

109TH CONGRESS  
2D SESSION

# S. 4122

To amend the Indian Health Care Improvement Act to revise and extend that Act.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2006

Mr. MCCAIN (for himself, Mr. DORGAN, Mr. ENZI, and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## A BILL

To amend the Indian Health Care Improvement Act to revise and extend that Act.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Indian Health Care Improvement Act Amendments of  
6 2006”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of  
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO INDIAN LAWS

- Sec. 101. Indian Health Care Improvement Act amended.  
 Sec. 102. Soboba sanitation facilities.  
 Sec. 103. Native American Health and Wellness Foundation.

TITLE II—IMPROVEMENT OF INDIAN HEALTH CARE PROVIDED  
 UNDER THE SOCIAL SECURITY ACT

- Sec. 201. Expansion of payments under Medicare, Medicaid, and SCHIP for all covered services furnished by Indian Health Programs.  
 Sec. 202. Increased outreach to Indians under Medicaid and SCHIP and improved cooperation in the provision of items and services to Indians under Social Security Act health benefit programs.  
 Sec. 203. Additional provisions to increase outreach to, and enrollment of, Indians in SCHIP and Medicaid.  
 Sec. 204. Premiums and cost sharing protections under Medicaid, eligibility determinations under Medicaid and SCHIP, and protection of certain Indian property from Medicaid estate recovery.  
 Sec. 205. Nondiscrimination in qualifications for payment for services under Federal health care programs.  
 Sec. 206. Consultation on Medicaid, SCHIP, and other health care programs funded under the Social Security Act involving Indian Health Programs and Urban Indian Organizations.  
 Sec. 207. Exclusion waiver authority for affected Indian Health Programs and safe harbor transactions under the Social Security Act.  
 Sec. 208. Rules applicable under Medicaid and SCHIP to managed care entities with respect to Indian enrollees and Indian health care providers and Indian managed care entities.  
 Sec. 209. Annual report on Indians served by Social Security Act health benefit programs.

1           **TITLE I—AMENDMENTS TO**  
 2                           **INDIAN LAWS**

3   **SEC. 101. INDIAN HEALTH CARE IMPROVEMENT ACT**  
 4                           **AMENDED.**

5           The Indian Health Care Improvement Act (25 U.S.C.  
 6 1601 et seq.) is amended to read as follows:

7   **“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

8           “(a) **SHORT TITLE.**—This Act may be cited as the  
 9 ‘Indian Health Care Improvement Act’.

10          “(b) **TABLE OF CONTENTS.**—The table of contents  
 11 for this Act is as follows:

- “Sec. 1. Short title; table of contents.  
 “Sec. 2. Findings.

“Sec. 3. Declaration of national Indian health policy.

“Sec. 4. Definitions.

“TITLE I—INDIAN HEALTH, HUMAN RESOURCES, AND  
DEVELOPMENT

“Sec. 101. Purpose.

“Sec. 102. Health professions recruitment program for Indians.

“Sec. 103. Health professions preparatory scholarship program for Indians.

“Sec. 104. Indian health professions scholarships.

“Sec. 105. American Indians Into Psychology Program.

“Sec. 106. Scholarship programs for Indian Tribes.

“Sec. 107. Indian Health Service extern programs.

“Sec. 108. Continuing education allowances.

“Sec. 109. Community Health Representative Program.

“Sec. 110. Indian Health Service Loan Repayment Program.

“Sec. 111. Scholarship and Loan Repayment Recovery Fund.

“Sec. 112. Recruitment activities.

“Sec. 113. Indian recruitment and retention program.

“Sec. 114. Advanced training and research.

“Sec. 115. Quentin N. Burdick American Indians Into Nursing Program.

“Sec. 116. Tribal cultural orientation.

“Sec. 117. INMED Program.

“Sec. 118. Health training programs of community colleges.

“Sec. 119. Retention bonus.

“Sec. 120. Nursing residency program.

“Sec. 121. Community Health Aide Program.

“Sec. 122. Tribal Health Program administration.

“Sec. 123. Health professional chronic shortage demonstration programs.

“Sec. 124. National Health Service Corps.

“Sec. 125. Substance abuse counselor educational curricula demonstration programs.

“Sec. 126. Behavioral health training and community education programs.

“Sec. 127. Authorization of appropriations.

“TITLE II—HEALTH SERVICES

“Sec. 201. Indian Health Care Improvement Fund.

“Sec. 202. Catastrophic Health Emergency Fund.

“Sec. 203. Health promotion and disease prevention services.

“Sec. 204. Diabetes prevention, treatment, and control.

“Sec. 205. Shared services for long-term care.

“Sec. 206. Health services research.

“Sec. 207. Mammography and other cancer screening.

“Sec. 208. Patient travel costs.

“Sec. 209. Epidemiology centers.

“Sec. 210. Comprehensive school health education programs.

“Sec. 211. Indian youth program.

“Sec. 212. Prevention, control, and elimination of communicable and infectious diseases.

“Sec. 213. Authority for provision of other services.

“Sec. 214. Indian women’s health care.

“Sec. 215. Environmental and nuclear health hazards.

“Sec. 216. Arizona as a contract health service delivery area.

“Sec. 216A. North Dakota and South Dakota as contract health service delivery area.

- “See. 217. California contract health services program.
- “See. 218. California as a contract health service delivery area.
- “See. 219. Contract health services for the Trenton service area.
- “See. 220. Programs operated by Indian Tribes and Tribal Organizations.
- “See. 221. Licensing.
- “See. 222. Notification of provision of emergency contract health services.
- “See. 223. Prompt action on payment of claims.
- “See. 224. Liability for payment.
- “See. 225. Office of Indian Men’s Health.
- “See. 226. Authorization of appropriations.

#### “TITLE III—FACILITIES

- “See. 301. Consultation; construction and renovation of facilities; reports.
- “See. 302. Sanitation facilities.
- “See. 303. Preference to Indians and Indian firms.
- “See. 304. Expenditure of non-Service funds for renovation.
- “See. 305. Funding for the construction, expansion, and modernization of small ambulatory care facilities.
- “See. 306. Indian health care delivery demonstration project.
- “See. 307. Land transfer.
- “See. 308. Leases, contracts, and other agreements.
- “See. 309. Study on loans, loan guarantees, and loan repayment.
- “See. 310. Tribal leasing.
- “See. 311. Indian Health Service/tribal facilities joint venture program.
- “See. 312. Location of facilities.
- “See. 313. Maintenance and improvement of health care facilities.
- “See. 314. Tribal management of Federally-owned quarters.
- “See. 315. Applicability of Buy American Act requirement.
- “See. 316. Other funding for facilities.
- “See. 317. Authorization of appropriations.

#### “TITLE IV—ACCESS TO HEALTH SERVICES

- “See. 401. Treatment of payments under Social Security Act health benefits programs.
- “See. 402. Grants to and contracts with the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to facilitate outreach, enrollment, and coverage of Indians under Social Security Act health benefit programs and other health benefits programs.
- “See. 403. Reimbursement from certain third parties of costs of health services.
- “See. 404. Crediting of reimbursements.
- “See. 405. Purchasing health care coverage.
- “See. 406. Sharing arrangements with Federal agencies.
- “See. 407. Payor of last resort.
- “See. 408. Nondiscrimination under Federal health care programs in qualifications for reimbursement for services.
- “See. 409. Consultation.
- “See. 410. State Children’s Health Insurance Program (SCHIP).
- “See. 411. Exclusion waiver authority for affected Indian Health Programs and safe harbor transactions under the Social Security Act.
- “See. 412. Premium and cost sharing protections and eligibility determinations under Medicaid and SCHIP and protection of certain Indian property from Medicaid estate recovery.
- “See. 413. Treatment under Medicaid and SCHIP managed care.

- “Sec. 414. Navajo Nation Medicaid Agency feasibility study.
- “Sec. 415. Authorization of appropriations.

“TITLE V—HEALTH SERVICES FOR URBAN INDIANS

- “Sec. 501. Purpose.
- “Sec. 502. Contracts with, and grants to, Urban Indian Organizations.
- “Sec. 503. Contracts and grants for the provision of health care and referral services.
- “Sec. 504. Contracts and grants for the determination of unmet health care needs.
- “Sec. 505. Evaluations; renewals.
- “Sec. 506. Other contract and grant requirements.
- “Sec. 507. Reports and records.
- “Sec. 508. Limitation on contract authority.
- “Sec. 509. Facilities.
- “Sec. 510. Division of Urban Indian Health.
- “Sec. 511. Grants for alcohol and substance abuse-related services.
- “Sec. 512. Treatment of certain demonstration projects.
- “Sec. 513. Urban NIAAA transferred programs.
- “Sec. 514. Consultation with Urban Indian Organizations.
- “Sec. 515. Urban youth treatment center demonstration.
- “Sec. 516. Grants for diabetes prevention, treatment, and control.
- “Sec. 517. Community Health Representatives.
- “Sec. 518. Effective date.
- “Sec. 519. Eligibility for services.
- “Sec. 520. Authorization of appropriations.

