



United South and Eastern Tribes, Inc.

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USET Resolution No. 2013:044

SUPPORT FOR CONGRESSIONAL ACTION TO MAKE UNIFORM THE DEFINITION OF INDIAN IN THE PATIENT PROTECTION AND AFFORDABLE CARE ACT

- 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,** the Patient Protection and Affordable Care Act (ACA) was signed into law on March 23, 2010 and seeks to expand access to affordable health coverage to uninsured and under-served populations in the United States; and
- WHEREAS,** in recognition of its trust responsibility to Tribes and because American Indians and Alaska Natives represent one of the most underserved populations in America, Congress included special benefits and protections for Native people in the law; and
- WHEREAS,** because the ACA was passed quickly and without reconciliation, three different statutory definitions of "Indian" appear in the law; and
- WHEREAS,** these definitions are not consistent with the definition used for delivery of other federally supported health services to American Indians and Alaska Natives under Medicaid and the Children's Health Insurance Program, and through the Indian Health Service; and
- WHEREAS,** this discrepancy will result in the inappropriate taxation of and/or denial of Congressionally intended benefits and special protections to American Indians and Alaska Natives, while also causing confusion during the health coverage application process; and
- WHEREAS,** the Obama Administration has recognized this inconsistency, but has stated in countless letters and Tribal consultations that the law requires a legislative fix; and
- WHEREAS,** numerous Tribes and Tribal organizations have identified the definition found at 42 CFR § 447.50 as the only definition that captures all American Indians and Alaska Natives eligible for the special benefits and protections under the ACA; and
- WHEREAS,** in December 2010 the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it

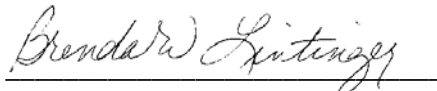
RESOLVED the USET Board of Directors calls upon the U.S. Congress to immediately pass a technical amendment to the Patient Protection and Affordable Care Act creating a uniform definition of Indian that is identical to the definition of Indian in the Centers for Medicare and Medicaid Services Medicaid regulation found at 42 CFR § 447.50.

CERTIFICATION

This resolution was duly passed at the USET Semi-Annual Meeting, at which a quorum was present, in Niagara Falls, NY, on Friday, May 17, 2013.



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



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

“Because there is strength in Unity”