

**IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

| | | |
|--|---|--------------------------|
| NORTHERN ARAPAHO TRIBE, on its |) | |
| own behalf and on behalf of its members, |) | |
| |) | |
| Plaintiff-Appellant, |) | |
| |) | |
| v. |) | Civil Action No. 15-8099 |
| |) | |
| ALEX M. AZAR, II, Secretary of Health |) | |
| and Human Services, et al., |) | |
| |) | |
| Defendants-Appellees. |) | |

JOINT STATUS REPORT

On August 17, 2018, this Court granted the parties’ request to continue to hold this matter in abeyance, but ordered the parties to file a particularized status report on or before December 17, 2018. This report is in response to this Court’s order.

This case concerns the applicability of certain provisions of The Patient Protection and Affordable Care Act of 2010 (“ACA”) and its implementing regulations to Native American Tribes. *See Order, Northern Arapaho Tribe v. Burwell*, No. 14-CV-00247-SWS, Dkt. No. 41. More specifically, the case concerns whether Indian tribes, such as appellant, are subject to the ACA’s large employer shared responsibility provision, 26 U.S.C. § 4980H.

On May 23, 2018, Senator Steve Daines introduced legislation that would expressly exclude Indian Tribes from the definition of “large employer” under § 4980H, retroactive to December 31, 2014. The bill remains pending in the Senate.

Accordingly, the parties respectfully request that the Court continue to hold this appeal in abeyance, with a status report due in sixty (60) days, so as to provide Congress with additional time to act.

Dated this 17th day of December, 2018.

Respectfully submitted,

/s/ Andrew W. Baldwin
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CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2018, I electronically filed the foregoing status report with the Clerk of Court by using the appellate CM/ECF system. Service will be accomplished by the appellate CM/ECF system.

/s/ Gerard Sinzdak
Gerard Sinzdak