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HILL UPDATES

New Leadership in the 112th Congress

With a change in majority for the House and a retirement in the Senate, leadership of congressional committees with jurisdiction over Tribal health has changed quite a bit. Below are the Chairs and Ranking Members of relevant committees and subcommittees for the 112th Congress:

House Committee on Appropriations

Chairman: Rep. Harold Rogers (R-KY)
Ranking Member: Rep. Norm Dicks (D-WA)

Subcommittee on Interior and the Environment

Chairman: Rep. Mike Simpson (R-ID)
Ranking Member: Rep. Jim Moran (D-VA)

House Committee on Energy and Commerce

Chairman: Rep. Fred Upton (R-MI)
Ranking Member: Rep. Henry Waxman (D-CA)

Subcommittee on Health

Chairman: Rep. Joe Pitts (R-PA)
Ranking Member: Rep. Frank Pallone (D-NJ)

House Committee on Natural Resources

Chairman: Rep. Doc Hastings (R-WA)
Ranking Member: Rep. Ed Markey (D-MA)

Subcommittee on Indian and Alaska Native Affairs

Chairman: Rep. Don Young (R-AK)
Ranking Member: Rep. Dan Boren (D-OK)

House Committee on Ways and Means

Chairman: Rep. Dave Camp (R-MI)
Ranking Member: Rep. Sander Levin (D-MI)

Subcommittee on Health

Chairman: Rep. Wally Herger (R-CA)
Ranking Member: Rep. Fortney Pete Stark (D-CA)

Senate Committee on Appropriations

Chairman: Sen. Daniel Inouye (D-HI)
Ranking Member: Sen. Thad Cochran (R-MS)

Subcommittee on Interior and the Environment

Chairman: Sen. Jack Reed (D-RI)
Ranking Member: Sen. Lisa Murkowski (R-AK)

Senate Committee on Finance

Chairman: Sen. Max Baucus (D-MT)
Ranking Member: Sen. Orrin Hatch (R-UT)

Senate Committee on Health, Education, Labor and Pensions (HELP)

Chairman: Sen. Tom Harkin (D-IA)
Ranking Member: Sen. Mike Enzi (R-WY)

Senate Committee on Indian Affairs

Chairman: Sen. Daniel Akaka (D-HI)
Ranking Member: Sen. John Barrasso (R-WY)



Congress Votes on Repeal of ACA

An effort to repeal the Patient Protection and Affordable Care Act (ACA) failed February 2nd during a procedural vote in the Senate 47-51. Senate Democrats raised a budget point of order against the amendment to the Federal Aviation Administration reauthorization bill, citing a Congressional Budget Office estimate that repeal would add \$230 billion to the national debt.

Meanwhile, the Senate did successfully repeal the 1099 tax reporting requirement in ACA by a vote of 81-17. The provision requires businesses to file 1099 tax documents for every purchase made from individual vendors totaling over \$600. Repeal of this measure enjoys strong bipartisan support, with the Obama Administration acknowledging that it presents an undue burden to businesses. The amendment to repeal 1099 requirements will make its way to the House for final approval.

All of this comes on the heels of a January 19th vote in the U.S. House of Representatives that did repeal the ACA by a vote of 245 - 189. The two-page bill entitled the, "Repealing the Job-Killing Health Care Law Act", repeals all provisions within and laws changed by ACA - including the Indian Health Care Improvement Act (IHCIA).

While it is unlikely that ACA will be repealed in its entirety, it is expected that the House will later attempt to repeal portions of the law piecemeal. Having instituted a 'repeal and replace' strategy, the House Majority passed a subsequent bill instructing four jurisdictional committees to draft legislation to replace that which is found in ACA, although the committees are not subject to any deadlines.

Committees Host Hearings on Impact of Health Reform

As the struggle over the fate of the Patient Protection and Affordable Care Act (ACA) continues, committees of jurisdiction in both

the House and Senate are beginning to host hearings on the effects the new legislation is already having on Americans and the United States Constitution.

House Committee on Ways and Means

On January 26th, the House Committee on Ways and Means hosted the first in a series of hearings entitled, "The Health Care Law's Impact on Jobs, Employers, and the Economy." Chairman Dave Camp (R-MI) called business owners, the current Chairman of the Council of Economic Advisors, Austan Goolsbee, and a former Director of the Congressional Budget Office under George W. Bush, Douglas Holtz-Eakin, to testify. While Goolsbee testified in favor of the positive effect ACA would have on job creation and employers' ability to provide health insurance, the other witnesses did not, arguing that the mandate for employer-provided health insurance and other new regulations represent an undue burden to businesses.

