



**GREAT PLAINS TRIBAL CHAIRMEN'S HEALTH BOARD
RESOLUTION 2015-10**

- TITLE,** Tribal Exemption to the Affordable Care Act (ACA) Employer Shared Responsibility Rule
- WHEREAS,** The Great Plains Tribal Chairmen's Health Board (GPTCHB) is composed of seventeen (17) tribes and one (1) Indian Service Area in the four-state region of South Dakota, North Dakota, Nebraska and Iowa; and
- WHEREAS,** Federally recognized Indian tribes have an absolute right to health care from the federal government based on treaty rights, on congressional acts, on federal court decisions and on the federal government's trust responsibility to Indian tribes; and
- WHEREAS,** GPTCHB is primarily responsible for the health concerns and needs of the Indian tribes in the Great Plains Area of the Indian Health Service; and
- WHEREAS,** the ACA Employer Shared Responsibility Rule is inconsistent with the federal trust responsibility to Tribes, denies many Tribal members the opportunity to take advantage of the benefits and protections designed for them in the Marketplace, and chills Marketplace enrollment for American Indians and Alaska Natives; and
- WHEREAS,** the ACA Employer Shared Responsibility Rule is cost prohibitive for many Tribes and will result in a decrease in Tribal services for Indian people; and
- WHEREAS,** the ACA Employer Shared Responsibility Rule is mandated by Section 4980H of the Tax Code, as added by the ACA, and Section 490H of the Code does not specifically apply to Tribal governments, and Section 54.4980H-2(b)(4) of the ACA Employer Shared Responsibility Rule regulations reserves application of special rules for government entities; and

NOW THEREFORE BE IT RESOLVED that the Great Plains Tribal Chairman's Health Board urges the Administration and Congress to recognize, affirm, and uphold the

unique Treaty and Trust obligations and judiciary responsibilities of the federal government that are due to the Tribes and to each Tribal citizen by according an exemption to employer health insurance mandate for Indian Tribal governments and Tribal organizations operating within the exterior boundaries of Indian reservations; and

NOW THEREFORE BE IT RESOLVED that the Great Plains Tribal Chairman's Health Board requests that Internal Revenue Service exercise its legal authority to provide categorical relief from the ACA Employer Shared Responsibility Rule for Indian Tribes or for Congress to pass legislation categorically exempting Tribes from this requirement.

CERTIFICATION

This is to certify the foregoing Resolution was adopted by the Great Plains Tribal Chairmen's Health Board, Board of Directors through a duly convened meeting held at the Holiday Inn Convention Center in Spearfish SD on July 7, 2015 by a unanimous vote of:

 13 FOR 0 OPPOSED 5 NOT VOTING

MOTION CARRIED.



Roger Trudell
Chairman, GPTCHB
Chairman, Santee Sioux Tribe of Nebraska



Rudy Papakee
Member at Large, GPTCHB
Interim Executive Director,
Meskwaki Nation