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### MOE Repeal Bill Moves through House Subcommittee

The House Energy and Commerce Committee's Subcommittee on Health voted May 12<sup>th</sup> to approve H.R. 1683, *The State Flexibility Act*, a bill repealing Medicaid "maintenance of effort" (MOE) provisions in the Affordable Care Act (ACA) by a party line vote of 14-9. The provisions prevent states from reducing enrollment in Medicaid and the Children's Health Insurance Program (CHIP) prior to 2014. The Congressional Budget Office estimates that if MOE provisions are repealed, approximately 400,000 people will lose access to these programs by 2013, two-thirds of which are children.

Although H.R. 1683 will need full committee approval to advance to the House floor, it is being discussed as a possible attachment conditional to the passage of an increase in the debt ceiling.

### Mark-up Schedule Released for FY 2012 Appropriations Bills

The House Appropriations Committee has released its schedule for "marking up" its 12 annual appropriations bills for Fiscal Year (FY) 2012. Mark-ups are the process by which Congressional committees debate, revise, and amend legislation. The bill for Interior, Environment, and Related Agencies Appropriations, which, among other things, determines the budget for the Indian Health Service (IHS), is scheduled to be marked-up by its subcommittee on July 6<sup>th</sup> and the full committee on July 11<sup>th</sup>, placing it well within the August recess deadline the committee has set for nine of the bills.

Reflective of the House-approved Budget Resolution, the draft 302b allocations (the proposed levels of funding for each appropriations bill) have been set at \$46 billion lower than FY 2011 levels. The budget authority for the Interior Appropriations bill has been preliminarily set at \$27.4 billion, which is over \$2 billion less than FY 2011 levels and \$3.8 billion less than the President's request.

NIHB is continuing to meet with Members of the House Appropriations Committee and is monitoring the situation closely. More information will be provided as it becomes available. To view the mark-up schedule or the 302(b) draft allocations, please visit: [http://appropriations.house.gov/index.cfm?FuseAction=PressReleases.Detail&PressRelease\\_id=298](http://appropriations.house.gov/index.cfm?FuseAction=PressReleases.Detail&PressRelease_id=298)



## NIHB UPDATES

### NIHB Comments on Proposed Rule for Waivers for State Innovation

On May 13<sup>th</sup>, the National Indian Health Board submitted comments to the Centers for Medicare and Medicaid Services (CMS) on the CMS and Department of the Treasury joint proposed rule on the application, review, and reporting process for State Innovation Waivers, section 1332 of the Affordable Care Act. Beginning in 2017, these waivers would allow states to be waived for up to 5 years from many requirements under the Affordable Care Act, as long as they are providing similarly comprehensive, affordable, and expansive care to that which is in the law.

NIHB submitted two comments in response to the proposed rule: First, the impact on Native populations needs to be fully considered when determining whether a state is eligible for an innovation grant. Secondly, while NIHB is supportive of the meaningful Tribal consultation requirement during the application-drafting in the rule, states should be required to consult with Tribes using the standards set forth for Tribal consultation under Medicaid programs.

## ADMINISTRATION UPDATES

### Tribal Comments on Substance Abuse and Sexual Assault due to IHS by the end of May

In two March 'Dear Tribal Leader' letters, the Director of IHS, Dr. Yvette Roubideaux initiated consultation with Tribes on two topics.

The first, dated March 8<sup>th</sup>, requested Tribal priorities for the implementation of the update Memorandum of Agreement (MOA) between IHS and the Department of the

Interior regarding Indian alcohol and substance abuse prevention and treatment.

The second letter, dated March 28<sup>th</sup>, requests comments regarding sections 17 and 25 of the Tribal Law and Order Act in an effort to standardize policies for addressing sexual assault.

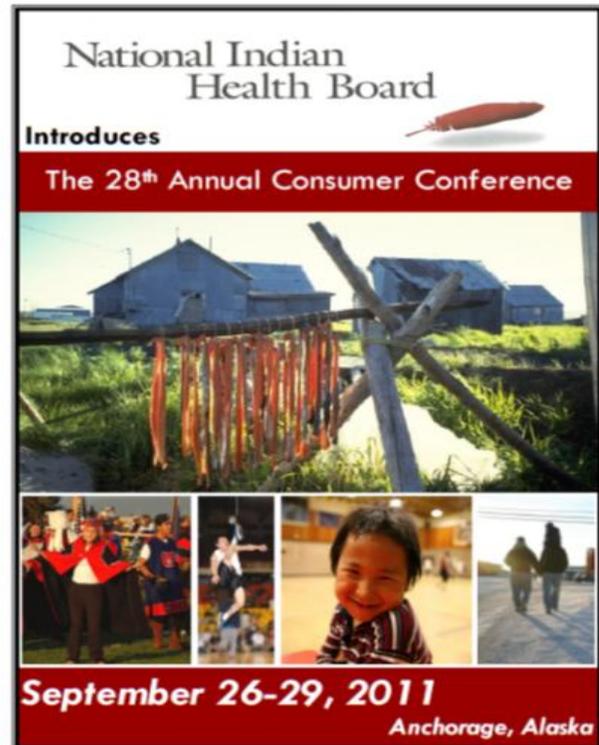
Comments on each topic are due by May 30<sup>th</sup>. To comment on the substance abuse MOA, please email:

[DOIMOACOMMENTS@ihs.gov](mailto:DOIMOACOMMENTS@ihs.gov)

To comment on sexual assault policies, please email: [SAPolicyComments@ihs.gov](mailto:SAPolicyComments@ihs.gov)

Both letters can be viewed at:

[http://www.ihs.gov/PublicAffairs/DirCorner/index.cfm?module=tc\\_tribal\\_letters](http://www.ihs.gov/PublicAffairs/DirCorner/index.cfm?module=tc_tribal_letters)



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