



2013 Annual Convention Worley, ID

RESOLUTION #13 – 70

“IN SUPPORT OF THE U.S. CONGRESS & ADMINISTRATION ADOPTING THE DEFINITION OF INDIAN AT 42 C.F.R. § 447.50 UNIFORMLY IN IMPLEMENTING THE AFFORDABLE CARE ACT”

PREAMBLE

We the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the ATNI; and

WHEREAS, the Patient Protection and Affordable Care Act (ACA) contains numerous favorable procedural rules, cost-sharing protections, and mandatory enrollment exemptions that apply specifically to American Indians and Alaska Natives (AI/ANs), referred to generally as “Indians” in the ACA; and

WHEREAS, these Indian specific provisions do not uniformly define the term “Indian,” and in many cases do not include any definition at all, creating enormous confusion in the implementation of the ACA; and

WHEREAS, this confusion will result in many AI/ANs not receiving the benefits and special protections intended for them in the law; and

WHEREAS, effective July 1, 2010, the Centers for Medicare and Medicaid Services adopted a definition of “Indian” in its implementation of the Medicaid cost sharing protections enacted in Sec. 5006 of the American Recovery and Reinvestment Act (codified at 42 U.S.C. § 1396o(j)) and this regulation, 42 C.F.R. § 447.50, broadly defines the term “Indian” consistent with the Indian Health Services’ (IHS) regulations on eligibility for IHS services; and

WHEREAS, use of this definition of Indian at 42 C.F.R. § 447.50 will end the confusion and result in AI/ANs receiving the benefits and special protections intended for them in the ACA; and

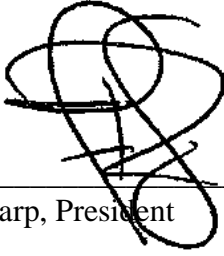
WHEREAS, that ATNI, the National Congress of American Indians, the Tribal Technical Advisory Group to CMS, the Tribal Self-Governance Advisory Committee, Area Indian Health Boards, and many individual Tribes have officially endorsed amending the definition of Indian in the ACA provisions affecting cost sharing (ACA 1402), special enrollment (ACA 1311) and tax penalties (ACA 1501/IRC 5000A) to correspond to the definition of Indian adopted by CMS in regulation at 42 C.F.R. § 447.50; now

THEREFORE BE IT RESOLVED, that ATNI request that the United States Congress and Administration adopt the definition of Indian at 42 C.F.R. § 447.50 uniformly in implementing the ACA, including for the Exchange Plans, Medicaid expansion, and the specific AI/AN provisions; and

BE IT FURTHER RESOLVED, that adopting the definition of Indian at 42 C.F.R. § 447.50 will avoid administrative mistakes and facilitate ease of enrollment, as well as advance fulfillment of the federal government’s special trust responsibility toward AI/ANs, promote the ACA’s objectives of making health coverage more accessible to the uninsured, and address the alarmingly inadequate access to health services by AI/ANs due to underfunding of the IHS.

CERTIFICATION

The foregoing resolution was adopted at the 2013 Annual Convention of the Affiliated Tribes of Northwest Indians, held at Coeur d'Alene Resort Hotel & Casino, Worley, Idaho on September 16 - 19, 2013, with a quorum present.



Fawn Sharp, President



Norma Jean Louie, Secretary