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NIHB UPDATES

NIHB, NCAI, NCUIH Release Health Reform Survey

The National Congress of American Indians (NCAI), the National Indian Health Board (NIHB), and the National Council of Urban Indian Health (NCUIH) have been jointly awarded a grant from the Indian Health Service (IHS) to collaborate on the National Indian Health Education and Outreach initiative.

Through this partnership, our organizations are working together to develop the necessary tools and resources to assist Tribal nations and their communities in making more informed decisions about their new health care options under the Patient Protection and Affordable Care Act (ACA).

In order to have a better understanding of what resources and tools tribal nations and their communities might need regarding health care delivery and options, we are encouraging tribal leaders, American Indian and Alaska Native

community members, tribal employers, and health directors to complete a survey on the ACA.

[Click here to take the survey!](#)

HILL UPDATES

Short-term CR Passes with ‘Minibus’, Supercommittee Deadlock Continues

On November 17th, both chambers of Congress passed a conference report reconciling their separate versions of the Agriculture, Rural Development, Food and Drug Administration, the Commerce, Justice, and Science, and the Transportation, Housing, and Urban Development Appropriations bills for Fiscal Year (FY) 2012. Instead of passing each bill separately, the three were combined to make what is known as a “minibus.”

In addition to the three appropriations bills, this package included yet another Continuing Resolution (CR) in order to avoid a government shutdown, which would have happened when the current CR expired on November 18th. This CR is “clean”, without any changes to current funding levels or policy riders. It simply continues current funding levels through December 16, 2011.

As a result, the minibus and CR package, H.R. 2112, passed each chamber easily. In the House, it passed by a vote of 298 to 121, with the Senate approving it by a vote of 70 to 30. President Obama signed it into law on November 18th.

Meanwhile, the Joint Select Committee on Deficit Reduction or Supercommittee continues to be stymied over the issue of revenue. By law, they



must vote on a proposal that reduces the federal deficit by at least \$1.2 trillion over the next decade by November 23rd. However, while multiple proposals have been circulated from the members of both political parties on the panel, all have been rejected by the other side of the aisle.

The primary dispute between Republican and Democratic Members of the Supercommittee continues to be tax rates and revenue increases. Republicans would like to permanently extend the Bush-era tax cuts, with a top rate of 28% for the wealthiest individuals, while increasing federal revenue over the next decade by \$300 billion (about \$100 billion of this figure comes from projected savings in future tax reform) mostly through the elimination of certain tax deductions. A recent Democratic plan includes a top tax rate of 35% on the highest earners and \$1.3 trillion in new revenue through these higher taxes and the elimination of certain deductions.

At present, both parties remain at an impasse and at press time, a compromise plan was not in the works. Should the Supercommittee fail to pass a plan, a “sequestration” plan is triggered, automatically reducing non-defense spending by \$600 billion and defense spending by \$600 billion over the next 10 years for a total of \$1.2 trillion in deficit reduction, effective January 1, 2013. Certain programs will be exempt from these across-the-board cuts, with possible reductions to the Indian Health Service capped at 2% of funding. Other agencies would likely experience much higher cuts.

Rep. Jeb Hensarling (R-TX), Co-Chair of the Supercommittee, said that the panel is likely to stay over the weekend to find an agreement if one cannot be reached this Friday.

In addition, Congress must develop a plan to fund the federal government for FY 2012 by December 16th or risk another shutdown. This would include passing the remaining 9 appropriations bills. The Senate is currently attempting to pass a second “minibus” containing the Energy and Water Development, Financial Services, and State and Foreign Operations Appropriations bills. Thus far, that bill has not made it to the Senate floor due to several

controversial provisions, including cash exchanges between Cubans and U.S. banks.

NIHB continues to monitor the situation and will report on new information as it develops.

HEALTH REFORM UPDATES

Supreme Court Will Take up Health Reform Law

On November 14th, the Supreme Court announced that it would take up portions of three separate cases concerning the constitutionality of various provisions of the Patient Protection and Affordable Care Act (ACA). The Court has set aside 5 ½ hours of oral argument for the cases to be heard next March.

The Court will hold two hours of argument on the constitutionality of the requirement that virtually every American obtain health insurance by 2014 (the individual mandate), 90 minutes on whether some or all of the overall law must fail if the mandate is struck down (severability), one hour on whether the Anti-Injunction Act bars some or all of the challenges to the insurance mandate, and one hour on the constitutionality of the expansion of the Medicaid program.

