

National Indian Health Board



November 11, 2014

National Indian Health Board Election Results Update

On Tuesday, November 4, the United States electorate chose to make a change in who controls the US Senate and the margin by which the House of Representatives is controlled. In the Senate, Republicans gained several seats; they will now control the body by a 52 to 46 margin.¹ In the House of Representatives, Republicans netted a gain of 13 seats; the breakdown of that Chamber is 244-184 with a few races still undecided. Click [here](#) for a full tally of election results by State and Congressional District.

Pundits and others speculate that the election results and the dramatic changes that come as a result, were due to the Country's disapproval of current Washington policies and the direction of the country. For example, among 2014 voters, Public Opinion Strategies poll found that 89% of Republicans; 65% of Independents; and 41% of Democrats believed the country was on the wrong track. Other top issues included government dysfunction and immigration reform. Additional electoral factors voters focused on; the Ebola outbreak and perceived fumbling of America's management of the outbreak and the rise of the terrorist group the Islamic State (or "ISIS"). Voter frustration with the political gridlock in DC was also a large contributing factor to the election results. Extremely low voter turnout also played a part in Tuesday's outcome: according to the United States Elections Project, only 36.6 percent of eligible voters voted in Tuesday's elections, compared with 40.9 percent in 2010.

What does this mean for Indian Country?

With the results just in, and a few races still unsettled, the exact ramifications for the future are not yet known. On November 5, House Speaker John Boehner (R-OH) and Mitch McConnell (R-KY), who is likely to be the new Senate Majority Leader come January, authored an op-ed piece in the Wall Street Journal outlining their plan for the next Congress. They outline several key priorities including jobs and the economy; health care; the building of the Keystone XL Pipeline; tax reform and streamlining government bureaucracy. There are a few key takeaways that might have impacts on Indian Country. Many speculate that the gridlock that has plagued Congress since 2011 when Republicans took control of the House could subside. However, the slim Senate Republican majority and the larger but more conservative House majority will still have to strike compromises to achieve legislative results. In the Senate, 60 votes are required to pass most major bills, so it is still likely that the new Congress will have to work with Democrats. Additionally, President Obama's signature is required for any bills that pass. That being said, Speaker Boehner and Senator McConnell have already said that they intend to start with legislation that is bipartisan.

The new Congress will still be focused on cutting spending and making the role of the federal government smaller. This could have impacts on Indian Country in several ways. The Budget Control Act of 2011, which requires the amount of federal spending decrease each year until 2021 (triggering sequestration

¹ Results in Alaska and Louisiana are still not confirmed, but the Republican majority will likely increase once these results are in.

unless other agreements are reached), is likely to stay in place. This will undoubtedly affect the appropriations process. Tribes must be vigilant in telling their story about how inadequate Indian health funding is affecting lives and health in their communities. Additionally, with many new Members of Congress it is critical that we continue to thoroughly educate them on the obligations the federal government has made to Tribes and importance of the federal trust responsibility. Couching these arguments in a context of savings to the government and empowering local government (e.g. Tribes) to make decisions will be key.

Repeal of the Affordable Care Act or “Obamacare”

House Republicans have already voted to dismantle the Affordable Care Act more than 50 times, but, with the Senate now in Republican control, they will likely vote at least once to repeal the law. President Obama would veto any repeal bill, so it is unlikely the legislation would actually be repealed. A successful repeal would be very significant for Indian Country because there are many [protections and benefits](#) afforded to American Indians and Alaska Natives under the law. In addition the law includes the permanent reauthorization of the Indian Health Care Improvement Act. Repeal of these provisions would be devastating to Indian health.

Appropriations for programs serving Indian Country

Indian health programs, while still grossly underfunded, have received some positive budgetary increases over the last several years. This is largely due to President Obama including significant increases for Indian health in each of his budgets, good, strong and reliable bi-partisan supporters of AI/AN health on the House and Senate Appropriations Committees and the bipartisan nature of these issues. House Appropriations Committee Chairman Hal Rogers (R-KY) and Ranking Member Nita Lowey (D-NY) will likely stay at the top of the Appropriations Committee. It is also expected that Congressman Ken Calvert (R-CA) will retain his position as the Chairman of the House Interior, Environment and Related Agencies Appropriations Subcommittee (Interior) which allocates funding for most programs serving Indian Country including the Indian Health Service. The Ranking Member of that committee, Congressman Jim Moran (D-VA), did not seek reelection. That means, the top Democrat on the panel is now likely to be Congresswoman Betty McCollum (D-MN), who also serves as the Co-Chair of the Congressional Native American Caucus, along with fellow Interior Subcommittee member Congressman Tom Cole (R-OK).

