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Still Time to Sign on to ACA Tribal Amicus Brief

December 16, 2011 is the deadline to sign on to a Tribal amicus (or “friend of the court”) brief in a prominent case pertaining to the Patient Protection and Affordable Care Act (ACA)- *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 – the ACA requirement for all individuals who can afford health care insurance to purchase a minimally comprehensive insurance policy.

This case will be taken up by the Supreme Court in 2012. The purpose of this brief is to protect the inclusion of the permanent reauthorization of the Indian Health Care Improvement Act (IHCIA) and other Indian-specific provisions included in the ACA as the Supreme Court considers whether or not the individual mandate is constitutional.

With NIHB as the lead, the brief argues that the Indian-specific provisions are separate from other provisions in the Act and should stand on their own even if the controversial individual mandate provision is held to be unconstitutional. Our brief supports the position of the United States that the mandate and directly related provisions are severable from the remainder of the ACA, to include the Indian-specific provisions.

NIHB is serving as the lead on this important brief and our goal is to have more Tribes and Tribal organizations join this effort. It certainly will be a wonderful if all 565 Tribes in the country sign on to this amicus brief and all Tribes once again speak with one voice for the IHCIA.

If your Tribe or Tribal organizations is interested in signing on to this brief or contributing financially to this effort, please contact Geoff Strommer at: GStrommer@hobbsstrauss.com

HILL UPDATES

FY 2012 Appropriations Talks Continue

Although Fiscal Year (FY) 2012 officially began on October 1st, Congress has yet to pass nine of the twelve appropriations bills for this year. This includes the Interior, Environment, and Related Agencies Appropriations bill, which contains funding for the Indian Health Service (IHS). Following the release of the President’s budget request in February, both the House and Senate have released proposed funding levels for IHS in FY 2012 (see NIHB update [chart](#)). Conflict over a number of controversial policy riders attached to the House version of the bill (particularly those limiting the power of the Environmental



Protection Agency (EPA)) have delayed further legislative action on the Interior bill.

The House and Senate are currently in conference to reconcile differences in each of the nine remaining spending bills for FY 2012, and ideally, move them all in a large (or “omnibus”) spending package before recessing for the year.

Newspapers are reporting that funding for the Pentagon, Homeland Security, and Veterans Affairs is largely settled, and that there are tentative agreements on funding for the EPA and IHS. According to Senator Daniel Inouye (D-HI), Chairman of the Senate Appropriations Committee, the policy riders have been pared back.

At this time, the federal government is operating under a continuing resolution (a mechanism that allows for government operations to continue at the current rate of funding) that will expire on December 16th. To meet this deadline, an omnibus package must be filed with the House Committee on Rules by Monday, December 12th. In the event that Congress is successful in passing an omnibus for FY 2012, the level of funding for IHS will likely be closer to the Senate proposal due to passage of the Budget Control Act of 2011. The Budget Control Act capped discretionary spending for FY 2012 at lower levels than were agreed to during the drafting of the House bill. If they are unsuccessful, there will likely be another continuing resolution until differences can be resolved.

ADMINISTRATION UPDATES

IHS Director Hosts Call on FY 2012 Budget

On December 9th, Indian Health Service (IHS) Director, Dr. Yvette Roubideaux, hosted an update call concerning the Fiscal Year (FY) 2012 IHS budget. For more information on this, please see the NIHB [update](#). Dr. Roubideaux also discussed issues related to contract support costs, noting that new information should be released soon. A contract support costs workgroup is also being established, with members being announced on December 15th and the first meeting planned for sometime in January.

HHS Awards ACA Funding for School-Based Health Centers

More than \$14 million was awarded on December 8th to 45 school-based health centers across the country allowing the number of children served to increase by nearly 50 percent, HHS Secretary Kathleen Sebelius has announced.

Clinics receiving the awards, made possible by the health reform law, are already providing much-needed health care services to 112,000 children. Today’s infusion of new money will enable them to expand their capacity and modernize their facilities, which will allow them to treat an estimated additional 53,000 children in 29 States.

School-based health centers enable children with acute or chronic illnesses to attend school, and improve the overall health and wellness of all children through health screenings, health promotion and disease prevention activities. Typically, a school-based clinic provides a combination of primary care, mental health care, substance abuse counseling, case management, dental health, nutrition education, health education and health promotion activities.

The Affordable Care Act provides \$200 million in funding from 2010 – 2013 for the School-Based Health Center Capital Program to address significant and pressing capital needs and to improve delivery and support expansion of services at school-based health centers. These grants are the second in the series of awards that will be made available to school-based health centers under the Affordable Care Act. The Health Resources and Services Administration (HRSA) oversees the School-Based Health Center Capital Program.

A full list of grantees is available at http://www.hhs.gov/news/press/2011pres/12/20111208a_grantees.html

To learn more about School-Based Health Centers, visit <http://www.healthcare.gov/news/factsheets/2011/12/health-centers12082011a.html>



IHS Director Releases “Dear Tribal Leader” Letter on IHCIF

Recently, Indian Health Service (IHS) Director, Dr. Yvette Roubideaux, sent a letter to Tribal leaders regarding decisions made in response to consultation on the Indian Health Care Improvement Fund (IHCIF) and its formula.

To view the letter, click [here](#).



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DATE: DECEMBER 15, 2011

TIME: 10:00 AM

LOCATION: 106 DIRKSEN SENATE OFFICE
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