



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

A Resolution entitled, "Authorization for Three Affiliated Tribes Health Care Programs to Recover Health Care Costs from Tribal Care Insurance, a Self-Insurance Plan, Funded by Three Affiliated Tribes for Eligible Patients"

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, The Constitution and By-laws of the Three Affiliated Tribes was adopted by membership of the Tribes on May 15th, 1936 pursuant to the Indian Reorganization Act of 1934 and duly approved by the Secretary of Interior; 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, Article VI, Section 5 (c) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the authority to administer any funds or property within the exclusive control of the Three Affiliated Tribes to make expenditures from available tribal funds for public purposes, provided that all expenditures from tribal funds shall be by resolution duly passed by the Tribal Business Council to such effect; and

WHEREAS, Section 206 of the Indian Health Care Improvement Act, (P.L. 94-437, 25 U.S.C. 1621e(f)), as amended, prohibits a tribal health programs from recovering the cost of health care services provided to an eligible tribal patient from a self-insurance plan ("the Plan") funded by the Tribe, absent specific written authorization from the Tribe's governing body permitting such recovery; and

WHEREAS, Such specific written authorization may not be for a period of more than one (1) year and may be revoked upon written notice by the Tribe; and

WHEREAS, The Three Affiliated Tribes has a self-insurance plan, Tribal Care Insurance, that is solely funded by the Tribe; and



WHEREAS, The Three Affiliated Tribes Health Programs currently have no right of recovery against the Plan for the costs of providing healthcare services the Health Programs to eligible tribal patients, without the specific written authorization of the Three Affiliated Tribes.

NOW THEREFORE BE IT RESOLVED that the Tribal Council authorizes the Health Programs to have a right of recovery for the cost of health services provided to eligible tribal patients covered under the Plan. The term of this authorization is for a period of one year, beginning with the date of this resolution; and

BE IT FURTHER RESOLVED that in accordance with 25 U.S.C. 1623(b) and 42 C.F.R. 136.61, the Plan is the payor of last resort for health services provided to eligible tribal patients.

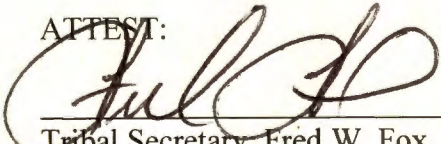
CERTIFICATION

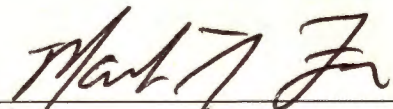
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 10th day of May 2018; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman voting. not voting.

Dated this 10th day of May 2018.

ATTEST:


Tribal Secretary, Fred W. Fox
Tribal Business Council


Chairman, Mark N. Fox
Tribal Business Council