

The INTER-TRIBAL COUNCIL of the FIVE CIVILIZED TRIBES

A Resolution in Support of the Tribal Employment and Jobs Protection Acts H.R. 3080 and S. 1771

Resolution No. 16-22



Bill John Baker
Principal Chief

WHEREAS, the Inter-Tribal Council of the Five Civilized Tribes (ITC) is an organization that unites the tribal governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole Nations, representing more than 650,000 Indian people throughout the United States; and



Bill Anoatubby
Governor

WHEREAS, the ITC recognizes that American Indian people suffer greater health disparities than others living in Oklahoma. The top leading causes of death among Indians in Oklahoma are heart disease, cancer, unintentional injuries and diabetes; and



Gary Batton
Chief

WHEREAS, the historic allocations of resources appropriated to all Indian health systems have created a disparity and underfunding for the Oklahoma Area compared to all other Areas in the United States. The Oklahoma Area has been in the bottom 25% of all Indian Health Areas and consistently rates as one of the lowest funded Areas within the IHS system; and



James R. Floyd
Principal Chief

WHEREAS, the Affordable Care Act (ACA) created the Employer Shared Responsibility Rule, otherwise known as the Employer Mandate, which states that all employers must offer health insurance to their employees or pay a penalty. Tribal governments and Tribal owned enterprises are currently counted as large employers for application of this rule. However, American Indians and Alaska Natives (AI/AN) are exempt from the Individual Mandate to purchase health insurance through the ACA. This is in recognition of the fact that AI/ANs should not be forced to purchase health insurance, since healthcare is obligated by the federal government's trust responsibility and is primarily delivered through the Indian Health Service (IHS), tribal nations, and urban Indian health centers; and



Leonard M. Harjo
Principal Chief

WHEREAS, requiring Tribal employers to provide the largely AI/AN populations they employ with such coverage anyway, and penalizing them if they do not, functionally invalidates the AI/AN exemption from the individual mandate by shifting the penalty from individuals to Tribal governments; and

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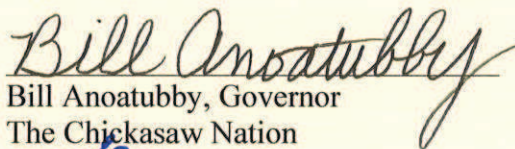
WHEREAS, the Tribal Employment and Jobs Protection Act H.R. 3080 and S. 1771 were both introduced on July 15, 2015. This legislation would exempt Tribes and Tribal employers from the Employer Shared Responsibility Rule, otherwise known as the Employer Mandate, under the ACA. This is critical to Indian Country, as it would re-affirm Tribal sovereignty in decision making over our own employees, prevent Tribes from Internal Revenue Service fines that Tribal employers will incur under the mandate and ensure the federal government honors its trust responsibility to federally recognized Indian Tribes; and

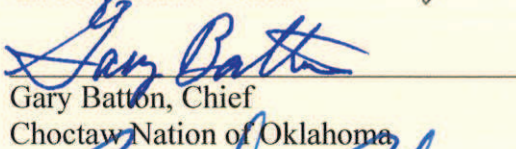
WHEREAS, the ruinous impact that the Employer Mandate will have on Tribal sovereignty transcends party lines. It could not have possibly been Congress' intent to dishonor its trust obligations by enacting the Employer Mandate.

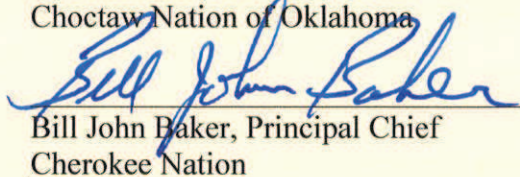
NOW THEREFORE BE IT RESOLVED THAT, the ITC is in support of the passage of HR 3080 and S 1771 to exempt Tribes and Tribal employers from the Employer Shared Responsibility Rule as this legislation would re-affirm Tribal sovereignty.

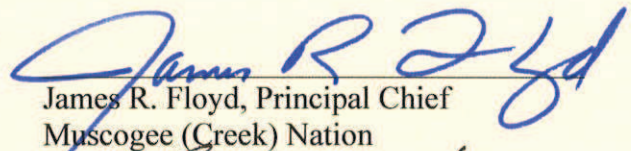
CERTIFICATION

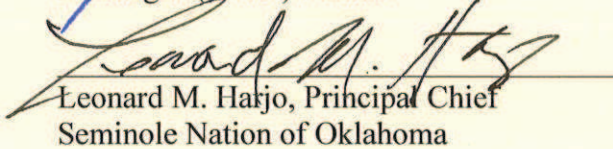
The foregoing resolution was adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting in Norman, Oklahoma on this 8th day of July, 2016, by a vote of all for 0 against and 0 abstentions.


Bill Anoatubby, Governor
The Chickasaw Nation


Gary Batton, Chief
Choctaw Nation of Oklahoma


Bill John Baker, Principal Chief
Cherokee Nation


James R. Floyd, Principal Chief
Muscogee (Creek) Nation


Leonard M. Hatjo, Principal Chief
Seminole Nation of Oklahoma