These questions on the law are contained in appeals filed in the cases of Florida, et al., v. U.S. Department of Human Services, National Federation of Independent Business v. Sebelius, and Health & Human Services v. Florida, et al, the last being an appeal filed by the Obama Administration.

The National Indian Health Board will continue to be the lead among hundreds of Tribes and Tribal organizations in an Amicus Brief in State of Florida et al. vs. U.S. Department of Health and Human Services et al. Immediately filed after the enactment of the ACA, 26 state government plaintiffs challenged the constitutionality of the individual mandate. In both the District and Appeals courts the individual mandate was deemed unconstitutional in this case. However, Judge Roger Vinson in the Northern District of Florida ruled that because the individual mandate



was deemed constitutional, the rest of the ACA could not stand, while the 11th Circuit ruled that the individual mandate was severable from the law.

In the brief, the Tribes will again express that the lower court's ruling on the individual mandate was overbroad and that the Indian Health Care Improvement Act (IHCA) and the Indian specific provisions of the ACA are independent from ACA's individual mandate provision and these provisions should not be struck down.

NIHB is encouraging all Tribes and Tribal organizations to sign onto the brief. A critical mass will bolster this important argument. To sign on to the brief, please contact Jennifer Cooper, NIHB Legislative Director, at: jcooper@nihb.org or 202-507-4070.

ADMINISTRATION UPDATES

IHS Initiates Consultation on FACA

A recent "Dear Tribal Leader Letter" from Indian Health Service (IHS) Director, Dr. Yvette Roubideaux, has initiated a formal consultation with Tribes on the Federal Advisory Committee Act (FACA). In particular, input and advice is needed to help ensure that all IHS advisory groups remain compliant with FACA. The comment period will be open for 60 days, beginning on November 9th. Comments may be emailed to consultation@ihs.gov

To view the "Dear Tribal Leader Letter," click [here](#).

CMS Releases Final Tribal Consultation Policy

On November 17th, the Centers for Medicare & Medicaid Services (CMS) released the final version of its Tribal Consultation Policy. The final policy is the result of comments to CMS by its Tribal Technical Advisory group and other Tribal leaders. To discuss the policy further, CMS has scheduled an All Tribes conference call:

Date: December 9, 2011

Time: 1:00-3:00 pm EST

Call-in: 1-888-637-7740

Passcode: 538239

To view the final policy and the Dear Tribal Leader letter announcing it, please visit:

www.nihb.org

New Tool on Healthcare.gov Helps Small Businesses Compare Insurance Plans

On November 18th, the Department of Health and Human Services (HHS) announced an expanded website to give small business owners an unprecedented detailed review of their health insurance plan choices.

In time for 2012, this new tool allows small business owners to compare the benefits and costs of health plans and choose those that are best for their employees. For the first time ever, it will allow small businesses to research locally available products in an unbiased manner and foster a more transparent and competitive marketplace.

In addition to the market being difficult to analyze, small businesses do not fare as well large employers when negotiating health care prices, on average small businesses spend 18 percent more for the same health insurance coverage. This new tool brings needed transparency to the marketplace, which will help ensure insurance companies will compete for business on the basis of price and quality.

The tool is located on www.HealthCare.gov, which was created under requirements contained in the Affordable Care Act (ACA). The website is the first of its kind to bring information and links to health insurance plans to one place, and to make it easy for consumers to learn about and compare their insurance options. The Centers for Medicare & Medicaid Services (CMS) worked to define and collect detailed benefits and premium rating information from insurers across the country to develop the site.



More than 530 insurers have provided information for more than 2,700 coverage plans across all states and the District of Columbia.

To access the small business Insurance Finder, go to the home page of www.HealthCare.gov and click on the blue tab at the top of the page.

For more information, visit www.HealthCare.gov, or access the HHS Facebook page or Twitter account. To download a www.HealthCare.gov Insurance Finder widget visit www.HealthCare.gov/stay_connected.html.

White House Annual Tribal Nations Conference

On Friday, December 2, 2011, President Obama will host the White House Tribal Nations Conference at the Department of the Interior. As part of President Obama's ongoing outreach to the American people, this conference will provide leaders from the 565 federally recognized Tribes the opportunity to interact directly with the President and representatives from the highest levels of his Administration. Each federally recognized Tribe has been invited to send one representative to the conference.

