuant to the provisions hereof is used only for the purposes of this Agreement and any other relationship between the Bank and the Borrower and shall not be divulged to any Person other than the Bank, its Affiliates and their respective officers, directors, employees and agents, except: (a) to their attorneys and accountants, (b) in connection with the enforcement of the rights of the Bank hereunder and under the Term Note and the Security Documents or otherwise in connection with applicable litigation, (c) in connection with assignments and participations and the solicitation of prospective assignees and participants referred to in the immediately preceding Section, and (d) as may otherwise be required or requested by any regulatory authority having jurisdiction over the Bank or by any applicable law, rule, regulation or judicial process, the opinion of the Bank's counsel concerning the making of such disclosure to be binding on the parties hereto. The Bank shall not incur any liability to the Borrower by reason of any disclosure permitted by this Section 8.6.

Section 8.7 Governing Law and Construction. **THE VALIDITY, CONSTRUCTION AND ENFORCEABILITY OF THIS AGREEMENT AND THE TERM NOTE SHALL BE GOVERNED BY THE INTERNAL LAWS OF THE STATE OF NORTH DAKOTA, WITHOUT GIVING EFFECT TO CONFLICT OF LAWS PRINCIPLES THEREOF, BUT GIVING EFFECT TO FEDERAL LAWS OF THE UNITED STATES APPLICABLE TO NATIONAL BANKS.** Whenever possible, each provision of this Agreement and the other Loan Documents and any other statement, instrument or transaction contemplated hereby or thereby or relating hereto or thereto shall be interpreted in such manner as to be effective and valid under such applicable law, but, if any provision of this Agreement, the other Loan Documents or any other statement, instrument or transaction contemplated hereby or thereby or relating hereto or thereto shall be held to be prohibited or invalid under such applicable law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement, the other Loan Documents or any other statement, instrument or transaction contemplated hereby or thereby or relating hereto or thereto.

Section 8.8 Consent to Jurisdiction. **AT THE OPTION OF THE BANK, THIS AGREEMENT AND THE OTHER BORROWER LOAN DOCUMENTS MAY BE ENFORCED IN ANY FEDERAL COURT SITTING IN NORTH DAKOTA OR ANY NORTH DAKOTA STATE COURT; AND THE BORROWER CONSENTS TO THE JURISDICTION AND VENUE OF ANY SUCH COURT AND WAIVES ANY ARGUMENT THAT VENUE IN SUCH FORUMS IS NOT CONVENIENT. IN THE EVENT THE BORROWER COMMENCES ANY ACTION IN ANOTHER JURISDICTION OR VENUE UNDER ANY TORT OR CONTRACT THEORY**

ARISING DIRECTLY OR INDIRECTLY FROM THE RELATIONSHIP CREATED BY THIS AGREEMENT, THE BANK AT ITS OPTION SHALL BE ENTITLED TO HAVE THE CASE TRANSFERRED TO ONE OF THE JURISDICTIONS AND VENUES ABOVE-DESCRIBED, OR IF SUCH TRANSFER CANNOT BE ACCOMPLISHED UNDER APPLICABLE LAW, TO HAVE SUCH CASE DISMISSED WITHOUT PREJUDICE.

Section 8.9 Waiver of Jury Trial. THE BORROWER AND THE BANK IRREVOCABLY WAIVES ANY AND ALL RIGHT TO TRIAL BY JURY IN ANY LEGAL PROCEEDING ARISING OUT OF OR RELATING TO THIS AGREEMENT OR ANY OTHER LOAN DOCUMENT OR THE TRANSACTIONS CONTEMPLATED HEREBY OR THEREBY.

Section 8.10 Limited Waiver of Sovereign Immunity. To the extent that the Borrower may be entitled, in any jurisdiction in which judicial proceedings may at any time be commenced with respect to this Agreement or the Term Note, to claim for itself or its revenues, assets or properties sovereign immunity from suit, from the jurisdiction of any court (including but not limited to any court of the United States of America, the State of North Dakota or the Borrower), from attachment prior to judgment, from attachment in aid of execution of a judgment or from execution of a judgment and to the extent that in any such jurisdiction there may be attributed such a sovereign immunity (whether or not claimed), the Borrower hereby irrevocably agrees not to claim and hereby irrevocably waives such sovereign immunity in respect of suit, jurisdiction of any court, attachment prior to judgment, attachment in aid of execution of judgment and execution of a judgment, in each case, solely to the extent such entitlement or claim to immunity relates to a claim or action arising out of or otherwise in connection with this Agreement or any other Loan Document or the transactions contemplated herein or therein.

Section 8.11 Survival of Agreement. All representations, warranties, covenants and agreement made by the Borrower herein or in the other Loan Documents and in the certificates or other instruments prepared or delivered in connection with or pursuant to this Agreement or any other Loan Document shall be deemed to have been relied upon by the Bank and shall survive the making of the Term Loans by the Bank and the execution and delivery to the Bank by the Borrower of the Term Note, regardless of any investigation made by or on behalf of the Bank, and shall continue in full force and effect as long as any Obligation is outstanding and unpaid; *provided, however,* that the obligations of the Borrower under Sections 8.2 and 8.12 shall survive payment in full of the Obligations.

Section 8.12 Indemnification. The Borrower hereby indemnifies and agrees to defend, protect and hold harmless the Bank and its Affiliates and the directors, officers, employees, attorneys and agents of the Bank and its Affiliates (each of the foregoing being an "Indemnitee" and all of the foregoing being

collectively the "Indemnitees") from and against any and all claims, actions, damages, liabilities, judgments, costs and expenses (including all reasonable fees and disbursements of counsel which may be incurred in the investigation or defense of any matter) imposed upon, incurred by or asserted against any Indemnitee, whether direct, indirect or consequential and whether based on any federal, state, local or foreign laws or regulations (including securities laws, environmental laws, commercial laws and regulations), under common law or on equitable cause, or on contract or otherwise:

(a) by reason of, relating to or in connection with the execution, delivery, performance or enforcement of any Loan Document, any commitments relating thereto, or any transaction contemplated by any Loan Document; or

(b) by reason of, relating to or in connection with any credit extended or used under the Loan Documents or any act done or omitted by any Person, or the exercise of any rights or remedies thereunder, including the acquisition of any collateral by the Bank by way of foreclosure of the Lien thereon, deed or bill of sale in lieu of such foreclosure or otherwise;

provided, however, that the Borrower shall not be liable to any Indemnitee for any portion of such claims, actions, damages, liabilities, judgments, costs and expenses resulting from such Indemnitee's gross negligence or willful misconduct. In the event this indemnity is unenforceable as a matter of law as to a particular matter or consequence referred to herein, it shall be enforceable to the full extent permitted by law.

This indemnification applies, without limitation, to any act, omission, event or circumstance existing or occurring on or prior to the date of payment in full of the Obligations, including specifically Obligations arising under clause (b) of this Section. The indemnification provisions set forth above shall be in addition to any liability the Borrower may otherwise have. Without prejudice to the survival of any other obligation of the Borrower hereunder the indemnities and obligations of the Borrower contained in this Section shall survive the payment in full of the other Obligations.

Section 8.13 Captions. The captions or headings herein and any table of contents hereto are for convenience only and in no way define, limit or describe the scope or intent of any provision of this Agreement.

Section 8.14 Entire Agreement. This Agreement and the other Loan Documents embody the entire agreement and understanding between the Borrower and the Bank with respect to the subject matter hereof and thereof. This Agreement supersedes all prior agreements and understandings relating to the subject matter

hereof. Nothing contained in this Agreement or in any other Loan Document, expressed or implied, is intended to confer upon any Persons other than the parties hereto any rights, remedies, obligations or liabilities hereunder or thereunder.

Section 8.15 Counterparts. This Agreement may be executed in any number of counterparts, all of which taken together shall constitute one and the same instrument, and any of the parties hereto may execute this Agreement by signing any such counterpart.

Section 8.16 Borrower Acknowledgements. The Borrower hereby acknowledges that (a) it has been advised by counsel in the negotiation, execution and delivery of this Agreement and the other Loan Documents, (b) the Bank has no fiduciary relationship to the Borrower, the relationship being solely that of debtor and creditor, (c) no joint venture exists between the Borrower and the Bank, and (d) the Bank undertakes no responsibility to the Borrower to review or inform the Borrower of any matter in connection with any phase of the business or operations of the Borrower and the Borrower shall rely entirely upon its own judgment with respect to their business, and any review, inspection or supervision of, or information supplied to, the Borrower by the Bank is for the protection of the Bank and neither the Borrower nor any third party is entitled to rely thereon.

Section 8.17 Single Borrower; Joint and Several Obligations. It is the intention and understanding of the parties hereto that the Borrower is a single entity with full rights in and claims to all the assets of the tribe, whether held by the Tribal Government or the Tribal Corporation. If it is determined that the Tribal Government and the Tribal Corporation constitute separate and distinct legal entities, with separate rights in and claims to the assets of the tribe, then it is the intention of the parties hereto that each of the Tribal Government and the Tribal Corporation shall be deemed to be a "Borrower" and each such Borrower shall be jointly and severally liable for the Obligations arising in connection with Term Loans made hereunder, regardless of whether such Term Loans are deemed made to it or to the other Borrower; *provided, however*, that if it is at any time determined that either such Borrower is liable as a guarantor (and not as a co-obligor or co-borrower) with respect to such Obligations arising in connection with Loans made or deemed made to the other Borrower (the "Guaranteed Obligations"), the parties hereto agree that each of the Tribal Government and the Tribal Corporation is to be bound by the terms set forth on Exhibit D hereto with respect to the Guaranteed Obligations. If the Tribal Government and the Tribal Corporation are deemed to be co-borrowers, (a) any action to enforce payment of the Obligations may be commenced by the Bank against either Borrower as a sole defendant without naming the other Borrower in such proceeding, and each Borrower hereby acknowledges and agrees that the other Borrower shall not be claimed by a Borrower to be an indispensable party in any such proceeding, (b) each Borrower further acknowledges and agrees that the Bank will suffer hardship and irreparable harm if

the Bank is delayed in pursuing its remedies against either of the Borrowers and (c) upon the occurrence and during the continuance of a Default or an Event of Default, each Borrower agrees not to exercise any right to claim or seek indemnification, recourse, subrogation, reimbursement or contribution from the other Borrower arising with respect to this Agreement and the Term Loans, and each Borrower hereby waives any right to claim or seek such indemnification, recourse, subrogation, reimbursement or contribution arising with respect to this Agreement and the Term Loans until all obligations of the Bank to make Term Loans hereunder have terminated and the Obligations have been irrevocably paid in full.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date first above written.

THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION, an Indian tribe organized under Section 16 of the IRA and chartered as a federal corporation pursuant to Section 17 of the IRA

By _____
Russell D. Mason Sr.
Chairman

By _____
Mark N. Fox
Treasurer

Address for the Borrower:
HC3, Box 2
New Town, North Dakota 58763
Attention: Mark N. Fox
Facsimile: (701) 627-3805

COMMUNITY FIRST NATIONAL BANK AND TRUST COMPANY OF DICKINSON

By _____
DuWayne J. Schwindt
Vice President

Address:
P.O. Box 1158
Dickinson, North Dakota 58602
Attention: DuWayne J. Schwindt
Facsimile: (701) 227-3409

APPROVAL AND CONSENT

As a condition for the borrower to enter into the Loan Agreement, the Security Agreement and the transactions contemplated therein, including without limitation the assignment of interest income from the Trust Fund as set forth in the Security Agreement, between the Three Affiliated Tribes of the Fort Berthold Reservation and Community First National Bank and Trust Company of Dickinson, approval by the Secretary of the Interior has been requested. Pursuant to DM 8, Secretary's Order Nos. 3150 and 3177 (including Amendment No. 1), and 10 BIAM, Bulletin 13, as amended, the undersigned has been delegated the authority of the Secretary of the Interior to approve such transactions. I hereby approve these documents in accordance with 25 U.S.C. Section 81 on this 2nd day of October, 1995.

The Secretary of the Interior's approval of these documents should not be construed or interpreted as indicating that the United States assumes or guarantees any of the Tribe's obligations under these agreements.

BUREAU OF INDIAN AFFAIRS

By Joe B Walker
Name: Joe B. Walker
Title: Acting Area Director, Aberdeen Area

Schedule 2.8 to
Loan Agreement

Use of Proceeds

1. Payment of MR&I contract obligations for the construction of water distribution leins and water treatment facilities on the Reservation.

2. Repayment of the Lakeside State Bank Note due January 15, 1996 in the principal amount of $500,000.

3. Repayment of the remaining balance of the Community First National Bank Note dated March 30, 1995.

4. Payment of expenses on the Flickertail Paving Project on the Nishu Road near White Sheild, ND.

5. Payment for the USGS Water Survey and EPA Study in conjunction with the MR&I Project.

6. Payments to HKM Associates, Engineers for the MR&I Project.

7. Refunding of docket distributions as follows:

   A. Land Purchases - $128,342.00;
   B. Business Development - $85,561.00;
   C. Fort Berthold Community College - $84,560.00.

8. Various legal fees.

9. Capital expenditures with respect to tribal enterprises as follows:

   A. Lumber, Construction, Manufacturing Corporation - Lumber yard and contracting, inventory and working capital - $200,000.00;
   B. KMHA-Communications - $50,000.00;
   C. Mandaree Electronics Corporation - $50,000.00.

10. Indirect costs incurred in administrating federal programs and not reimbursed by the federal government.

11. Working capital.

Schedule 4.4 to
Loan Agreement

Government Consents

1. Approval of BIA to Loan Agreement, Security Agreement and transactions contemplated therein.

Schedules to Loan Agreement

Schedule 2.9	Use of Proceeds
Schedule 4.4	Government Consents
Schedule 6.4	Permitted Liens

Exhibits to Credit Agreement

Exhibit A	Form of Term Note
Exhibit B-1	Form of In-house Counsel Opinion
Exhibit B-2	Form of Jacobson, Buffalo, Schoessler & Magnuson, Ltd. Opinion
Exhibit C	Form of Security Agreement
Exhibit D	Terms With Respect to Guaranteed Obligations

Standard Form 1034
September 1973
4 Treasury FRM 2000

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO.

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
INTERIOR-BUREAU OF INDIAN AFFAIRS
Fort Berthold Agency
New Town, ND 58763

DATE VOUCHER PREPARED: September 9, 1997

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

SCHEDULE NO.: VS10T02788A

PAID BY: 10-1-97

PAYEE'S NAME AND ADDRESS
Three Affiliated Tribes
COMM FST FARGO ABA # 091300036
For further credit to: CFB Dickinson
Item account number #6310373670
Customer Name: Three Affiliated Tribes
Account #6420016752

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM | TO | WEIGHT | GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (1)
		Payment on Tribal loan to Community First Bank, Dickinson, ND as per Tribal Resolution 95-162-DSB and 95-163-DSB and Assignment of Income dated September 27, 1995 to be repaid from Three Affiliated Tribes Economic Recovery Fund P.L. 102-575.				$2,250,000.00
		Mark N. Fox, Tribal Treasurer				

(Use continuation sheet(s) if necessary) (Payee must NOT use the space below) TOTAL $2,250,000.00

PAYMENT: ☐ COMPLETE ☐ PARTIAL ☐ FINAL ☐ PROGRESS ☐ ADVANCE

APPROVED FOR = $ | EXCHANGE RATE = $ 1.00

BY: Adlise Bressler

TITLE: Superintendent

DIFFERENCES

Amount verified; correct for

(Signature or Initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

9-11-97 (Date) | (Authorized Certifying Officer) | Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

EC5197-01-6 824 (Income Cash) $2,250,000.00

PAID BY

CHECK NUMBER ON TREASURER OF THE UNITED STATES | CHECK NUMBER ON (Name of bank)

CASH $ | DATE | PAYEE'S

1. When payment is in foreign currency, insert name of currency.
2. If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
3. When a voucher is presented in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

PER

TITLE

1034-118

Community First

(701) 227-0801

National Bank • 150 West Villard • Dickinson, North Dakota 58601

September 3, 1997

Donna Erwin, Director
Office of Trust Funds Management
505 Marquette N.W. Suite 1000
Albuquerque New Mexico 87102

RE: Three Affiliated Tribes, Fort Berthold Indian Reservation

Dear Miss Erwin:

In accordance with the terms of the loan agreement with Three Affiliated, we are providing you with the correct wiring instructions for the $2,250,000.00 that will be due on October 25, 1997. The entire payment will be credited to principle only and will not be applied to any accrued interest. Three Affiliated pays the interest monthly from the scheduled monthly payments of $50,000.00

We would appreciate receiving this wire in the first order of business of that day and not later than 12 noon, MDT., to allow us to provide proper credit on our note as well as the participating lender.

The wire instructions are:

Bank Routing Number	091300036
Online Bank	COMM FST FARGO
For further credit	CFB Dickinson
Item Account Number	6310373670
Customer Name	Three Affiliated Tribes
Customer Account Number	6420016752

Your considerations in this matter are greatly appreciated and if you have any further questions, please do not hesitate to call me.

Sincerely,

COMMUNITY FIRST NATIONAL BANK

D. J. Schwindt
Vice President

kf

cc: Robert L. Upton, Chief, Division of Trust Funds Services
Office of Trust Funds Management

Dean Webb
Aberdeen Area Trust Accountant

Mark N. Fox
Treasurer, Three Affiliated Tribes

David Brendsel
Financial Advisor, Three Affiliated Tribes

BUREAU OF INDIAN AFFAIRS
ABERDEEN AREA OFFICE
115 FOURTH AVENUE S.E.
ABERDEEN, SOUTH DAKOTA 57401

IN REPLY REFER TO:

Area Director, Aberdeen Area AUG 25 1995

Through: Superintendent, Ft. Berthold Agency

Honorable Russell D. Mason, Sr., Chairman
Three Affiliated Tribes Business Council
HC 3, Box 2
New Town, ND 58763-9402

Dear Chairman Mason:

This is in reference to your letter dated July 27, 1995 requesting approval of your plan to assign interest income totalling $5,000,000 plus interest from the Three Affiliated Tribes Economic Recovery Fund, P.L. 102-575, to Community First National Bank of Dickinson, ND for repayment of a loan.

We approved this plan on August 9, 1995. However, the resolutic did not specify interest accrual. We have now received resolution #95-162-DSB that specifies interest accrual. Based or this change, I am approving your plan for $5,000,000 plus interest.

If our office can be of assistance in this matter, please contac me at (605) 226-7343.

Sincerely,

Area Director

cc: Supt., Fort Berthold Agency
Branch of Accounting Management, Aberdeen Area
Branch of Natural Resources, Aberdeen Area
Branch of Realty, Aberdeen Area

TERM NOTE

$5,000,000

September 28, 1995
Dickinson, North Dakota

FOR VALUE RECEIVED, THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION, a tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934 (as amended, the "IRA") (the "Tribal Government"), and chartered as a federal corporation pursuant to Section 17 of the IRA (the "Tribal Corporation"; such tribe, in all manifestations including the Tribal Government and the Tribal Corporation, the "Borrower") and COMMUNITY FIRST NATIONAL BANK AND TRUST COMPANY OF DICKINSON, a national banking association (the "Bank") at its main office in Dickinson, North Dakota, in lawful money of the United States of America in Immediately Available Funds (as such term and each other capitalized term used herein are defined in the Loan Agreement hereinafter referred to), the principal amount of FIVE MILLION AND NO/100 DOLLARS ($5,000,000), and to pay interest (computed on the basis of actual days elapsed and a year of 360 days) in like funds on the unpaid principal amount hereof from time to time outstanding at the rates and times set forth in the Loan Agreement referred to below.

The principal hereof is payable in the amounts and at the times set forth in the Loan Agreement.

This note is the Term Note referred to in the Loan Agreement dated as of September 28, 1995 (as the same may hereafter be from time to time amended, restated or otherwise modified, the "Loan Agreement") between the undersigned and the Bank. This note is secured and its maturity is subject to acceleration, in each case upon the terms provided in said Loan Agreement.

In the event of default hereunder, the undersigned agrees to pay all costs and expenses of collection, including reasonable attorneys' fees. The undersigned waives demand, presentment, notice of nonpayment, protest, notice of protest and notice of dishonor.

THE VALIDITY, CONSTRUCTION AND ENFORCEABILITY OF THIS NOTE SHALL BE GOVERNED BY THE INTERNAL LAWS OF THE STATE OF

NORTH DAKOTA WITHOUT GIVING EFFECT TO THE CONFLICT OF LAWS PRINCIPLES THEREOF, BUT GIVING EFFECT TO FEDERAL LAWS OF THE UNITED STATES APPLICABLE TO NATIONAL BANKS.

THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION,
an Indian tribe organized under Section 16 of the IRA and chartered as a federal corporation pursuant to Section 17 of the IRA

By _____
Russell D. Mason Sr.
Chairman

By _____
Mark N. Fox
Treasurer

Address for the Borrower:
HC3, Box 2
New Town, North Dakota 58763
Attention: Mark N. Fox
Facsimile: (701) 627-3805

ASSIGNMENT OF INCOME FROM TRUST PROPERTY

(For use in connection with any loans)

1. Name of lender (hereafter called the "lender")
Community First National Bank and Trust Company of Dickinson

2. Name of Borrower(s) (hereafter called "I")	Address
Three Affiliated Tribes of the Fort Berthold Reservation	HC 3 - Box 2
	New Town, ND 58763-9402

3. In consideration of a loan from the lender, I hereby assign to the lender as security for repayment of such loan, ~~xx~~ from the following ~~description~~:

The Income Account of the Three Affiliated Tribes Economic Recovery Fund (PL 102-
OTFM Account #EC517-01-6) is assigned as collateral and debt service. On or afte
October 1, 1997, on request of the lender, amounts certified by the lender as due
and payable, not to exceed $5,000,000 plus accrued interest thereon, shall be pa
to the lender from the Income Account.

4. I hereby appoint the authorized Bureau officer or his successor (hereafter called the "officer") having jurisdiction c
area in which the lender is operating as my attorney to pay upon demand of the lender any payment on my loan when n
as agreed upon, said payment to be made from income from the trust land described above, and I ratify all that the attorn
lawfully do, or cause to be done, under this authority.

5. I hereby grant to the lender, full right, power, and authority in its own name or in my name, to demand, collect, sue, or
for any income from such land and to apply all such income upon my indebtedness to the lender in accordance with the
the note or other evidence of the debt.

The rights, powers, and authority granted herein shall be exercised only if payments on my loan are not made as agreed
if I otherwise default on the provisions of the loan agreement.

6. It is understood that in the case of my death, this assignment shall constitute a claim against trust funds, income,
property superior to that of my heirs.

7. This instrument shall not be effective unless approved by the officer having jurisdiction over the area in which the
situated, but immediately upon approval, evidenced by said officer's signature below, this instrument shall be fully e
according to its terms. The officer shall be advised in writing of any action which the lender contemplates under this au
at least 10 days prior to the exercise of the rights, powers, and authority conferred herein.

Date	Signature(s) of borrower(s)
September 27, 1995	Russell D. Mason, Sr. Tribal Chairman
Signature(s) of witness(es) DANILE J. W. HENRY (NOTARY) Notary Public, State of North Dakota My Commission Expires Nov. 2, 1998	~~Witness(es) of witness(es)~~ Mark N. Fox Mark N. Fox Treasurer

APPROVAL

Date	Signature of authorized Bureau officer
	Title Agency Superintendent

* U.S. Government Printing Office: 1995-[illegible]

Loan Proceeds:	5,000,000.00	Int# 2:	Prem:
Expenses Financed:		Int# 3:	Prem:
Fees Financed:		Total Principal:	5,000,000.00
Fees Prepaid:		Amount Financed:	5,000,000.00
Total Interest:	1,179,106.38	Finance Charge:	1,179,106.38
Earning Rate:	9.2500	Annual Percentage Rate:	9.3784
Note Date:	09/19/95	Total of Payments:	6,179,106.38
First Sched Pymt Date:	10/25/95	Additional Interest:	
Sched Pymt Frequency:	M	Maturity Date:	10/25/98
First Sched Int Pymt Date:			
Sched Int Pymt Frequency:			
Dealer Interest:			
Dealer Rate:			

- - - - P A Y M E N T S C H E D U L E - - - -

Num	Amount	Num	Amount	Num	Amount
24	$ 50,000.00	1	$ 2,250,000.00	11	$ 50,000.00
1	$ 2,179,106.38		$		$
	$		$		$

Date	Payment Amount	Principal Portion	Interest Portion	Period Interest	Principal Balance	Interest Balance
09/19/95					5000,000.00	
10/25/95	50,000.00	3,750.00	46,250.00	46,250.00	4996,250.00	.00
11/25/95	50,000.00	10,203.49	39,796.51	39,796.51	4986,046.51	.00
12/25/95	50,000.00	11,565.90	38,434.10	38,434.10	4974,480.61	.00
	150,000.00	25,519.39	124,480.61	124,480.61	TOTALS FOR YEAR 1995	
01/25/96	50,000.00	10,376.89	39,623.11	39,623.11	4964,103.72	.00
02/25/96	50,000.00	10,459.54	39,540.46	39,540.46	4953,644.18	.00
03/25/96	50,000.00	13,088.48	36,911.52	36,911.52	4940,555.70	.00
04/25/96	50,000.00	10,647.11	39,352.89	39,352.89	4929,908.59	.00
05/25/96	50,000.00	11,998.63	38,001.37	38,001.37	4917,909.96	.00
06/25/96	50,000.00	10,827.49	39,172.51	39,172.51	4907,082.47	.00
07/25/96	50,000.00	12,174.58	37,825.42	37,825.42	4894,907.89	.00
08/25/96	50,000.00	11,010.70	38,989.30	38,989.30	4883,897.19	.00
09/25/96	50,000.00	11,098.41	38,901.59	38,901.59	4872,798.78	.00
10/25/96	50,000.00	12,438.85	37,561.15	37,561.15	4860,359.93	.00
11/25/96	50,000.00	11,285.89	38,714.11	38,714.11	4849,074.04	.00
12/25/96	50,000.00	12,621.73	37,378.27	37,378.27	4836,452.31	.00
Date	Payment Amount	Principal Portion	Interest Portion	Period Interest	Principal Balance	Interest Balance
	600,000.00	138,028.30	461,971.70	461,971.70	TOTALS FOR YEAR 1996	
01/25/97	50,000.00	11,476.32	38,523.68	38,523.68	4824,975.99	.00
02/25/97	50,000.00	11,567.73	38,432.27	38,432.27	4813,408.26	.00
03/25/97	50,000.00	15,370.21	34,629.79	34,629.79	4798,038.05	.00
04/25/97	50,000.00	11,782.30	38,217.70	38,217.70	4786,255.75	.00
05/25/97	50,000.00	13,105.95	36,894.05	36,894.05	4773,149.80	.00
06/25/97	50,000.00	11,980.54	38,019.46	38,019.46	4761,169.26	.00
07/25/97	50,000.00	13,299.33	36,700.67	36,700.67	4747,869.93	.00
08/25/97	50,000.00	12,181.90	37,818.10	37,818.10	4735,688.03	.00
09/25/97	50,000.00	12,278.93	37,721.07	37,721.07	4723,409.10	.00
10/25/97	2250,000.00	2213,590.39	36,409.61	36,409.61	2509,818.71	.00
11/25/97	50,000.00	30,008.60	19,991.40	19,991.40	2479,810.11	.00
12/25/97	50,000.00	30,884.80	19,115.20	19,115.20	2449,925.31	.00
	2800,000.00	2387,527.00	412,473.00	412,473.00	TOTALS FOR YEAR 1997	
01/25/98	50,000.00	30,493.63	19,506.37	19,506.37	2419,431.68	.00
02/25/98	50,000.00	30,736.52	19,263.48	19,263.48	2388,695.16	.00
03/25/98	50,000.00	32,821.86	17,178.14	17,178.14	2355,873.30	.00
04/25/98	50,000.00	31,242.79	18,757.21	18,757.21	2323,630.51	.00
05/25/98	50,000.00	32,088.69	17,911.31	17,911.31	2291,541.82	.00
06/25/98	50,000.00	31,747.24	18,252.76	18,252.76	2259,794.58	.00
07/25/98	50,000.00	32,580.76	17,419.24	17,419.24	2227,213.82	.00
08/25/98	50,000.00	32,259.63	17,740.37	17,740.37	2194,954.19	.00
09/25/98	50,000.00	32,516.59	17,483.41	17,483.41	2162,437.60	.00
10/25/98	2179,106.38	2162,437.60	16,668.78	16,668.78	.00	.00
	2629,106.38	2448,925.31	180,181.07	180,181.07	TOTALS FOR YEAR 1998	
	6179,106.38	5000,000.00	1179,106.38	1179,106.38	TOTALS FOR LOAN	

MANDAN, HIDATSA, & ARIKARA NATION
Three Affiliated Tribes • Fort Berthold Indian Reservation
HC3 Box 2 • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL
(701) 627-4781
Fax (701) 627-3805

September 28, 1995

In Reply Refer To:

Russell D. Mason, Sr., Tribal Chairman

Office of Trust Management
Bureau of Indian Affairs
Attn: Robert Upton, Chief Services
Division of Trust Funds ~~Management~~
505 Marquette NW
Albuquerque, New Mexico 87102

RE: Three Affiliated Tribes Recovery Fund

Dear Sir:

Reference is made to (a) Public Law 102-575, Title XXXV, Section 3504 - Funds pursuant to which the Three Affiliated Tribes Recovery Fund (the "Fund"), was established, (b) Resolution 95-1662-DSB of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation (the "Borrower"), (c) that certain Assignment and Security Agreement dated as of September 28, 1995, (the "Security Agreement"), by the Borrower for the benefit of the Community First National Bank and Trust Company of Dickinson (the "Bank"), and (d) the approval of the Bureau of Indian Affairs of such Security Agreement and of the Loan Agreement (the "Loan Agreement") to which such Security Agreement relates.

To give effect to the foregoing and for the purposes and intents set forth in P.L. 102-575, we hereby irrevocably instruct you to pay amounts of interest income from the Fund to the Bank for the credit of the Tribe from time to time on or after October 1, 1997, such amounts of principal (not to exceed $5,000,000), together with interest thereon as the Bank may from time to time demand. So long as the Borrower is not in default of its obligations to the Bank under the Loan Agreement and the Security Agreement, such payments are scheduled to be in the amount of $2,250,000 on October 25, 1997, and the outstanding principal amount due to the Bank, together with all accrued and unpaid interest thereon, on October 25, 1998. Such payments should be made by wire transfer to Community First National Bank and Trust Company of Dickinson, North Dakota, ABA: 091300489, for credit to: Loan to Three Affiliated Tribes, Attention: Note Teller, or as otherwise directed by the Bank.

It is the intent of the Tribe that the above-referenced assignment of income from the Fund and the payment instructions set forth above be irrevocable. Accordingly, you are hereby instructed to make such payments upon the demand of the Bank, in the amounts calculated as set forth in such demand by the Bank (not to exceed $5,000,000 in principal amount, plus accrued interest thereon), notwithstanding any future instruction from us.

IN WITNESS WHEREOF, the undersigned has caused this instruction to be signed this 28th day of September, 1995.

THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION, an Indian tribe organized under Section 16 of the Indian Reorganization Act of 1934 as amended, the "IRA") and chartered as a federal corporation pursuant to Section 17 of the IRA

By _____
Russell D. Mason, Sr., Chairman

By _____
Mark N. Fox, Tribal Treasurer

ACKNOWLEDGEMENT AND AGREEMENT

The Office of Trust Funds Management hereby acknowledges receipt of the above irrevocable instructions and agrees that from time to time on or after October 1, 1997, that we shall pay to the Banks the amounts referenced above in the amounts and upon the demand of the Bank, not to exceed $5,000,000 plus accrued interest.

OFFICE OF TRUST FUNDS MANAGEMENT
BUREAU OF INDIAN APPAIRS

By _____
Robert Upton, Chief
Division of Trust Funds Services

COPY

ORIGINAL

Resolution #98- 56 - DSB

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

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally 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, P.L. 102-575, Title XXXV, Section 3504-Funds, establishes in the Treasury of the United States the "Three Affiliated Tribes Economic Recovery Fund" and accrued interest from such fund are available for use by the Three Affiliated Tribes in Fiscal Year 1998; and

WHEREAS, The Tribal Business Council for the Three Affiliated Tribe through Resolution #95-162-DSB dated 08-24-95, authorized the Chairman and Treasurer of the Business Council to seek and secure emergency funds in the amount of $5,000,000 to re-establish the financial base of the Three Affiliated Tribes; and

WHEREAS, Resolution #98-03-DSB authorized the establishment of a Special Economic Recovery Fund Committee to develop short-term and long-term plans for the expenditure of the interest from the $149.2 million Economic Recovery Fund established by Congress; and

WHEREAS, The Tribal Business Council has discovered additional emergency unmet needs accrued due to lack of funds; and

WHEREAS, The Special Economic Recovery Fund Committee met with the Tribal Business Council on 04-02-98 and presented the results of a sample survey of the membership and said survey supports Tribal Business Council action to utilize Economic Recovery Fund Interest Revenues for the Special Emergency Unmet Financial Needs, **(attached page 72)**; and

WHEREAS, The Tribal Business Council continues review of the Special Economic Recovery Fund Committees final report and **development of Policies and Procedures for the annual use of the Economic Recovery Fund Interest Revenues.**

Resolution #98: 56 - DSB

NOW, THEREFORE, BE IT RESOLVED, That the Three Affiliated Tribes Tribal Business Council hereby submits an Emergency Unmet Financial Needs Proposal under P.L.102-575 in the amount of $5,500,000 **(see attached budget page).**

BE IT FURTHER RESOLVED, That the Chairman and Treasurer of the Tribal Business Council are hereby, authorized and directed to seek and secure P.L.102-575 funds as soon as possible, in order to meet the emergency financial unmet need.

BE IT FURTHER RESOLVED, That the Chairman and Treasurer are hereby authorized to sign any and all documents pertaining to said Emergency Financial Unmet Needs Proposal and all pertinent financial documentation necessary.

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, 6 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 5th day of May, 1998; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 1 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.
Dated the 5th day of May, 1998.

Dayton Spotted Bear
Secretary, Tribal Business Council

COPY

ATTEST:

Chairman, Tribal Business Council

Emergency Unmet Needs
Three Affiliated Tribes
May 5, 1998

M,R, & I Project $3.2m reimbursable	$2,000,000
4 Bears Lagoon $1.2m start-up funding	$ 750,000
CDBG Shortfalls - Mandaree, Four Bears & Twinn Buttes	$1,012,000
Program Shortfalls:	
Day Care	$ 200,000
Headstart	$ 175,500
Aging & Meal Sites	$ 99,500
Youth Build	$ 64,500
Uniband	$ 55,000
Administration Bldg. Renovation of addition	$ 250,000
Administration Bldg. Reroofing project	$ 95,000
Mandaree Center Reroofing project - materials	$ 20,000
Legal - NARF	$ 12,000
Tribal Court	$ 100,000
Election	$ 100,000
Global Program Shortfalls	$ 566,500
Total	$5,500,000

emgfdjtac598

Standard Form 1034
September 1973
Treasury FRM 2500

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO. 98-05

SCHEDULE NO. VS06J02918A

PAID BY 6-8-98

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
FORT BERTHOLD AGENCY
NEW TOWN, ND 58763

DATE VOUCHER PREPARED: MAY 12, 1998

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

PAYEE'S NAME AND ADDRESS:
THREE AFFILIATED TRIBES
COMMUNITY FIRST, FARGO, ND
ABA 091300036
FURTHER CREDIT TO: COMMUNITY FIRST, DICKINSON, ND
ACCT NO: 6310373670
FURTHER CREDIT TO: THREE AFFILIATED TRIBES
ACCT NO: 6423700734 (CHECKING)

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM TO WEIGHT

GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (1)
		PAY TO THE THREE AFFILIATED TRIBES, TRIBAL BUSINESS COUNCIL AS PER RESOLUTION #98-56-DSB, DATED MAY 05, 1998.				5.5 MILLION
		RUSSELL MASON SR., TRIBAL CHAIRMAN				

(Use continuation sheet(s) if necessary) (Payee must NOT use the space below) TOTAL 5,500,000.00

PAYMENT: ☐ COMPLETE ☐ PARTIAL ☐ FINAL ☐ PROGRESS ☐ ADVANCE

APPROVED FOR = $

EXCHANGE RATE = $1.00

DIFFERENCES

BY[2] Cora L. Jones

TITLE Area Director

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

5/18/98 (Date) — (Authorized Certifying Officer)[2] — Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

EC5197-01-6 (Income Cash) 824 $5,500,000.00

PAID BY

CHECK NUMBER ON TREASURER OF THE UNITED STATES

CHECK NUMBER ON (Name of bank)

CASH $ DATE

PAYEE[3]

PER

TITLE

1 When stated in foreign currency, insert name of currency.
2 If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
3 When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

1034-116

Tribal Government Services
MC-304

MAY 15 1998

Honorable Russell D. Mason
Chairman, Three Affiliated Tribes
of the Fort Berthold Reservation
HC 3, Box 2
New Town, North Dakota 58763

Dear Chairman Mason:

As provided in the Act of October 30, 1992, Pub. L. 102-575, the Three Affiliated Tribes (Tribes) of the Fort Berthold Reservation have developed Phase I, Emergency Unmet Financial Needs (EUFN), of their Economic Recovery Plan (ERP).

Under the delegated authority of 209 DM 8, Secretary's Order Nos. 3150 and 3177, as amended, and 10 BIAM, Bulletin 13, as amended, this is to issue our approval for the use of the earned-interest funds designated in the EUFN portion of the ERP.

Supported by the Tribes' Business Council Resolution 98-56-DSB, and as further defined in the program description, the funds will be used as follows: M,R, & I Project, $2,000,000; 4 Bears Lagoon, $750,000; CDBG Shortfalls, $1,012,000; Day Care, $200,000; Headstart, $175,500; Aging & Meals Sites, $99,500; Youth Build, $64,500; Uniband, $55,000; Administration BLDG. (Addition), $250,000; Administration BLDG. (Reroofing), $95,000; Mandaree Center (Reroofing), $20,000; Legal - NARF, $12,000; Tribal Court, $100,000; Election, $100,000; Global Program Shortfalls, $566,500; Total - $5,500,000.

We commend you, the Tribes' Business Council, and your staff for your efforts in addressing the immediate needs of the Tribes. We wish you continued success in developing the balance of the ERP.

Sincerely,

[illegible] Area Dir

Acting Area Director

cc: Area Supervisory Accountant, MC-203/
Superintendent, Port Berthold Agency
Director, Division of Tribal Government Services, MIB, MS-4641, w/copy of resolution and program description

ERF - USE OF FUNDS APPLICATIONS

MAY 5, 1998

	Social Welfare	Economic Dev.	O.Progrms
MR & I Project	$1,000,000.00	$1,000,000.00	
4 Bears Lagoon	$ 375,000.00	$ 375,000.00	
CDBG Comm. Bldgs	$ 506,000.00	$ 506,000.00	
Mandaree, 4 Bears & Twin Buttes			
DayCare	$ 200,000.00		
Headstart	$ 175,500.00		
Aging & Meal Sites	$ 99,500.00		
Youth Build	$ 64,500.00		
Uniband		$ 55,000.00	
Mandaree Center-reroof materials		$ 20,000.00	
Legal - NARF	$ 12,000.00		
Global Program shtfls	$ 566,500.00		
Admin. Bldg. Reno. Add.			$ 250,000.00
Admin. Bldg. Reroof			$ 95,000.00
Tribal Court			$ 100,000.00
Election			$ 100,000.00
Total	$2,999,000.00	$1,956,000.00	$ 545,000.00
% of Total Drawdown	55%	35%	10%
Grand Total of Drawdown	$5,500,000.00		

ECONOMIC RECOVERY FUND
USE OF FUNDS APPLICATIONS
DESCRIPTION OF PROJECTS LISTED

1. Municipal, Rural, &Industrial

Under P.L. 99-249 and P.L. 93-638, as amended, authorized the Bureau of Reclamation to enter into a cooperative agreement with the Three Affiliated Tribes. The BOR has approved the cooperative agreement on June 27, 1995. The project is for the Design and Construction of the Fort Berthold Rural Water Supply System, Phase I.

The MR&I Water Project has authority to operate and maintain the community water system on the Fort Berthold Reservation. This includes the operation and maintenance of water and water mains at White Shield; Four Bears; Mandaree and Twin Buttes, that do not fall within the BIA Government Compounds. There is a total of 500 connections to the communities of White Shield; Four Bears; Mandaree and Twin Buttes.

2. 4 Bears Lagoon

The 4 Bears Lagoon is located West of New Town, ND on ND highway 23. The 4 Bears Lagoon services the Four Bears Segment, Four Bears Village, Tribal Administration Offices, IHS Office compound, and the Four Bears Park Peninsula to include the 4 Bears Casino & Lodge. The current system is inadequate to service the entire area mentioned above and will require expansion to accommodate the growing area. The tribe has secured financing through various Federal Agencies but is experiencing a shortfall which the tribe will have to absorb.

3. CDBG Communities Buildings

The tribe has secured financing for three communities facilities to be located in the Mandaree, Four Bears, and Twin Buttes Segments through the HUD Indian Community Development Grant Program. The additional funds necessary are the tribal match, which is a requirement of the grant program. The Community Facilities Projects house several Federal, State and Tribal Program operations and staff. The Communities utilize these buildings for all community functions as well as individual/private events. The Community Facilities are a great asset to community members in that they have space for youth programs and events, elder programs and events, delivery of Federal, State and Tribal program services and community functions.