“TITLE VI—ORGANIZATIONAL IMPROVEMENTS

- “Sec. 601. Establishment of the Indian Health Service as an agency of the Public Health Service.
- “Sec. 602. Automated management information system.
- “Sec. 603. Authorization of appropriations.

“TITLE VII—BEHAVIORAL HEALTH PROGRAMS

- “Sec. 701. Behavioral health prevention and treatment services.
- “Sec. 702. Memoranda of agreement with the Department of the Interior.
- “Sec. 703. Comprehensive behavioral health prevention and treatment program.
- “Sec. 704. Mental health technician program.
- “Sec. 705. Licensing requirement for mental health care workers.
- “Sec. 706. Indian women treatment programs.
- “Sec. 707. Indian youth program.
- “Sec. 708. Indian youth telemental health demonstration project.
- “Sec. 709. Inpatient and community-based mental health facilities design, construction, and staffing.
- “Sec. 710. Training and community education.
- “Sec. 711. Behavioral health program.
- “Sec. 712. Fetal alcohol disorder programs.
- “Sec. 713. Child sexual abuse and prevention treatment programs.
- “Sec. 714. Behavioral health research.
- “Sec. 715. Definitions.
- “Sec. 716. Authorization of appropriations.

“TITLE VIII—MISCELLANEOUS

- “Sec. 801. Reports.
- “Sec. 802. Regulations.
- “Sec. 803. Plan of implementation.
- “Sec. 804. Availability of funds.
- “Sec. 805. Limitations.
- “Sec. 806. Eligibility of California Indians.
- “Sec. 807. Health services for ineligible persons.
- “Sec. 808. Reallocation of base resources.
- “Sec. 809. Results of demonstration projects.
- “Sec. 810. Provision of services in Montana.
- “Sec. 811. Moratorium.
- “Sec. 812. Tribal employment.
- “Sec. 813. Severability provisions.
- “Sec. 814. Establishment of National Bipartisan Commission on Indian Health Care.
- “Sec. 815. Appropriations; availability.
- “Sec. 816. Authorization of appropriations.

1 **“SEC. 2. FINDINGS.**

2 “Congress makes the following findings:

3 “(1) Federal health services to maintain and  
 4 improve the health of the Indians are consonant  
 5 with and required by the Federal Government’s his-  
 6 torical and unique legal relationship with, and re-  
 7 sulting responsibility to, the American Indian people.

8 “(2) A major national goal of the United States  
 9 is to provide the quantity and quality of health serv-  
 10 ices which will permit the health status of Indians  
 11 to be raised to the highest possible level and to en-  
 12 courage the maximum participation of Indians in the  
 13 planning and management of those services.

14 “(3) Federal health services to Indians have re-  
 15 sulted in a reduction in the prevalence and incidence  
 16 of preventable illnesses among, and unnecessary and  
 17 premature deaths of, Indians.

1           “(4) Despite such services, the unmet health  
2 needs of the American Indian people are severe and  
3 the health status of the Indians is far below that of  
4 the general population of the United States.

5 **“SEC. 3. DECLARATION OF NATIONAL INDIAN HEALTH POL-**  
6 **ICY.**

7           “Congress declares that it is the policy of this Nation,  
8 in fulfillment of its special trust responsibilities and legal  
9 obligations to Indians—

10           “(1) to assure the highest possible health status  
11 for Indians and to provide all resources necessary to  
12 effect that policy;

13           “(2) to raise the health status of Indians by the  
14 year 2010 to at least the levels set forth in the goals  
15 contained within the Healthy People 2010 or suc-  
16 cessor objectives;

17           “(3) to the greatest extent possible, to allow In-  
18 dians to set their own health care priorities and es-  
19 tablish goals that reflect their unmet needs;

20           “(4) to increase the proportion of all degrees in  
21 the health professions and allied and associated  
22 health professions awarded to Indians so that the  
23 proportion of Indian health professionals in each  
24 Service Area is raised to at least the level of that of  
25 the general population;

1           “(5) to require meaningful consultation with In-  
2           dian Tribes, Tribal Organizations, and Urban Indian  
3           Organizations to implement this Act and the na-  
4           tional policy of Indian self-determination; and

5           “(6) to provide funding for programs and facili-  
6           ties operated by Indian Tribes and Tribal Organiza-  
7           tions in amounts that are not less than the amounts  
8           provided to programs and facilities operated directly  
9           by the Service.

10 **“SEC. 4. DEFINITIONS.**

11           “For purposes of this Act:

12           “(1) The term ‘accredited and accessible’ means  
13           on or near a reservation and accredited by a na-  
14           tional or regional organization with accrediting au-  
15           thority.

16           “(2) The term ‘Area Office’ means an adminis-  
17           trative entity, including a program office, within the  
18           Service through which services and funds are pro-  
19           vided to the Service Units within a defined geo-  
20           graphic area.

21           “(3)(A) The term ‘behavioral health’ means the  
22           blending of substance (alcohol, drugs, inhalants, and  
23           tobacco) abuse and mental health prevention and  
24           treatment, for the purpose of providing comprehen-  
25           sive services.



1           “(B) The term ‘behavioral health’ includes the  
2 joint development of substance abuse and mental  
3 health treatment planning and coordinated case  
4 management using a multidisciplinary approach.

5           “(4) The term ‘California Indians’ means those  
6 Indians who are eligible for health services of the  
7 Service pursuant to section 806.

8           “(5) The term ‘community college’ means—

9                   “(A) a tribal college or university, or

10                   “(B) a junior or community college.

11           “(6) The term ‘contract health service’ means  
12 health services provided at the expense of the Serv-  
13 ice or a Tribal Health Program by public or private  
14 medical providers or hospitals, other than the Serv-  
15 ice Unit or the Tribal Health Program at whose ex-  
16 pense the services are provided.

17           “(7) The term ‘Department’ means, unless oth-  
18 erwise designated, the Department of Health and  
19 Human Services.

20           “(8) The term ‘Director’ means the Director of  
21 the Service.

22           “(9) The term ‘disease prevention’ means the  
23 reduction, limitation, and prevention of disease and  
24 its complications and reduction in the consequences  
25 of disease, including—

- 1                   “(A) controlling—
- 2                    “(i) the development of diabetes;
- 3                    “(ii) high blood pressure;
- 4                    “(iii) infectious agents;
- 5                    “(iv) injuries;
- 6                    “(v) occupational hazards and disabil-
- 7                   ities;
- 8                    “(vi) sexually transmittable diseases;
- 9                   and
- 10                   “(vii) toxic agents; and
- 11                   “(B) providing—
- 12                    “(i) fluoridation of water; and
- 13                    “(ii) immunizations.
- 14                   “(10) The term ‘health profession’ means
- 15                   allopathic medicine, family medicine, internal medi-
- 16                   cine, pediatrics, geriatric medicine, obstetrics and
- 17                   gynecology, podiatric medicine, nursing, public
- 18                   health nursing, dentistry, psychiatry, osteopathy, op-
- 19                   tometry, pharmacy, psychology, public health, social
- 20                   work, marriage and family therapy, chiropractic
- 21                   medicine, environmental health and engineering, al-
- 22                   lied health professions, and any other health profes-
- 23                   sion.
- 24                   “(11) The term ‘health promotion’ means—

1           “(A) fostering social, economic, environ-  
2           mental, and personal factors conducive to  
3           health, including raising public awareness about  
4           health matters and enabling the people to cope  
5           with health problems by increasing their knowl-  
6           edge and providing them with valid information;

7           “(B) encouraging adequate and appro-  
8           priate diet, exercise, and sleep;

9           “(C) promoting education and work in con-  
10          formity with physical and mental capacity;

11          “(D) making available safe water and sani-  
12          tary facilities;

13          “(E) improving the physical, economic, cul-  
14          tural, psychological, and social environment;

15          “(F) promoting culturally competent care;  
16          and

17          “(G) providing adequate and appropriate  
18          programs, which may include—

19                  “(i) abuse prevention (mental and  
20                  physical);

21                  “(ii) community health;

22                  “(iii) community safety;

23                  “(iv) consumer health education;

24                  “(v) diet and nutrition;

- 1                   “(vi) immunization and other preven-  
2                   tion of communicable diseases, including  
3                   HIV/AIDS;
- 4                   “(vii) environmental health;
- 5                   “(viii) exercise and physical fitness;
- 6                   “(ix) avoidance of fetal alcohol dis-  
7                   orders;
- 8                   “(x) first aid and CPR education;
- 9                   “(xi) human growth and development;
- 10                  “(xii) injury prevention and personal  
11                  safety;
- 12                  “(xiii) behavioral health;
- 13                  “(xiv) monitoring of disease indicators  
14                  between health care provider visits,  
15                  through appropriate means, including  
16                  Internet-based health care management  
17                  systems;
- 18                  “(xv) personal health and wellness  
19                  practices;
- 20                  “(xvi) personal capacity building;
- 21                  “(xvii) prenatal, pregnancy, and in-  
22                  fant care;
- 23                  “(xviii) psychological well-being;
- 24                  “(xix) safe and adequate water;
- 25                  “(xx) healthy work environments;

1           “(xxi) elimination, reduction, and pre-  
2           vention of contaminants that create  
3           unhealthy household conditions (including  
4           mold and other allergens);

5           “(xxii) stress control;

6           “(xxiii) substance abuse;

7           “(xxiv) sanitary facilities;

8           “(xxv) sudden infant death syndrome  
9           prevention;

10          “(xxvi) tobacco use cessation and re-  
11          duction;

12          “(xxvii) violence prevention; and

13          “(xxviii) such other activities identi-  
14          fied by the Service, a Tribal Health Pro-  
15          gram, or an Urban Indian Organization, to  
16          promote achievement of any of the objec-  
17          tives described in section 3(2).