The Conference will be held at the Department of the Interior's Sidney R. Yates Auditorium from 8:30 a.m. to 3:00 p.m. Additionally, each federally recognized Tribe is invited attend a smaller regional briefing and listening session at the Eisenhower Executive Office Building on either Wednesday, November 30 or Thursday, December 1, 2011, with senior members of President Obama's Administration.

Additional events have been planned in conjunction with this event and include:

Tuesday, November 29

Tribal Leader Preparatory Meeting

Time: 9:00 a.m. – 4:00 p.m.

Location: Grand Hyatt, 1000 H Street NW, Washington, DC

Navajo Nation Washington Office Reception

Time: 6:00 p.m. - 8:00 p.m.

750 1st St NE # 1010 Washington, DC 20002-8003

National Indian Education Association Reception

Time: 6:00 p.m. - 9:00 p.m.

NEA Headquarters, 1201 16th St NW Washington, DC 20036

View the Invitation and RSVP [here](#)

Wednesday, November 30

White House Briefings and Listening Sessions with Tribal Leaders by Region

Eisenhower Executive Office Building by White House [Invitation Only](#)

12:30-2:00 Representatives from the Eastern, Eastern Oklahoma, Southern Plains, Great Plains, Midwest and Rocky Mountain Regions

3:00-4:30 Representatives from the Pacific and Northwest Regions

Invitees are encouraged to arrive at least 30 minutes before the start of the scheduled start time.

More details posted at:

www.whitehouse.gov/nativeamericans

Treasury/IRS Consultation Listening Meeting on General Welfare Benefits

9:30 a.m. – 11:30 a.m.

GSA Auditorium, 1800 F Street NW

Consultation listening meetings to receive input directly from tribal governments. Further information is available [here](#).

National Museum of American Indians Evening Reception

Time: 6:30 p.m. - 8:30 p.m.

Location: NMAI, Fourth Street & Independence Ave. SW, Washington, DC

Thursday, December 1

White House Briefings and Listening Sessions with Tribal Leaders by Region

Eisenhower Executive Office Building



by White House Invitation Only

9:30-11:00 Representatives from the Southwest, Navajo and Western Regions

3:30-5:00 Representatives from the Alaska Region

Invitees are encouraged to arrive at least 30 minutes before the start of the scheduled start time.

More details posted at:

www.whitehouse.gov/nativeamericans

White House Champions of Change: Native American Youth

Eisenhower Executive Office Building
By White House Invitation Only – those interested in attending should email IndianCountry@who.eop.gov

12:00-2:00 Exceptional Native youth community leaders from the Native American Youth Challenge

Invitees are encouraged to arrive at least 30 minutes before the start of the scheduled start time.

More details posted at:

www.whitehouse.gov/nativeamericans

Senate Committee on Indian Affairs Oversight Hearing

“Deficit Reduction and Job Creation: Regulatory Reform in Indian Country”

2:15 p.m.

Dirksen Senate Office Building, SD-628

More information and a live feed can be found

[here](#)

Holiday Reception

In Honor of House Native American Caucus Co-Chairs Congressman Kildee and Congressman Cole

Time: 6:00 p.m. - 8:00 p.m.

Location: Grand Hyatt, Independence A Ballroom, 1000 H Street NW, Washington, DC

National Center for American Indian Enterprise Development Reception

Celebrating Native Unity...Now!

Time: 8:00 p.m. - 11:00 p.m.

Hard Rock Cafe Washington, DC

999 E Street, N.W.

Friday, December 2

White House Tribal Nations Conference

by White House Invitation Only

Time: 8:30 a.m. – 3:00 p.m.

Location: Department of the Interior

Saturday, December 3

White House Tour

Must email IndianCountry@who.eop.gov to request

Time: 8:30 a.m.

Location: White House

Per White House FAQ document: “Please keep in mind that space is limited and we may not be able to accommodate all requests.”



You are cordially invited to attend

National Indian Health Board's 29th ANNUAL CONSUMER CONFERENCE

*Celebrating
NIHB'S 40th Anniversary*

**September 24- 28, 2012
DENVER, COLORADO**

Sign Up for Washington Report, at:

http://www.nihb.org/legislative/washington_report.php

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