United States Senate
WASHINGTON, DC 20510

March 6, 2019

The Honorable Alex Azar
Secretary
U.S. Department of Health & Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Azar:

We write to express our concern that the Department of Human Services (HHS) has reportedly removed federal health services information for Tribal communities from various HHS-run websites. This latest report is strikingly similar to HHS' failed attempt to permanently remove information that supports health care enrollment among Latino populations -- information that was restored only after outreach from Congress in December last year.

Specifically, HHS has reportedly removed the "ACA Guidance for American Indians and Alaska Natives" page from its Office of Minority Health website.[1] In addition, the Administration for Native Americans (ANA) within the Administration for Children and Families has removed references to Healthy Tribes, a program area within ANA that provides "information on the Affordable Care Act (ACA) and the marketplace health insurance enrollment process for Native Americans and Alaska Natives," from its home page. [2] Congress has made clear its intent to leverage national health programs -- like Medicaid, Medicare, the Children's Health Insurance Program (CHIP), and subsidized coverage on the federal health insurance marketplace -- to fulfill its trust and treaty obligations to Tribes and as a supplement to the work of the Indian Health Service. [3] These programs have become lifelines for Native families, especially as Indian health facilities face chronic funding shortfalls, and we are therefore deeply troubled that HHS would remove congressionally-directed resources that assist Native communities in accessing them from its websites.

To better understand what information is available to Tribal communities, we respectfully ask that you answer the following questions:

1. Why were the above referenced resources removed from the Office of Minority Health website? When did this occur? When do you expect them to be restored?

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[1] https://sunlightfoundation.com/2019/02/28/office-of-minority-health-removes-access-to-webpages
[2] https://www.acf.hhs.gov/ana/resource/healthy-tribes
[3] See, for example, 1976 amendments to the *Social Security Act* to expand the percentage of federal medical assistance percentage to Indian health facilities and the accompanying Congressional report, H.R. Rep. No. 94-1026, pt. III, at 21 (1976) (as reprinted in 1976 U.S.C.C.A.N. 2782, 2796).

2. In 2015, ANA offered technical assistance to Tribes to provide strategies for increasing enrollment by American Indians and Alaska Natives in Medicaid, the CHIP, and insurance available through the Health Insurance Marketplace. The request forms are still available on your website.
    - Is that technical assistance still available to Tribes? If no longer available, why not?
    - What are you doing to ensure Native populations and Tribes know about the technical assistance that this program provides?

3. How is HHS working to ensure that Native populations and Tribes are able to access the resources that the ACA provides?

4. How was Healthy Tribes financed originally? Did funding come from ANA appropriations or elsewhere at HHS? What is the function of that program today?

5. If services provided under the Healthy Tribes program are no longer available, how has ANA repurposed those funds?

We look forward to your expeditious response and learning more about your efforts to address these issues.

Sincerely,

Catherine Cortez Masto
United States Senator

Tom Udall
United States Senator
Ranking Member
Senate Committee on Indian Affairs

Jon Tester
United States Senator

CC: The Honorable Jeannie Hovland, Commissioner of Administration for Native Americans and Deputy Assistant Secretary for Native American Affairs.