4. Mandan, Hidatsa, & Arikara DayCare Facility

The MHA Daycare Facility is a tribally operated program. The Daycare provides daycare to tribal employees, college students, single parent families and other tribal members. Service is also provided to low-income families and often federal subsidies are not available to the family and the tribe has traditionally covered the operating shortfall. The total budget amount for the day care is over $300,000.00. The Daycare employees 11 staff members. The facility accommodates 30 slots, ages 6 weeks to 3 years of age. Business Hours are from 7:00 a.m. until 6:00 p.m.

5. Headstart

The Headstart Program is operated by the tribe under P.L. 93-638 and the budget amount is approximately $900,000.00. This budget amount is insufficient to meet the needs of this

expanding program. The tribe supplements the shortfall experienced annually.

6. Aging & Meal Sites

The Three Affiliated Tribes currently supplements Senior Citizen Meals Program in each district of the Fort Berthold Reservation. Each site employs approximately 2-4 staff members. Meals are served 5 days a week, congregate and home delivery. The program services approximately 513 elderly members.

7. Youth Build

The Youth Build Program is supplemented with tribal funds and employees approximately 4 staff members. The program is designed to target the youth of Fort Berthold. The program conducts youth athletic and cultural events year round and sponsors youth events aimed at reducing juvenile delinquency and truancy.

8. Uniband

Uniband is sate lite project spin off from the Turtle Mountain Parent Company through a Joint Agreement with the tribe. Program Operations are located in the White Shield Segment and employ approximately 38 staff members. The business' product is data entry through government and commercial contracts. The current facility will support future expansion and potential growth of the business is anticipated. The tribe has had to absorb start-up costs and also the cost to renovate the existing facility to become compatible with the data entry business.

9. Mandaree Center/Re-roof Materials

This community facility is located in the West Segment of the Fort Berthold Reservation. The facility was constructed in the early 1970's with a grant secured from EDA. The facility is well over 25 years old and the roof requires replacement. This community facility is a tribal responsibility.

10. Legal-NARF

The Native American Rights Fund is a non-profit organization that the tribe utilizes with legal matters that pertain to program operations and other tribal issues. The tribe has utilized this legal organization for a number of issues. The tribe has fallen behind in payment of services. The funds required will bring the account current.

11. Global Program Shortfalls

The tribe operates a sundry of programs that exceeds $12 million and are funded by various Federal and State agencies. Occasionally these programs experience shortfalls, in these instances the tribe covers the shortfall. Also the tribe under the 638 process, is required to cover the cash flow of Indirect Direct Cost Programs with greater restrictions mandated by Federal and State Funding Agencies. These shortfalls and other contingencies would be funded with the requested funds.

12.Administration Building Administration Addition

The Three Affiliated Tribes employs approximately 318 staff and operates 200

Federal, State, and Tribal Programs. The current Administration Building is inadequate in meeting the needs of the expanding tribal government base. Office needs space has long been an issue for the tribe, currently program staff are scattered throughout tribal headquarters. This piece meal approach results in downtime in productivity and program delivery.

13. Tribal Court

Tribal Court operations are supplemented with tribal funds and the current budget amount is insufficient to meet the needs of timely and efficient program delivery to the expanding clientele. Tribal Court is a prime example of under funding and under staffing prevalent in Indian Country.

14. Election

September 1998 marks the beginning of tribal elections with the primaries being conducted in September 1998 and the general election in November 1998. In order for the tribe to operate a orderly and efficient election process, the tribe will need sufficient funds to cover training and staff expenses. The upcoming election will include the chairmanship position and is the most high tribally elected seat of tribal government and will require an adequate budget amount to ensure a normal election process and any other contingencies that may arise.

ORIGINAL

Resolution #98 - 134-058

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

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally 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, The Tribal Business Council of the Three Affiliated Tribes has consistently advocated the creation of new projects for the purpose of decreasing the high unemployment rate on the Fort Berthold Reservation; and

WHEREAS, The Tribal Business Council of the Three Affiliated Tribes in 1989 created a one hundred percent (100%) wholly-owned tribal chartered corporation, to-wit: "Mandaree Enterprise Corporation", for the purpose of creating employment and opportunities for the Fort Berthold Reservation; and

WHEREAS, Mandaree Enterprise has been certified as an 8(a) firm by the US Small Business Administration Office, which allows Mandaree Enterprise Corporation unique advantages in the federal marketplace; and

WHEREAS, To further develop a long-term viable Tribally-owned enterprise Mandaree Enterprise has established a "Teaming Agreement" with Data Dimensions Corporation, which would assist Mandaree Enterprise in establishing commercial data entry capabilities on the Fort Berthold Reservation; and

WHEREAS, A strategic plan, projections and method of implementation has been developed by Mandaree Enterprise Corporation to: 1) utilize the available Uniband satellite facility located in White Shield, North Dakota, and 2) expand into the Parshall community at first opportunity; and

WHEREAS, When additional expanding opportunities are present the communities with smallest amount of employment opportunities such as Twin Buttes shall receive the next or highest priority; and

WHEREAS, In addition, The West Segment Development Corporation, a tribally chartered corporation is seeking additional avenues to create employment opportunities which includes Y2K conversion; and

WHEREAS, Any and all opportunities that WSDC proposes will be subject to review and

Page # 98-134-DSB

approval by the Tribal Financial Advisor, and any proposed teaming arrangement with Mandaree Enterprise shall be subject to the satisfaction of Mandaree Enterprise; and

WHEREAS, P.L. 102-575, Title XXXV, Section 3504-Funds, establishes in the Treasury of the United States the "Three Affiliated Tribes Economic Recovery Fund" and accrued interest from such fund are available for use by the Three Affiliated Tribes in Fiscal Year 1998; and

WHEREAS, The Tribal Business Council for the Three Affiliated Tribes through Resolution #98-56-DSB had pursued and secured funds previously; and

WHEREAS, The Tribal Business Council continues review of the Special Economic Recovery Fund Committees final report and development of policies and procedures for the annual use of the Economic Recovery Fund Interest Revenues.

WHEREAS, Enrolled members are in need of funding immediately to attend their respective higher-learning institutions to further their education and opportunities;

NOW, THEREFORE, BE IT RESOLVED, That the Three Affiliated Tribes Tribal Business Council agrees to appropriate funds and hereby submits a Financial Proposal to increase Economic Development Opportunities under P.L. 102-575 in the amount $1,700,000 (see the attached budgets).

BE IT FURTHER RESOLVED, That the Chairman and Treasurer of the Tribal Business Council are hereby, authorized and directed to seek, negotiate and secure P.L. 102-575 funds as soon as possible, in order to create employment opportunities on the Fort Berthold Indian Reservation.

BE IT FURTHER RESOLVED, That the Chairman and Treasurer are hereby authorized by the Three Affiliated Tribes Tribal Business Council to sign any and all documents required to secure the funds to support this proposed project.

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, 7 were present at a Special meeting thereof duly called, noticed, convened, and held on the 2nd day of September, 1998; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 2 members opposed, 0 members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Date this 2nd day of September, 1998.

Dayton Spotted Bear
Secretary, Tribal Business Council

ATTEST:

Chairman, Tribal Business Council

Budget **Sept. 1, 1998**

1. Fast startup with "Key from Paper" at White Shield

Upgrade White Shield software immediately, rehire staff as quickly as possible

Upgrade White Shield software	$30,000
Train the trainers	$8,000
Train the operators	$16,000
Establish new support functions	$7,000
One month's expenses (rent, phone, etc.)	$3,000
	$64,000

2. Upgrade White Shield to "Key from Image"

Upgrade White Shield system by adding 25 "Key from Image" work stations

Upgrade White Shield system	$135,000
Train the trainers to key from image	$8,000
Hire and train 25 new operators	$62,000
Train original operators on new system	$16,000
	$221,000

3. Add Parshall as a "Key from Paper" and "Key from Image" site

System acquisition	$150,000
Desks and office equipment	$75,000
Renovate Parshall facility	$50,000
Hire and train 30 new operators	$80,000
Train supervisors	$20,000
	$375,000

Three months operating capital at 60 operator level	$440,000
Startup funding for West Segment Development Corporation	$150,000
Grand total	$1,250,000

PROPOSED HIGHER EDUCATION GRANT PROGRAM

COUNCILMAN: Mark N. Fox

EDUCATIONAL GRANT FOR 1998-1999

STUDENT YEAR IN COLLEGE	AMOUNT OF GRANT	NUMBER OF STUDENTS	TOTAL PER YEAR
FRESHMAN	up to $2,000.00	(x) 50	=$100,000.00
SOPHOMORE	up to $3,000.00	(x) 40	=$120,000.00
JUNIOR	up to $3,000.00	(x) 30	=$ 90,000.00
SENIOR	up to $4,000.00	(x) 20	=$ 80,000.00
GRADUATE STUDENT	up to $5,000.00	(x) 15	=$ 75,000.00
SCHOLARSHIP	(3.0): $500.00	(x) 20	=$ 10,000.00

TOTAL $475,000.00

Standard Form 1034
September 1972
4 Treasury FPM 2000

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO. 98-07

SCHEDULE NO. VS/CT 03213

PAID BY 10-1-98

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
FORT BERTHOLD AGENCY
NEW TOWN, ND 58763

DATE VOUCHER PREPARED: SEPTEMBER 17, 1998

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

PAYEE'S NAME AND ADDRESS:
THREE AFFILIATED TRIBES
COMMUNITY FIRST BANK, FARGO, ND
ABA 091300036
FURTHER CREDIT TO: COMMUNITY FIRST BANK,
DICKINSON, NORTH DAKOTA
ACCT NO: 6310386617
FURTHER CREDIT: THREE AFFILIATED TRIBES
ACCT 1590017508 (LOAN BLOCK)

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

GOVERNMENT B/L NUMBER

SHIPPED FROM | TO | WEIGHT

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT
		LOAN AGREEMENT WITH COMMUNITY FIRST BANK DICKINSON ND - FINAL PAYMENT				1,640,097.81
		BANK ROUTING NUMBER 091300036				
		ONLINE BANK COMM FST FARGO				
		BENEFICIARY CFB DICKINSON				
		ACCOUNT NUMBER 6310386617				
		FOR FURTHER CREDIT THREE AFFILIATED TRIBES				
		LOAN BLOCK CLEARING GL				
		FOR DICKINSON (BRANCH) 1590017508				
		MARK N. FOX, THREE AFFILIATED TRIBES TREASURER				
					TOTAL	1,640,097.81

(Use continuation sheet(s) if necessary) (Payee must NOT use the space below)

PAYMENT: ☐ COMPLETE ☐ PARTIAL ☐ FINAL ☐ PROGRESS ☐ ADVANCE

APPROVED FOR =$

EXCHANGE RATE =$1.00

DIFFERENCES

BY

TITLE Area Director

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

9/21/98 (Date) (Authorized Certifying Officer)[2] Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

ECS197-01-6 (Income Cash) 824 $1,640,097.81

PAID BY

CHECK NUMBER ON TREASURER OF THE UNITED STATES

CHECK NUMBER ON (Name of bank)

CASH $ DATE

PAYEE>

PER

TITLE

1 When stated in foreign currency, insert name of currency.
2 If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
2 When a voucher is executed in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

1034-116

Community First

Community First National Bank • 150 West Villiard • P.O. Box 1158 • Dickinson, North Dakota 58602-1158

(701) 227-0801

September 10, 1998

COPY

Donna Erwin Director
Office of Trust Funds Management
505 Marquette NW Suite 1000
Albuquerque NM 87102

RE: Three Affiliated Tribes of the Fort Berthold Reservation

Dear Ms. Erwin:

In accordance with the terms of the loan agreement with Three Affiliated; we are providing you with the correct wiring instructions for the final payment that will be due in October, 1998. The payoff on October 1, 1998, is $1,640,097.81

We would appreciate receiving this wire in the first order of business of that day and not later than 12 noon, MDT. to allow us to provide proper credit on our note. Payoff amounts received on the specific days listed above will pay this note in its entirety.

The wire instructions are as follows:

Customer to wire to loan:	Example
1. Bank Routing Number	091300036
2. Online Bank	Comm Fst Fargo
3. Beneficiary	CFB Dickinson
4. Account Number	6310386617
5. For Further Credit	Three Affiliated Tribe
6. Loan Block Clearing gl for Dickinson (branch)	1590017508

EOE

Your considerations in this matter are greatly appreciated; and if you have any further questions, please do not hesitate to call me.

Sincerely,

COMMUNITY FIRST NATIONAL BANK

D. J. Schwindt
Vice President

kf

cc: Robert L. Upton, Chief Division of Trust Fund Services
Office of Trust Funds Management
505 Marquette NW Suite 1000
Albuquerque NM 87102

Dean Webb Finance Officer
BIA Aberdeen Area Office
115 4th Ave SE
Federal Building
Aberdeen SD 57401

Mark N. Fox
Treasurer, Three Affiliated Tribes
HC 3 Box 2
New Town ND 58763

David Brendsel
Financial Advisor, Three Affiliated Tribes
HC 3 Box 2
New Town ND 58763

→ FT BERTHOLD 001

Standard Form 1034
September 1972
4 Treasury FRM 2003

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO. 98-08

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION

Department of Interior
Bureau of Indian Affairs
Fort Berthold Agency
New Town, ND 58763

DATE VOUCHER PREPARED: September 21, 1998

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

SCHEDULE NO. VS09T03211A

PAID BY 9-28-98

PAYEE'S NAME AND ADDRESS
Community First Natinal Bank
150 West Villard
Dickinson, ND 58601
For Credit to: Three Affiliated Tribes
Account #6423700734

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM | TO | WEIGHT | GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (3)
		Draw down request as per Resolution #98-134-DSB P.L. 102-575 Account # EC-5197-01-6				$1,700,000.00
		Bank Routing Number 091300036				
		Online Bank Comm FST Fargo				
		Beneficiary CFB Dickinson				
		Account Number 6310386617				
		For further Credit Three Affiliated Tribes				
		Customer Account Number 6423700734				
		Mark [illegible]				
(Use continuation sheet(s) if necessary)		(Payee must NOT use the space below)			TOTAL	

PAYMENT:
- [ ] COMPLETE
- [ ] PARTIAL
- [ ] FINAL
- [ ] PROGRESS
- [ ] ADVANCE

APPROVED FOR = $

EXCHANGE RATE = $1.00

DIFFERENCES

BY:

TITLE

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

9/24/98 (Date) [signature] (Authorized Certifying Officer)[2] Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

EC5197-01-6 (Income Cash) 824 $1,700,000.00

PAID BY

CHECK NUMBER ON TREASURER OF THE UNITED STATES

CHECK NUMBER ON (Name of bank)

CASH $ DATE

PAYEE'S

1 When stated in foreign currency, insert name of currency.
2 If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
3 When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

PER

TITLE

1034-136

Tribal Government Services
MC-304

SEP 10 1998

Honorable Russell D. Mason
Chairman, Three Affiliated Tribes
Business Council
HC 3, Box 2
New Town, North Dakota 58763

Dear Chairman Mason:

As provided in the Act of October 30, 1992, Pub. L. 102-575, the Three Affiliated Tribes (Tribes) of the Fort Berthold Reservation have developed what we will refer to as Phase II of their Economic Recovery Plan (ERP).

Under the delegated authority of 209 DM 8, Secretary's Order Nos. 3150 and 3177, as amended, and 10 BIAM, Bulletin 13, as amended, this is to issue our approval for Phase II of the ERP.

As defined by the Tribes' Business Council Resolution 98-134-DSB, with supporting budgets, the Phase II funds will be used as follows: Education Grants for 1998-1999, $475,000; Start-up of Data Entry Facility at White Shield, $64,000; Upgrade of White Shield Data Entry Facility, $221,000; Addition of Parshall Data Entry Facility, $375,000; 3 Months Operating Capital - Data Entry Facilities, $440,000 and Start-up Funding - West Segment Development Corporation, $150,000.

The Phase II grand total is $1,725,000. It is our belief that the $1,700,000 reflected in Resolution 98-134-DSB represents a rounded figure of the Tribes' actual request. Please contact the Fort Berthold Agency Superintendent and arrange for the preparation and forwarding of a corresponding SF 1034 to the Dean Webb, Financial Trust Services Officer, Office of Special Trustee, for processing.

Although previous requests for withdrawals from the ERP Account have been approved to meet emergency needs, we encourage you, the Tribes' Business Council, and your staff to continue your efforts in completing the overall ERP at the earliest possible date.

Sincerely,

/SGD/RICHARD G. ZEPHIER

Area Director

cc: Financial Trust Services officer, MC-500
Superintendent, Fort Berthold Agency
Director, Division of Tribal Government Services, MIB, MS-4641, w/copy of resolution and budgets

Resolution #99- 234-JPH

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

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally 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, Since October 1, 1997, the Tribe has been eligible to receive interest from the Economic Recovery Fund created by Congress under the Equitable Compensation Act of the Three Affiliated Tribes and the Standing Rock Sioux Tribe (the "Act"), Title XXXV of P.L. 102-575, 106 Stat. 4731, for the benefit of the Three Affiliated Tribes and its members; and

WHEREAS, In order to receive such interest funds, or a portion thereof, the Tribe must gain approval from the Secretary of the U.S. Department of Interior for its proposed expenditures of the funds so that the Secretary may make a payment, or payments, to the Tribe from the interest funds derived from investment of the Economic Recovery Fund created by the Act; and

WHEREAS, After extensive consultation with Tribal members, the work of a special advisory "JTAC" Committee, full discussion by the Tribal Business Council and input about how the interest funds now available to the Tribe under the Act should be used, the Tribal Business Council has developed, for approval by the Secretary of Interior, a proposal for expenditure of a portion of the funds derived from the Act now available, in the amount of $14 million, as attached hereto; and

WHEREAS, It is the goal of the proposal of the Tribal Business Council providing for expenditures of a portion of the interest funds derived from the Act, in the amount of $14 million, that such expenditures shall fall within the categories of expenditures allowed by the Act, that such expenditures will be spent fairly and for the benefit of the Tribe and its members, and that such expenditures will in the aggregate result in the improvement of the economy of the Tribe along with improved social welfare and educational services for Tribal members and other programs that benefit the Tribe and its members; and

WHEREAS, It is now the desire of the Tribal Business Council to submit the attached proposal for expenditures of a portion of the interest funds derived from the Act, in the amount of $14 million, for approval by the U.S. Secretary of Interior or his duly authorized representative; and

Resolution No. 99- 234/JPH
Page 3 of 3

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, 6 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 2 day of Dec, 1999; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 3 members, 2 members opposed, 1 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 2 day of Dec, 1999.

