January Policy Updates: CR Passed, SDPI Update, and 2024 Policy Overview

Category: Policy Blog
written by NCUIH | January 19, 2024

Happy New Year!

In this Edition:

- Explore the latest on the government shutdown and a 2024 forecast, with a focus on Special Diabetes Program for Indians (SDPI) funding.
- Stay informed on crucial legal cases, including the Supreme Court's consideration of issues impacting Native communities.
- Participate in upcoming federal agency comment opportunities, shaping policies on health, substance use disorder, and more.
- Mark your calendars for key events, consultations, and legislative updates.
- Join us next week to learn about NCUIH's 2024 Urban Indian Health Policy Priorities and find out what's on the horizon.
- Don't miss the opportunity to register now for the 2024 NCUIH Annual Conference and stay updated on NOFOs.

Short-Term Reprieve: FY24 Continuing Resolution Temporarily Extends SDPI Authorization

Today, President Biden signed a short-term stopgap bill to avoid a government shutdown on January 20th.

- The bill would continue the two-tiered system with new deadlines on March 1st and March 8th. The latest stopgap includes minimal changes to spending, mainly just continuing the current continuing resolution.
- Most importantly, it will extend SDPI through March 8 at current funding levels.

H.R. 5378 – Lower Costs More Transparency Act

- This bill has passed the House and has been received in the Senate. This bill funds SDPI at $170 million for FY24-25 among other provisions.
- **Why it matters:** The bill's reauthorization of SDPI would allow for UIOs to continue to use grant funding to offer a wide range of diabetes treatment and prevention services, including but not limited to exercise programs and physical activity, nutrition services, community gardens, culinary education, physical education, health and wellness fairs, culturally relevant nutrition assistance, food sovereignty education, group exercise activities, green spaces, and youth and elder-focused activities. While the FY2024 Continuing Resolution re-authorizes SDPI, it is set to expire in March, making this legislation even more crucial to avoid lapses in critical diabetes research and care funding.

Monitoring the Bench: Supreme Court Updates from NCUIH

Becerra v. San Carlos Apache/Becerra v. Northern Arapaho Tribe (Consolidated)

Issue: Whether IHS must pay "contract support costs" (CSCs) not only to support IHS-funded activities but also to support the Tribe's expenditure of income collected from third parties.

Relation to UIOs: No strong relation to UIOs because it relates to CSCs, but will affect Tribal healthcare facilities, and potentially restrict the scope of CSCs to cover services at Tribal facilities.

Case Status: Granted Cert by the Supreme Court, no Oral Argument date set yet.

Relentless, Inc. v. Department of Commerce and Loper Bright Enterprises v. Raimondo

Issue: Whether the court should overrule Chevron v. Natural Resources Defense Council, or at least clarify that statutory silence concerning controversial powers expressly but narrowly granted elsewhere in the statute does not constitute an ambiguity requiring deference to the agency.

Relation to UIOs: Both cases have the potential to overturn Chevron deference, which would open up administrative agencies to more litigation and create discrepancies in how regulations are enforced.

Case Status: Oral Argument was held on January 17, 2024 .

IHS Hosting Urban Confer on Fentanyl and Opioid Programs & Health IT Modernization

On February 2, 2024, IHS is holding an Urban Confer on the potential implementation of $250 million to support funding for fentanyl and opioid abuse prevention, treatment, recovery services, and harm reduction interventions.

- The confer will take place on Friday, February 2, 2024, from 1pm-2:30pm EST via Zoom.
- NCUIH will hold a prep session on February 2, 2024 for UIO leaders.

On February 8, 2024, IHS is holding Tribal Consultation/Urban Confer. on Health IT Modernization Tribal Consultation/Urban Confer.

- The confer will take place on Thursday Feb 8, 2024, at 1:30pm EST via Zoom. Register here.

Upcoming Federal Agency Comments: Grants Regulation, Traditional Knowledge, Resources for Native Americans

January 31 – Substance Abuse and Mental Health Services Administration (SAMHSA) – Behavioral Health and Substance Use Disorder Resources for Native Americans Program

- SAMHSA is seeking recommendations on this newly authorized program.
- What factors should be considered in determining non-competitive awards to eligible entities?
- What measures should be established to demonstrate outcomes and report data on the results of services?
- How can the administrative process be streamlined to capture program requirements and facilitate assisting application submission?