In the Senate, the new Appropriations Committee Chairman will likely be Senator Thad Cochran (R-MS) and Senator Barbara Mikulski (D-MD) will become the Ranking Minority Member on the Senate Appropriations Committee. Importantly, Senator Lisa Murkowski (R-AK) is poised to become the new Chairman of the Senate Interior Committee and Senator Jack Reed (D-RI) will likely be the top Democrat on that panel. Senator Murkowski has long been a strong supporter of programs serving of AI/ANs, and we view this development as a key opportunity to realize increases in the IHS budget.

Other Committee Leadership

Senator John Barrasso (R-WY) is thought to be the next person in line to Chair the Senate Committee on Indian Affairs (SCIA). However, he may opt out of this Chairmanship in favor of another opportunity. If he does decline the SCIA chairmanship, the gavel would go to either Senator Mike Crapo (R-ID) or Senator John Hoeven (R-ND). Senator John Tester (D-MT) is currently the Chair of this important committee and under the new Congress he would become the Vice Chair. If he chooses not to have that position, the Vice Chairmanship would likely go to Senator Tom Udall (D-NM).

In the House, the Natural Resources Committee is likely to be chaired by Congressman Rob Bishop (R-UT). The Subcommittee on American Indian and Alaska Native Affairs will likely be retained by Congressman Don Young (R-AK).

TOP ISSUES FOR AI/AN HEALTH IN 2015

Renewal of Special Diabetes Program for Indians

The renewal for the Special Diabetes Program for Indians (SDPI) critical in 2015. SDPI is typically renewed as part of the “Sustainable Growth Rate” Fix (or “Doc Fix”) legislation which governs the rates physicians are paid by Medicare. The current authorization for SDPI expires on September 30, 2015. Over the last several years, Congress has enacted only short-term legislation for the Doc Fix, and consequently, SDPI has only been renewed for a year at a time, despite that the program remains very popular with both Democrats and Republicans. The current Doc Fix legislation expires on March 31, 2014. It is a small possibility that Congress could choose to pass a long-term Doc Fix during the “Lame Duck” session. However, most have noted that this is not very likely due to the lack of agreement between Democrats and Republicans on how to pay for the overall Doc Fix (estimated to be about \$180 billion). That means that FY 2016 renewal for SDPI will likely be in February or March of next year. However, with both Chambers being controlled by the same party, achieving a long term fix might be easier. If that happens, there is a decent potential that we could see a longer-term renewal of SDPI in early 2015.

On September 16, 2014, Senator John Tester (D-MT), Chairman of the Senate Committee on Indian Affairs, introduced a bill to permanently reauthorize the special diabetes programs for Indians. The bill seeks to achieve permanent funding for the program at its current level of \$150 million. Creating permanency for the program would be a great asset. It would promote stability for this important initiative and ensure we may continue to reverse the trend of type 2 diabetes in Indian Country. Because SDPI would be a “mandatory” funding program, Congress would not have to provide or consider SDPI program funding annually. However, Senator Tester’s legislation will have to be re-introduced at the start of the next Congress in January. In terms of the proposed funding level, Tribes might consider advocating for the bill to be tied to the medical rate of inflation so that funding is adequate to meet needs as health care costs rise. Tribes have consistently recommended that SDPI be funded at \$200 million per year and NIHB will continue to educate Congress about the Tribal position.

Medicare Like Rates for Purchased/ Referred Care (MLR)

The National Indian Health Board and Tribes have been advocating for a legislative solution to ensure that IHS pays only a Medicare-Like Rate when buying Purchased / Referred Care (PRC) for non-hospital referrals (IHS already pays this rate for hospital referrals). In June, a bipartisan piece of legislation – H.R.4843, the Native Contract Rate and Expenditure Act - or Native CARE Act – was introduced in the House of Representatives. We are currently working with the bill’s drafters to ensure concerns raised by the American Medical Association are addressed, and are optimistic that we will be able to work through these questions and re-introduce alternative language at the start of the 114th Congress. In the next Congress the most likely legislative vehicle is the “Doc Fix”. But, we will continue to work with the new Congress to ensure that this important bill becomes law.

