USET Resolution No. 2011:039

PRESEVING 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 (IHCIA), 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 IHCIA in their annual funding agreements negotiated with the Indian Health Service for Fiscal Year 2011; and

WHEREAS, the provisions of the IHCIA 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 11th 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.