18          “(12) The term ‘Indian’, unless otherwise des-  
19          ignated, means any person who is a member of an  
20          Indian Tribe or is eligible for health services under  
21          section 806, except that, for the purpose of sections  
22          102 and 103, the term also means any individual  
23          who—

24                 “(A)(i) irrespective of whether the indi-  
25                 vidual lives on or near a reservation, is a mem-

1           ber of a tribe, band, or other organized group  
2           of Indians, including those tribes, bands, or  
3           groups terminated since 1940 and those recog-  
4           nized now or in the future by the State in  
5           which they reside; or

6           “(ii) is a descendant, in the first or second  
7           degree, of any such member;

8           “(B) is an Eskimo or Aleut or other Alas-  
9           ka Native;

10           “(C) is considered by the Secretary of the  
11           Interior to be an Indian for any purpose; or

12           “(D) is determined to be an Indian under  
13           regulations promulgated by the Secretary.

14           “(13) The term ‘Indian Health Program’  
15           means—

16           “(A) any health program administered di-  
17           rectly by the Service;

18           “(B) any Tribal Health Program; or

19           “(C) any Indian Tribe or Tribal Organiza-  
20           tion to which the Secretary provides funding  
21           pursuant to section 23 of the Act of June 25,  
22           1910 (25 U.S.C. 47) (commonly known as the  
23           ‘Buy Indian Act’).

1           “(14) The term ‘Indian Tribe’ has the meaning  
2           given the term in the Indian Self-Determination and  
3           Education Assistance Act (25 U.S.C. 450 et seq.).

4           “(15) The term ‘junior or community college’  
5           has the meaning given the term by section 312(e) of  
6           the Higher Education Act of 1965 (20 U.S.C.  
7           1058(e)).

8           “(16) The term ‘reservation’ means any feder-  
9           ally recognized Indian Tribe’s reservation, Pueblo, or  
10          colony, including former reservations in Oklahoma,  
11          Indian allotments, and Alaska Native Regions estab-  
12          lished pursuant to the Alaska Native Claims Settle-  
13          ment Act (25 U.S.C. 1601 et seq.).

14          “(17) The term ‘Secretary’, unless otherwise  
15          designated, means the Secretary of Health and  
16          Human Services.

17          “(18) The term ‘Service’ means the Indian  
18          Health Service.

19          “(19) The term ‘Service Area’ means the geo-  
20          graphical area served by each Area Office.

21          “(20) The term ‘Service Unit’ means an admin-  
22          istrative entity of the Service, or a Tribal Health  
23          Program through which services are provided, di-  
24          rectly or by contract, to eligible Indians within a de-  
25          fined geographic area.

1           “(21) The term ‘telehealth’ has the meaning  
2 given the term in section 330K(a) of the Public  
3 Health Service Act (42 U.S.C. 254e–16(a)).

4           “(22) The term ‘telemedicine’ means a tele-  
5 communications link to an end user through the use  
6 of eligible equipment that electronically links health  
7 professionals or patients and health professionals at  
8 separate sites in order to exchange health care infor-  
9 mation in audio, video, graphic, or other format for  
10 the purpose of providing improved health care serv-  
11 ices.

12           “(23) The term ‘tribal college or university’ has  
13 the meaning given the term in section 316(b)(3) of  
14 the Higher Education Act (20 U.S.C. 1059c(b)(3)).

15           “(24) The term ‘Tribal Health Program’ means  
16 an Indian Tribe or Tribal Organization that oper-  
17 ates any health program, service, function, activity,  
18 or facility funded, in whole or part, by the Service  
19 through, or provided for in, a contract or compact  
20 with the Service under the Indian Self-Determina-  
21 tion and Education Assistance Act (25 U.S.C. 450  
22 et seq.).

23           “(25) The term ‘Tribal Organization’ has the  
24 meaning given the term in the Indian Self-Deter-



1 mination and Education Assistance Act (25 U.S.C.  
2 450 et seq.).

3 “(26) The term ‘Urban Center’ means any com-  
4 munity which has a sufficient Urban Indian popu-  
5 lation with unmet health needs to warrant assistance  
6 under title V of this Act, as determined by the Sec-  
7 retary.

8 “(27) The term ‘Urban Indian’ means any indi-  
9 vidual who resides in an Urban Center and who  
10 meets 1 or more of the following criteria:

11 “(A) Irrespective of whether the individual  
12 lives on or near a reservation, the individual is  
13 a member of a tribe, band, or other organized  
14 group of Indians, including those tribes, bands,  
15 or groups terminated since 1940 and those  
16 tribes, bands, or groups that are recognized by  
17 the States in which they reside, or who is a de-  
18 scendant in the first or second degree of any  
19 such member.

20 “(B) The individual is an Eskimo, Aleut,  
21 or other Alaska Native.

22 “(C) The individual is considered by the  
23 Secretary of the Interior to be an Indian for  
24 any purpose.

1           “(D) The individual is determined to be an  
2           Indian under regulations promulgated by the  
3           Secretary.

4           “(28) The term ‘Urban Indian Organization’  
5           means a nonprofit corporate body that (A) is situ-  
6           ated in an Urban Center; (B) is governed by an  
7           Urban Indian-controlled board of directors; (C) pro-  
8           vides for the participation of all interested Indian  
9           groups and individuals; and (D) is capable of legally  
10          cooperating with other public and private entities for  
11          the purpose of performing the activities described in  
12          section 503(a).

13       **“TITLE        I—INDIAN        HEALTH,**  
14       **HUMAN RESOURCES, AND DE-**  
15       **VELOPMENT**

16       **“SEC. 101. PURPOSE.**

17          “The purpose of this title is to increase, to the max-  
18          imum extent feasible, the number of Indians entering the  
19          health professions and providing health services, and to  
20          assure an optimum supply of health professionals to the  
21          Indian Health Programs and Urban Indian Organizations  
22          involved in the provision of health services to Indians.

1 **“SEC. 102. HEALTH PROFESSIONS RECRUITMENT PROGRAM**  
2 **FOR INDIANS.**

3 “(a) IN GENERAL.—The Secretary, acting through  
4 the Service, shall make grants to public or nonprofit pri-  
5 vate health or educational entities, Tribal Health Pro-  
6 grams, or Urban Indian Organizations to assist such enti-  
7 ties in meeting the costs of—

8 “(1) identifying Indians with a potential for  
9 education or training in the health professions and  
10 encouraging and assisting them—

11 “(A) to enroll in courses of study in such  
12 health professions; or

13 “(B) if they are not qualified to enroll in  
14 any such courses of study, to undertake such  
15 postsecondary education or training as may be  
16 required to qualify them for enrollment;

17 “(2) publicizing existing sources of financial aid  
18 available to Indians enrolled in any course of study  
19 referred to in paragraph (1) or who are undertaking  
20 training necessary to qualify them to enroll in any  
21 such course of study; or

22 “(3) establishing other programs which the Sec-  
23 retary determines will enhance and facilitate the en-  
24 rollment of Indians in, and the subsequent pursuit  
25 and completion by them of, courses of study referred  
26 to in paragraph (1).

1 “(b) GRANTS.—

2 “(1) APPLICATION.—The Secretary shall not  
3 make a grant under this section unless an applica-  
4 tion has been submitted to, and approved by, the  
5 Secretary. Such application shall be in such form,  
6 submitted in such manner, and contain such infor-  
7 mation, as the Secretary shall by regulation pre-  
8 scribe pursuant to this Act. The Secretary shall give  
9 a preference to applications submitted by Tribal  
10 Health Programs or Urban Indian Organizations.

11 “(2) AMOUNT OF GRANTS; PAYMENT.—The  
12 amount of a grant under this section shall be deter-  
13 mined by the Secretary. Payments pursuant to this  
14 section may be made in advance or by way of reim-  
15 bursement, and at such intervals and on such condi-  
16 tions as provided for in regulations issued pursuant  
17 to this Act. To the extent not otherwise prohibited  
18 by law, grants shall be for 3 years, as provided in  
19 regulations issued pursuant to this Act.