Here’s a look at some key Election Results from Indian Country:

Alabama:

Republican Senator Jeff Sessions was elected to his 6th term and did not have any opposition. The state's House delegation breakdown remained unchanged with six Republicans and one Democrat.

Alaska:

In this race incumbent Democrat Mark Begich faced off against Republican nominee Dan Sullivan. This was one of the closest races of the year, and as of November 6, the votes are still being counted with the outcome unknown. Currently, Sullivan is leading Begich 49% to 45.3%. We will likely know the final outcome by next week. Representative Don Young won 22nd term in Congress with 51.9% of the vote.

Arizona:

Arizona did not have any Senate seats up this cycle. In the House of Representatives, the 9 member delegation remained largely the same, with its four Republican and three Democrat members easily winning. Arizona's Second Congressional district remains too close to call. Incumbent Democrat Ron Barber had 49.9 percent of the vote by Thursday night and Republican challenger Martha McSally had 50.1 percent.

California:

California did not have any Senate seats up this cycle. While the majority of California incumbents were reelected, several races remain too close to call. Those include: District 7 currently represented by Democrat Ami Bera; District 16 currently represented by Democrat Jim Costa; and District 26 currently represented by Democrat Julia Brownley.

Colorado:

In one of the most dramatic elections of the year, incumbent Democratic Senator Mark Udall (D) lost reelection to current Republican House of Representatives member Cory Gardner (R). Gardner won with 48.5.6% to Udall's 46%. All the incumbents in the House were reelected, with the exception of Colorado's 4th Congressional District which was an open seat. It remained in Republican control. The state is represented by 4 Republicans and 3 Democrats in the House.

Florida:

Florida did not have any Senate seats up this cycle. In the House, 25 incumbents were reelected. Republican representative Steve Southerland (District 2) was defeated by Democrat Gwen Graham. Republican Carlos Curbelo defeated incumbent Democrat Joe Garcia in District 26. Florida's House delegation therefore remains with 17 Republicans and 10 Democrats.

Idaho:

Idaho's Republican Senator Jim Risch won reelection with 65.3 percent of the vote. Two incumbent Republicans were reelected in the House of Representatives.

Iowa:

Long-time Democratic Senator Tom Harkin announced his retirement this year, so the Senate seat in Iowa was open and was one of the closest races all cycle. In the end, Republican State Senator Joni Ernst defeated sitting Democratic Congressman Bruce Braley (D-IA-1) by a vote of 52.2 to 43.7% to be the first woman elected to the U.S. Senate in Iowa. Rep. Braley's seat was won by Republican Rod Blum. The Iowa House delegation will have 3 Republican and 1 Democrat member.

Kansas:

Kansas was also one of the closest Senate races of the year. Incumbent Republican Senator Pat Roberts (R) faced a fierce challenger in Independent candidate Greg Orman. If Roberts, who had been stymied by a controversy about his residence in the state, had lost it would have been the first time Kansas did not elect a Republican in 80 years. In the end, Roberts ended up winning reelection with 53.3% of the vote. In the House, all incumbents were reelected, meaning that Kansas will maintain its all Republican delegation.

Louisiana:

In Louisiana, there is a unique primary system in which multiple candidates from the same party can compete in the Election Day race. Democratic Senator Mary Landrieu continues to fight for her job in this hotly contested race because she did not meet a 50 percent threshold. She will be facing off against current Republican Representative Bill Cassidy in a December 6 runoff election. In the House, Districts 5 and 6 will also have runoff elections. The other four Louisiana House incumbents won their reelections by a comfortable margin.

Maine:

Popular Republican Senator Susan Collins was easily reelected with 68.2%. In the House, incumbent Congresswoman Chellie Pingree was also easily reelected. Maine's 2nd Congressional District was an open seat as Democrat Michael Michaud did not run in 2014. Republican Bruce Poliquin won that seat with 47.1%.

