



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

A Resolution Entitled Three Affiliated Tribes Request to the Secretary of Health and Human Resources to add \$ 1,644,502.00 in contract support costs to Contract No. HHS-I-241-2008-00241 for Fiscal Year 2009.

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, The Constitution of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article VI, Section 5 (1) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

WHEREAS, the Tribal Business Council has the power pursuant to Article VI, Section 5 (d) of the Three Affiliated Tribes Constitution and By-laws to negotiate with the federal government on behalf of the Tribes; and

WHEREAS, The Three Affiliated Tribes has entered into a contract with the Secretary of Health and Human Services under the Indian Self-Determination and Education Assistance Act to plan, conduct and administer all programs, functions, services and activities of the Indian Health Service, Fort Berthold Service Unit; and



WHEREAS, the Indian Self-Determination and Education Assistance Act (ISDEAA), codified at 25 U.S.C. § 450f, provides that Indian Tribes may request by tribal resolution to enter into or to amend self-determination contracts with the Secretary of the Interior or the Secretary of Health and Human Services to administer programs, or portions thereof, which the Secretary is authorized to administer for the benefit of Indians under the Act of November 2, 1921 (25 U.S.C. § 13) and provided by the Secretary of Health and Human Services under the Act of August 5th, 1954, as amended, 42 U.S.C. § 2001, et seq; and any Act subsequent thereto or the Act of April 16, 1934 (25 U.S.C. § 452) or for the benefit of Indians because of their status as Indians without regard to the agency of the Department of the Interior with which the service is performed; and

WHEREAS, the ISDEAA was passed by Congress to assure maximum participation in the direction, planning, conduct and administration of federal programs and services to Indian communities so as to render such programs and services more responsive to the needs and desires of those communities, and

WHEREAS, the Indian Health Service acting by and through the Fort Berthold Service Unit is the primary provider of health care services to tribal members and other Native Americans on the Fort Berthold Indian Reservation, and

WHEREAS, Pursuant to the Indian Self-Determination and Education Assistance Act, the Tribes have entered into a Self-Determination Contract and Annual Funding Agreement with the Indian Health Service, Contract # HHS I-241-2008-00241 to administer the entire Indian Health Service Fort Berthold Service Unit, and

WHEREAS, Contract Modification No. Two to Contract # HHS-I-241-208-00241 effective October 1, 2008 extended the award period, scope of work, and program standards of the Contract through September 30, 2009 and added additional funds to the Annual Funding Agreement for Fiscal Year 2009, and

WHEREAS, Contract Modification No. two effective October 1, 2009 did not add any contract support cost funding to the Annual Funding Agreement, Attachment A to Contract # HHS-I-241-2008-00241, for Fiscal Year 2009; and

WHEREAS, The Indian Health Service Fort Berthold Service Unit currently administers and provides health services and programs to the Tribes, its members, and other Native Americans on the Fort Berthold Indian Reservation, and



WHEREAS, Contracts under the Indian Self-Determination and Education Assistance Act are governed by 25 C.F.R. Part 900, and

WHEREAS, 25 C.F.R. § 900.8 requires that an Indian tribe desiring to enter into a Self-Determination Contract or amend a Self-Determination Contract submit a proposal that meets the requirements of § 900.8 and sets forth the requirements for a contract proposal, and

WHEREAS, The Tribal Business Council elects to pursue the Tribes' rights and entitlements to contract support costs for Fiscal Year 2009,

NOW THEREFORE BE IT RESOLVED, that the Three Affiliated Tribes Tribal Business Council pursuant to the authority granted by the Constitution and by-laws and the Indian Self Determination Act hereby request Contract Support cost for FY 2009 under Contract # HHS-I-241-2008-00241 in the amount of \$1,644,502.00.

CERTIFICATION

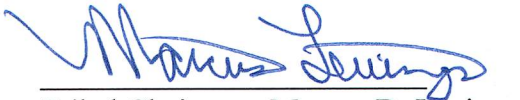
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 27th day of August 2009; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [] voting. [] not voting.

Dated this 27th day of August 2009.

ATTEST:


Tribal Secretary, V. Judy Brugh
Tribal Business Council
Three Affiliated Tribes


Tribal Chairman, Marcus D. Levings
Tribal Business Council
Three Affiliated Tribes