20 **“SEC. 103. HEALTH PROFESSIONS PREPARATORY SCHOL-**  
21 **ARSHIP PROGRAM FOR INDIANS.**

22 “(a) SCHOLARSHIPS AUTHORIZED.—The Secretary,  
23 acting through the Service, shall provide scholarship  
24 grants to Indians who—

1           “(1) have successfully completed their high  
2 school education or high school equivalency; and

3           “(2) have demonstrated the potential to suc-  
4 cessfully complete courses of study in the health pro-  
5 fessions.

6           “(b) PURPOSES.—Scholarship grants provided pursu-  
7 ant to this section shall be for the following purposes:

8           “(1) Compensatory preprofessional education of  
9 any recipient, such scholarship not to exceed 2 years  
10 on a full-time basis (or the part-time equivalent  
11 thereof, as determined by the Secretary pursuant to  
12 regulations issued under this Act).

13           “(2) Pregraduate education of any recipient  
14 leading to a baccalaureate degree in an approved  
15 course of study preparatory to a field of study in a  
16 health profession, such scholarship not to exceed 4  
17 years. An extension of up to 2 years (or the part-  
18 time equivalent thereof, as determined by the Sec-  
19 retary pursuant to regulations issued pursuant to  
20 this Act) may be approved.

21           “(c) OTHER CONDITIONS.—Scholarships under this  
22 section—

23           “(1) may cover costs of tuition, books, trans-  
24 portation, board, and other necessary related ex-  
25 penses of a recipient while attending school;

1           “(2) shall not be denied solely on the basis of  
2           the applicant’s scholastic achievement if such appli-  
3           cant has been admitted to, or maintained good  
4           standing at, an accredited institution; and

5           “(3) shall not be denied solely by reason of such  
6           applicant’s eligibility for assistance or benefits under  
7           any other Federal program.

8   **“SEC. 104. INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.**

9           “(a) IN GENERAL.—

10           “(1) AUTHORITY.—The Secretary, acting  
11           through the Service, shall make scholarship grants  
12           to Indians who are enrolled full or part time in ac-  
13           credited schools pursuing courses of study in the  
14           health professions. Such scholarships shall be des-  
15           ignated Indian Health Scholarships and shall be  
16           made in accordance with section 338A of the Public  
17           Health Services Act (42 U.S.C. 254*l*), except as pro-  
18           vided in subsection (b) of this section.

19           “(2) DETERMINATIONS BY SECRETARY.—The  
20           Secretary, acting through the Service, shall deter-  
21           mine—

22                   “(A) who shall receive scholarship grants  
23                   under subsection (a); and

24                   “(B) the distribution of the scholarships  
25                   among health professions on the basis of the

1 relative needs of Indians for additional service  
2 in the health professions.

3 “(3) CERTAIN DELEGATION NOT ALLOWED.—

4 The administration of this section shall be a respon-  
5 sibility of the Director and shall not be delegated in  
6 a contract or compact under the Indian Self-Deter-  
7 mination and Education Assistance Act (25 U.S.C.  
8 450 et seq.).

9 “(b) ACTIVE DUTY SERVICE OBLIGATION.—

10 “(1) OBLIGATION MET.—The active duty serv-  
11 ice obligation under a written contract with the Sec-  
12 retary under this section that an Indian has entered  
13 into shall, if that individual is a recipient of an In-  
14 dian Health Scholarship, be met in full-time practice  
15 equal to 1 year for each school year for which the  
16 participant receives a scholarship award under this  
17 part, or 2 years, whichever is greater, by service in  
18 1 or more of the following:

19 “(A) In an Indian Health Program.

20 “(B) In a program assisted under title V  
21 of this Act.

22 “(C) In the private practice of the applica-  
23 ble profession if, as determined by the Sec-  
24 retary, in accordance with guidelines promul-  
25 gated by the Secretary, such practice is situated

1 in a physician or other health professional  
2 shortage area and addresses the health care  
3 needs of a substantial number of Indians.

4 “(D) In a teaching capacity in a tribal col-  
5 lege or university nursing program (or a related  
6 health profession program) if, as determined by  
7 the Secretary, the health service provided to In-  
8 dians would not decrease.

9 “(2) OBLIGATION DEFERRED.—At the request  
10 of any individual who has entered into a contract re-  
11 ferred to in paragraph (1) and who receives a degree  
12 in medicine (including osteopathic or allopathic med-  
13 icine), dentistry, optometry, podiatry, or pharmacy,  
14 the Secretary shall defer the active duty service obli-  
15 gation of that individual under that contract, in  
16 order that such individual may complete any intern-  
17 ship, residency, or other advanced clinical training  
18 that is required for the practice of that health pro-  
19 fession, for an appropriate period (in years, as deter-  
20 mined by the Secretary), subject to the following  
21 conditions:

22 “(A) No period of internship, residency, or  
23 other advanced clinical training shall be counted  
24 as satisfying any period of obligated service  
25 under this subsection.



1           “(B) The active duty service obligation of  
2           that individual shall commence not later than  
3           90 days after the completion of that advanced  
4           clinical training (or by a date specified by the  
5           Secretary).

6           “(C) The active duty service obligation will  
7           be served in the health profession of that indi-  
8           vidual in a manner consistent with paragraph  
9           (1).

10           “(D) A recipient of a scholarship under  
11           this section may, at the election of the recipient,  
12           meet the active duty service obligation described  
13           in paragraph (1) by service in a program speci-  
14           fied under that paragraph that—

15                   “(i) is located on the reservation of  
16                   the Indian Tribe in which the recipient is  
17                   enrolled; or

18                   “(ii) serves the Indian Tribe in which  
19                   the recipient is enrolled.

20           “(3) PRIORITY WHEN MAKING ASSIGNMENTS.—  
21           Subject to paragraph (2), the Secretary, in making  
22           assignments of Indian Health Scholarship recipients  
23           required to meet the active duty service obligation  
24           described in paragraph (1), shall give priority to as-  
25           signing individuals to service in those programs

1 specified in paragraph (1) that have a need for  
2 health professionals to provide health care services  
3 as a result of individuals having breached contracts  
4 entered into under this section.

5 “(c) PART-TIME STUDENTS.—In the case of an indi-  
6 vidual receiving a scholarship under this section who is  
7 enrolled part time in an approved course of study—

8 “(1) such scholarship shall be for a period of  
9 years not to exceed the part-time equivalent of 4  
10 years, as determined by the Secretary;

11 “(2) the period of obligated service described in  
12 subsection (b)(1) shall be equal to the greater of—

13 “(A) the part-time equivalent of 1 year for  
14 each year for which the individual was provided  
15 a scholarship (as determined by the Secretary);

16 or

17 “(B) 2 years; and

18 “(3) the amount of the monthly stipend speci-  
19 fied in section 338A(g)(1)(B) of the Public Health  
20 Service Act (42 U.S.C. 254I(g)(1)(B)) shall be re-  
21 duced pro rata (as determined by the Secretary)  
22 based on the number of hours such student is en-  
23 rolled.

24 “(d) BREACH OF CONTRACT.—

1           “(1) SPECIFIED BREACHES.—An individual  
2 shall be liable to the United States for the amount  
3 which has been paid to the individual, or on behalf  
4 of the individual, under a contract entered into with  
5 the Secretary under this section on or after the date  
6 of enactment of the Indian Health Care Improve-  
7 ment Act Amendments of 2006 if that individual—

8           “(A) fails to maintain an acceptable level  
9 of academic standing in the educational institu-  
10 tion in which he or she is enrolled (such level  
11 determined by the educational institution under  
12 regulations of the Secretary);

13           “(B) is dismissed from such educational  
14 institution for disciplinary reasons;

15           “(C) voluntarily terminates the training in  
16 such an educational institution for which he or  
17 she is provided a scholarship under such con-  
18 tract before the completion of such training; or

19           “(D) fails to accept payment, or instructs  
20 the educational institution in which he or she is  
21 enrolled not to accept payment, in whole or in  
22 part, of a scholarship under such contract, in  
23 lieu of any service obligation arising under such  
24 contract.

1           “(2) OTHER BREACHES.—If for any reason not  
2           specified in paragraph (1) an individual breaches a  
3           written contract by failing either to begin such indi-  
4           vidual’s service obligation required under such con-  
5           tract or to complete such service obligation, the  
6           United States shall be entitled to recover from the  
7           individual an amount determined in accordance with  
8           the formula specified in subsection (l) of section 110  
9           in the manner provided for in such subsection.

10           “(3) CANCELLATION UPON DEATH OF RECIPI-  
11           ENT.—Upon the death of an individual who receives  
12           an Indian Health Scholarship, any outstanding obli-  
13           gation of that individual for service or payment that  
14           relates to that scholarship shall be canceled.