House Committee on Budget

Also on January 26th the House Committee on the Budget conducted a hearing on the, "Fiscal Consequences of the New Health Care Law." Chairman Paul Ryan (R-WI) called the CMS Chief Actuary Richard Foster, Secretary of Wisconsin Health Services Dennis Smith, and 2 think tank economists to testify on ACA's effects on deficit reduction. While Foster did note that Congressional Budget Office-predicted savings in Medicare might be overblown, he excluded other provisions from his presentation.

Senate Committee on Health, Education, Labor and Pensions (HELP)

One day later, the Senate HELP Committee, chaired by Senator Tom Harkin (D-IA), hosted a hearing entitled, "The Impact of Health Insurance Reform on Health Care Consumers." Chairman Harkin called as witnesses the Secretary of Health and Human Services, Kathleen Sebelius and the Rhode Island Insurance Commissioner, Christopher Koller, who testified in favor of the law, as



well as consumer witnesses - many with chronic diseases - who have already seen their lives change for the better under ACA.

Senate Committee on the Judiciary

On February 2, the Senate Judiciary Committee held a hearing entitled, “The Constitutionality of the Affordable Care Act.” Chairman Dick Durbin (D-IL) called a number of constitutional experts—law professors, former United States solicitors general, and a state attorney general—to discuss the constitutionality of the Affordable Care Act’s individual mandate under the commerce clause. Of the five witnesses, opinions on constitutionality were split, with three testifying in favor and two against. One notable argument in favor, however, was that of Harvard Law professor and former U.S. Solicitor General under Reagan, Charles Fried, a noted conservative. He testified, “The health care mandate is part of the regulation of the market everyone must at some time enter...I’m quite sure [the mandate] is constitutional.”

As jurisdictional committees in both the House and Senate continue to explore the implications of the new Health Care Law, more hearings are expected. Upcoming scheduled hearings include:

February 9th, 10:00 am: *House Committee on Education and the Workforce* Hearing on, “The Impact of the Health Care Law on the Economy, Employers, and the Workforce”

February 9th, 1:00 pm: *House Committee on Energy and Commerce Health Subcommittee* Hearing on, “H.R. ____, a Bill to Amend the Patient Protection and Affordable Care Act to Modify Special Rules Relating to Coverage of Abortion Services Under Such Act”

February 10th, 10:00 am: *House Committee on Ways and Means* Hearing on, “The Health Care Law’s Impact on the Medicare Program and its Beneficiaries”

APPROPRIATIONS CORNER

Remainder of FY 2011 Budgets May be Reduced, FY 2012 Frozen

On Tuesday, January 25th, the House voted 256 - 165 in favor of H. Res. 38, a non-binding resolution giving Budget Chairman Paul Ryan unilateral authority to set all non-defense spending for this year at FY 2008 levels when the Continuing Resolution expires March 4th. This means that the entire budget for Indian Health Service could regress 2 years. Currently funded at FY 2010 levels, the IHS budget could go from \$4.05 billion back to \$3.35 billion under the proposed financing guidelines.

Chairman Ryan plans to release his budget numbers sometime during the week of February 7th, one week before the House brings to the floor a new Continuing Resolution (CR) to fund the government for the remainder of the year. Both the House and Senate must agree to a new CR prior to March 4th to avoid a government shutdown.

The conservative 169-member House Republican Study Committee has proposed its own 10-year budget reduction plan that includes a provision to reduce FY 2011 spending even further, and may offer this particular provision as an amendment to the CR. Their “Spending Reduction Act of 2011” also contains a provision that would cap FY 2012 – FY 2021 discretionary spending at FY 2006 levels. The bill currently has 24 co-sponsors.

President Obama is scheduled to make his Budget Request to Congress for FY 2012 on February 14th. As the President discussed in his State of the Union Address, his budget will institute a 5-year freeze on non-security discretionary spending, excepting Social Security and Medicare and making targeted investments in areas like infrastructure and education. The White House says that the spending freeze will reduce the deficit by \$400 billion over the next 10 years.