COPY

James P. Hale
Temporary Secretary, Tribal Business Council

ATTEST:

Tex G. Hall
Chairman, Tribal Business Council

Draw of Interest Funds from Three Affiliated Tribes Economic Recovery Fund
Created by Three Affiliated Tribes and Standing Rock Sioux Tribe
Equitable Compensation Act
Title XXXV, P.L. 102-575

Total Draw Requested: $14,000,000.00

To be used in following categories and in accordance with the attached plan:

Education:	**$ 1,222, 845**
Social Welfare:	**$ 3,656,191**
Economic Development:	**$ 7,551,522**
Other Programs:	**$ 1,569,442**

GENERAL FUND FY2000 & JTAC #99-234-JPH		
JTAC DRAW FY2000; $14,000,0000	#99-234-JPH	FY 2000 BUD
ECONOMIC DEVELOPMENT;$7,551,522		
Competive Pool	$ 1,464,443	
Indirect Cost Programs FY-2000 - Exhibit A	$ -	
Tribal Programs FY-2000 General Fund Budget-Exhibit B	$ -	
Tribal Enterprises FY-2000 General Fund Budget-Exhibit C		$ 557,442
Loans to Debt Service FY-2000 General Fund Budget-Exhibit E		$ 1,200,000
Federal Programs FY-2000 General Fund Budget-Exhibit F		$ 129,637
Economic Development Department	$ 750,000	
Tourism Department	$ 500,000	
Film Department	$ 200,000	
Agriculture Department	$ 1,000,000	
Central Planning Department	$ 750,000	
Roads Department	$ 500,000	
Law Enforcement	$ 500,000	
TOTAL ECONOMIC DEVELOPMENT	**$ 5,664,443**	**$ 1,887,079**
EDUCATION; $1,222,845		
Competive Pool	$ 800,000	
Indirect Cost Programs FY-2000 - Exhibit A		
Tribal Programs FY-2000 General Fund Budget-Exhibit B	$ -	
Tribal Enterprises FY-2000 General Fund Budget-Exhibit C		$ 264,802
Loans to Debt Service FY-2000 General Fund Budget-Exhibit E		$ 96,043
Federal Programs FY-2000 General Fund Budget-Exhibit F		$ 62,000
TOTAL EDUCATION	**$ 800,000**	**$ 422,845**
SOCIAL WELFARE; $3,656,191		
Competive Pool	$ 153,043	
Indirect Cost Programs FY-2000 - Exhibit A		
Tribal Programs FY-2000 General Fund Budget-Exhibit B		$ 261,704
Tribal Enterprises FY-2000 General Fund Budget-Exhibit C		$ 410,217
Loans to Debt Service FY-2000 General Fund Budget-Exhibit E	$ -	
Federal Programs FY-2000 General Fund Budget-Exhibit F		$ 731,227
Health Facility	$ 500,000	
Elder Program	$ 1,000,000	
Health Director	$ 200,000	
Drug & Addiction Detox	$ 400,000	
TOTAL SOCIAL WELFARE	**$ 2,253,043**	**$ 1,403,148**
OTHER PROGRAMS; $1,569,442		
Segment Funds @ 6 Segments	$ 750,000	
Indirect Cost Programs FY-2000 - Exhibit A		
Tribal Programs FY-2000 General Fund Budget-Exhibit B		$ 157,778
Tribal Enterprises FY-2000 General Fund Budget-Exhibit C		$ 15,000
Loans to Debt Service FY-2000 General Fund Budget-Exhibit E		
Federal Programs FY-2000 General Fund Budget-Exhibit F		$ 46,664
MIS Department	$ 100,000	
North Segment CDBG Facility	$ 500,000	
TOTAL OTHER PROGRAMS	**$ 1,350,000**	**$ 219,442**
TOTAL DRAW & 4 ARES OF JTAC OBLIGATION	**$ 10,067,486**	**$ 3,932,514**

Attachment 1

JTAC DRAW		14,000,000			
Education		1,222,845	Other Programs		1,569,442
Competitive Pool		800,000	Segment Funds @ 6		750,000
Education Grants	C	221,250	Cultural Preservation	B	69,778
Museum	C	43,552	Solid Waste	B	88,000
RDA/FBCC PH2	E	96,043	NDSU Extension	C	15,000
Head Start	F	62,000	EPA Matching Funds	F	46,664
Social Welfare		3,656,191	MIS Department		100,000
Competitive Pool		153,043	New Town CDBG		500,000
MHA Daycare	B	209,883	Totals		14,000,000
Health Outreach	B	23,058			
Med Records Twin Buttes	B	28,763			
Aging Meal Sites	C	195,219			
Ambulance	C	40,000			
CHR Program	F	86,795			
Title VI Aging	F	49,992			
Reservation Programs	F	10,483			
Social Services BIA	F	89,000			
Tribal Court BIA	F	48,000			
Wake Fund Grants	C	174,998			
Health Director		200,000			
Drug & Alcohol Development		400,000			
Health Facility		500,000			
Elder Program		1,000,000			
General Fund FY-00	F	446,957			
Economic Development		7,551,522			
Competitive Pool		1,464,443			
Fire Protection	C	30,000			
Oil Pumping Service	C	19,576			
TAT Gaming Commission	C	408,524			
MHA Times/KMHA	C	99,342			
Traffic Safety	F	27,637			
Transportation Planning	F	102,000			
Comm First Loan 27311	E	650,000			
Comm First Loan 27311	E	550,000			
Economic Development Dept.		750,000			
Tourism Department		500,000			
Film Department		200,000			
Agriculture Department		500,000			
Land Purchase Fund		500,000			
Central Planning Office		750,000			
Roads Department		500,000			
Law Enforcement Center		500,000			

Attachment 1

MANDAN, HIDATSA, & ARIKARA NATION
Three Affiliated Tribes • Fort Berthold Indian Reservation
HC3 Box 2 • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL
701-627-4781
Fax 701-627-3805

December 3, 1999

Cora Jones
Regional Director
Great Plains Regional Office
Bureau of Indian Affairs
115 4th Avenue SE
Aberdeen, SD 57401

Re: Requested Approval of Expenditure of $14 million of interest from Three Affiliated Tribes Economic Recovery Fund

Dear Cora:

Enclosed is a proposal for the Three Affiliated Tribes concerning expenditure of a portion of the interest earned from the Three Affiliated Tribes Economic Recovery Fund (TERF) created by the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act. We forward this document to you for approval in accordance with Title XXXC of P.L. 102-575. It is our understanding that authority for approval of the expenditures has been delegated to you in your capacity as Regional Director of the Bureau of Indian Affairs Great Plains Regional Office.

Presently there has been accumulated approximately $44 million in interest in the TERF. This proposal calls for a draw down of $14 million initially. Resolution No. 99-234-JPH was passed December 2, 1999, approving this draw down. As you will note from Resolution No. 99-234-DSB, the Council will be holding a referendum on the entire plan as attached to the Resolution. However, the plan as outlined will control the expenditure of the $14 million to be drawn down at this time, and the expenditure of the $14 million by the Tribe is explicitly not subject to the referendum.

According to the plan, the balance of the funds will remain with the Office of Trust Funds Management as the proposal is refined and placed into action. This proposal outlines acceptable uses, controls and prioritization for use, and also has a component that allows a portion of the funds to be invested in the private sector by a qualified investment firm – preferably a major brokerage house. This investment will be a long-term growth strategy investment and the interest generated by these instruments will be reinvested back into this portfolio. The council intends to "lock down" this investment portfolio to continue the growth of this investment for a minimum of 15 years. Resolutions to that effect will accompany the draw down of funds for that purpose, provided the plan is approved pursuant to the referendum to be held. Any future annual interest accumulated on the original judgment will be programmed to meet the needs identified in the plan according the Acceptable Uses Matrix of the plan.

Should any or all parts of the plan for expenditure of the $14 million be unacceptable as written, please advise us immediately with your objections and/or possible courses of action to make that specific portion acceptable to you.

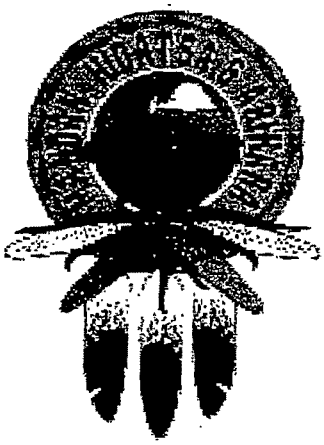
Sincerely,

Tex G. Hall
Chairman
Three Affiliated Tribes

cc: Tribal Business Council

Three Affiliated Tribes

Economic Recovery Fund Proposal



Presented to:
U.S Department of Interior

Three Affiliated Tribes – Economic Recovery Fund Proposal

The basic tenets of the funds are as follows:

1. The amount of funds allocated to each ERF fund shall be established annually by the Tribal Business Council.
2. The required funding leverage match can come from any source.
3. The Tribe will adhere to the Tribal Uniform Commercial Code.

The respective program Manager/Analyst and their staff responsible for that funding shall administer the operational procedures of the funding. Each administrator shall be responsible at a minimum, to maintain the appropriate documentation to clearly establish goals and objectives of funding. Funding administrators shall clearly establish and communicate the application process of the Funding, qualify and present applications for action, maintain investment records and interim and final reports, compile and present funding statistical information to the Tribal Council.

Accountability
The Three Affiliated Tribes will create an Office of ERF Oversight that will ensure strict accountability in the administration of the funds entrusted to the various funds created.

The minimum qualifications for the Office of ERF Oversight shall be that the office holder(s) shall have a demonstrated broad financial management background.

The Office of ERF Oversight shall ensure that annual financial audits of each fund created are performed. The Office of ERF Oversight shall bring criminal and civil charges as necessary to ensure the full financial accountability of each fund.

The Three Affiliated Tribes shall create an ERF Business Advisory Board comprised of individuals that have extensive demonstrated expertise in the areas of Finance, Planning, Management, or Administration. ERF Business Advisory Board will be required to concur with the funding recommendations of the Office of ERF Oversight in order to fund projects and proposals, and to provide assistance in the operations of the respective funds. None of the members may be Elected Officials of the Tribe nor employed by the Tribe in an executive or director capacity.

Procedure
All applications for funding shall conform to and enhance the long term planning efforts of the District, Department, or Institution applying to the fund. All applications shall conform to the requisite leverage requirements as established. The respective funding administrators shall establish funding application windows. These application "windows" shall be announced a minimum of 3 months in advance of the application deadline.

Technical Assistance
The Tribe shall provide technical assistance to all prospective applicants. In the event the required expertise/experts are not available locally, it shall be the responsibility of the Tribe to acquire that assistance on behalf of the proposed applicant.

Three Affiliated Tribes – Economic Recovery Fund Proposal

Economic Recovery Fund long-term vision and needs
As a result of a reservation-wide needs assessment, the following vision and needs are established for priority for funding. All projects applying for funding that are in concert with attaining this vision and meeting these needs shall receive priority. An initial prioritization is established as follows. The vision and needs shall be reassessed annually at a minimum.

Reservation-wide Vision

1. Our Healthcare systems (hospital, doctors, clinics, services, etc.) are providing excellent quality care and services.
2. Our educational systems are excellent. Our high school drop out rate is very low and many people are going to Ft. Berthold Community College and other colleges.
3. Our unemployment rate is under 10% and higher paying jobs are available for people who want to work.
4. Our Elderly and Disabled are well cared for.
5. Our reservation is still intact and we have a strong tribal government system that provides excellent leadership to our members.
6. I own my own home.
7. Our culture/heritage has been preserved (language, history, arts, etc.) and continues to be the most important part of the Tribe.
8. Our communities are self-supporting and they are a good place to live and raise our families.
9. Our reservation no longer has a drug/alcohol abuse problem.
10. We have many new tribal member-owned businesses and services available for shopping and things we need.
11. My community is a safe place with a low crime rate and good public safety services.
12. The welfare programs have been reduced and people are much more self-sufficient.
13. I am very comfortable where I live and doing well economically.

Areas of need

1. Health Care Services
2. Economic Development
3. Housing Programs and Support
4. Better Planning for our community future
5. Education programs for all ages
6. Infrastructure (roads, utilities, lights)
7. Expand our community center and facility
8. Sovereignty, jurisdiction treaty rights protection and self governance
9. Social Services for all ages
10. Culture programs for my community

Three Affiliated Tribes – Economic Recovery Fund Proposal

Economic Development Needs

1. Develop Long-term Economic Development Plan
2. Loan programs for Housing renovations - Private Homes
3. Jobs Development and support programs for individuals seeking employment
4. Develop Savings and Investment programs that benefit Tribal members
5. Private enterprise development (creation of small cottage businesses)
6. Land use resources and Land use planning
7. Minerals development programs
8. Tribally owned enterprise development
9. Bank - Tribally owned/managed
10. Casino development and expansion
11. Tourism programs for tribe and individuals
12. Continue to develop the Buffalo Project

*** Cattle Re-lending program

*** Technical Assistance support to help in the development of business

*** Asked only on the OFF RESERVATION Survey

Social Welfare Needs

1. Health Care Services
2. Housing Services - More Homes needed
3. Youth Programs
4. Health Care for Elderly
5. Law and Order systems for community
6. Burial Plan for Tribal members
7. Comprehensive Mental health programs
8. Services for victims of child abuse/neglect
9. Housing Services - Renovation programs
10. Dayeare Programs
11. Independent Assisted living for Elderly
12. Strengthen Food Services for Needy and Elderly
13. Welfare Reform Programs
14. Health and Fitness Center
15. Handicap Services
16. Centralized Jail in New Town

Education Needs

1. Educational Scholarships (grants)
2. Education programs in our schools
3. Native language and tribal culture
4. Education loans for students
5. Special education needs for all ages
6. Early childhood education programs for children/families
7. Vocational programs (age 16 to adult)
8. Support for Ft. Berthold College
9. Tribal School
10. Adult Education (GED), Basic Skills
11. Health Education Awareness/prevention
12. Tribal education plan and education codes
13. Fine arts program for young and old
14. Tribal language immersion schools

Other Needs

1. Emergency Services/Facilities (Police, fire, ambulance)
2. Infrastructure Support (water sewer, utilities, lights)
3. Funeral Services Support and Cemetery Maintenance
4. Road Improvement and Maintenance
5. Legal Aid Lawyers to aid tribal members
6. Individual water systems need to be improved
7. Land purchase to increase Tribal land base
8. Community improvement programs in my district
9. Public Transportation System
10. Communications and technology enhancement system
11. Community building for my district
12. Tribal museum and programs to preserve history/culture
13. Veterans program support
14. Tribal archives/document (place to keep tribal records)
15. Libraries for all community members

Three Affiliated Tribes – Economic Recovery Fund Proposal

Economic Recovery Fund Financial Parameters

1. Legislative Guidelines – Public Law 102-575 – Oct. 30, 1992 (see Tab VIII, Appendix A)
   A. Section 3504. Funds. Subsection (4) The Secretary of the Treasury shall deposit the interest which accrues on deposits to the Three Affiliated Tribes Economic Recovery Fund in a separate account in the Treasury of the United States. Such interest shall be available, without fiscal year limitation, for use by the Secretary of the Interior, commencing with fiscal year 1998, and each fiscal year thereafter, in making payments to the Three Affiliated tribes for use for educational, social welfare, economic development, and other programs, subject to the approval of the Secretary. No part of the principal of the Three Affiliated Tribes Economic Recovery Fund shall be available for making such payments.
   B. Section 3505. Eligibility for other Services not affected. No payments pursuant to this title shall result in the reduction, or the denial, of any Federal services or programs that the Three Affiliated Tribes or the Standing Rock Sioux Tribe, or any of their members, are otherwise entitled to, or eligible for, because of their status as a federally recognized Indian tribe or member pursuant to Federal Law. No payments pursuant to this title shall be subject to Federal or State income tax, or affect Pick-Sloan Missouri River Basin lower rates in any way.
   C. Section 3506 Per Capita payments prohibited. No part of any moneys in any fund under this title shall be distributed to any member of the Three Affiliated Tribes or the Standing Rock Sioux Tribe on a per capita basis.
2. Other financial Parameters for Economic Recovery Fund programs: In addition to the regulations specified in the Equitable Compensation Act, the following guidelines that will be incorporated into all programs and services that are provided financial support through the Economic recovery Fund include, but are not limited, to:
   A. Economic Recovery funds must be used for projects designed to strengthen the economic recovery of members of the Three Affiliated Tribes. Funding will go to projects with greatest impact for tribal membership (i.e. scholarships, tribal language, land purchase, and projects which will leverage funding from other sources).
   B. Economic Recovery fund programs cannot supplant any existing resources ((federal, tribal, county, state, city, etc.) that currently or traditionally have supported services to the Tribal members, reservation, or the communities; particularly financial support that is obligated by Federal/State legislation and treaty obligations (i.e. health care, trust responsibilities, land resources, and others). (See limits outlined in Section 3505 of the Legislation)
   C. Economic Recovery funds directed for specific programs/services should not cause that particular service/program to reduce its normal financial support to the Tribal members and the reservation community (i.e. social services for children, families, elderly, handicapped, etc.).
   D. Accountability of all expenditures shall be ensured by;
      a. All personnel who are responsible for the financial management of Economic Recovery funds shall be bonded and have training and skill in financial management. Appropriate insurance services shall be secured to protect property and personnel as outlined by the ERF administration and approved by the ERF Board of Directors (i.e. property insurance, errors and omissions, liability, etc.).
      b. A yearly audit, performed under the authority of this plan and results will be made available to all Tribal members for review and will be included in the yearly oversight report to the people of the Three Affiliated Tribes.
      c. The evaluation/monitoring processes will be implemented yearly by the staff.
      d. Bonds will be required on all contracts using Economic Recovery funds.
   E. All personnel hired by Economic Recovery Fund programs shall have fringe benefits.
   F. Qualified tribal enrolled members shall have preference in hiring for Economic Recovery Fund positions.

Investment Fund
The Investment Fund shall be invested, as directed by the Tribe, to preserve the real value of the JTAC Funds against the impact of inflation and to become the embodiment of the Tribes long-term investment strategy.

- The investment practices utilized shall be clearly identified in an objectives and policy plan (Investment Plan). This plan shall outline as a minimum the following: Investment objectives, Investment policies, Evaluation and Review procedures and policies, Plan revision policies.

- The Investment Fund will utilize a combination of investment options to realize a minimum return that exceeds the maximum Government Security Rate of Return.

A. Statement of Investment Objectives and Policy for the Three Affiliated Tribes

I. Introduction
The purpose of this statement is to express the objectives of the fund and to establish its investment policies.

II. Investment Objectives
The principal investment objectives of the fund are to invest in assets in a manner which:
A. Provides safeguards and diversity to which a prudent investor would adhere.
B. All transactions must be in the sole interest of the Three Affiliated Tribes.
C. Provides for income for those accounts with the objective of income.
D. Provides for growth of capital for those accounts with the objective of growth.
E. Consistent year to year results is preferred to large fluctuation in return.

III. Investment Policies
A. **General**
1. Assets must be invested in compliance with the objectives of each account.
2. Appropriate due diligence will be conducted prior to entering into agreements with brokers or like investment entities as well as prior to making particular investments in specific securities.
3. Only 2nd and 3rd generation JTAC funds will be invested under the Investment Fund.
4. Prohibited investments shall include:
   - unrecognized or restricted stock
   - the use of foreign headquartered corporations
   - commodities including futures contracts
   - stock or index options
   - margin buying
   - short-selling
   - initial public offerings of stock

B. **Fixed Income Investments**
1. Fixed income securities may include US Treasury obligations, obligations of government sponsored enterprises, Federal Agency obligations, corporate bonds, and commercial paper and commercial bank certificates of deposit (CD's).
2. Fixed income securities are to be selected and managed so as to assure appropriate balance of quality, maturity and coupon rate consistent with current money market and economic conditions.
3. All investments in bonds that are not U.S. Government or agency issues must be rated with the three highest ratings of the bond rating services.

C. **Equity Securities**
   1. Equity securities are defined as common stocks of companies.
   2. Equity securities are to be selected in accordance with the criteria to be determined by the Three Affiliated Tribes and the investment advisor.
   3. Investing in equity securities is limited to 10% of the total portfolio subject to Tribal Business Council approval/directive.
   4. Funds available for equity securities may temporarily be invested in short-term US Treasury bills, short-term obligations of government sponsored enterprises, Federal Agencies, commercial paper and commercial bank Certificates of Deposit.

D. **Cash Equivalents**
   Cash equivalents may include US Treasury Bills, short-term obligation of government sponsored enterprises, commercial paper, commercial bank Certificates of Deposit and money market accounts.

E. **Diversification**
   1. The asset mix of fixed income investments, equity investments and cash equivalents will be established based on each account's objective.
   2. For accounts that are utilizing federal funds, diversification can be made according to the investing of federal funds guidelines.

IV. Evaluation and Review
   A. It is expected that the financial consultant will meet with the Tribal Business Council at least semi-annually.
   B. It is expected that the financial consultant will report to the Tribal Treasurer at least monthly. Performance results, portfolio listing and valuations, and transaction summaries should be provided monthly.
   C. Any significant changes in the market value of the investments should be communicated to the Tribal Business Council.

V. Revisions
   A. The Three Affiliated Tribes', Tribal Business Council may make changes in this statement from time to time. It shall be the responsibility of the Tribal Treasurer to communicate such revisions, in writing, to the financial consultant immediately.

Three Affiliated Tribes – Economic Recovery Fund Proposal

Three Affiliated Tribes Economic Recovery Fund Acceptable Uses Matrix		
Education (Strategic Plan & Direction – Education Committee)	Schools	Preschool Elementary/Secondary Post-Secondary Continuing Education Literacy Leadership
	Training	Entrepreneurship Training Vocational Education Job Training/Retention
	Programming	Planning Facilities
	Language & Culture	Immersion Preservation
Social (Strategic Plan & Direction – Health & Human Resources Committee)	Health & Human Service	Elder Health Mental Health Health Care Child Care Low Income Services Special Needs Services
	Housing	Private/Public Subsidized/non-subsidized Elderly/Congregate Single Family Multi Family
	Law & Order	Courts Enforcement Codes
Economic Development (Strategic Plan & Direction – Executive Committee)	Jobs Development	Creation Expansion Unemployment Underemployment
	Planning	Recruitment Retention/Expansion Start-up
	Finance	Investment Availability Cost
	Business Development	Private Public
	Community Development	Roads/Highways/Bridges Rail Transportation Air Transportation Utilities Public Facilities Public Transportation
Other (Strategic Plan & Direction – Natural Resources Committee)	Community Amenities	Cultural Recreational
	Environmental	Water Quality Waste Management Air Quality Land Management

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Great Plains Regional Office
115 Fourth Avenue S.E.
Aberdeen, South Dakota 57401

IN REPLY REFER TO:

Tribal Government Services
T-304

DEC 16 1999

Honorable Tex G. Hall
Chairman, Three Affiliated Tribes
Business Council
HC 3, Box 2
New Town, North Dakota 58763

Dear Chairman Hall:

As provided in the Act of October 30, 1992, Pub. L. 102-575 (Act), the Three Affiliated Tribes (Tribes) of the Fort Berthold Reservation developed an Economic Recovery Fund Plan (Plan). In Resolution 99-234JPH, the Tribes' Business Council (Council) requests $14,000,000 of earned-interest from the Economic Recovery Fund to be used according to the Act and Plan.