15           “(4) WAIVERS AND SUSPENSIONS.—

16           “(A) IN GENERAL.—The Secretary shall  
17           provide for the partial or total waiver or sus-  
18           pension of any obligation of service or payment  
19           of a recipient of an Indian Health Scholarship  
20           if the Secretary determines that—

21                   “(i) it is not possible for the recipient  
22                   to meet that obligation or make that pay-  
23                   ment;

24                   “(ii) requiring that recipient to meet  
25                   that obligation or make that payment

1           would result in extreme hardship to the re-  
2           cipient; or

3           “(iii) the enforcement of the require-  
4           ment to meet the obligation or make the  
5           payment would be unconscionable.

6           “(B) FACTORS FOR CONSIDERATION.—Be-  
7           fore waiving or suspending an obligation of  
8           service or payment under subparagraph (A), the  
9           Secretary shall consult with the affected Area  
10          Office, Indian Tribes, Tribal Organizations, or  
11          Urban Indian Organizations, and may take into  
12          consideration whether the obligation may be  
13          satisfied in a teaching capacity at a tribal col-  
14          lege or university nursing program under sub-  
15          section (b)(1)(D).

16          “(5) EXTREME HARDSHIP.—Notwithstanding  
17          any other provision of law, in any case of extreme  
18          hardship or for other good cause shown, the Sec-  
19          retary may waive, in whole or in part, the right of  
20          the United States to recover funds made available  
21          under this section.

22          “(6) BANKRUPTCY.—Notwithstanding any  
23          other provision of law, with respect to a recipient of  
24          an Indian Health Scholarship, no obligation for pay-  
25          ment may be released by a discharge in bankruptcy

1 under title 11, United States Code, unless that dis-  
2 charge is granted after the expiration of the 5-year  
3 period beginning on the initial date on which that  
4 payment is due, and only if the bankruptcy court  
5 finds that the nondischarge of the obligation would  
6 be unconscionable.

7 **“SEC. 105. AMERICAN INDIANS INTO PSYCHOLOGY PRO-**  
8 **GRAM.**

9 “(a) GRANTS AUTHORIZED.—The Secretary, acting  
10 through the Service, shall make grants of not more than  
11 \$300,000 to each of 9 colleges and universities for the pur-  
12 pose of developing and maintaining Indian psychology ca-  
13 reer recruitment programs as a means of encouraging In-  
14 dians to enter the behavioral health field. These programs  
15 shall be located at various locations throughout the coun-  
16 try to maximize their availability to Indian students and  
17 new programs shall be established in different locations  
18 from time to time.

19 “(b) QUENTIN N. BURDICK PROGRAM GRANT.—The  
20 Secretary shall provide a grant authorized under sub-  
21 section (a) to develop and maintain a program at the Uni-  
22 versity of North Dakota to be known as the ‘Quentin N.  
23 Burdick American Indians Into Psychology Program’.  
24 Such program shall, to the maximum extent feasible, co-  
25 ordinate with the Quentin N. Burdick Indian Health Pro-

1 grams authorized under section 117(b), the Quentin N.  
2 Burdick American Indians Into Nursing Program author-  
3 ized under section 115(e), and existing university research  
4 and communications networks.

5 “(c) REGULATIONS.—The Secretary shall issue regu-  
6 lations pursuant to this Act for the competitive awarding  
7 of grants provided under this section.

8 “(d) CONDITIONS OF GRANT.—Applicants under this  
9 section shall agree to provide a program which, at a min-  
10 imum—

11 “(1) provides outreach and recruitment for  
12 health professions to Indian communities including  
13 elementary, secondary, and accredited and accessible  
14 community colleges that will be served by the pro-  
15 gram;

16 “(2) incorporates a program advisory board  
17 comprised of representatives from the tribes and  
18 communities that will be served by the program;

19 “(3) provides summer enrichment programs to  
20 expose Indian students to the various fields of psy-  
21 chology through research, clinical, and experimental  
22 activities;

23 “(4) provides stipends to undergraduate and  
24 graduate students to pursue a career in psychology;

1           “(5) develops affiliation agreements with tribal  
2 colleges and universities, the Service, university af-  
3 filiated programs, and other appropriate accredited  
4 and accessible entities to enhance the education of  
5 Indian students;

6           “(6) to the maximum extent feasible, uses exist-  
7 ing university tutoring, counseling, and student sup-  
8 port services; and

9           “(7) to the maximum extent feasible, employs  
10 qualified Indians in the program.

11       “(e) ACTIVE DUTY SERVICE REQUIREMENT.—The  
12 active duty service obligation prescribed under section  
13 338C of the Public Health Service Act (42 U.S.C. 254m)  
14 shall be met by each graduate who receives a stipend de-  
15 scribed in subsection (d)(4) that is funded under this sec-  
16 tion. Such obligation shall be met by service—

17           “(1) in an Indian Health Program;

18           “(2) in a program assisted under title V of this  
19 Act; or

20           “(3) in the private practice of psychology if, as  
21 determined by the Secretary, in accordance with  
22 guidelines promulgated by the Secretary, such prac-  
23 tice is situated in a physician or other health profes-  
24 sional shortage area and addresses the health care  
25 needs of a substantial number of Indians.



1       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
2 is authorized to be appropriated to carry out this section  
3 \$2,700,000 for each of fiscal years 2007 through 2016.

4 **“SEC. 106. SCHOLARSHIP PROGRAMS FOR INDIAN TRIBES.**

5       “(a) IN GENERAL.—

6           “(1) GRANTS AUTHORIZED.—The Secretary,  
7 acting through the Service, shall make grants to  
8 Tribal Health Programs for the purpose of providing  
9 scholarships for Indians to serve as health profes-  
10 sionals in Indian communities.

11           “(2) AMOUNT.—Amounts available under para-  
12 graph (1) for any fiscal year shall not exceed 5 per-  
13 cent of the amounts available for each fiscal year for  
14 Indian Health Scholarships under section 104.

15           “(3) APPLICATION.—An application for a grant  
16 under paragraph (1) shall be in such form and con-  
17 tain such agreements, assurances, and information  
18 as consistent with this section.

19       “(b) REQUIREMENTS.—

20           “(1) IN GENERAL.—A Tribal Health Program  
21 receiving a grant under subsection (a) shall provide  
22 scholarships to Indians in accordance with the re-  
23 quirements of this section.

24           “(2) COSTS.—With respect to costs of providing  
25 any scholarship pursuant to subsection (a)—

1           “(A) 80 percent of the costs of the scholar-  
2           ship shall be paid from the funds made avail-  
3           able pursuant to subsection (a)(1) provided to  
4           the Tribal Health Program; and

5           “(B) 20 percent of such costs may be paid  
6           from any other source of funds.

7           “(c) COURSE OF STUDY.—A Tribal Health Program  
8           shall provide scholarships under this section only to Indi-  
9           ans enrolled or accepted for enrollment in a course of  
10          study (approved by the Secretary) in 1 of the health pro-  
11          fessions contemplated by this Act.

12          “(d) CONTRACT.—

13                 “(1) IN GENERAL.—In providing scholarships  
14                 under subsection (b), the Secretary and the Tribal  
15                 Health Program shall enter into a written contract  
16                 with each recipient of such scholarship.

17                 “(2) REQUIREMENTS.—Such contract shall—

18                         “(A) obligate such recipient to provide  
19                         service in an Indian Health Program or Urban  
20                         Indian Organization, in the same Service Area  
21                         where the Tribal Health Program providing the  
22                         scholarship is located, for—

23                                 “(i) a number of years for which the  
24                                 scholarship is provided (or the part-time  
25                                 equivalent thereof, as determined by the

1 Secretary), or for a period of 2 years,  
2 whichever period is greater; or

3 “(ii) such greater period of time as  
4 the recipient and the Tribal Health Pro-  
5 gram may agree;

6 “(B) provide that the amount of the schol-  
7 arship—

8 “(i) may only be expended for—

9 “(I) tuition expenses, other rea-  
10 sonable educational expenses, and rea-  
11 sonable living expenses incurred in at-  
12 tendance at the educational institu-  
13 tion; and

14 “(II) payment to the recipient of  
15 a monthly stipend of not more than  
16 the amount authorized by section  
17 338(g)(1)(B) of the Public Health  
18 Service Act (42 U.S.C.  
19 254m(g)(1)(B)), with such amount to  
20 be reduced pro rata (as determined by  
21 the Secretary) based on the number of  
22 hours such student is enrolled, and  
23 not to exceed, for any year of attend-  
24 ance for which the scholarship is pro-  
25 vided, the total amount required for

1 the year for the purposes authorized  
2 in this clause; and

3 “(ii) may not exceed, for any year of  
4 attendance for which the scholarship is  
5 provided, the total amount required for the  
6 year for the purposes authorized in clause  
7 (i);

8 “(C) require the recipient of such scholar-  
9 ship to maintain an acceptable level of academic  
10 standing as determined by the educational insti-  
11 tution in accordance with regulations issued  
12 pursuant to this Act; and

13 “(D) require the recipient of such scholar-  
14 ship to meet the educational and licensure re-  
15 quirements appropriate to each health profes-  
16 sion.

