

SQUAXIN ISLAND TRIBE

RESOLUTION NO. FY 93-03
of the
SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe of Indians by the authority of the Constitution and By-laws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

WHEREAS, under the Constitution and By-laws of the Tribe the Squaxin Island Tribal Council is charged with the duty of protecting the health, security and general welfare of the Squaxin Island Tribal Reservation citizens; and

WHEREAS, throughout its history, the Portland area Indian Health Board has established itself as a respected advocate for all tribes of the Northwest and its experience and expertise are vital to the tribes' future working relationships with the IHS and other federal, state and private programs with a role or interest in Indian health issues; and

WHEREAS, the Squaxin Island Tribe is a member of the Northwest Portland Area Indian Health Board; and

WHEREAS, the Board operates under a contract with the IHS approved pursuant to the act of June 25, 1910, 25 U.S.C. S47, referred to as the "Buy Indian Act", which has several inherent limitations that reduce the Board's ability to serve the tribes. These limitations include, but are not limited to, the following:

1. The act does not prevent the IHS from unilaterally seeking services provided by the Board from other programs without consultation with, or permission from, the tribes;
2. It imposes complex, burdensome and often limiting Federal Acquisition Regulations on the Board's activities;
3. It does not protect the base budget of the Board, which can be unilaterally altered by the IHS to the detriment of the services the Board is able to provide;
4. It limits the Board's activities so that functions it should perform on behalf of the tribes are performed by the IHS, other, less qualified organizations or not at all; and

WHEREAS, The Indian Self-determination Act, Public Law 93-638, 25 U.S.C. SS 450 et seq., provides a way for tribes to assume better control over the activities of the Board while eliminating many of the limitations imposed by the Buy Indian Act.

NOW THEREFORE BE IT RESOLVED, the Squaxin Island Tribe, hereby directs the Secretary of the Department of Health and Human Services to negotiate contracts and/or grants with the Board on behalf of the tribe under Public Law 93-638 for the maximum term allowed beginning in fiscal year 1993 to accomplish the goals, objectives and purposes of which the Board is established and that are consistent with this resolution; and

BE IT FURTHER RESOLVED, the Board is delegated authority, on behalf of the Squaxin Island Tribe, to apply for and negotiate contracts and grants under Public Law 93-638, or amendments thereto, to accomplish the goals, objectives and purposes set forth herein which delegation shall continue until rescinded; and

BE IT FURTHER RESOLVED, the goals, objectives and purposes of the Board shall include the following:

1. To continue to accomplish the goals, objectives and purposes currently set forth in the Board's constitution and bylaws or that may be established by amendments thereto;
2. To continue the Board's historic role as liaison between the tribes and the IHS and to continue its role as an advocate on national health issues affecting all Northwest tribes;
3. To continue all activities currently within the scope of work contained in its existing contract with the IHS and any other grant or contract to which the Board is now a party;
4. To identify area-wide functions currently performed by the IHS, or that are not being performed, that could and/or should be performed by the Board on behalf of the tribes and to negotiate within the scope of work and budget of the contract functions so identified;
5. To seek and receive from other private and public agencies and organizations funding to enhance the Board's ability to carry out its goals, objectives and purposes;
6. To keep the tribes informed of the scope of its contracts and grants with IHS or any modifications thereto and all other grants and contracts received and to seek approval of any contract or grant that is inconsistent with the spirit of this resolution;
7. To appeal any adverse decision of any agency or entity that impairs the Board's ability to perform as set forth herein and to do all things necessary to carry out the goals, objectives and purposes of this resolution;

8. To seek waivers of any regulations applicable under contracts or grants that restrict the ability of the Board to accomplish the goals, objectives and purposes set forth herein.

BE IT FURTHER RESOLVED, this resolution shall remain in effect until it is modified or rescinded by resolution and, if modified, shall remain in effect except as specifically changed.

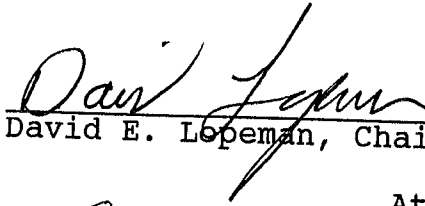
BE IT FURTHER RESOLVED, this resolution is intended to show clear and unequivocal support of the Squaxin Island Tribe, for the Board and any ambiguities raised by the IHS or other funding or regulatory agency concerning its intent and meaning are to be resolved in favor of the Board.

BE IT FINALLY RESOLVED, that nothing in this resolution shall be construed as affecting, modifying, diminishing or otherwise waiving or impairing the sovereign immunity from suit of the Squaxin Island Tribe or as terminating or diminishing the trust responsibility of the United States to the tribe.

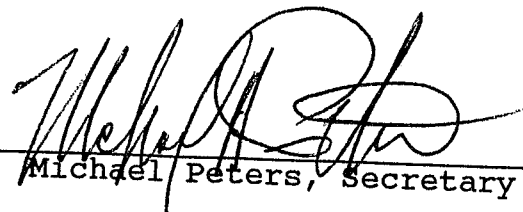
Resolution No. 93-03

CERTIFICATION

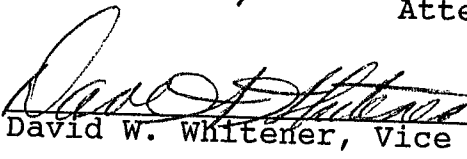
The Squaxin Island Tribal Council does hereby certify that the foregoing Resolution was adopted at a regular meeting of the Squaxin Island Tribal Council, held on this _____ day of _____, 1992, at which time a quorum was present and was passed by a vote of _____ for, and _____ against with _____ abstentions.



David E. Lopeman, Chairman

Attested by: 

Michael Peters, Secretary



David W. Whitener, Vice Chairman