

Committee: Rules

Date: 05-15-13

Committee Date: 05-30-13

Author: Vickie Hanvey

Sponsor: C. Hoskin Jr., T. Glory-Jordan, D. Walkingstick, J. Byrd,  
J. Fishinghawk, C. Snell, F. Hargis, D. Thornton, D. Garvin,  
J. Fullbright, M. Frailey, D. Lay, L. Keener, B. Anglen,  
C. Cowan Watts, J. Baker, J. Coates

RESOLUTION NO. 52-13

## COUNCIL OF THE CHEROKEE NATION

### A RESOLUTION RATIFYING LITIGATION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

**WHEREAS**, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government in behalf of the Cherokee people;

**WHEREAS**, the Cherokee Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United States of America;

**WHEREAS**, Legislative Act 07-01 provides that litigation brought on behalf of Cherokee Nation and involving substantial assets or sovereignty of the Nation be authorized by the Principal Chief and ratified by the Council;

**WHEREAS**, the Indian Health Service has not taken any action in regards to Contract Dispute Act claims filed by Cherokee Nation for underpayment of contract support costs in the amount of \$49,834,352, it is in the best interests of the Nation to file a civil action in federal court;

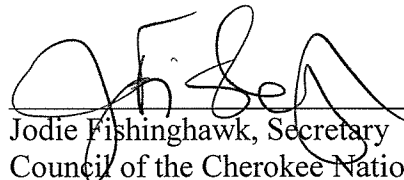
**WHEREAS**, in order to preserve the rights and standing of Cherokee Nation, it is necessary for the Nation to file suit against the Secretary of the Department of Health and Human Services, in the United States District Court for the District of Columbia.

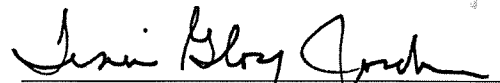
**BE IT RESOLVED BY THE CHEROKEE NATION**, that litigation in United States District Court for the District of Columbia, in regards to the Cherokee Nation's Contract Dispute Act claims for underpayment of Indian Health Service contract support costs, is hereby ratified and the Attorney General is authorized to take such action as necessary to pursue such litigation and ensure that the Nation's interests are fully represented.

### CERTIFICATION

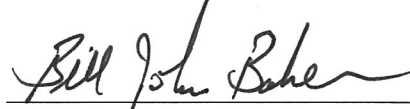
The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 10<sup>th</sup> day of June, 2013, having 17 members present, constituting a quorum, by the vote of 17 yea; 0 nay; 0 abstaining.

**ATTEST:**

  
Jodie Fishinghawk, Secretary  
Council of the Cherokee Nation

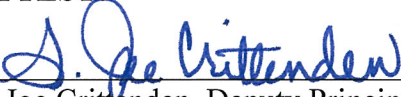
  
Tina Glory Jordan, Speaker  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 18<sup>th</sup> day of June, 2013.



Bill John Baker, Principal Chief  
Cherokee Nation

**ATTEST:**



S. Joe Crittenden, Deputy Principal Chief  
Cherokee Nation

# Cherokee Nation Act/Resolution Proposal Form

Act       Resolution

<b><u>ADMINISTRATIVE CLEARANCE</u></b>	
<b>Dept/Program:</b> <i>Vickie Hanvey</i>	<i>5/16/13</i>
Signature/Initial	Date
<b>Executive Director:</b>	
Signature/Initial	Date
<b>Treasurer: (Required: Grants/Contracts/Budgets)</b>	
<i>Greg A. Horn</i>	<i>5-17-13</i>
Signature/Initial	Date
<b>Government Resources:</b>	
<i>Vickie Hanvey</i>	<i>5/16/13</i>
Signature/Initial	Date
<b>Administration Approval:</b>	
<i>Greg A. Horn</i>	<i>5-17-13</i>
Signature/Initial	Date

**TITLE:**      RATIFYING LITIGATION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

**DEPARTMENT CONTACT:**      Todd Hembree/Vickie Hanvey

**RESOLUTION PRESENTER:**      Todd Hembree/Vickie Hanvey

**COUNCIL SPONSOR:**      Chuck Hoskin, Jr.

**NARRATIVE:**

This resolution authorizes the Attorney General to file a civil action regarding Contract Dispute Act claims for underpayment of contract support costs in the amount of \$49,834,352. The litigation will be filed in the United States District Court for the District of Columbia.

<b><u>LEGISLATIVE CLEARANCE:</u></b>	
<b>Legal &amp; Legislative Coordinator:</b>	
<i>Donna</i>	<i>5/17/13</i>
Signature/Initial	Date
<b>Standing Committee &amp; Date:</b>	
<i>Rules</i>	<i>5/30/13</i>
<b>Chairperson:</b>	
<i>Hoskin Sr.</i>	
Signature/Initial	Date
<b>Returned to Presenter:</b>	
	Date

05-17-13P12:15 RCVD