

Dear USET SPF Board of Directors and DC Tribal Reps,

As you are likely already aware, the U.S. House of Representatives is currently debating H.R. 1628, the American Health Care Act (AHCA), Republican legislation to repeal and replace the Patient Protection and Affordable Care Act (ACA), and is scheduled to vote on the package around 1:30 pm ET this afternoon. Since the legislation was pulled from the House floor in March, it has been amended in pursuit of achieving enough Republican votes to pass the House. The amendment process continues during debate this morning.

Though the exact details of the final bill are unknown, below, we provide an updated summary of what we understand to be the major provisions of H.R. 1628 going into this afternoon's vote:

#### Protection of Indian-Specific ACA Provisions and Exemption from Medicaid Caps

USET SPF, along with Tribal Nations and organizations across the country urged Congress to preserve the permanent reauthorization of the Indian Health Care Improvement Act (IHCIA) and three Indian-specific provisions (view USET SPF 1-pager [here](#)) that were enacted along with the ACA. Neither IHCIA nor the Indian-specific provisions appear to be affected by this legislation.

In addition, USET SPF and others told Congress that AI/AN Medicaid beneficiaries must be exempt from any type of Medicaid Reform that would pass along the responsibility to provide care to the states and caps benefits. The proposed Energy and Commerce legislation, exempts from a Medicaid per capita allocation, "an individual who receives any medical assistance [from IHS]," thereby preserving the 100% federal match for Medicaid and the trust responsibility.

**However, during an earlier amendment process to achieve enough votes to make the legislation passable, language was added to allow states the option to impose work requirements on Medicaid recipients. There is currently no exemption from this provision for AI/AN. Medicaid is program that plays a critical part in meeting the federal government's trust responsibility to provide health care to AI/AN. Conditioning eligibility for Medicaid on seeking work is a violation of this trust responsibility. USET SPF encourages its member Tribal Nations to educate their members of Congress on this point.**

#### **What does the Legislation Repeal?**

- Among the provisions of the ACA that the House GOP plan would repeal are the following:
- The Individual Mandate to purchase health insurance.
- The Employer Mandate to provide health insurance to full time employees.
- The ACA subsidies to assist individuals up to 400% of the poverty level with the purchase of health insurance.
- The expansion of Medicaid eligibility up to 138% of the federal poverty level. This provision would end on January 1, 2020. Medicaid expansion enrollment would also be frozen, with no new enrollees allowed.

#### **What does the Legislation Maintain?**

In addition to the Indian-specific provisions outlined above, the House GOP plan would maintain the following provisions:

- Adults may remain on parental insurance up to the age of 26.
- Insurers are required to cover those with "pre-existing conditions." [note: states can opt out of requiring this in new manager's amendment as long as they establish a "high risk pool."]
- Insurance plans must continue to have 10 "essential health benefits." [note: states can opt out in new manager's amendment]
- The "Cadillac tax" on high value insurance plans (won't go into effect until 2025).

#### **What is the Replacement?**

The legislation contains a number of replacement proposals, aimed at providing alternatives mechanisms to health reform, including:

- Refundable tax credits for the purchase of health insurance based on age and income (up to 400% of poverty).
- A ‘continuous coverage’ incentive: insurers can impose a premium surcharge of up to 30% for individuals who go more than two months without coverage.
- A “per capita allocation” to states for each individual Medicaid recipient (IHS beneficiaries are exempt). This caps Medicaid spending.
- Billions of dollars in grants through 2026 to states for a “Patient and State Stability Fund” to assist in covering uninsured populations.
- Expansion of tax-exempt “health savings accounts” (HSAs) for the purchase of care.

### **Next Steps:**

Should the legislation pass this afternoon, it will move on to consideration in the Senate. Many in the Senate have already indicated that it will need to be amended significantly in order to pass their chamber, perhaps rolling back some of the changes to Medicaid expansion, pre-existing conditions, and essential health benefits. While USET SPF encourages member Tribal Nations to reach out to their representatives ahead of this afternoon’s vote, we plan to focus on the Senate as we seek the removal and amendment of objectionable language.

To find your representative and receive office contact information, please visit the House’s [“Find Your Representative” page](#) [LINKED].

We will continue to monitor progress of the American Health Care Act and provide further information as it becomes available. As always, I am happy to answer any questions you may have.

Thank you,

**Liz Malerba** ~ Mohegan Tribe  
*Director of Policy and Legislative Affairs*

**United South and Eastern Tribes**  
**Sovereignty Protection Fund, Inc. (USET SPF)**  
 400 North Capitol Street, Suite 585  
 Washington, D.C. 20001

Office phone: 202-624-3550  
 Cell: 615-838-5906  
 Fax: 202-393-5218  
[lmalerba@usetinc.org](mailto:lmalerba@usetinc.org)  
[www.usetinc.org](http://www.usetinc.org)