17 “(3) SERVICE IN OTHER SERVICE AREAS.—The  
18 contract may allow the recipient to serve in another  
19 Service Area, provided the Tribal Health Program  
20 and Secretary approve and services are not dimin-  
21 ished to Indians in the Service Area where the Trib-  
22 al Health Program providing the scholarship is lo-  
23 cated.

24 “(e) BREACH OF CONTRACT.—

1           “(1) SPECIFIC BREACHES.—An individual who  
2           has entered into a written contract with the Sec-  
3           retary and a Tribal Health Program under sub-  
4           section (d) shall be liable to the United States for  
5           the Federal share of the amount which has been  
6           paid to him or her, or on his or her behalf, under  
7           the contract if that individual—

8                   “(A) fails to maintain an acceptable level  
9                   of academic standing in the educational institu-  
10                  tion in which he or she is enrolled (such level  
11                  as determined by the educational institution  
12                  under regulations of the Secretary);

13                  “(B) is dismissed from such educational  
14                  institution for disciplinary reasons;

15                  “(C) voluntarily terminates the training in  
16                  such an educational institution for which he or  
17                  she is provided a scholarship under such con-  
18                  tract before the completion of such training; or

19                  “(D) fails to accept payment, or instructs  
20                  the educational institution in which he or she is  
21                  enrolled not to accept payment, in whole or in  
22                  part, of a scholarship under such contract, in  
23                  lieu of any service obligation arising under such  
24                  contract.

1           “(2) OTHER BREACHES.—If for any reason not  
2           specified in paragraph (1), an individual breaches a  
3           written contract by failing to either begin such indi-  
4           vidual’s service obligation required under such con-  
5           tract or to complete such service obligation, the  
6           United States shall be entitled to recover from the  
7           individual an amount determined in accordance with  
8           the formula specified in subsection (l) of section 110  
9           in the manner provided for in such subsection.

10           “(3) CANCELLATION UPON DEATH OF RECIPI-  
11           ENT.—Upon the death of an individual who receives  
12           an Indian Health Scholarship, any outstanding obli-  
13           gation of that individual for service or payment that  
14           relates to that scholarship shall be canceled.

15           “(4) INFORMATION.—The Secretary may carry  
16           out this subsection on the basis of information re-  
17           ceived from Tribal Health Programs involved or on  
18           the basis of information collected through such other  
19           means as the Secretary deems appropriate.

20           “(f) RELATION TO SOCIAL SECURITY ACT.—The re-  
21           cipient of a scholarship under this section shall agree, in  
22           providing health care pursuant to the requirements here-  
23           in—

24           “(1) not to discriminate against an individual  
25           seeking care on the basis of the ability of the indi-

1       vidual to pay for such care or on the basis that pay-  
2       ment for such care will be made pursuant to a pro-  
3       gram established in title XVIII of the Social Secu-  
4       rity Act or pursuant to the programs established in  
5       title XIX or title XXI of such Act; and

6               “(2) to accept assignment under section  
7       1842(b)(3)(B)(ii) of the Social Security Act for all  
8       services for which payment may be made under part  
9       B of title XVIII of such Act, and to enter into an  
10      appropriate agreement with the State agency that  
11      administers the State plan for medical assistance  
12      under title XIX, or the State child health plan under  
13      title XXI, of such Act to provide service to individ-  
14      uals entitled to medical assistance or child health as-  
15      sistance, respectively, under the plan.

16      “(g) CONTINUANCE OF FUNDING.—The Secretary  
17      shall make payments under this section to a Tribal Health  
18      Program for any fiscal year subsequent to the first fiscal  
19      year of such payments unless the Secretary determines  
20      that, for the immediately preceding fiscal year, the Tribal  
21      Health Program has not complied with the requirements  
22      of this section.

23      **“SEC. 107. INDIAN HEALTH SERVICE EXTERN PROGRAMS.**

24               “(a) EMPLOYMENT PREFERENCE.—Any individual  
25      who receives a scholarship pursuant to section 104 or 106

1 shall be given preference for employment in the Service,  
2 or may be employed by a Tribal Health Program or an  
3 Urban Indian Organization, or other agencies of the De-  
4 partment as available, during any nonacademic period of  
5 the year.

6       “(b) NOT COUNTED TOWARD ACTIVE DUTY SERVICE  
7 OBLIGATION.—Periods of employment pursuant to this  
8 subsection shall not be counted in determining fulfillment  
9 of the service obligation incurred as a condition of the  
10 scholarship.

11       “(c) TIMING; LENGTH OF EMPLOYMENT.—Any indi-  
12 vidual enrolled in a program, including a high school pro-  
13 gram, authorized under section 102(a) may be employed  
14 by the Service or by a Tribal Health Program or an Urban  
15 Indian Organization during any nonacademic period of the  
16 year. Any such employment shall not exceed 120 days dur-  
17 ing any calendar year.

18       “(d) NONAPPLICABILITY OF COMPETITIVE PER-  
19 SONNEL SYSTEM.—Any employment pursuant to this sec-  
20 tion shall be made without regard to any competitive per-  
21 sonnel system or agency personnel limitation and to a po-  
22 sition which will enable the individual so employed to re-  
23 ceive practical experience in the health profession in which  
24 he or she is engaged in study. Any individual so employed  
25 shall receive payment for his or her services comparable



1 to the salary he or she would receive if he or she were  
2 employed in the competitive system. Any individual so em-  
3 ployed shall not be counted against any employment ceil-  
4 ing affecting the Service or the Department.

5 **“SEC. 108. CONTINUING EDUCATION ALLOWANCES.**

6 “In order to encourage scholarship and stipend re-  
7 cipients under sections 104, 105, 106, and 115 and health  
8 professionals, including community health representatives  
9 and emergency medical technicians, to join or continue in  
10 an Indian Health Program and to provide their services  
11 in the rural and remote areas where a significant portion  
12 of Indians reside, the Secretary, acting through the Serv-  
13 ice, may—

14 “(1) provide programs or allowances to transi-  
15 tion into an Indian Health Program, including li-  
16 censing, board or certification examination assist-  
17 ance, and technical assistance in fulfilling service ob-  
18 ligations under sections 104, 105, 106, and 115; and

19 “(2) provide programs or allowances to health  
20 professionals employed in an Indian Health Program  
21 to enable them for a period of time each year pre-  
22 scribed by regulation of the Secretary to take leave  
23 of their duty stations for professional consultation,  
24 management, leadership, and refresher training  
25 courses.

1 **“SEC. 109. COMMUNITY HEALTH REPRESENTATIVE PRO-**  
2 **GRAM.**

3 “(a) IN GENERAL.—Under the authority of the Act  
4 of November 2, 1921 (25 U.S.C. 13) (commonly known  
5 as the ‘Snyder Act’), the Secretary, acting through the  
6 Service, shall maintain a Community Health Representa-  
7 tive Program under which Indian Health Programs—

8 “(1) provide for the training of Indians as com-  
9 munity health representatives; and

10 “(2) use such community health representatives  
11 in the provision of health care, health promotion,  
12 and disease prevention services to Indian commu-  
13 nities.

14 “(b) DUTIES.—The Community Health Representa-  
15 tive Program of the Service, shall—

16 “(1) provide a high standard of training for  
17 community health representatives to ensure that the  
18 community health representatives provide quality  
19 health care, health promotion, and disease preven-  
20 tion services to the Indian communities served by  
21 the Program;

22 “(2) in order to provide such training, develop  
23 and maintain a curriculum that—

24 “(A) combines education in the theory of  
25 health care with supervised practical experience  
26 in the provision of health care; and

1           “(B) provides instruction and practical ex-  
2           perience in health promotion and disease pre-  
3           vention activities, with appropriate consider-  
4           ation given to lifestyle factors that have an im-  
5           pact on Indian health status, such as alco-  
6           holism, family dysfunction, and poverty;

7           “(3) maintain a system which identifies the  
8           needs of community health representatives for con-  
9           tinuing education in health care, health promotion,  
10          and disease prevention and develop programs that  
11          meet the needs for continuing education;

12          “(4) maintain a system that provides close su-  
13          pervision of Community Health Representatives;

14          “(5) maintain a system under which the work  
15          of Community Health Representatives is reviewed  
16          and evaluated; and

17          “(6) promote traditional health care practices  
18          of the Indian Tribes served consistent with the Serv-  
19          ice standards for the provision of health care, health  
20          promotion, and disease prevention.

21 **“SEC. 110. INDIAN HEALTH SERVICE LOAN REPAYMENT**  
22 **PROGRAM.**

23          “(a) ESTABLISHMENT.—The Secretary, acting  
24 through the Service, shall establish and administer a pro-  
25 gram to be known as the Service Loan Repayment Pro-

1 gram (hereinafter referred to as the ‘Loan Repayment  
2 Program’) in order to ensure an adequate supply of  
3 trained health professionals necessary to maintain accredi-  
4 tation of, and provide health care services to Indians  
5 through, Indian Health Programs and Urban Indian Or-  
6 ganizations.