February 23 – US Patent and Trademark Office (USPTO) – Tribal Consultation on World Intellectual Property Organization (WIPO) Genetic Resources, Traditional Knowledge, Traditional Cultural Expressions of Indigenous Peoples. More Info.

- The Tribal Consultation will consist of four national webinars: two for federally recognized Tribal Nations and their proxies, and two for state and non-recognized Tribes, Native Hawaiians, their representatives, and inter-Tribal organizations.
- USPTO and the WIPO seek Tribal input on how best to protect genetic resources, traditional knowledge, and traditional cultural expressions of Indigenous Peoples.

Upcoming Events and Important Dates

January 19- 23: US Patent and Trademark Office (USPTO) Online Listening Sessions. Register here.

January 24: Administration for Community Living (ACL) Tribal Consultation (hybrid).

January 24-25: FY 2026 National Tribal Budget Formulation Workgroup Area Report Webinars. Join day 1 here. Join day 2 here.

February 2: IHS Urban Confer on the proposed supplemental funding request to support fentanyl and opioid programs. Join here.

February 6: HHS Tribal Consultation: Draft Tribal and Tribal Epidemiology Center Data Access Policy. Register here.

February 8: IHS Health IT Modernization Tribal Consultation/Urban Confer. Register here.

February 12-15: National Congress of American Indians (NCAI) Executive Council Winter Session (ECWS) and 2024 State of Indian Nations Address (Feb. 12). Register here.

February 13-14: IHS FY 2026 National Tribal Budget Formulation Work Session (Hybrid). More info.

February 15: Urban Program Executive Directors/Chief Executive Officers Monthly Conference Call.

February 21: Next NCUIH Monthly Policy Workgroup meeting. Join here.

February 21: IHS Tribal Self-Governance Advisory Committee (TSGAC) Meeting. More info.

February 21-22: Centers for Disease Control and Prevention/Agency for Toxic Substances and Disease Registry Tribal Advisory Council (hybrid). Register here.

ICYMI:

- **January 9, 11, 17, 18:** IHS Tribal Consultation on the Definition of Indian Tribe.

  -Consulted on what definition of Indian Tribe should be included in the updated IHS Tribal Consultation Policy: List Act Definition (25 U.S.C. § 5130); or ISDEAA Definition (25 U.S.C. § 5304(e)).

  The ISDEAA definition includes Alaska Native Corporations (ANCs) and is currently utilized in the IHS Tribal Consultation Policy

- **January 18**: NCUIH submitted comments to HHS Office of Civil Rights (OCR) on the Proposed Rule on HHS Grants Regulation.

  -NCUIH requested that the agency include language in the proposed rule that clearly states that nothing in the rule will limit ability of Tribes or UIOs to serve American Indian and Alaska Native people exclusively using HHS awards, and ensure OCR and HHS grant staff are properly trained on the unique political status of American Indian and Alaska Native people.

- **Dec. 21:** IHS Direct Service Tribal Advisory Committee (DSTAC) Quarterly Meeting.

  -IHS Chief Medical Officer reported that IHS has reduced opioid prescribing by 75% and they continue to support low barrier access to naloxone.

  -IHS has put together an obstetrician readiness manual that can be used when birth is outside a formal labor and delivery office.

Recent Dear Tribal Leader Letters (DTLLs) and Dear UIO Leader Letters (DULLs)

- **January 16:** IHS DTLL/DULL – Appointment of the new IHS Deputy Director for Quality Healthcare and Enterprise Risk Management.

  -IHS has appointed Ms. Michelle Boylan, RN, MA, MBA, CPHQ, as the new Deputy Director for Quality Healthcare and Enterprise Risk Management.

- **January 12:** IHS DULL – Urban Confer on the proposed supplemental funding request to support fentanyl and opioid programs.

  -The confer will take place on Friday, February 2, 2024, from 1pm-2:30pm EST via Zoom.

- **January 11:** White House DTLL – White House Tribal Consultation on Executive Order (EO) 14112.