Michigan:

Six term Democratic Michigan Senator Carl Levin (D) did not run for reelection in 2014, leaving the Senate seat open. Current Democratic Representative Gary Peters won comfortably with 54.6 percent of the vote. In the House, there were several retirements, but the House delegation will remain at 9 Republicans and 5 Democrats.

Minnesota:

Democratic Senator Al Franken won a second term by a comfortable margin of 53.12. In the House, there was one open House seat (that of retiring Republican Rep. Michelle Bachmann), but it was filled by Republican Tom Emmer. Minnesota's House delegation will remain at 5 Democrats and 3 Republicans.

Mississippi:

Six term reelection Republican Senator Thad Cochran won reelection with 60.4% after a very close primary race. In the House, all incumbents were reelected and the House delegation remains at 3 Republicans and 1 Democrat.

Montana:

Current Republican House member Steve Daines handily won Montana's open senate seat by 57.9%. This seat was vacated earlier this year when Democratic Senator Max Baucus (D) was appointed to be ambassador to China. The state's single House seat was won by Republican Ryan Zinke.

Nebraska:

In an open race, Republican Ben Sasse a Nebraska senate seat with 64.81% of the vote. In the House, incumbent Republican Representatives Jeff Fortenberry and Adrian Smith were reelected. Republican Representative Lee Terry lost to Democrat Brad Ashford after he made some remarks about keeping his salary during last year's government shutdown.

Nevada:

There were no open Senate seats in Nevada. In the House, three incumbents won reelection. Democratic Representative Steven Horsford (D-NV-04) was defeated by Republican Crescent Hardy. The House delegation will now have 3 Republicans and 1 Democrat.

New Mexico:

Democratic Senator Tom Udall won his second term in office with a vote of 55.4%. In the House, all incumbents were reelected meaning the state maintains two Democrats and one Republican in the House.

New York:

There were no Senate seats up in New York during this cycle. In the House of Representatives, Republicans picked up seats in Districts 1, 21 and 24. This includes Republican Elise Stefanik who was elected in District 21 in an open race. At 30, she is the youngest woman to ever be elected to Congress. New York's House delegation will now be 9 Republicans and 18 Democrats.

North Carolina:

Despite polling throughout the 2014 cycle that showed Democratic Senator Kay Hagan with an advantage, she lost in a close race with Republican State House Speaker Tom Tillis. In the House, Republicans picked up one seat from retiring representative Mike McIntyre (D). The House delegation will now be 10 Republicans and 3 Democrats.

North Dakota:

There were no open Senate seats in North Dakota this year. The single House member – Republican Kevin Cramer – won reelection with 55.6 percent.

Oklahoma:

Due to the retirement of Republican Senator Tom Coburn, Oklahoma had two senate races this year. Republican Senator Jim Inhofe was reelected to his 5th Term. Current Republican House member James Lankford won the race to fill Coburn's seat. In the House and Senate, the delegation will remain all Republican.

Oregon:

Democratic Senator Jeff Merkley won his second term in office with 54.8 percent of the vote. All the House members were also reelected meaning that the House delegation will remain with 4 Democrats and 1 Republican.

South Dakota:

Former Republican governor Mike Rounds won in an open Senate race to replace retiring Senator Tim Johnson (D). The single House member – Republican Kristi Noem– won reelection with 66.5 percent.

Utah:

There were no senate seats up this cycle in Utah. In the House, all three Republican incumbents won reelection. In Utah's 4th Congressional District, the Republicans picked up the seat in an open race to replace retiring Democratic Congressman Jim Matheson. This seat will be filled by Mia Love who is the first Republican African American woman to be elected to Congress.

Washington:

There were no senate seats up this cycle in Washington. In the House, the delegation breakdown will remain the same with 6 Democrats and 4 Republicans.

Wisconsin:

There were no senate seats up this cycle in Wisconsin. In the House, all incumbents were reelected, and the race to replace retiring representative Tom Petri (R-6) was also won by a Republican. Wisconsin's House delegation will remain 5 Republicans and 3 Democrats.

Wyoming:

Incumbent Democratic Senator Mike Enzi easily won a 4th term with 72.3 percent of the vote. The single House member – Republican Cynthia Lummis– won reelection with 68.5 percent.