Under the delegated authority of 209 DM 8, Secretary's Order Nos. 3150 and 3177, as amended, and 3 IAM 4.4, this is to issue our approval of the Plan and the use of $14,000,000 of interest earnings from the Economic Recovery Fund as designated in the above resolution.

Supported by Council Resolution 99-234JPH and the Plan, which includes an Acceptable Uses Matrix, the funds will be used as follows: Education, $1,222,845; Social Welfare, $3,656,191; Economic Development, $7,551,522; Other Programs, $1,569,442; Total - $14,000,000.

Please coordinate processing of a corresponding SF 1034 with the Fort Berthold Agency Superintendent and Dean Webb, Financial Trust Services Officer.

Sincerely,

Cora L. Jones
Regional Director

cc: Financial Trust Services Officer, MC-500
Superintendent, Fort Berthold Agency
Economic Development Specialist, MC-305

→ FT BERTHOLD 001

Standard Form 1034
Revised January 1980
Department of the Treasury
I TFM 4-2000

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO. 00-03

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
FORT BERTHOLD AGENCY

DATE VOUCHER PREPARED: DECEMBER 17, 1999

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

SCHEDULE NO.

PAID BY

Received 12-22-99

PAYEE'S NAME AND ADDRESS
THREE AFFILIATED TRIBES
COMMUNITY FIRST BANK, FARGO, ND
ABA 091300036
FURTHER CREDIT TO: COMMUNITY FIRST BANK,
DICKINSON, ND ACCT NO: 6310386617
FURTHER CREDIT: THREE AFFILIATED TRIBES
ACCT NO: 6423700734 (CHECKING)

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM TO WEIGHT

GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (1)
		WITHDRAWL OF JTAC FUNDS PER RESOLUTION #99-234-JPH AND APPROVED BUDGET, PER APPROVED JTAC PLAN BY CORA L. JONES Tex G. Hall, TAT Chairman Date				$3,672,500.00

(Use continuation sheet(s) if necessary) (Payee must NOT use the space below) TOTAL $3,672,500.00

PAYMENT: ☐ PROVISIONAL ☐ COMPLETE ☐ PARTIAL ☐ FINAL ☐ PROGRESS ☐ ADVANCE

APPROVED FOR =$ EXCHANGE RATE =$1.00

BY [2] Angus B. Fox

TITLE Acting Superintendent

DIFFERENCES

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

12/20/99 (Date) Kenneth Robinson (Authorized Certifying Officer)[2] Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

EC5197016 Income Cash $3,672,500.00

PAID BY

CHECK NUMBER ON ACCOUNT OF U.S. TREASURY CHECK NUMBER ON (Name of bank)

CASH $ DATE PAYEE [3]

PER

TITLE

[1] When stated in foreign currency, insert name of currency.
[2] If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
[3] When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

Previous edition usable 1034-119 NSN 7540-00-900-7334

PRIVACY ACT STATEMENT
The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

RECEIVED
DEC 16 1999
OFFICE OF TRUST FUNDS MANAGEMENT

Tribal Government Services
MC-304

DEC 16 1999

Honorable Tex G. Hall
Chairman, Three Affiliated Tribes
Business Council
HC 3, Box 2
New Town, North Dakota 58763

Dear Chairman Hall:

As provided in the Act of October 30, 1992, Pub. L. 102-575 (Act), the Three Affiliated Tribes (Tribes) of the Fort Berthold Reservation developed an Economic Recovery Fund Plan (Plan). In Resolution 99-234JPH, the Tribes' Business Council (Council) requests $14,000,000 of earned-interest from the Economic Recovery Fund to be used according to the Act and Plan.

Under the delegated authority of 209 DM 8, Secretary's Order Nos. 3150 and 3177, as amended, and 3 IAM 4.4, this is to issue our approval of the Plan and the use of $14,000,000 of interest earnings from the Economic Recovery Fund as designated in the above resolution.

Supported by Council Resolution 99-234JPH and the Plan, which includes an Acceptable Uses Matrix, the funds will be used as follows: Education, $1,222,845; Social Welfare, $3,656,191; Economic Development, $7,551,522; Other Programs, $1,569,442; Total - $14,000,000.

Please coordinate processing of a corresponding SF 1034 with the Fort Berthold Agency Superintendent and Dean Webb, Financial Trust Services Officer.

Sincerely,

(SGD) CORA L. JONES

Cora L. Jones
Regional Director

cc: Financial Trust Services Officer, MC-500
Superintendent, Fort Berthold Agency
Economic Development Specialist, MC-305

→ FT BERTHOLD 001

Standard Form 1034
Revised January 1980
Department of the Treasury
I TFRM 4-2000

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO. 00-05

SCHEDULE NO.

PAID BY

Paid 2-17-00 B.Kent 85 081157

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION

Department of the Interior
Bureau of Indian Affairs
Fort Berthold Agency

DATE VOUCHER PREPARED: February 11, 2000

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

PAYEE'S NAME AND ADDRESS

THREE AFFILIATED TRIBES
COMMUNITY FIRST NATIONAL BANK
DICKINSON, ND 58601
ABA 091300489
ACCT NO: 6423700734 es
THREE AFFILIATED TRIBES (CHECKING)

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM

WEIGHT

GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (1)
		Withdrawl of JTAC FUNDS PER Resolution #99-234-JPH and approved budget, per approved JTAC Plan by Cora L. Jones. From Government Overnighters @ 2-11-00				$2,129,342.00
		Tex G. Hall, TAT Chairman 02-11-00				

(Use continuation sheet(s) if necessary) (Payee must NOT use the space below) TOTAL $2,129,342.00

PAYMENT: ☐ PROVISIONAL ☐ COMPLETE ☐ PARTIAL ☐ FINAL ☐ PROGRESS ☐ ADVANCE

APPROVED FOR =$

EXCHANGE RATE =$1.00

DIFFERENCES

BY [2] Cora L. Jones

TITLE Acting Superintendent

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

02/16/00 (Date) Kenneth Parker (Authorized Certifying Officer)[2] Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

EC5197016 Income Cash $2,129,342.00

PAID BY

CHECK NUMBER ON ACCOUNT OF U.S. TREASURY

CHECK NUMBER ON (Name of bank)

CASH $ DATE

PAYEE [3]

PER

TITLE

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Previous edition viable 1034-119 NSN 7540-00-990-2234

PRIVACY ACT STATEMENT

The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

M E M O

TO: DEAN WEBB
OTFM
AAO

DATE: 11 FEBRUARY 2000

FR: MARCUS WELLS, SR.
FINANCIAL ADVISOR

RE: STATUS OF $14M JTAC DRAWS
PER RESO#99-234-JPH

I THOUGHT THAT A SUMMATION OF THE DRAWS, WOULD BE IN ORDER, SO AS TO LET OUR OWN PEOPLE AND YOUR PEOPLE KNOW THE CURRENT DRAW STATUS OF THESE FUNDS.

1st Draw, our Number#00-03 dated 12-17-99 & Received 12-21-99 -	$3,672,500
2nd Draw, our Number#00-05 dated today and pending.	2,129,342
New Total	$5,801,842

YES, WE WILL SIT DOWN WITH AND LET YOU KNOW THE DATES WE NEED ANY AND ADDITIONAL DRAWS. THEREFORE, GIVING YOU TIME TO PULL AND RETIRE ANY INVESTMENT INSTRUMENTS YOU MAY NEED TO MEET OUR PURPOSE.

FT BERTHOLD 001

Standard Form 1034
Revised June 1980
Department of the Treasury
I TFRM 4-2000

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO. 00-06

SCHEDULE NO.

PAID BY

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION

Department of the Interior
Bureau of Indian Affairs
~~XXXXXXXXX~~ Fort Berthold Agency
NEW TOWN, ND 58763

APR 17 2000

DATE VOUCHER PREPARED: April 07, 2000

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

PAYEE'S NAME AND ADDRESS

THREE AFFILIATED TRIBES
COMMUNITY FIRST NATIONAL BANK
DICKINSON, ND 58601
ABA 091300489
THREE AFFILIATED TRIBES (Checking) Acct# 64~~2~~23700734

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM | TO | WEIGHT | GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT
		Withdrawl of JTAC Funds per Res#99-234-JPH and approved budget per approved JTAC Plan by Cora L. Jones.				$2,500,000
		Rex G. Rail, TAT Chairman 04-07-00				
					TOTAL	$2,500,000

(Use continuation sheet(s) if necessary)

(Payee must NOT use the space below)

PAYMENT:
- ☐ PROVISIONAL
- ☐ COMPLETE
- ☐ PARTIAL
- ☐ FINAL
- ☐ PROGRESS
- ☐ ADVANCE

APPROVED FOR =$

EXCHANGE RATE =$1.00

DIFFERENCES

BY [2] Paige Baker

TITLE Superintendent

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

4/17/00 (Date) — Kenneth Nelson (Authorized Certifying Officer)[3] — Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

ECS197016 Income Cash $2,500,000.00

PAID BY

CHECK NUMBER | ON ACCOUNT OF U.S. TREASURY | CHECK NUMBER | ON (Name of bank)

CASH $ | DATE | PAYEE [3]

PER

TITLE

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NSN 7540-00-988-7234

Previous edition usable

1024-119

PRIVACY ACT STATEMENT

The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

M E M O

FEB 17 2000

TO: DEAN WEBB
OTFM
AAO

DATE: 11 FEBRUARY 2000

FR: MARCUS WELLS, SR.
FINANCIAL ADVISOR

RE: STATUS OF $14M JTAC DRAWS
PER RESO#99-234-JPH

I THOUGHT THAT A SUMMATION OF THE DRAWS, WOULD BE IN ORDER, SO AS TO LET OUR OWN PEOPLE AND YOUR PEOPLE KNOW THE CURRENT DRAW STATUS OF THESE FUNDS.

1st Draw, our Number#00-03 dated 12-17-99 & Received 12-21-99 -	$3,672,500
2nd Draw, our Number#00-05 dated today and pending.	2,129,342
New Total	$5,801,842

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→ FT BERTHOLD 001

Standard Form 1034
September 1972
4 Treasury FRM 2000

PUBL VOUCHER FOR PURCHASES AN SERVICES OTHER THAN PERSONAL

VOUCHER NO. 00-10

SCHEDULE NO.

PAID BY

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
Department of the Interior
Bureau Of Indian Affairs
Fort Berthold Agency
New Town, ND 58763

DATE VOUCHER PREPARED June 26, 2000

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

PAYEE'S NAME AND ADDRESS
THREE AFFILIATED TRIBES
COMMUNITY FIRST NATIONAL BANK
DICKINSON, NORTH DAKOTA
ABA 091300489
ACCT NO: 6423700734
THREE AFFILIATED TRIBES (CHECKING)

DATE INVOICE RECEIVED BATCH OT 000 #41

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM | TO | WEIGHT | GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (1)
		Withdrawal of JTAC Funds per Reso# 99-234-JPH and approved budget per approved JTAC Plan by Cora L. Jones.				2,217,325.00
		Marcus Wells 6-26-00 Marcus Wells, Jr. Executive Treasurer 06/26/00				
(Use continuation sheet(s) if necessary)		(Payee must NOT use the space below)			TOTAL	2,217,325.00

PAYMENT: ☐ COMPLETE ☐ PARTIAL ☐ FINAL ☐ PROGRESS ☐ ADVANCE

APPROVED FOR = $ EXCHANGE RATE = $1.00

BY: Cora B Fox

TITLE Acting Superintendent

DIFFERENCES

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

6/29/00 (Date) (Authorized Certifying Officer) Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

EC5197016 Income Cash $2,217,325.00

PAID BY

CHECK NUMBER ON TREASURER OF THE UNITED STATES | CHECK NUMBER ON (Name of bank)

CASH $ DATE | PAYEE?

1 When stated in foreign currency, insert name of currency.
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PER

TITLE

1034-116

United States Department of the Interior
OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS
OFFICE OF TRUST FUNDS MANAGEMENT
Aberdeen Area Office
115 Fourth Avenue SE MS:500
Aberdeen SD 57401

IN REPLY REFER TO:

June 27, 2000

To: Larry Burr, Acting Superintendent, Fort Berthold Agency

From: Dean Webb, Financial Trust Services Officer, Great Plains Region

RE: Three Affiliated Tribes JTAC Funds

I am enclosing a copy of Tribal Resolution 99-234-JPH dated December 2, 1999 whereby the Tribe approved the expenditure of $14,000,000 of earned interest from the Economic Recovery Fund. A copy of the proposed expenditures is also attached along with a memo from Cora Jones dated December 16, 1999 approving this plan.

The Tribe has already made withdrawals based on this approved plan as follows:

December 17, 1999	$3,672,000.00
February 11, 2000	$2,129,342.00
April 7, 2000	$2,500,000.00

This would leave a balance of $5,698,158.00 to complete the withdrawal of the $14,000,000. The Tribe currently has $2,217,325.00 available in cash at the present time in the interest earnings portion of this fund. I understand that they are requesting that this amount be withdrawn to meet the funding of their plan. If you have any questions, please call me at 605-226-7361.

OLEM ADERWEIN → FT BERTHOLD 009

JTAC BUDGET

CATEGORIES	A JTAC DRAW PLAN #99-234-JPH	B FY 2000 BUDGET #99-266-DSB	C OTHER ALLOCATIONS	A-B-C REMAINING BALANCE
ECONOMIC DEVELOPMENT	7,551,522	1,687,079	3,526,080	2,138,363
EDUCATION	1,222,845	422,845	567,194	232,806
SOCIAL WELFARE	3,656,191	1,403,148	1,396,178	856,865
OTHER	1,569,442	219,442	1,097,201	252,799
TOTAL	14,000,000	3,932,514	6,586,653	3,480,833

→ FT BERTHOLD 010

THREE AFFILIATED TRIBES
FY 2000 General Fund & JTAC Budget

	USES PER P.L. 102-575				
	Economic Development	Education	Social Welfare	Other Programs	Totals
Budgeted Amount: -->	**$7,551,522.00**	**$1,222,845.00**	**$3,656,191.00**	**$1,569,442.00**	**$14,000,000.00**
	WITHDRAWALS				
First 3 Draws 07/10/00	$4,783,899.00	$542,845.00	$1,658,455.00	$1,316,643.00	$8,301,842.00
	$629,260.00	$447,194.00	$1,140,871.00		$2,217,325.00
					$0.00
Total W/D	$5,413,159.00	$990,039.00	$2,799,326.00	$1,316,643.00	$10,519,167.00
Balance:	**$2,138,363.00**	**$232,806.00**	**$856,865.00**	**$252,799.00**	**$3,480,833.00**

→ FT BERTHOLD 001

Standard Form 1034
September 1973
4 Treasury FRM 2000

PUB: VOUCHER FOR PURCHASES AI SERVICES OTHER THAN PERSONAL

VOUCHER NO. 00-11

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
Department of the Interior
Bureau of Indian Affairs
Fort Berthold Agency
New Town, ND 58763

DATE VOUCHER PREPARED: August 02, 00

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

SCHEDULE NO.

PAID BY: Batch 05000766 Trans 2 Trans 3, 4, 5, 6 7 + 8

PAYEE'S NAME AND ADDRESS:
THREE AFFILIATED TRIBES
COMMUNITY FIRST NATIONAL BANK
DICKINSON, NORTH DAKOTA
ABA 091300489
ACCT NO: 6423700734 THREE AFFILIATED TRIBES (CHECKING)

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM

GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (1)
		Withdrawal #5 of JTAC Funds per Reso# 99-234-JPH and approved budget, per approved JTAC Plan by Cora L. Jones.				1,431,106.00
		Tex G. Hall, Chairman 08/02/00				
(Use continuation sheet(s) if necessary)		(Payee must NOT use the space below)			TOTAL	1,431,106.00

PAYMENT: ☐ COMPLETE ☐ PARTIAL ☐ FINAL ☐ PROGRESS ☐ ADVANCE

APPROVED FOR = $

EXCHANGE RATE = $1.00

DIFFERENCES

BY² Cherie B. Fox

TITLE Acting Superintendent

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

8/3/00 (Date) — Kenneth Nelson (Authorized Certifying Officer)³ — Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

EC5197016 Income Cash $1,431,106.00

PAID BY

CHECK NUMBER ON TREASURER OF THE UNITED STATES

CHECK NUMBER ON (Name of bank)

CASH $ DATE

PAYEE³

PER

TITLE

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1034-118

United States Department of the Interior
OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS
OFFICE OF TRUST FUNDS MANAGEMENT
Aberdeen Area Office
IN REPLY REFER TO: 115 Fourth Avenue SE MS:500
Aberdeen SD 57401

August 3, 2000

To: Sonny Holladay, Branch of Tribal Accounts Management, OTFM

From: Dean Webb, Financial Trust Services Officer, Great Plains Region

RE: JTAC Draw - Three Affiliated Tribes

I am enclosing a 1034 from the Three Affiliated Tribes for $1,431,106.00. When this was prepared by the Tribe they had typed $1,431,106.64. When Marcus Wells brought this in he had rounded the figures on the 1034 to $1,431,106.00. However, the budget breakdown sheet used the full amount. In working with Marcus Wells, we calculated the rounded figure for the Budget breakdown as follows:

Economic Development	$772,797.00
Education	$128,800.00
Social Welfare	$300,532.00
Other	$228,977.00

If you have any questions, please call me.

MANDAN, HIDATSA, & ARIKARA NATION
Three Affiliated Tribes • Fort Berthold Indian Reservation
HC3 Box 2 • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL
(701) 627-4781
Fax (701) 627-3805

M E M O

TO: Dean Webb
Aberdeen OTFM

DATE: 2 August 2000

FR: Marcus Wells, Sr
TAT Financial Advisor

RE: Budget attachment for JTAC draw #5

For your files or records the following is our general budget catergorized by the various Funds:

	Rs#99-234-JPH	Rs#99-268-DSB	Other	Balance
Economic Development	$7,551,522	$1,887,079	$4.298,877.59	$1,365,565.41
Education	1,222,845	422,845	695,993.60	104,006.40
Social Welfare	3,656,191	1,403,148	1,696.710.39	556,332.61
Other	1,569,442	219,442	1,326,178.06	23,821.94
TOTAL	$14,000,000	$3,932,514	$8,017,759.64	$2,049,726.36

Thank you.

CATEGORIES	A JTAC DRAW PLAN #99-234-JPH	B FY 2000 BUDGET #99-268-DSB	C OTHER ALLOCATIONS	A-B-C REMAINING BALANCE	Aug 3 Plan	BAL
ECONOMIC DEVELOPMENT	7,551,522	1,887,079	3,526,080	2,138,363	773,797.00	1365,566.00
EDUCATION	1,222,845	422,845	567,194	232,806	128,800.00	104,006.00
SOCIAL WELFARE	3,656,191	1,403,148	1,396,178	856,865	300,532.00	556,333.00
OTHER	1,569,442	219,442	1,097,201	252,799	229,577.00	23,222.00
TOTAL	14,000,000	3,932,514	6,586,653	3,480,833	1,431,106.00	2,049,727.00

GENERAL _ UND FY2000 & JTAC #99-_34-JPH		
JTAC DRAW FY2000; $14,000,0000	#99-234-JPH	FY 2000 BUD
ECONOMIC DEVELOPMENT;$7,551,522		
Competive Pool	$ 1,464,443	
Indirect Cost Programs FY-2000 - Exhibit A	$ -	
Tribal Programs FY-2000 General Fund Budget-Exhibit B	$ -	
Tribal Enterprises FY-2000 General Fund Budget-Exhibit C		$ 557,442
Loans to Debt Service FY-2000 General Fund Budget-Exhibit E		$ 1,200,000
Federal Programs FY-2000 General Fund Budget-Exhibit F		$ 129,637
ED Department	$ 750,000	
Tourism Department	$ 500,000	
Film Department	$ 200,000	
Agriculture Department	$ 1,000,000	
Central Planning Department	$ 750,000	
Roads Department	$ 500,000	
Law Enforcement	$ 500,000	
TOTAL ECONOMIC DEVELOPMENT	$ 5,664,443	$ 1,887,079
EDUCATION; $1,222,845		
Competive Pool	$ 800,000	
Indirect Cost Programs FY-2000 - Exhibit A		
Tribal Programs FY-2000 General Fund Budget-Exhibit B	$ -	
Tribal Enterprises FY-2000 General Fund Budget-Exhibit C		$ 264,802
Loans to Debt Service FY-2000 General Fund Budget-Exhibit E		$ 96,043
Federal Programs FY-2000 General Fund Budget-Exhibit F		$ 62,000
TOTAL EDUCATION	$ 800,000	$ 422,845
SOCIAL WELFARE; $3,656,191		
Competive Pool	$ 153,043	
Indirect Cost Programs FY-2000 - Exhibit A		
Tribal Programs FY-2000 General Fund Budget-Exhibit B		$ 261,704
Tribal Enterprises FY-2000 General Fund Budget-Exhibit C		$ 410,217
Loans to Debt Service FY-2000 General Fund Budget-Exhibit E	$ -	
Federal Programs FY-2000 General Fund Budget-Exhibit F		$ 731,227
Health Facility	$ 500,000	
Elder Program	$ 1,000,000	
Health Director	$ 200,000	
Drug & Addiction Detox	$ 400,000	
TOTAL SOCIAL WELFARE	$ 2,253,043	$ 1,403,148
OTHER PROGRAMS; $1,569,442		
Competive Pool	$ 750,000	
Indirect Cost Programs FY-2000 - Exhibit A		
Tribal Programs FY-2000 General Fund Budget-Exhibit B		$ 157,778
Tribal Enterprises FY-2000 General Fund Budget-Exhibit C		$ 15,000
Loans to Debt Service FY-2000 General Fund Budget-Exhibit E		
Federal Programs FY-2000 General Fund Budget-Exhibit F		$ 46,664
MIS Department	$ 100,000	
North Segment CDBG Facility	$ 500,000	
TOTAL OTHER PROGRAMS	$ 1,350,000	$ 219,442
TOTAL DRAW & 4 ARES OF JTAC OBLIGATION	$ 10,067,486	$ 3,932,514

MANDAN, HIDATSA, & ARIKARA NATION
Three Affiliated Tribes • Fort Berthold Indian Reservation
HC3 Box 2 • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL
(701) 627-4781
Fax (701) 627-3805

To: Dean Webb
OTFM
AAO

Date: 02 August 00

From: Marcus Wells, Sr., Financial Advisor
Three Affiliated Tribes

Re: Status of $14M JTAC Draws
per Reso# 99-234-JPH

Here's a list of the draws that have been approved, and the remaining balance.