7 “(b) ELIGIBLE INDIVIDUALS.—To be eligible to par-  
8 ticipate in the Loan Repayment Program, an individual  
9 must—

10 “(1)(A) be enrolled—

11 “(i) in a course of study or program in an  
12 accredited educational institution (as deter-  
13 mined by the Secretary under section  
14 338B(b)(1)(c)(i) of the Public Health Service  
15 Act (42 U.S.C. 254l–1(b)(1)(c)(i))) and be  
16 scheduled to complete such course of study in  
17 the same year such individual applies to partici-  
18 pate in such program; or

19 “(ii) in an approved graduate training pro-  
20 gram in a health profession; or

21 “(B) have—

22 “(i) a degree in a health profession; and

23 “(ii) a license to practice a health profes-  
24 sion;

1           “(2)(A) be eligible for, or hold, an appointment  
2           as a commissioned officer in the Regular or Reserve  
3           Corps of the Public Health Service;

4           “(B) be eligible for selection for civilian service  
5           in the Regular or Reserve Corps of the Public  
6           Health Service;

7           “(C) meet the professional standards for civil  
8           service employment in the Service; or

9           “(D) be employed in an Indian Health Program  
10          or Urban Indian Organization without a service obli-  
11          gation; and

12          “(3) submit to the Secretary an application for  
13          a contract described in subsection (e).

14          “(c) APPLICATION.—

15                 “(1) INFORMATION TO BE INCLUDED WITH  
16                 FORMS.—In disseminating application forms and  
17                 contract forms to individuals desiring to participate  
18                 in the Loan Repayment Program, the Secretary  
19                 shall include with such forms a fair summary of the  
20                 rights and liabilities of an individual whose applica-  
21                 tion is approved (and whose contract is accepted) by  
22                 the Secretary, including in the summary a clear ex-  
23                 planation of the damages to which the United States  
24                 is entitled under subsection (l) in the case of the in-  
25                 dividual’s breach of contract. The Secretary shall

1 provide such individuals with sufficient information  
2 regarding the advantages and disadvantages of serv-  
3 ice as a commissioned officer in the Regular or Re-  
4 serve Corps of the Public Health Service or a civil-  
5 ian employee of the Service to enable the individual  
6 to make a decision on an informed basis.

7 “(2) CLEAR LANGUAGE.—The application form,  
8 contract form, and all other information furnished  
9 by the Secretary under this section shall be written  
10 in a manner calculated to be understood by the aver-  
11 age individual applying to participate in the Loan  
12 Repayment Program.

13 “(3) TIMELY AVAILABILITY OF FORMS.—The  
14 Secretary shall make such application forms, con-  
15 tract forms, and other information available to indi-  
16 viduals desiring to participate in the Loan Repay-  
17 ment Program on a date sufficiently early to ensure  
18 that such individuals have adequate time to carefully  
19 review and evaluate such forms and information.

20 “(d) PRIORITIES.—

21 “(1) LIST.—Consistent with subsection (k), the  
22 Secretary shall annually—

23 “(A) identify the positions in each Indian  
24 Health Program or Urban Indian Organization  
25 for which there is a need or a vacancy; and

1           “(B) rank those positions in order of pri-  
2           ority.

3           “(2) APPROVALS.—Notwithstanding the pri-  
4           ority determined under paragraph (1), the Secretary,  
5           in determining which applications under the Loan  
6           Repayment Program to approve (and which con-  
7           tracts to accept), shall—

8           “(A) give first priority to applications  
9           made by individual Indians; and

10           “(B) after making determinations on all  
11           applications submitted by individual Indians as  
12           required under subparagraph (A), give priority  
13           to—

14           “(i) individuals recruited through the  
15           efforts of an Indian Health Program or  
16           Urban Indian Organization; and

17           “(ii) other individuals based on the  
18           priority rankings under paragraph (1).

19           “(e) RECIPIENT CONTRACTS.—

20           “(1) CONTRACT REQUIRED.—An individual be-  
21           comes a participant in the Loan Repayment Pro-  
22           gram only upon the Secretary and the individual en-  
23           tering into a written contract described in paragraph  
24           (2).

1           “(2) CONTENTS OF CONTRACT.—The written  
2 contract referred to in this section between the Sec-  
3 retary and an individual shall contain—

4                   “(A) an agreement under which—

5                           “(i) subject to subparagraph (C), the  
6 Secretary agrees—

7                                   “(I) to pay loans on behalf of the  
8 individual in accordance with the pro-  
9 visions of this section; and

10                                   “(II) to accept (subject to the  
11 availability of appropriated funds for  
12 carrying out this section) the indi-  
13 vidual into the Service or place the in-  
14 dividual with a Tribal Health Pro-  
15 gram or Urban Indian Organization  
16 as provided in clause (ii)(III); and

17                           “(ii) subject to subparagraph (C), the  
18 individual agrees—

19                                   “(I) to accept loan payments on  
20 behalf of the individual;

21                                   “(II) in the case of an individual  
22 described in subsection (b)(1)—

23   “(aa) to maintain enrollment  
24 in a course of study or training  
25 described in subsection (b)(1)(A)



1                   until the individual completes the  
2                   course of study or training; and

3                   “(bb) while enrolled in such  
4                   course of study or training, to  
5                   maintain an acceptable level of  
6                   academic standing (as deter-  
7                   mined under regulations of the  
8                   Secretary by the educational in-  
9                   stitution offering such course of  
10                  study or training); and

11                  “(III) to serve for a time period  
12                  (hereinafter in this section referred to  
13                  as the ‘period of obligated service’)  
14                  equal to 2 years or such longer period  
15                  as the individual may agree to serve  
16                  in the full-time clinical practice of  
17                  such individual’s profession in an In-  
18                  dian Health Program or Urban In-  
19                  dian Organization to which the indi-  
20                  vidual may be assigned by the Sec-  
21                  retary;

22                  “(B) a provision permitting the Secretary  
23                  to extend for such longer additional periods, as  
24                  the individual may agree to, the period of obli-

1 gated service agreed to by the individual under  
2 subparagraph (A)(ii)(III);

3 “(C) a provision that any financial obliga-  
4 tion of the United States arising out of a con-  
5 tract entered into under this section and any  
6 obligation of the individual which is conditioned  
7 thereon is contingent upon funds being appro-  
8 priated for loan repayments under this section;

9 “(D) a statement of the damages to which  
10 the United States is entitled under subsection  
11 (l) for the individual’s breach of the contract;  
12 and

13 “(E) such other statements of the rights  
14 and liabilities of the Secretary and of the indi-  
15 vidual, not inconsistent with this section.

16 “(f) DEADLINE FOR DECISION ON APPLICATION.—  
17 The Secretary shall provide written notice to an individual  
18 within 21 days on—

19 “(1) the Secretary’s approving, under sub-  
20 section (e)(1), of the individual’s participation in the  
21 Loan Repayment Program, including extensions re-  
22 sulting in an aggregate period of obligated service in  
23 excess of 4 years; or

24 “(2) the Secretary’s disapproving an individ-  
25 ual’s participation in such Program.

1 “(g) PAYMENTS.—

2 “(1) IN GENERAL.—A loan repayment provided  
3 for an individual under a written contract under the  
4 Loan Repayment Program shall consist of payment,  
5 in accordance with paragraph (2), on behalf of the  
6 individual of the principal, interest, and related ex-  
7 penses on government and commercial loans received  
8 by the individual regarding the undergraduate or  
9 graduate education of the individual (or both), which  
10 loans were made for—

11 “(A) tuition expenses;

12 “(B) all other reasonable educational ex-  
13 penses, including fees, books, and laboratory ex-  
14 penses, incurred by the individual; and

15 “(C) reasonable living expenses as deter-  
16 mined by the Secretary.

17 “(2) AMOUNT.—For each year of obligated  
18 service that an individual contracts to serve under  
19 subsection (e), the Secretary may pay up to \$35,000  
20 or an amount equal to the amount specified in sec-  
21 tion 338B(g)(2)(A) of the Public Health Service  
22 Act, whichever is more, on behalf of the individual  
23 for loans described in paragraph (1). In making a  
24 determination of the amount to pay for a year of  
25 such service by an individual, the Secretary shall

1 consider the extent to which each such determina-  
2 tion—

3 “(A) affects the ability of the Secretary to  
4 maximize the number of contracts that can be  
5 provided under the Loan Repayment Program  
6 from the amounts appropriated for such con-  
7 tracts;

8 “(B) provides an incentive to serve in In-  
9 dian Health Programs and Urban Indian Orga-  
10 nizations with the greatest shortages of health  
11 professionals; and

12 “(C) provides an incentive with respect to  
13 the health professional involved remaining in an  
14 Indian Health Program or Urban Indian Orga-  
15 nization with such a health professional short-  
16 age, and continuing to provide primary health  
17 services, after the completion of the period of  
18 obligated service under the Loan Repayment  
19 Program.