  -Announcing January 22, 2024 Consultation to discuss EO 14112: “Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination.”

-This EO does not address funding for UIOs.

- **January 10:** HHS DTLL – HHS Tribal Data Policy.

  -Tribal Consultation is on February 6, 2024, to discuss the current draft of the HHS Tribal and Tribal Epidemiology Center (TEC) Data Access Policy.

  -2022 Government Accountability Office report recommended that HHS develop a policy clarifying the HHS data to be made available to TECs.

- **Dec. 21:** IHS DTLL – Federal Register Notice for calendar year 2024 reimbursement rate.

  -Announces publication of the Federal Register Notice for CY 2024 reimbursement rates: Lower 48 Medicaid AIR is $719, Lower 48 Medicare AIR is $667.

  -New page on the IHS website explains the process for these rates.

NCUIH 2024 Urban Indian Health Policy Preview



Join us for an informative session as the NCUIH Policy Department explores 2024 Policy Priorities for American Indians and Alaska Natives. This engaging webinar promises a thorough exploration of key issues leading the charge in advocacy efforts, shaping the policy landscape for Native communities in the coming year.

Event Goal:

The goal is to share with participants a comprehensive understanding of the key issues shaping advocacy efforts and influencing the policy landscape for American Indians and Alaska Natives.

Objectives:

1. Develop a deeper understanding of the 2024 Policy Priorities driving American Indian and Alaska Native health initiatives.
2. Gain valuable insights into the advocacy efforts aimed at advancing urban Indian health policies.

The session is open to only UIO staff and will be facilitated by Jeremy Grabiner, NCUIH's Interim Director of Congressional Relations.

Register

Urban Voices Amplified: Empowering Native Votes in Collaboration with the National Urban Indian Family Coalition



As part of our commitment to empowering Native American communities, and in collaboration with the National Urban Indian Family Coalition (NUIFC), we're thrilled to share our Get Out the Vote (GOTV) Social Media Toolkit with you. This toolkit includes five eye-catching graphics tailored to encourage Indian Country to register and vote.



Here you'll find high-resolution graphics designed to be shared across Instagram, X (formerly Twitter), LinkedIn, and Facebook.

Together, let's inspire Native Americans to exercise their right to vote and make a lasting impact on our communities.

Additionally, we're excited to share a digital poster that you can download, print, and hang up in your community spaces. This poster serves as a visual reminder to encourage voter registration and participation.

2024 NCUIH Annual Conference – Early Bird Registration Open



Register now before rates go up in March!

Sponsorships: Several different sponsorship levels remain. If you are interested in sponsoring the conference, please see our sponsor guide.

Room Reservations: The negotiated room rate of $369 per night (plus tax) for single/double occupancy rooms is available until April 5, 2024. We encourage you to book your room soon to secure this special rate. To make your reservation at the Hilton Washington DC Capitol Hill, click here to access the room block.

One last thing, check out these upcoming funding opportunities:

- Health Resources & Services Administration (HRSA) – Maternal and Child Health Improving Oral Health Integration Demonstration Projects

  – Deadline: January 22, 2024 (Apply)

- IHS – Community Opioid Intervention Prevention Program

  -Deadline: February 7, 2024 (Apply)

- U.S. Department of Justice Office on Violence Against Women (OVW) – OVW Fiscal Year 2024 Legal Assistance for Victims Grant Program

  – Deadline: February 13, 2024 (Apply)

- Youth Homelessness System Improvement (Department of Housing and Urban Development)

  – Deadline: February 15, 2024 (Apply)

- SAMHSA – Strategic Prevention Framework Partnerships for Success for Communities, Local Governments, Universities, Colleges, and Tribes/Tribal Organizations

– Deadline: February 21, 2024 (Apply)

- National Institute of Food and Agriculture, U.S. Department of Agriculture – The Gus Schumacher Nutrition Incentive Program – Produce Prescription Program

  – Deadline: February 28, 2024 (Apply)

- IHS – Indian Health Service Scholarship Program (IHSSP)

  -Deadline: February 28, 2024 (Apply)

- AmeriCorps – Forest Corps Recruiting Native Youth for Opportunities to Support Cultural Resource Management Projects

  – Deadline: February 29, 2024 (Apply)