



Little River Band of Ottawa Indians
Tribal Council
2608 Government Center Drive
Manistee, MI 49660
(231) 723-8288

Resolution #20-0429-119

Resolution Continuing the Support of the Constitutionality of the 2010 Indian Health Care Improvement Act Amendments in the Affordable Care Act by Supporting of the Amicus Brief to the United States Supreme Court for Texas v. California.

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Anishinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) of the Constitution to provide for the public health, peace, morals and education and general welfare of the Little River Band and its members; and

WHEREAS, Tribal Council is committed to the welfare, care, and protection of Tribal Members and recognize the importance of the Affordable Care Act's (ACA) Indian Health Care Improvement Amendments (IHCIA); and

WHEREAS, provisions of law that operates independent from an unconstitutional provision remains good law and should not be invalidated;

WHEREAS, Tribal Council passed Resolution #19-0327-075 in support of the IHCIA and amicus brief at the lower appeal court level in the Fifth Circuit and that case has now been appealed to the United States Supreme Court.

NOW THEREFORE IT IS RESOLVED that the Tribal Council hereby submits this resolution continuing support of the IHCIA and further supporting an amicus brief at the United States Supreme Court and authorizes the Unified Legal Department to take the necessary actions to join Little River Band of Ottawa Indians as a signatory.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Open Session of the Little River Band of Ottawa Indians Tribal Council held on April 29, 2020 via teleconference with a quorum being present for such vote.



Gary DiPiazza, Council Recorder



Ron Pete, Council Speaker

cc: Council Records
Tribal Ogema
Unified Legal Department