TITLE: Urging Congress to Protect Provisions that Benefit Tribes in any Repeal of the Affordable Care Act

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (“NCAI”) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, in 2010 the Indian Health Care Improvement Act (“IHCIA”) was permanently reauthorized by Section 10221 of the Patient Protection and Affordable Care Act (“ACA”); and

WHEREAS, permanent reauthorization of the IHCIA provided many new resources and opportunities to tribal health care facilities as well as tribal members by modernizing health delivery systems, enhancing Indian Health Services (“IHS”) funding, integrating behavioral health programs, and codifying provisions that save costs and enhance resources for tribal health care facilities and their patients for both tribal members and non-tribal members; and

WHEREAS, the IHCIA also amended Section 1905(b) of the Social Security Act to require 100% federal reimbursement for Medicare and Medicaid services provided to all patients of tribal health care facilities; and

WHEREAS, the IHCIA and ACA expanded patient eligibility for Medicaid and Medicare coverage as well as expanded the types of services that are eligible for Medicaid and Medicare coverage; and

WHEREAS, the U.S. House of Representatives recently passed H.R. 1628, the proposed American Health Care Act, which preserves the IHCIA and tribal specific provisions of the ACA, but significantly affects Medicaid expansion and cost-saving subsidies important to tribal health care facilities; and
WHEREAS, H.R. 1628 converts Medicaid funding to a “per capita” system, which significantly affects provision of tribal health care services, significantly limits access to Medicaid to American Indians and Alaska Natives, and repeals cost-sharing subsidies that make health care available and affordable to low-income American Indians and Alaska Natives; and

WHEREAS, the Senate is slated to take up the American Health Care Act or other legislation that would repeal, amend, or replace the Affordable Care Act; and

WHEREAS, without the protections contained in the Affordable Care Act, the federal government fails to meet its trust responsibility for American Indians and Alaska Natives; and

WHEREAS, a repeal of the ACA in its entirety would also repeal the permanent reauthorization of IHCIA and Indian provisions in the ACA, such as, Section 2901(b)-Payor of Last Resort, 2901(c)-Facilitating Enrollment of Indians Under Express Lane Option, 2902-Elimination of Sunset for Reimbursement for all Medicare Part B Services Furnished by Certain Indian Hospitals and Clinics, and Title IX, Section 9021-Exclusion of Health Benefits Provided by Indian Tribal Governments as Taxable Income.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) urges that Congress protect and retain the Affordable Care Act, Indian Health Care Improvement Act, U.S. Department of Health and Human Services or Indian Health Service funding, and/or Medicaid and Medicare expansion in any federal legislation that repeals, amends or replaces the Affordable Care Act; and

BE IT FURTHER RESOLVED, that the NCAI also hereby requests that Congress supports and retains Indian provisions in the ACA; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2017 Midyear Session of the National Congress of American Indians, held at the Mohegan Sun Convention Center, June 12 to June 15, 2017, with a quorum present.

Brian Cladoosby, President

ATTEST:

Aaron Payment, Recording Secretary