1st draw, Our #00-03 dated 12/17/99, Received 12/21/99 -	$ 3,672,500.00
2nd draw, Our #00-05 dated 02/11/00, Received 02/18/00 -	2,129,342.00
3rd draw, Our #00-06 dated 04/07/00, Received 04/20/00	2,500,000.00
4th draw, Our #00-10 dated 06/26/00, Received 07/11/00	2,217,325.00
5th draw, Our #00-10 dated 08/02/00, pending	1,431,106.64
TOTAL DRAWS	$11,950,273.64

Which leaves us with a balance of $ 2,049,726.36 to draw.

File

ABERDEEN → FT BERTHOLD 001

Standard Form 1034
Revised January 1980
Department of the Treasury
I TFRM 4-2000

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO. 00-13

SCHEDULE NO.

PAID BY

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
FORT BERTHOLD AGENCY

DATE VOUCHER PREPARED: SEPTEMBER 01, 2000

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

PAYEE'S NAME AND ADDRESS
THREE AFFILIATED TRIBES
COMMUNITY FIRST NATIONAL BANK
DICKINSON, NORTH DAKOTA
ABA 091300489
ACCT NO: 6423700734 THREE AFFILIATED TRIBES
(CHECKING)

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM | TO | WEIGHT | GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (1)
		WITHDRAWL OF JTAC FUNDS PER RESOLUTION #99-234-JFH AND APPROVED BUDGET, PER APPROVED JTAC PLAN BY CORA L. JONES TEX G. HALL, TAT CHAIRMAN DATE				$2,049,727.00

(Use continuation sheet(s) if necessary) (Payee must NOT use the space below) TOTAL $2,049,727.00

PAYMENT: ☐ PROVISIONAL ☐ COMPLETE ☐ PARTIAL ☐ FINAL ☐ PROGRESS ☐ ADVANCE

APPROVED FOR =$

EXCHANGE RATE =$1.00

DIFFERENCES

BY [2]

TITLE Area Superintendent

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

9-2-00 (Date) (Authorized Certifying Officer)[2] Certifying Officer (Title)

ACCOUNTING CLASSIFICATION

EC5197016 Income Cash $2,049,727.00

PAID BY

CHECK NUMBER ON ACCOUNT OF U.S. TREASURY | CHECK NUMBER ON (Name of bank)

CASH $ DATE | PAYEE [3]

PER

TITLE

[1] When stated in foreign currency, insert name of currency.
[2] If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
[3] When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

Previous edition usable 1034-111 NSN 7540-00-900-2234

PRIVACY ACT STATEMENT
The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

MANDAN, HIDATSA, & ARIKARA NATION
Three Affiliated Tribes • Fort Berthold Indian Reservation
HC3 Box 2 • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL
701-627-4781
Fax 701-627-3805

Bureau of Indian Affairs
Office of Trust Management
Attn: Dean Webb
115 Fourth Ave., SE
Aberdeen SD 57401

09-01-00

Dear Mr. Webb:

This is how the JTAC, $2, 049,727.00 drawdown will be allocated:

Economic Development	$1,365,566.00
Education	104,006.00
Social Welfare	~~566,333.00~~ 556,333.00
Other	23,822.00

If we can be of further assistance for any other questions, you may have, please

Call 701-627-4785.

Sincerely:

Myron A. Foote

Myron A Foote, Comptroller
Three Affiliated Tribes

Resolution #00-365-DSB

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

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes (the "Tribe") generally 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, The Joint Tribal Advisory Committee (JTAC) issued a report in 1986 noting that the Three Affiliated Tribes and the Standing Rock Sioux Tribe were owed additional compensation for the loss of their homelands as a result of the construction of dams along the Missouri River in the 1950's; and

WHEREAS, In 1992, Congress passed the Equitable Compensation Act of the Three Affiliated Tribes and the Standing Rock Sioux Tribe (the "Act"), Title XXXV of P.L. 102-575, 106 Stat. 4731, which established a separate Economic Recovery Fund in the U.S. Treasury for both the Three Affiliated Tribes and the Standing Rock Sioux Tribe and their members; and

WHEREAS, Since October 1, 1997, the Three Affiliated Tribes have been eligible to receive interest earned on the Economic Recovery Fund created for them under the Act, which now contains approximately $149.9 million plus the interest earned and not otherwise already requested and used by the Tribe; and

WHEREAS, Under the Act, the interest earned on the Economic Recovery Fund may be used by the Tribe for economic development, social welfare, education and other programs; and

WHEREAS, Before the Secretary of the U.S. Department of Interior can disburse any or all of the available interest earned on the Economic Recovery Fund o the Tribe, he must determine that the manner in which the Tribe is proposing to expend the funds is consistent with the purposes for expenditure permitted by the Act; and

WHEREAS, After extensive consultation with Tribal members, the work of a special advisory "JTAC" Committee, full discussion by the Tribal Business Council and input about how the interest funds now available to the Tribe under the Act should be used, the Tribal Business Council has developed a comprehensive "JTAC" plan, which authorizes expenditures from the fund annually in a broad variety of program areas, all of which the Tribe believes are allowed expenditures under the Act, as attached hereto;

WHEREAS, The Plan as prepared will assist the Tribe to satisfy the desires of its members that the interest on the Economic Recovery Fund will be spent fairly and for the benefit of the Tribe and its members, and is prepared in such a way that it will very likely receive the approval of the Secretary as provided by the Act; and

WHEREAS, The Tribal Business Council has taken previous action by formal motion at a special meeting on December 2, 1999, to approve the General Plan for expenditure of JTAC funds

as attached hereto, and further has acted upon that motion in preparing budgets for FY 2000 by passing Resolution No. 99-234-JPH which stated how $14 million would be allocated that the Tribe requested the Secretary to pay to the Tribe from the interest earned from the Economic Recovery Fund, and has further prepared a budget for FY 2001 based on the General Plan attached hereto, and now wishes to obtain approval of the General Plan from the Secretary of Interior to allow the Tribe to draw down interest funds available from the Economic Recovery Fund in Fiscal Year 2001 and beyond;

NOW, THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby approves the General Plan as attached hereto for expenditure in future years of the interest earned on the Economic Recovery Fund created by the Equitable Compensation Act of the Three Affiliated Tribes and the Standing Rock Sioux Tribe (the "Act"), Title XXXV of P.L. 102-575, 106 Stat. 4731 passed by Congress in 1992; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby authorizes the Chairman, Vice-Chairman or the Treasurer of the Tribe to take any and all actions and to execute any and all documents as may be necessary to obtain approval from the Secretary of the U.S. Department of Interior for the "JTAC Plan" as attached hereto.

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, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 12th day of October, 2000; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 1 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 12th day of October, 2000.

COPY

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

Chairman, Tribal Business Council

bal Government Services
304

JAN 12 2001

RECEIVED
JAN 16 2001
GREAT PLAINS REGIONAL OFFICE
OFFICE OF TRUST FUNDS MANAGEMENT

Honorable Tex G. Hall
Chairman, Three Affiliated Tribes
Business Council
HC 3, Box 2
New Town, North Dakota 58763

Dear Chairman Hall:

Under the provisions of the Act of October 30, 1992, Pub. L. 102-575 (Act), the Three Affiliated Tribes (Tribes) Business Council (Council) adopted Resolution 00-365-DSB. Attached to the resolution is the general plan entitled Three Affiliated Tribes Economic Recovery Fund Proposal (Plan) for use of the Tribes' funds under the Act.

The funds or programs are identified in the "Acceptable Uses Matrix" of the Plan. The Plan also includes an Investment Fund feature. Under the delegated authority of 209 DM 8, Secretary's Order Nos. 3150 and 3177, as amended, and 3 IAM 4.4, this is to issue our approval of the Plan. Any changes to the Plan will also be subject to our approval.

With this approval of the Plan, the matter of Council's request in Resolution 00-366-DSB for withdrawal of up to $30 million in earned interest from the Economic Recovery Fund created by the Act, for placement in a private investment account, is now before the Special Trustee, Office of Trust Funds Management, for consideration. To assist the Special Trustee in determining the amount of funds presently available for withdrawal, please provide him the information requested in our December 15, 2000, letter to you.

We wish the Tribes every success with the projects and programs under this Plan.

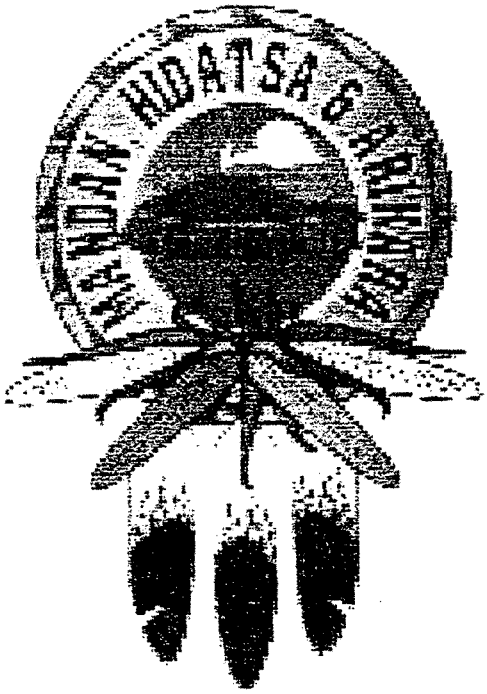
Sincerely,

(SGD) CORA L. JONES
Cora L. Jones
Regional Director

cc: Financial Trust Services officer, MC-500,
Superintendent, Fort Berthold Agency
Economic Development Specialist, MC-305
Director, Div. of Tribal Government Services

Three Affiliated Tribes

Economic Recovery Fund Proposal



Presented to:
U.S Department of Interior

Three Affiliated Tribes
Economic Recovery Fund Proposal

Overview

The purpose of this plan is to provide the procedures for accessing funds as they become available as a result of the JTAC reparations settlement to the Three Affiliated Tribes creating a Tribal Economic Recovery Fund as awarded by congress in 1992 as a result of P.L. 102-575. Section 3504 (b) of P.L. 102-575 directs that "only the interest on the monies in such fund shall be available and is hereby appropriated, for use by the Secretary of the Interior in making payments to the Three Affiliated tribes for use for educational, social welfare, economic development, and other programs, subject to the approval of the Secretary". This plan details the methods to access the funds and the requirements of application to be considered by various entities/individuals.

Definitions

For the purposes of this plan the following classifications of funds are:

(a). 1st Generation funds - this classification covers the original endowment of $149.9 Million as approved and appropriated by congress. This funding classification may not be accessed and shall remain on deposit with the U.S. Department of the Treasury.

(b) 2nd Generation funds - this classification of funds covers all interest earned on the 1st generation funds. This class of funds is the primary subject of this plan and is made available to the Tribe on an annual basis via the Department of the Interior. The annual amount of funds available shall depend upon the prevailing rate of interest provided by the applicable investment securities over that previous year. These funds are restricted in their usage as mandated by congress and shall be utilized in strict accordance with this Access Plan.

(c) 3rd Generation funds - this classification of funds covers all interest accrued from investments of or security deposits of any and all 2nd generation funds. Such funds shall be deposited to accounts designated by the Tribe or as designated by the respective fund, plan, or proposal.

(d) Leverage. All funds accessed will be leveraged at a minimum of 1:1. Leverage is defined as using the ERF funds to attract funds from other sources of funding, thereby "pooling" multiple sources of funding to achieve the amount needed for the project.

(e) Sustainability. All applications to the funds shall incorporate as a facet of the plan provisions for or assurances of the long-term sustainability of the project. Sustainability is defined as the ability of the project to provide the necessary elements to maintain the long term operation and development of the project.

(f) Needs Based. All applications for projects to the funds will be needs based and demonstrate the documented need for said project.

(g) Part of a greater plan/vision. All projects/applications shall, in essence, be components of, or at a minimum, lead to the attainment of a long-term strategic plan which conforms to the goals and objectives of the Tribe.

Authority

The Three Affiliated Tribes Tribal Business Council is ultimately responsible for the ERF funds. In that capacity the four standing committees of, Education, Health and Human Resources, Natural Resources, and Executive committees shall be responsible for creating a strategic plan and direction for each funding area based on the needs to be addressed by each funding area (see Acceptable Uses Matrix). Annually at a minimum, or as necessary, each strategic plan and direction shall be reviewed and or modified.

- The Education Committee shall maintain responsibility for the Education area strategic plan and direction.
- The Health and Human Resources Committee shall maintain responsibility for the Social Welfare area strategic plan and direction.
- The Natural Resources Committee shall maintain responsibility for the Other Programs area strategic plan and direction.
- The Executive Committee shall maintain responsibility for the Economic Development area strategic plan and direction.

The basic tenets of the funds are as follows:

1. The amount of funds allocated to each ERF fund shall be established annually by the Tribal Business Council.
2. The required funding leverage match can come from any source.
3. The Tribe will adhere to the Tribal Uniform Commercial Code.

The respective program Manager/Analyst and their staff responsible for that funding shall administer the operational procedures of the funding. Each administrator shall be responsible at a minimum, to maintain the appropriate documentation to clearly establish goals and objectives of funding. Funding administrators shall clearly establish and communicate the application process of the Funding, qualify and present applications for action, maintain investment records and interim and final reports, compile and present funding statistical information to the Tribal Council.

Accountability
The Three Affiliated Tribes will create an Office of ERF Oversight that will ensure strict accountability in the administration of the funds entrusted to the various funds created.

The minimum qualifications for the Office of ERF Oversight shall be that the office holder(s) shall have a demonstrated broad financial management background.

The Office of ERF Oversight shall ensure that annual financial audits of each fund created are performed. The Office of ERF Oversight shall bring criminal and civil charges as necessary to ensure the full financial accountability of each fund.

The Three Affiliated Tribes shall create an ERF Business Advisory Board comprised of individuals that have extensive demonstrated expertise in the areas of Finance, Planning, Management, or Administration. ERF Business Advisory Board will be required to concur with the funding recommendations of the Office of ERF Oversight in order to fund projects and proposals, and to provide assistance in the operations of the respective funds. None of the members may be Elected Officials of the Tribe nor employed by the Tribe in an executive or director capacity.

Procedure
All applications for funding shall conform to and enhance the long term planning efforts of the District, Department, or Institution applying to the fund. All applications shall conform to the requisite leverage requirements as established. The respective funding administrators shall establish funding application windows. These application "windows" shall be announced a minimum of 3 months in advance of the application deadline.

Technical Assistance
The Tribe shall provide technical assistance to all prospective applicants. In the event the required expertise/experts are not available locally, it shall be the responsibility of the Tribe to acquire that assistance on behalf of the proposed applicant.

Economic Recovery Fund long-term vision and needs
As a result of a reservation-wide needs assessment, the following vision and needs are established for priority for funding. All projects applying for funding that are in concert with attaining this vision and meeting these needs shall receive priority. An initial prioritization is established as follows. The vision and needs shall be reassessed annually at a minimum.

Reservation-wide Vision

1. Our Healthcare systems (hospital, doctors, clinics, services, etc.) are providing excellent quality care and services.
2. Our educational systems are excellent. Our high school drop out rate is very low and many people are going to Ft. Berthold Community College and other colleges.
3. Our unemployment rate is under 10% and higher paying jobs are available for people who want to work.
4. Our Elderly and Disabled are well cared for.
5. Our reservation is still intact and we have a strong tribal government system that provides excellent leadership to our members.
6. I own my own home.
7. Our culture/heritage has been preserved (language, history, arts, etc.) and continues to be the most important part of the Tribe.
8. Our communities are self-supporting and they are a good place to live and raise our families.
9. Our reservation no longer has a drug/alcohol abuse problem.
10. We have many new tribal member-owned businesses and services available for shopping and things we need.
11. My community is a safe place with a low crime rate and good public safety services.
12. The welfare programs have been reduced and people are much more self-sufficient.
13. I am very comfortable where I live and doing well economically.

Areas of need

1. Health Care Services
2. Economic Development
3. Housing Programs and Support
4. Better Planning for our community future
5. Education programs for all ages
6. Infrastructure (roads, utilities, lights)
7. Expand our community center and facility
8. Sovereignty, jurisdiction treaty rights protection and self governance
9. Social Services for all ages
10. Culture programs for my community

Three Affiliated Tribes – Economic Recovery Fund Proposal

Economic Development Needs

1. Develop Long-term Economic Development Plan
2. Loan programs for Housing renovations - Private Homes
3. Jobs Development and support programs for individuals seeking employment
4. Develop Savings and Investment programs that benefit Tribal members
5. Private enterprise development (creation of small cottage businesses)
6. Land use resources and Land use planning
7. Minerals development programs
8. Tribally owned enterprise development
9. Bank - Tribally owned/managed
10. Casino development and expansion
11. Tourism programs for tribe and individuals
12. Continue to develop the Buffalo Project

*** Cattle Re-lending program

*** Technical Assistance support to help in the development of business

*** Asked only on the OFF RESERVATION Survey

Social Welfare Needs

1. Health Care Services
2. Housing Services - More Homes needed
3. Youth Programs
4. Health Care for Elderly
5. Law and Order systems for community
6. Burial Plan for Tribal members
7. Comprehensive Mental health programs
8. Services for victims of child abuse/neglect
9. Housing Services - Renovation programs
10. Daycare Programs
11. Independent Assisted living for Elderly
12. Strengthen Food Services for Needy and Elderly
13. Welfare Reform Programs
14. Health and Fitness Center
15. Handicap Services
16. Centralized Jail in New Town

Education Needs

1. Educational Scholarships (grants)
2. Education programs in our schools
3. Native language and tribal culture
4. Education loans for students
5. Special education needs for all ages
6. Early childhood education programs for children/families
7. Vocational programs (age 16 to adult)
8. Support for Ft. Berthold College
9. Tribal School
10. Adult Education (GED), Basic Skills
11. Health Education Awareness/prevention
12. Tribal education plan and education codes
13. Fine arts program for young and old
14. Tribal language immersion schools

Other Needs

1. Emergency Services/Facilities (Police, fire, ambulance)
2. Infrastructure Support (water sewer, utilities, lights)
3. Funeral Services Support and Cemetery Maintenance
4. Road Improvement and Maintenance
5. Legal Aid Lawyers to aid tribal members
6. Individual water systems need to be improved
7. Land purchase to increase Tribal land base
8. Community improvement programs in my district
9. Public Transportation System
10. Communications and technology enhancement system
11. Community building for my district
12. Tribal museum and programs to preserve history/culture
13. Veterans program support
14. Tribal archives/document (place to keep tribal records)
15. Libraries for all community members

Economic Recovery Fund Financial Parameters

1. Legislative Guidelines – Public Law 102-575 – Oct. 30, 1992 (see Tab VIII, Appendix A)
   A. Section 3504. Funds. Subsection (4) The Secretary of the Treasury shall deposit the interest which accrues on deposits to the Three Affiliated Tribes Economic Recovery Fund in a separate account in the Treasury of the United States. Such interest shall be available, without fiscal year limitation, for use by the Secretary of the Interior, commencing with fiscal year 1998, and each fiscal year thereafter, in making payments to the Three Affiliated tribes for use for educational, social welfare, economic development, and other programs, subject to the approval of the Secretary. No part of the principal of the Three Affiliated Tribes Economic Recovery Fund shall be available for making such payments.
   B. Section 3505. Eligibility for other Services not affected. No payments pursuant to this title shall result in the reduction, or the denial, of any Federal services or programs that the Three Affiliated Tribes or the Standing Rock Sioux Tribe, or any of their members, are otherwise entitled to, or eligible for, because of their status as a federally recognized Indian tribe or member pursuant to Federal Law. No payments pursuant to this title shall be subject to Federal or State income tax, or affect Pick-Sloan Missouri River Basin lower rates in any way.
   C. Section 3506 Per Capita payments prohibited. No part of any moneys in any fund under this title shall be distributed to any member of the Three Affiliated Tribes or the Standing Rock Sioux Tribe on a per capita basis.
2. Other financial Parameters for Economic Recovery Fund programs: In addition to the regulations specified in the Equitable Compensation Act, the following guidelines that will be incorporated into all programs and services that are provided financial support through the Economic recovery Fund include, but are not limited, to:
   A. Economic Recovery funds must be used for projects designed to strengthen the economic recovery of members of the Three Affiliated Tribes. Funding will go to projects with greatest impact for tribal membership (i.e. scholarships, tribal language, land purchase, and projects which will leverage funding from other sources).
   B. Economic Recovery fund programs cannot supplant any existing resources (federal, tribal, county, state, city, etc.) that currently or traditionally have supported services to the Tribal members, reservation, or the communities; particularly financial support that is obligated by Federal/State legislation and treaty obligations (i.e. health care, trust responsibilities, land resources, and others). (See limits outlined in Section 3505 of the Legislation)
   C. Economic Recovery funds directed for specific programs/services should not cause that particular service/program to reduce its normal financial support to the Tribal members and the reservation community (i.e. social services for children, families, elderly, handicapped, etc.).
   D. Accountability of all expenditures shall be ensured by:
      a. All personnel who are responsible for the financial management of Economic Recovery funds shall be bonded and have training and skill in financial management. Appropriate insurance services shall be secured to protect property and personnel as outlined by the ERF administration and approved by the ERF Board of Directors (i.e. property insurance, errors and omissions, liability, etc.).
      b. A yearly audit, performed under the authority of this plan and results will be made available to all Tribal members for review and will be included in the yearly oversight report to the people of the Three Affiliated Tribes.
      c. The evaluation/monitoring processes will be implemented yearly by the staff.
      d. Bonds will be required on all contracts using Economic Recovery funds.
   E. All personnel hired by Economic Recovery Fund programs shall have fringe benefits.
   F. Qualified tribal enrolled members shall have preference in hiring for Economic Recovery Fund positions.

