

USET SPF Alert TODAY: Oppose HHS Proposed SUNSET Rule - December 4

Dear USET SPF Board of Directors and DC Tribal Reps,

Attached, please find a [template letter](#) to U.S. Department of Health and Human Services (HHS) to convey extreme concern regarding the agency's [Proposed Rule, Securing Updated and Necessary Statutory Evaluations Timely \(SUNSET\)](#) [linked]. Under the Proposed Rule, HHS seeks to set automatic expiration periods on all health care regulations in Chapter 42 and 45, including critical regulations implementing Medicaid, Medicare and governing the Indian Health System, stipulating that "any regulation issued by HHS (with certain exceptions) will cease to be effective ten years after it is issued, unless HHS performs a plenary assessment of the regulation and a more detailed review of those regulations that have a significant economic impact upon a substantial number of small entities." According to HHS, the Proposed Rule stipulates that Any rules that are more than 10 years old would have to be reviewed within the first 2 years of this rule becoming final. The Proposed Rule estimates that 2,480 would have to be reviewed within 2 years, or else expire.

For Tribal Nations, this regulation would have the potential to negatively impact (or cause the expiration of) regulations that are critically important to the execution of the federal trust obligation, including those governing the Indian Health Service, Tribal self-governance operations, and the Medicare and Medicaid programs. In addition, the review of these regulations is likely to create serious bandwidth issues for the Department and its respective agencies. This would result in critical regulatory actions expiring and would likely take away resources from other mission-critical activities like COVID-19 response.

If fully implemented, this Rule will likely cause significant harm on the Indian health system and self-governance, and minimally will cause dangerous confusion and uncertainty over critical health laws and regulations. **Comments are due by TODAY December 4. Please consider using the attached template letter and submitting before midnight ET.** USET SPF will be submitting comments this afternoon.

Not only does it remain deeply concerning that this sweeping effort at deregulation is being promulgated with zero outreach and consultation to Tribal Nations (despite impact the rule would have on the continued operation of HHS and the Indian Health System), but we are troubled that HHS would release such a rule in the midst of an international pandemic. If implemented, the Proposed Rule would threaten the regulatory underpinnings of the Indian Health System and completely disrupt HHS' ability to fulfill its trust and treaty obligations to provide care to Tribal Nations and Native people.

As always, I am happy to answer any question you may have.

Thank you,
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