



United South and Eastern Tribes, Inc.  
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**USET Resolution No. 2011:039**

**PRESERVING THE AFFORDABLE CARE ACT AND THE INDIAN HEALTH CARE  
IMPROVEMENT ACT REAUTHORIZATION**

- WHEREAS,** United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty-six (26) federally recognized Tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
- WHEREAS,** a unique trust responsibility exists between the United States (U.S.) Government and federally recognized Tribes; and
- WHEREAS,** this relationship is exercised through the U.S. Constitution, treaties, Presidential directives, and congressional declarations; and
- WHEREAS,** the reauthorization of the Indian Health Care Improvement Act (IHCA), the cornerstone legal authority for the provision of health care to American Indians/Alaska Natives, and other Indian-specific provisions, were made permanent when President Obama signed the bill on March 23, 2011 as part of the Patient Protection and Affordable Care Act (ACA); and
- WHEREAS,** a number of USET member Tribes included provisions of the IHCA in their annual funding agreements negotiated with the Indian Health Service for Fiscal Year 2011; and
- WHEREAS,** the provisions of the IHCA are critical to the mission of providing quality health care in Indian Country; therefore, be it
- RESOLVED** the USET Board of Directors requests the United States Department of Justice to defend the position that the Indian Health Care Improvement Act and other Indian-specific provisions of the Patient Protection and Affordable Care Act be exempted from any repeal efforts or unconstitutionality ruling; and, be it further
- RESOLVED** the USET Board of Directors authorizes the USET Executive Director to file an Amicus Brief with the 11<sup>th</sup> Circuit and possibly other relevant Circuits, on behalf of the USET Tribes and/or to support the individual Tribes interested in filing such a brief, to ensure that the Indian Health Care Improvement Act is severed from any portion of the Patient Protection and Affordable Care Act subject to repeal.

**CERTIFICATION**

This resolution was duly passed at the USET Impact Week Meeting, at which a quorum was present, in Arlington, VA, on Thursday, February 10, 2011.

Brian Patterson, President  
United South and Eastern Tribes, Inc.

Brenda Lintinger, Secretary  
United South and Eastern Tribes, Inc.