Investment Fund
The Investment Fund shall be invested, as directed by the Tribe, to preserve the real value of the JTAC Funds against the impact of inflation and to become the embodiment of the Tribes long-term investment strategy.

- The investment practices utilized shall be clearly identified in an objectives and policy plan (Investment Plan). This plan shall outline as a minimum the following: Investment objectives, Investment policies, Evaluation and Review procedures and policies, Plan revision policies.

- The Investment Fund will utilize a combination of investment options to realize a minimum return that exceeds the maximum Government Security Rate of Return.

A. Statement of Investment Objectives and Policy for the Three Affiliated Tribes

I. Introduction
The purpose of this statement is to express the objectives of the fund and to establish its investment policies.

II. Investment Objectives
The principal investment objectives of the fund are to invest in assets in a manner which:
A. Provides safeguards and diversity to which a prudent investor would adhere.
B. All transactions must be in the sole interest of the Three Affiliated Tribes.
C. Provides for income for those accounts with the objective of income.
D. Provides for growth of capital for those accounts with the objective of growth.
E. Consistent year to year results is preferred to large fluctuation in return.

III. Investment Policies
A. **General**
1. Assets must be invested in compliance with the objectives of each account.
2. Appropriate due diligence will be conducted prior to entering into agreements with brokers or like investment entities as well as prior to making particular investments in specific securities.
3. Only 2nd and 3rd generation JTAC funds will be invested under the Investment Fund.
4. Prohibited investments shall include:
   - unrecognized or restricted stock
   - the use of foreign headquartered corporations
   - commodities including futures contracts
   - stock or index options
   - margin buying
   - short-selling
   - initial public offerings of stock

B. **Fixed Income Investments**
1. Fixed income securities may include US Treasury obligations, obligations of government sponsored enterprises, Federal Agency obligations, corporate bonds, and commercial paper and commercial bank certificates of deposit (CD's).
2. Fixed income securities are to be selected and managed so as to assure appropriate balance of quality, maturity and coupon rate consistent with current money market and economic conditions.
3. All investments in bonds that are not U.S. Government or agency issues must be rated with the three highest ratings of the bond rating services.

C. **Equity Securities**
   1. Equity securities are defined as common stocks of companies.
   2. Equity securities are to be selected in accordance with the criteria to be determined by the Three Affiliated Tribes and the investment advisor.
   3. Investing in equity securities is limited to 10% of the total portfolio subject to Tribal Business Council approval/directive.
   4. Funds available for equity securities may temporality be invested in short-term US Treasury bills, short-term obligations of government sponsored enterprises, Federal Agencies, commercial paper and commercial bank Certificates of Deposit.

D. **Cash Equivalents**
   Cash equivalents may include US Treasury Bills, short-term obligation of government sponsored enterprises, commercial paper, commercial bank Certificates of Deposit and money market accounts.

E. **Diversification**
   1. The asset mix of fixed income investments, equity investments and cash equivalents will be established based on each account's objective.
   2. For accounts that are utilizing federal funds, diversification can be made according to the investing of federal funds guidelines.

IV. Evaluation and Review
   A. It is expected that the financial consultant will meet with the Tribal Business Council at least semi-annually.
   B. It is expected that the financial consultant will report to the Tribal Treasurer at least monthly. Performance results, portfolio listing and valuations, and transaction summaries should be provided monthly.
   C. Any significant changes in the market value of the investments should be communicated to the Tribal Business Council.

V. Revisions
   A. The Three Affiliated Tribes', Tribal Business Council may make changes in this statement from time to time. It shall be the responsibility of the Tribal Treasurer to communicate such revisions, in writing, to the financial consultant immediately.

Three Affiliated Tribes – Economic Recovery Fund Proposal

Three Affiliated Tribes Economic Recovery Fund Acceptable Uses Matrix		
Education (Strategic Plan & Direction – Education Committee)	Schools	Preschool Elementary/Secondary Post-Secondary Continuing Education Literacy Leadership
	Training	Entrepreneurship Training Vocational Education Job Training/Retention
	Programming	Planning Facilities
	Language & Culture	Immersion Preservation
Social (Strategic Plan & Direction – Health & Human Resources Committee)	Health & Human Service	Elder Health Mental Health Health Care Child Care Low Income Services Special Needs Services
	Housing	Private/Public Subsidized/non-subsidized Elderly/Congregate Single Family Multi Family
	Law & Order	Courts Enforcement Codes
Economic Development (Strategic Plan & Direction – Executive Committee)	Jobs Development	Creation Expansion Unemployment Underemployment
	Planning	Recruitment Retention/Expansion Start-up
	Finance	Investment Availability Cost
	Business Development	Private Public
	Community Development	Roads/Highways/Bridges Rail Transportation Air Transportation Utilities Public Facilities Public Transportation
Other (Strategic Plan & Direction – Natural Resources Committee)	Community Amenities	Cultural Recreational
	Environmental	Water Quality Waste Management Air Quality Land Management

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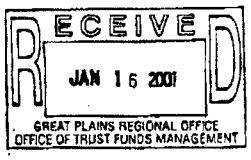
JAN 12 2001



Honorable Tex G. Hall
Chairman, Three Affiliated Tribes
Business Council
HC 3, Box 2
New Town, North Dakota 58763

Dear Chairman Hall:

Under the provisions of the Act of October 30, 1992, Pub. L. 102-575 (Act), the Three Affiliated Tribes (Tribes) Business Council (Council) adopted Resolution 00-365-DSB. Attached to the resolution is the general plan entitled Three Affiliated Tribes Economic Recovery Fund Proposal (Plan) for use of the Tribes' funds under the Act.

The funds or programs are identified in the "Acceptable Uses Matrix" of the Plan. The Plan also includes an Investment Fund feature. Under the delegated authority of 209 DM 8, Secretary's Order Nos. 3150 and 3177, as amended, and 3 IAM 4.4, this is to issue our approval of the Plan. Any changes to the Plan will also be subject to our approval.

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We wish the Tribes every success with the projects and programs under this Plan.

Sincerely,

(SGD) CORA L. JONES
Cora L. Jones
Regional Director

cc: Financial Trust Services officer, MC-500,
Superintendent, Fort Berthold Agency
Economic Development Specialist, MC-305
Director, Div. of Tribal Government Services

Resolution #00-366-DSB

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

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally 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, Since October 1, 1997, the Three Affiliated Tribes have been eligible to receive interest earned on the Economic Recovery Fund created for them under the Act, which now contains approximately $149.9 million plus the interest earned and not otherwise already requested and used by the Tribe; and

WHEREAS, Under the Act, the interest earned on the Economic Recovery Fund may be used by the Tribe for economic development, social welfare, education and other programs; and

WHEREAS, Before the Secretary of the U.S. Department of Interior can disburse any or all of the available interest earned on the Economic Recovery Fund to the Tribe, he must determine that the manner in which the Tribe is proposing to expend the funds is consistent with the purposes for expenditure permitted by the Act; and

WHEREAS, The Tribal Business Council has, by Resolution No. 00-365-DSB approved a General Plan for expending the interest earned from the Economic Recovery Fund which includes a provision for an Investment Fund whose purpose is to "preserve the real value of the JTAC Funds against the impact of inflation and to become the embodiment of the Tribes' long term investment strategy."; and

WHEREAS, The Tribal Business Council, has, by a formal motion at a previous duly called and convened Tribal Business Council meeting, approved the investment of up to $30,000,000 of interest earned from the Economic Recovery Fund in a permanent endowment fund for the benefit of the Tribe, the interest from which will be used, in part, to provide for various Tribal programs for the benefit of all Tribal members; and

WHEREAS, On the 15th day of February, 2000, the Secretary of the Tribal Business Council issued formal notice of a previously-authorized referendum election, wherein the Tribal Business Council presented to the eligible voters of the Three Affiliated Tribes the issue to be voted on in the prospective election, to-wit: whether the Tribal government should invest twenty-five percent (25%) or fifty percent (50%) of the income earned each year from the Economic Recovery Fund created by the

Equitable Compensation Act in the approved permanent endowment fund to be professionally managed on behalf of the Tribes; and

WHEREAS, On the 20th day of March, 2000, the Tribal Business Council, via Resolution #00-106- DSB, declared that, in conformity with Part II, Section 6 of the Referendum Election Procedures of the Three Affiliated Tribes, if valid ballots were cast in the April 18, 2000 Extended Special Referendum Election (extended from March 28) by at least thirty percent (30%) of the total number of duly registered voters, the results of the election would be binding on the incumbent Tribal Business Council and successor Councils, and that no change in the investment in the permanent endowment fund could be made, unless changed by the Tribal voters in a subsequent referendum election; and

WHEREAS, On the 18th day of April, 2000, the Tribal Election Board formally certified the results and validity of the April 18th Special Referendum Election, to-wit: 124 votes in favor of investing 50% and 81 votes in favor of investing 25% of the annual income earned from the Economic Recovery Fund in the permanent endowment fund created by the initial investment of the $30 million previously approved by the Tribal Business Council; and

WHEREAS, The Tribal Business Council has pledged, by completion of an Assignment of Income form, a portion of interest funds earned from the Economic Recovery Fund as collateral on certain loans obtained through and from Miller & Schroeder Financial Co. for the purposes of the expansion of the 4 Bears Casino and Lodge and for the construction and start-up of the Twin Buttes Custom Home modular home building plant located in Twin Buttes; and

WHEREAS, In Resolution No. 00-301-DSB, the Tribal Business Council has approved the formation of two private accounts of up to $15,000,000 apiece to be managed by reputable investment firms;

NOW, THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby resolves to request approval of the Secretary of the U.S. Department of Interior for a withdrawal of up to $30,000,000 in interest earned from the Economic Recovery Fund created by the Equitable Compensation Act of the Three Affiliated Tribes and the Standing Rock Sioux Tribe (the "Act"), Title XXXV of P.L. 102-575, 106 Stat. 4731, for placement in a private investment account in accordance with the investment plan contained in the General Plan for expenditure of the JTAC Funds as approved in Resolution No. 00-365-DSB, it being understood that this withdrawal fits within the general category of "other programs" allowed by the Equitable Compensation Act, and it being also understood that such withdrawal will not be made in violation of any existing Assignment of Trust Income affecting the interested earned from the Economic Recovery Fund; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby authorizes the Chairman, Vice-Chairman and the Treasurer of the Tribe to execute any and all documents and to take any and all actions as may be necessary to obtain approval from any necessary agencies of the Federal government to withdraw an amount up to the amount stated above for the purpose of placing such funds in a long-term investment endowment fund for the benefit of the Tribe and its members.

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, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 12th day of October, 2000; 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.

Dated this 12th day of October, 2000.

COPY

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

Chairman, Tribal Business Council

Resolution #00-391-DSB

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

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the best interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Since October 1, 1997, the Tribe has been eligible to receive interest from the Economic Recovery Fund created by Congress under the Equitable Compensation Act of the Three Affiliated Tribes and the Standing Rock Sioux Tribe (the "Act"), Title XXXV of P.L. 102-575, 106 Stat. 4731, for the benefit of the Three Affiliated Tribes and its members; and

WHEREAS, In order to receive such interest funds, or a portion thereof, the Tribe must gain approval from the Secretary of the U.S. Department of Interior for its proposed expenditures of the funds so that the Secretary may make a payment, or payments, to the Tribe from the interest funds derived from investment of the Economic Recovery Fund Created by the Act; and

WHEREAS, It is now the desire of the Tribal Business Council to submit the attached proposal expenditures of portion of the interest funds derived from the Act, in the amount of $12,500,000, for approval by the U.S. Secretary of Interior or his duly authorized representative; and

WHEREAS, The tribe may from time to time during Fiscal Year 2001 wish to shift budget items from one category of expenditures listed in the attached chart and allowed under the Act to another category of expenditures that are allowed under the Act whether or not the expenditures are listed in the attached chart, so long as the shift in expenditures complies with the General Plan for expenditure of the funds derived from interest earned on the Economic Recovery Fund approved in Resolution No. 00-366-DSB and

Resolution #00-391-DSB

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby reserves the right to shift budget items listed in the attached chart of planned expenditures and which are allowed under the Act to another category of expenditures allowed under the Act, whether or not listed in the attached chart of expenditures, so long as the shift in expenditures complies with the General Plan for expenditure of the funds derived from interest earned on the Economic Recovery Fund approved in Resolution No. 00-366-DSB

NOW, THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby resolves to submit the attached proposal for expenditure of a portion of the interest funds derived from the investment of the Economic Recovery Fund created by the Act in the amount of $12.500,000, for approval as soon as possible by the U.S. Secretary of Interior, or to his duly authorized representative; and

NOW, THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby authorizes the Chairman and the Treasurer of the Tribe to execute any and all documents and to make any and all actions necessary to allow the attached proposal for the expenditure of the interest funds derived from the investment of the Economic Recovery Fund created by the Act, in the amount of $12,500,000, to be approved by the Secretary of the Department of the Interior as soon as possible; and

NOW, THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby determines that all uses of the funds as outlined in the attached proposal are within the normal understanding of the uses of the funds as authorized in the Act; and

NOW, THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby reserves the right to amend, by a duly enacted Resolution, the attached proposal for the expenditure of interest funds derived from the investment of the Economic Recovery Fund created by the Act, with the understanding that such amended proposal must be submitted for approval to the Secretary of the Department of Interior.

Resolution #00-391-DSB

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, 6 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 2nd day of November 2000; 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 said Resolution has not been rescinded or amended in any way.

Dated this 2nd day of November, 2000.

CHAIRMAN (X)VOTING ( )NOT VOTING

COPY

Dayton Spotted Bear
Secretary, Tribal Business Council

Attest:

Mark N. Hall
Chairman, Tribal Business Council

Draw of interest Funds from Three Affiliated Tribes Economic Recovery Fund
Created by Three Affiliated Tribes and Standing Rock Sioux Tribe
Equitable Compensation Act
Title XXXV, P.L. 102-575

Total Draw Requested:$12,500,000,00

To be used in the following categories and in accordance with the attached plan:

Education:	**$1,516,678,00**
Social Welfare:	**$5,260,000,00**
Economic Development:	**$2,766,000,00**
Other:	**$2,957,322,00**

JTAC DRAW FY-2001

Tribal Resolution #00-391-DSB	12,500,000		
Education	**1,516,678**	**Other Programs**	2,957
Competitive Pool	-	Competitive Pool	651,
Education Grants	575,000	Detox	400,
477 Youth Educ. Resources	165,000	Tourism	50,
Transportation Grants	50,000	Film	100,
Head Start Budget Request	269,678	Ag. Dept	500,
Education Loan Reimbursement	200,000	Detention Center	250,
White Shield School	57,000	Segment Funds @ 6	556,
Education of TAT Budget Request	200,000	Tribal Building Expansion	450,
Social Welfare	**5,260,000**	**Totals**	**12,500,**
Competitive Pool			
Roads of TAT	250,000		
Homeownership Revolving Loan	200,000		
Health	500,000		
Housing	300,000		
North Segment Facility	500,000		
Detention Center	500,000		
Commodity Warehouse	450,000		
Elder Attended Care	240,000		
Circle of Life	700,000		
Parshall Resource Center	100,000		
White Shield Dispatcher	80,000		
MHA Elder Program FY01	760,000		
Senior Citizen Garages FY01	200,000		
Parshall Detox Center	150,000		
I-KI-PI Drug&Alcohol Elimination	150,000		
Truancy Officers	180,000		
Economic Development	**2,766,000**		
Competitive Pool			
Agriculture Department	300,000		
Land Purchase Fund	300,000		
Tourism Department	200,000		
Interpretive Center	100,000		
Convenience Stores	400,000		
Community Development	450,000		
Independence Program	56,000		
Figure Four Budget FY01	400,000		
Figure Four Buffalo FY01	200,000		
Land Purchase Fund	360,000		

Per Resolution #00-391-DSB
Dated 11/2/00

Attachment 1

GATE ABERDEEN → FT BERTHOLD 001

Standard form 1034
Revised January 1980
Department of the Treasury
I TFRM 4-2000

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO. 01-02

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
FORT BERTHOLD AGENCY

DATE VOUCHER PREPARED: NOVEMBER 01,2000

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

SCHEDULE NO.

PAID BY: Processed 11-15-00 DT001001

PAYEE'S NAME AND ADDRESS:
Three Affiliated Tribes
Community First National Bank, Dickinson, ND
ABA 091300489
Acct. No.: 6423700734 Three Affiliated Tribes
(Checking)

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM | TO | WEIGHT | GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (1)
		WITHDRAWAL OF JTAC FUNDS PER RESOLUTION #00-391-DSB AND APPROVED BUDGET PER APPROVED JTAC PLAN BY CORA L. JONES 11-2-00 TEX G. HALL, T.A.T. CHAIRMAN DATE				$12,500,000,00

(Use continuation sheet(s) if necessary) (Payee must NOT use the space below) TOTAL $12,500,000.00

PAYMENT:
- ☐ PROVISIONAL
- ☐ COMPLETE
- ☐ PARTIAL
- ☐ FINAL
- ☐ PROGRESS
- ☐ ADVANCE

APPROVED FOR =$ | EXCHANGE RATE =$1.00 | DIFFERENCES

BY [2]

TITLE

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

11-3-00 (Date) (Authorized Certifying Officer)[3] (Title)

11/14/00 ACCOUNTING CLASSIFICATION Certifying Officer

EC5197016 Income $12,500,000.00

PAID BY
CHECK NUMBER ON ACCOUNT OF U.S. TREASURY | CHECK NUMBER ON (Name of bank)
CASH $ DATE | PAYEE [2]

[1] When stated in foreign currency, insert name of currency.
[2] If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
[3] When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

PER
TITLE

Previous edition usable 1034-119 NSN 7540-00-900-7734

PRIVACY ACT STATEMENT
The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Great Plains Regional Office
115 Fourth Avenue S.E.
Aberdeen, South Dakota 57401

IN REPLY REFER TO:

Tribal Government Services
MC-304

NOV 14 2000

Honorable Tex G. Hall
Chairman, Three Affiliated Tribes
Business Council
HC 3, Box 2
New Town, North Dakota 58763

Dear Chairman Hall,

As provided in the Act of October 30, 1992, Pub. L. 102-575 (Act), the Three Affiliated Tribes Business Countil (Council) requests $12,500,000 of earned-interest from the Economic Recovery Fund.

