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MEMORANDUM

October 18, 2013

TO: Tribal Clients

FROM: HOBBS, STRAUS, DEAN & WALKER, LLP

Geoff Strammer BY: NAM

RE: ***Indian Health Service Conference Call for Tribal Leaders on the Partial Government Shutdown***

We report on the October 16, 2013, conference call hosted by Indian Health Service (IHS) director Yvette Roubideaux regarding the status of IHS and tribal operations during the partial government shutdown necessitated by the lack of enactment of FY 2014 appropriations for the Indian Health Service. This was one in a series of weekly calls since the government shutdown began on October 1, 2013.

The call was held earlier the same day that Congress resolved the government shutdown by passing a Continuing Resolution (CR) which, in part: 1) funds government agencies at FY 2013 post-sequestration levels through January 15, 2014; 2) suspends the federal debt limit until February 7, 2014; and 3) provides retroactive pay for furloughed employees.

Dr. Roubideaux's presentation was based on the facts as they were prior to Congress acting to resolve the government shutdown, but did provide some insight as to how funds will be issued once the shutdown was resolved. Dr. Roubideaux reviewed again the current status of IHS employees, whether they are in the excepted or non-excepted category and the status of pay as of the morning of October 16th. She repeated that Tribal Self-Determination Act contractors were to determine the status of their own employees. She noted that funds being expended now are from carryover funds or other resources (i.e., third party collections) as there were no FY 2014 appropriations (see our client memorandum of October 3, 2013).

Dr. Roubideaux said that the tribal impact statements regarding the government shutdown have been extremely helpful and she has been sharing them with the Department.

There was little new information, however:

- Dr. Roubideaux said that authority was provided October 15 to make the Special Diabetes Program for Indians (SDPI) grants with an October 1 start date. IHS will be working on these grants this week, but at that time they were somewhat hampered at by lack of staff due to the shutdown. The questioner asked for at least a notice that they will

be receiving the grant. Dr. Roubideaux suggested they contact the Division of Diabetes Prevention in Albuquerque about it.

- In response to a question about the status of FY 2014 IHS staffing package monies under a Continuing Resolution, Dr. Roubideaux said that new staffing package monies have to be an amount over the IHS base budget and so it would have to be included as an anomaly in a CR, just as it was in FY 2013. She said she did not know if Congress would include such an anomaly in a short-term CR, noting that last year it was included in the final CR.
- In response to how quickly tribal health care providers will receive FY 2014 funding once a CR is enacted, Dr. Roubideaux did not give a time frame, but noted that before that can be done OMB must review the CR and issue apportionments.

Dr. Roubideaux said that there will probably be another tribal leaders conference call next week.

Please contact Geoff Strommer (gstrommer@hobbsstrauss.com or 503-242-1745), Elliott Milhollin (emilhollin@hobbsstrauss.com or 202-822-8282), or Karen Funk (kfunk@hobbsstrauss.com or 202-822-8282) if we may provide additional information on the IHS activities during this time of government shutdown.