ADMINISTRATION UPDATES

IHS Initiates Consultation on IHCIF and SDPI

IHS is currently engaging in tribal consultation via two “Dear Tribal Leader Letters.”

On February 1, IHS released a Dear Tribal Leader Letter initiating Tribal consultation on the funding distribution for the Special Diabetes Program for Indians (SDPI) in FY 2012 and FY 2013. Please send your comments to consultation@ihs.gov by February 28, 2011.

On December 30, 2010, IHS also initiated Tribal consultation on the Indian Health Care Improvement Fund (IHCIF). The IHCIF was established to determine the overall level of need funded for Federal, Tribal, or Tribal organization health care facilities. Please send your comments to consultation@ihs.gov by March 1, 2011.

The two letters are available on the IHS Director’s Blog – www.ihs.gov and on the NIHB website – www.nihb.org.

OTHER NEWS

Federal Judge Rules ACA Unconstitutional

Judge Roger Vinson, a senior federal judge of the United States District Court for the Northern District of Florida, has deemed the entire Patient Protection and Affordable Care Act unconstitutional. The ruling is in favor of 26 state-government plaintiffs, who challenged the constitutionality of the law’s individual mandate to purchase health insurance. Judge Vinson argued that Congress overstepped its bounds on this provision and because it is unseverable from ACA, the entire law must be struck down. However, he stopped sort of halting implementation of the act, stating that the appeals process must be allowed to take its

course. The Department of Justice has already indicated that the Administration will appeal this decision.

Vinson is the second of four US District Court judges to rule against the individual mandate, with a Virginia judge joining him; whereas another Virginia judge and Michigan judge upholding the mandate. By ruling the entire law unconstitutional, however, Vinson’s opinion is the furthest reaching. Likely, the case is expected to reach the Supreme Court.

NIHB UPDATES

NIHB Elects New Board Chair

On January 17, 2011, the National Indian Health Board (NIHB) elected as its Chairperson Tribal Councilwoman Cathy Abramson, Sault Ste. Marie Tribe of Chippewa Indians and Bemidji Area representative. Councilwoman Abramson shares, “I am humbled to be elected chair of the nation’s premiere American Indian health policy and advocacy organization. Last year, NIHB made a number of great contributions to Indian Health, including having an instrumental role in the passage of the Patient Protection and Affordable Care Act. I am committed to continue this momentum at NIHB working with this excellent Board and staff. Tribes invited and welcome to contact NIHB or me anytime to share your ideas on how to move our people’s health forward.”

- SAVE THE DATE -
NIHB is hosting
National Training Summit
on ACA and IHCA

April 19-20, 2011
Washington, DC
More to details to come



CALENDAR OF EVENTS

USET 2011 IMPACT WEEK

CRYSTAL GATEWAY MARRIOTT
ARLINGTON, VA
FEBRUARY 7-10, 2011
www.usetinc.org

BIA-IHS-SAMHSA TRIBAL LISTENING SESSION ON SUICIDE PREVENTION

CRYSTAL GATEWAY MARRIOTT
ARLINGTON, VA
February 10, 2011 (1pm – 5pm)

PLANNING CONFERENCE CALL FOR HHS 13TH ANNUAL TRIBAL BUDGET

CONSULTATION AND POLICY SESSION
FEBRUARY 10, 2011 – 2PM EST
Conference Call Number
Call in: 866-770-9697
Participant Code: 8530138

Deadline for testimony submission for consultation
FEBRUARY 17, 2011

Note: If you are unable to meet this deadline, HHS Office of Intergovernmental Affairs will accept testimony at the Consultation session, but you will need to bring 200 copies to the HHS Consultation

*HHS 13th Annual Tribal Budget Consultation and
Policy Session*

WASHINGTON, DC
MARCH 2-4, 2011

PRESIDENT'S PROPOSED FY 2012 BUDGET REQUEST RELEASED

WEEK OF FEBRUARY 14TH

SAMSHA TRIBAL CONFERENCE CALL

FEBRUARY 16, 2011 (TENTATIVE)
More details to follow

LET'S MOVE! IN INDIAN COUNTRY (LMIC) TRIBAL COLLABORATION CONFERENCE CALL

FEBRUARY 17, 2011 – 1 PM EST
Conference Call Number
Call in 800-369-3384
Participant Code: 8621707#

- The purpose of the conference call is to allow for tribal guidance and recommendations on the development of this important initiative.

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