Under the delegated authority of 209 DM 8, Secretary's Order Nos. 3150 and 3177, as amended, and 3 IAM 4.4, this is to issue our approval for use of $12,500,000 of interest earnings as designated in the attachments to Council Resolution 00-391-DSB. The funds will be used as follows: Education, $1,516,678; Social Welfare, $5,260,000; Economic Development, $2,766,000; Other Programs, $2,957,322; Total - $12,500,000. It is understood that per capita payments shall not be made from these funds, because the Act prohibits this kind of activity.

The General Plan, as supported by Resolution 00-366-DSB, is before the Field Solicitor for review and is also subject to our approval. Once the General Plan is approved, we believe all future drawdown requests, according to the plan and the Act, may then be forwarded, through the Fort Berthold Agency Superintendent, to Dean Webb, Financial Trust Services Officer, Office of Trust Funds Management, for processing.

By copy of this letter, Mr. Webb is informed of this approval.

Sincerely,

for Cora L. Jones
Regional Director

cc: Superintendent, Fort Berthold Agency
Financial Trust Services Officer, MC-500
Field Solicitor, Fort Snelling, Minnesota

3.1 Purpose. This release identifies the automatic order of succession for the Great Plains Region positions as required by 2 IAM 2.5 (B).

3.2 Order Of Succession. Designations for automatic succession in case of death, resignation, or absence of the Regional Director, and Agency Superintendents are set forth below.

A. Regional Director

1. Deputy Regional Director
2. Supervisory Highway Engineer
3. Natural Resource Manager
4. Supervisory Contract Specialist

B. Deputy Regional Director

1. Supervisory Highway Engineer
2. Natural Resource Manager
3. Realty Officer
4. Supervisory Contract Specialist

C. Superintendent, Cheyenne River Agency

1. Supervisory Social Services Representative
2. Land Operations Officer
3. Lead Realty Specialist
4. Facility Manager

D. Superintendent, Crow Creek Agency

1. Social Services Program Manager
2. Natural Resources Officer
3. Administrative Manager

E. Superintendent, Fort Berthold Agency

1. Administrative Manager
2. Realty Officer
3. Self Determination Specialist

AC:	AGENCY	SUPERINTENDENT / ADM. OFFICER	TELE. #	EDUCATION SUPT.	TELE. #
AO	AREA OFFICE	CORA JONES, ATG. AREA DIRECTOR	605/226-7343		
01	CHEYENNE RIVER	RUSSELL MCCLURE / VACANT	605/964-6611	CHERI FARLEE	605/964-8722
04	FT. BERTHOLD	ADELINE BRUNSELL, ATG. / ANGUS FOX	701/627-4707		
05	FT. TOTTEN	LARRY BODIN / VACANT	701/766-4545		
06	PINE RIDGE	ROBERT ECOFFEY / PENNY HATCH	605/867-5126	NORMAN TIBBETS	605/867-1306
07	ROSEBUD	LARRY BURR / JOANNE YOUNG	605/747-2224	NEVA SHERWOOD	605/856-4478
08	YANKTON	TIM LAKE / HERBERT HARE	605/384-3651	NEVA SHERWOOD, ROSEBUD O.I.E.P.	
09	SISSETON	PATRICK HEMMY / LOIS MONTREAL	605/698-7675 360	DAN SHROYER LOWER BRULE O.I.E.P.	
10	STANDING ROCK	BOBBY THOMPSON / CARMEN JACOBS	701/854-3433	EMMETT WHITETEMPLE	701/854-3497
11	TURTLE MTN.	KEN DAVIS / MIKE KEPLIN	701/477-3191	ROMAN MARCELLAIS, ATG.	701/477-6471
13	WINNEBAGO	RUSSELL BRADLEY / NOLAN SOLOMON	402/878-2502	NEVA SHERWOOD, ROSEBUD O.I.E.P.	
14	CROW CREEK	STEVE MCLAUGHLIN / VACANT	605/245-2311	DAN SHROYER	605/245-2398
15	LOWER BRULE	NOBLE LACROIX / MARTHA THOMPSON	605/473-5512	DAN SHROYER	605/473-5531

AC:	BRANCH / BRANCH CHIEF	EXT.
00	AREA DIRECTOR / CORA JONES	7343
	FAX: 605/226-7446	
02	EEO / LORETTA WEBSTER	7466
01	BUDGET / LESLIE (TEZ) TSO	7422
02	FACILITY MGMT. / WILLARD POTTER, ATG.	7371
03	ACCOUNTING MGMT. / LEE BEARHEELS	7361
04	NR & E / JIM BILL ROSS	7421
05	PERSONNEL / RICHARD GERRY	7401
06	CONTRACTING / RICHARD ZEPHIER	7426
06A	SELF DETERMINATION / VACANT	7426
06B	OFFICE SERVICES / VACANT	7443
06C	PROPERTY MGMT. / NICK CADOTTE	7613
7	IMC / VACANT	7486
3	SAFETY / WAYNE LABELLE	7467

AC:	BRANCH / BRANCH CHIEF	EXT.
301	NATURAL RESOURCES / TOM YOUNG,	7621
302	LAW ENFORCEMENT / RICHARD ARMSTRONG	7347
303	SOCIAL SERVICES / GERALD GALLEGOS, ATG.	7351
304	TRIBAL GOVERNMENT / PAUL PICOTTE	7376
305	ECONOMIC DEVELOPMENT / VACANT	7381
306	REALTY / JIM GEFFREE, ATG.	7618
306A	LAND TITLES & RECORDS / JIM GEFFRE	7393
307	ROADS / GERRY FOELL	7645
307A	ROADS CONSTR. CONTRACTING / MARY SUMPTION	7645
308	HOUSING / FRANK JOSEPH	7441
309	SECURITY / CONNIE REUER	7360
401	EDUCATION / SANDRA CARLSGAARD	7431
205	FREEDOM OF INFOR. ACT COORD. / CHERYL ANTAR	7401

AC:	AREA OFFICE TELEFAX NOS. :	FAX. #	VERIFY #
00	AREA DIRECTORS OFFICE	226-7446	226-7343
03	ACCOUNTING MANAGEMENT	226-7437	226-7361
05	PERSONNEL	226-7407	226-7401
06B	OFFICE SERVICES	226-7627	226-7443
07	INFORMATION MGMT. CENTER (IMC)	226-7488	226-7486
01	NATURAL RESOURCES	226-7358	226-7621
02	LAW ENFORCEMENT	226-7349	226-7347
05	ECONOMIC DEVELOPMENT	226-7392	226-7381
06	REAL PROPERTY MANAGEMENT	226-7625	226-7618
07	ROADS	226-7430	226-7645

DIR.AAO

UNITED STATES GOVERNMENT

memorandum

DATE: November 13, 2000

REPLY TO ATTN OF: Cora Jones, GFR Director

SUBJECT: Acting Superintendent

ATTEN: TRIBAL Government

TO: JTAC DRAW

This is in reference to the Fort Berthold Agency's comments regarding the attached JTAC Draw.

The original discussion regarding funding requirements were, not to make any per capita payments or distribution. The funding was for Tribal programs which the Tribe is in compliance.

As long as OTFM is in agreement with the draw down of $12.5 million along with the Resolution #00 391 DSB from the Three Affiliated Tribes the Fort Berthold Agency agrees with the whole process.

Angus B Fox

1 3 2000

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

# of pages ▶ 1

To: Earl Angus
Agency: Tribal Govt.
Fax #: 605-226-7379

From: Angus Fox
Phone #:
Fax #: 627-3601

NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION

OPTIONAL FORM NO. 10
(REV. 1-80)
GSA FPMR (41 CFR) 101-11.6
5010-114

Resolution # 00-106-DSB

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

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally 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, On December 16, 2000, the Tribal Business Council called and set March 28, 2000 as the date on which a special referendum election would held in which eligible Tribal voters would vote on two proposed options relating to an annual investment in a prospective permanent endowment fund of a portion of the income earned each year from the Three Affiliated Tribes Economic Recovery Fund created by the Equitable Compensation Act (the "JTAC fund"); and

WHEREAS, The Tribal Business Council subsequently extended the date of the election to April 18, 2000, so as to allow a greater of number of Tribal voters to register to vote in this important election; and

WHEREAS, It is the express intent of the Tribal Business Council that, in conformity with Part II, Section 6 of the Referendum Election Procedures of the Three Affiliated Tribes, if valid ballots are cast by at least thirty percent (30%) of the total number of duly registered voters, the results of the election shall be binding on the incumbent Tribal Business Council and successor Councils, and that no change in the investment in the permanent endowment fund shall be made, unless changed by the Tribal voters in a subsequent referendum election;

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby declares that, in conformity with Part II, Section 6 of the Referendum Election Procedures, if valid ballots are cast in the April 18, 2000 Extended Special Referendum Election by at least thirty percent (30%) of the total number of duly registered voters, the results of the election shall be binding on the incumbent Tribal Business Council and successor Councils, and that no change in the investment in the permanent endowment fund shall be made, unless changed by the Tribal voters in a subsequent referendum election.

CERTIFICATION

Resolution #00-106-DSB

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, 7 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 20th day of March, 2000; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 1 members opposed, 0 members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 20th day of March, 2000.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

Chairman, Tribal Business Council

Resolution #00-301-DSB

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

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes (the "Tribe") generally 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, including management of the economic affairs of the Tribe; and

WHEREAS, The year 2000 is a critical election year for both Tribal, state and Federal candidates, as both the President of the United States and many statewide offices are up for election and in neither the state Governor's race or the Presidential race is an incumbent running; and

WHEREAS, Under state elections laws in the state of North Dakota, only individuals or Political Action Committees (PACs) can contribute to individual candidates, and it is not clear under North Dakota law whether a Tribe would be considered as an individual or corporation; and

WHEREAS, Under state elections laws in the state of North Dakota, it is easy to register a PAC as the Tribe can establish the PAC, the cost is only an annual $5.00 fee, and the PAC can contribute as much as it wants to any individual candidates in state races, and if the PAC is registered with the Federal Election Commission, the PAC can also contribute to Federal candidates; and

WHEREAS, The Tribe from time to time may want to make contributions to certain political candidates using funds other than those derived from the Equitable Compensation Act;

NOW THEREFORE BE IT RESOLVED that the Tribal Business Council of the Three Affiliated Tribes hereby authorizes the Chairman or the Treasurer to establish with the Secretary of State for the state of North Dakota a Political Action Committee, to be named later by the Executive Committee, and further authorizes the expenditure of the $5.00 filing fee and any other associated fee imposed by the state of North Dakota to establish and maintain the PAC; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Tribal Business Council hereby authorizes that up to $500 may be placed in such PAC for distribution to any one candidate upon motion of the Tribal Business Council without further resolution of the Council, and that for any amount greater than $500, the Tribal Business Council will require that a resolution of support for the candidate be prepared

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, 6 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 21st day of August, 2000; 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.

Dated this 21st day of August, 2000.

Daylon Spotted Bear
Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

Tex G. Hall
Chairman, Tribal Business Council

RESOLUTION # 01-04 -DSB

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

WHEREAS, This Nation, having accepted the Indian Reorganization Act of June 18, 1934, and authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally 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(c) of the Constitution of the Three Affiliated Tribes specifically empowers the Tribal Business Council to administer any funds or properties within the exclusive control of the Tribes, including salaries or other remuneration of Tribal officials or employees; and

WHEREAS, All expenditures from said fund shall be by resolution duly passed by the Tribal Business Council to such effect; and

WHEREAS, The Tribal Business Council is mandated to approve the Fiscal Year 2001 (October 1, 2000 to September 30, 2001), Tribal Operating Budget; and

NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes has duly reviewed and hereby approves the Three Affiliated Tribes General Fund Budget for Fiscal Year 2001 in the amount of $25,692,028-Revenues and $25,692,028-Expenditures, in accordance with the attached document entitled Three Affiliated Tribes General Budget FY 2001.

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

RESOLUTION #01- 04 -DSB

seven (7) members of whom five (5) constitute a quorum, 7 members were present at a Regular Meeting thereof duly called, noticed, convened and held on the 22 day of January, 2001; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members; 0 members opposed; 0 members abstained; 0 members not voting; and said Resolution has not been rescinded or amended in any way.

Dated this 22 day of Jan, 2001.

COPY

Marcus Wells
Secretary, Tribal Business Council

ATTEST:

Chairman, Tribal Business Council

Three Affiliated Tribes
Tribal Business Council
Regular Meeting #4
January 22, 2001
Page 6

ATTEST:

COPY

Tex G. Hall

4/3/01

Tex G. Hall, Tribal Chairman
TRIBAL BUSINESS COUNCIL
THREE AFFILIATED TRIBES

Date

cc: Corel/Minutes/01-22-01

COPY

RESOLUTION # 01-04-MWJR

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

WHEREAS, This Nation, having accepted the Indian Reorganization Act of June 18, 1934, and authority under said Act; and

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

WHEREAS, Article VI, Section 5(c) of the Constitution of the Three Affiliated Tribes, specifically empowers the Tribal Business Council to administer any funds or properties within the exclusive control of the Tribes, including salaries or other remuneration of Tribal officials or employees; and

WHEREAS, All expenditures from said fund shall be by Resolution duly passed by the Tribal Business Council to such effect; and

WHEREAS, The Tribal Business Council is mandated to approve the Fiscal Year 2001 (October 1, 2000, through September 30, 2001), Tribal Operating Budget;

NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation has duly reviewed and hereby approves the Three Affiliated Tribes General Fund Budget for Fiscal Year 2001 in the amount of $25,692,028 - Revenue and $25,692,028 - Expenditures, in accordance with the attached document entitled Three Affiliated Tribes General Fund Budget, FY 2001.

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

RESOLUTION # 01- 04- MWJR

of seven (7) members of whom five (5) constitute a quorum, seven (7) members were present at a Regular Meeting thereof duly called, noticed, convened and held on the 22nd day of January, 2001; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of seven (7) members, 0 members opposed; 0 members abstained; 0 members not voting; and said Resolution has not been rescinded or amended in any way.

Dated this 22nd of January, 2001.

Secretary, Tribal Business Council

COPY

ATTEST:

Chairman, Tribal Business Council

#01-04-MW 1/22/2001

M: AG
S: DSM
V: 7-0

THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL

GENERAL FUND BUDGET
FY 2001

REVENUES:	ACTUAL FY-99	PROJECTED FY 00	ACTUAL FY-00	PROJECTED FY-01
Individual Indian Monies	$582,215.00	$582,215.00		$582,215.00
Casino Revenue	$500,000.00	$1,637,063.00		$2,040,000.00
JTAC Plan Fund (#00-391-DSB)		$10,067,486.00		$12,500,000.00
JTAC General Plan (#00- -DSB		$3,932,514.00		
Community First CD				$1,000,000.00
Working Capital Loan	$3,000,000.00	$3,000,000.00		$400,000.00
Indirect Cost Revenue (Federal)	$1,130,585.00	$1,242,959.00	$1,646,260.00	$1,646,260.00
Cenex Pipeline				$358,930.00
Road Construction (BIA)				$140,000.00
Third-Party Billing				$1,000,000.00
Tax Commission				$100,000.00
TERO				$200,000.00
Indirect Cost Recovery				$598,637.00
Oil and Gas Lease Sale?				$3,600,000.00
Miscellaneous Revenues	$186,669.00	$616,508.00		$966,508.00
Docket	$1,154,685.00	$794,711.00		$559,478.00
Docket Reserve	$200,342.00			
Total Revenues	**$6,754,496.00**	**$21,873,456.00**		**$25,692,028.00**

Rec 1/22/2001

Forward Balances EXPENDITURES:	$6,754,496.00	$21,873,456.00		$25,692,028.00
Tribal Business Council	$187,790.00	$187,502.00		$187,502.00
Fringe				$49,168.00
Assistants-Exhibit A	$140,986.00	$136,781.00		$95,566.00
Fringe	$102,279.00	$81,070.00		$43,516.00
Administrative Staff	$176,998.00	$234,093.00		$195,208.00
Fringe				$51,227.00
Travel	$284,050.00	$196,000.00		$200,500.00
Training/Meeting Fees	$7,436.00			
Office Supplies/Equipment	$33,796.00	$50,000.00		$50,000.00
Publications & Subscriptions	$5,180.00	$8,000.00		$8,000.00
Telephone	$53,304.00	$45,000.00		$30,000.00
Building Center Utilities	$8,649.00			
Vehicle Lease Payments	$136,843.00	$90,000.00		$90,000.00
Vehicle Oil/Gas/Maintenance	$26,714.00	$54,600.00		$60,000.00
Audit Fees - JTAC	$18,647.00	$10,000.00		$25,000.00
Audit Fees -	$57,201.00	$50,000.00		$75,000.00
Senior Citizens				$280,000.00
Employee Incentive		$40,000.00		
Emergency -Miscellaneous		$25,000.00		
Miscellaneous	$72,273.00	$25,000.00		$50,000.00
Donations / Grants-Unobligated	$397,387.00	$160,000.00		$150,000.00
Sub-Total	**$1,709,536.00**	**$1,393,046.00**		**$1,640,687.00**

Sub-Total Forward	$1,709,533.00	$1,353,046.00		$1,640,687.00
EXPENDITURES:	**Actual FY 99**	**Projected FY 00**	**Actual FY 00**	**Projected 01**
Accounts Payable		$191,866.00		
Debt Servcce	$305,388.00	$1,992,946.00		$2,450,868.00
Indirect Cost Programs	$3,242,143.00	$3,595,512.00		$3,767,909.00
Tribal Programs - Exhibit B	$1,799,208.00	$1,145,674.00		$3,055,053.00
Tribal Enterprises - Exhibit C	$1,396,158.00	$1,206,468.00		$976,776.00
Docket - Exhibit D	$1,154,685.00	$794,711.00		$559,478.00
Docket Reserve	$200,342.00			
JTAC - Exhibit D		$10,067,486.00		$12,500,000.00
Federal/State Programs				$541,257.00
Consultants/Contracts				$200,000.00
Total Expenditures	**$9,807,460.00**	**$21,864,510.00**		**$25,692,028.00**
Total Revenues				**$25,692,028.00**

Three Affiliated Tribes
JTAC PLAN FUND - FY 2001

Consultant Name	Tribal Funds	Revenue JTAC	Federal Other Funds	FY 2001 Total Budget
FY2001-Proposals Funded				
Education Grants		$575,000	$0	$575,000
477 Youth Educ.		$165,000	$0	$165,000
Tribal Building		$450,000	$0	$450,000
Commodity Warehouse		$450,000	$0	$450,000
Independence Program		$56,000	$0	$56,000
Transportation Grants		$50,000	$0	$50,000
Elder attended care fac		$240,000	$0	$240,000
Head Start Budget		$269,678	$0	$269,678
Circle of Life		$7,357	$0	$7,357
Circle of Life		$362,880	$0	$362,880
Parshall Res. Center		$100,000	$0	$100,000
Education Loan Reim.		$200,000	$0	$200,000
White Shield School		$57,000	$0	$57,000
Education of TAT		$200,000	$0	$200,000
White Shield Dispatcher		$80,000	$0	$80,000
MHA FY01 Elders		$760,000	$0	$760,000
Circle of Life		$329,763	$0	$329,763
Senior Citizen Garages		$200,000	$0	$200,000
Figure Four Project		$400,000	$0	$400,000
Figure Four Project		$200,000	$0	$200,000
Parshall Detox Center		$150,000	$0	$150,000
Land Sales 10/26/00		$360,000	$0	$360,000
I-KI-PI		$150,000	$0	$150,000
Truancy Officers		$180,000	$0	$180,000
FY2001-TBC Budget			$0	$0
Competitive Pool		$651,322	$0	$651,322
Roads		$250,000	$0	$250,000
Ag Dept		$300,000	$0	$300,000
Land Purchases		$300,000	$0	$300,000
Tourism		$200,000	$0	$200,000
Homeownership		$200,000	$0	$200,000
Health		$500,000	$0	$500,000
Interpretive Center		$100,000	$0	$100,000
Housing		$300,000	$0	$300,000
Convenience Stores		$400,000	$0	$400,000
North Seg. Facility		$500,000	$0	$500,000
Segment Funds		$450,000	$0	$450,000

600,000

Detention Center		$500,000	$0	$500,000	
FY2000-TBC Budget			$0	$0	
Detox Center		$400,000	$0	$400,000	x
Tourism		$50,000	$0	$50,000	x
Sakakwea Film		$100,000	$0	$100,000	
Agriculture Dept.		$500,000	$0	$500,000	
Detention Center		$250,000	$0	$250,000	x
Segment Funds		$556,000	$0	$556,000	
TOTAL	**$0**	**$12,500,000**	**$0**	**$12,500,000**	