20 “(3) TIMING.—Any arrangement made by the  
21 Secretary for the making of loan repayments in ac-  
22 cordance with this subsection shall provide that any  
23 repayments for a year of obligated service shall be  
24 made no later than the end of the fiscal year in  
25 which the individual completes such year of service.

1           “(4) REIMBURSEMENTS FOR TAX LIABILITY.—  
2           For the purpose of providing reimbursements for tax  
3           liability resulting from a payment under paragraph  
4           (2) on behalf of an individual, the Secretary—

5                   “(A) in addition to such payments, may  
6                   make payments to the individual in an amount  
7                   equal to not less than 20 percent and not more  
8                   than 39 percent of the total amount of loan re-  
9                   payments made for the taxable year involved;  
10                  and

11                   “(B) may make such additional payments  
12                   as the Secretary determines to be appropriate  
13                   with respect to such purpose.

14           “(5) PAYMENT SCHEDULE.—The Secretary  
15           may enter into an agreement with the holder of any  
16           loan for which payments are made under the Loan  
17           Repayment Program to establish a schedule for the  
18           making of such payments.

19           “(h) EMPLOYMENT CEILING.—Notwithstanding any  
20           other provision of law, individuals who have entered into  
21           written contracts with the Secretary under this section  
22           shall not be counted against any employment ceiling af-  
23           fecting the Department while those individuals are under-  
24           going academic training.

1       “(i) RECRUITMENT.—The Secretary shall conduct re-  
2       cruiting programs for the Loan Repayment Program and  
3       other manpower programs of the Service at educational  
4       institutions training health professionals or specialists  
5       identified in subsection (a).

6       “(j) APPLICABILITY OF LAW.—Section 214 of the  
7       Public Health Service Act (42 U.S.C. 215) shall not apply  
8       to individuals during their period of obligated service  
9       under the Loan Repayment Program.

10       “(k) ASSIGNMENT OF INDIVIDUALS.—The Secretary,  
11       in assigning individuals to serve in Indian Health Pro-  
12       grams or Urban Indian Organizations pursuant to con-  
13       tracts entered into under this section, shall—

14               “(1) ensure that the staffing needs of Tribal  
15       Health Programs and Urban Indian Organizations  
16       receive consideration on an equal basis with pro-  
17       grams that are administered directly by the Service;  
18       and

19               “(2) give priority to assigning individuals to In-  
20       dian Health Programs and Urban Indian Organiza-  
21       tions that have a need for health professionals to  
22       provide health care services as a result of individuals  
23       having breached contracts entered into under this  
24       section.

25       “(l) BREACH OF CONTRACT.—

1           “(1) SPECIFIC BREACHES.—An individual who  
2           has entered into a written contract with the Sec-  
3           retary under this section and has not received a  
4           waiver under subsection (m) shall be liable, in lieu  
5           of any service obligation arising under such contract,  
6           to the United States for the amount which has been  
7           paid on such individual’s behalf under the contract  
8           if that individual—

9                   “(A) is enrolled in the final year of a  
10                  course of study and—

11                          “(i) fails to maintain an acceptable  
12                          level of academic standing in the edu-  
13                          cational institution in which he or she is  
14                          enrolled (such level determined by the edu-  
15                          cational institution under regulations of  
16                          the Secretary);

17                          “(ii) voluntarily terminates such en-  
18                          rollment; or

19                          “(iii) is dismissed from such edu-  
20                          cational institution before completion of  
21                          such course of study; or

22                          “(B) is enrolled in a graduate training pro-  
23                          gram and fails to complete such training pro-  
24                          gram.

1           “(2) OTHER BREACHES; FORMULA FOR  
2 AMOUNT OWED.—If, for any reason not specified in  
3 paragraph (1), an individual breaches his or her  
4 written contract under this section by failing either  
5 to begin, or complete, such individual’s period of ob-  
6 ligated service in accordance with subsection (e)(2),  
7 the United States shall be entitled to recover from  
8 such individual an amount to be determined in ac-  
9 cordance with the following formula:  $A=3Z(t-s/t)$   
10 in which—

11           “(A) ‘A’ is the amount the United States  
12 is entitled to recover;

13           “(B) ‘Z’ is the sum of the amounts paid  
14 under this section to, or on behalf of, the indi-  
15 vidual and the interest on such amounts which  
16 would be payable if, at the time the amounts  
17 were paid, they were loans bearing interest at  
18 the maximum legal prevailing rate, as deter-  
19 mined by the Secretary of the Treasury;

20           “(C) ‘t’ is the total number of months in  
21 the individual’s period of obligated service in  
22 accordance with subsection (f); and

23           “(D) ‘s’ is the number of months of such  
24 period served by such individual in accordance  
25 with this section.



1           “(3) DEDUCTIONS IN MEDICARE PAYMENTS.—  
2           Amounts not paid within such period shall be sub-  
3           ject to collection through deductions in Medicare  
4           payments pursuant to section 1892 of the Social Se-  
5           curity Act.

6           “(4) TIME PERIOD FOR REPAYMENT.—Any  
7           amount of damages which the United States is enti-  
8           tled to recover under this subsection shall be paid to  
9           the United States within the 1-year period beginning  
10          on the date of the breach or such longer period be-  
11          ginning on such date as shall be specified by the  
12          Secretary.

13          “(5) RECOVERY OF DELINQUENCY.—

14                 “(A) IN GENERAL.—If damages described  
15                 in paragraph (4) are delinquent for 3 months,  
16                 the Secretary shall, for the purpose of recov-  
17                 ering such damages—

18                         “(i) use collection agencies contracted  
19                         with by the Administrator of General Serv-  
20                         ices; or

21                         “(ii) enter into contracts for the re-  
22                         covery of such damages with collection  
23                         agencies selected by the Secretary.

24                 “(B) REPORT.—Each contract for recov-  
25                 ering damages pursuant to this subsection shall

1 provide that the contractor will, not less than  
2 once each 6 months, submit to the Secretary a  
3 status report on the success of the contractor in  
4 collecting such damages. Section 3718 of title  
5 31, United States Code, shall apply to any such  
6 contract to the extent not inconsistent with this  
7 subsection.

8 “(m) WAIVER OR SUSPENSION OF OBLIGATION.—

9 “(1) IN GENERAL.—The Secretary shall by reg-  
10 ulation provide for the partial or total waiver or sus-  
11 pension of any obligation of service or payment by  
12 an individual under the Loan Repayment Program  
13 whenever compliance by the individual is impossible  
14 or would involve extreme hardship to the individual  
15 and if enforcement of such obligation with respect to  
16 any individual would be unconscionable.

17 “(2) CANCELED UPON DEATH.—Any obligation  
18 of an individual under the Loan Repayment Pro-  
19 gram for service or payment of damages shall be  
20 canceled upon the death of the individual.

21 “(3) HARDSHIP WAIVER.—The Secretary may  
22 waive, in whole or in part, the rights of the United  
23 States to recover amounts under this section in any  
24 case of extreme hardship or other good cause shown,  
25 as determined by the Secretary.

1           “(4) BANKRUPTCY.—Any obligation of an indi-  
2           vidual under the Loan Repayment Program for pay-  
3           ment of damages may be released by a discharge in  
4           bankruptcy under title 11 of the United States Code  
5           only if such discharge is granted after the expiration  
6           of the 5-year period beginning on the first date that  
7           payment of such damages is required, and only if  
8           the bankruptcy court finds that nondischarge of the  
9           obligation would be unconscionable.

10          “(n) REPORT.—The Secretary shall submit to the  
11          President, for inclusion in the report required to be sub-  
12          mitted to Congress under section 801, a report concerning  
13          the previous fiscal year which sets forth by Service Area  
14          the following:

15                 “(1) A list of the health professional positions  
16                 maintained by Indian Health Programs and Urban  
17                 Indian Organizations for which recruitment or reten-  
18                 tion is difficult.

19                 “(2) The number of Loan Repayment Program  
20                 applications filed with respect to each type of health  
21                 profession.

22                 “(3) The number of contracts described in sub-  
23                 section (e) that are entered into with respect to each  
24                 health profession.



1 lected from individuals under section 104(d), section  
2 106(e), and section 110(l) for breach of contract, such  
3 funds as may be appropriated to the LRRF, and interest  
4 earned on amounts in the LRRF. All amounts collected,  
5 appropriated, or earned relative to the LRRF shall remain  
6 available until expended.

7 “(b) USE OF FUNDS.—

8 “(1) BY SECRETARY.—Amounts in the LRRF  
9 may be expended by the Secretary, acting through  
10 the Service, to make payments to an Indian Health  
11 Program—

12 “(A) to which a scholarship recipient under  
13 section 104 and 106 or a loan repayment pro-  
14 gram participant under section 110 has been  
15 assigned to meet the obligated service require-  
16 ments pursuant to such sections; and

17 “(B) that has a need for a health profes-  
18 sional to provide health care services as a result  
19 of such recipient or participant having breached  
20 the contract entered into under section 104,  
21 106, or section 110.

22 “(2) BY TRIBAL HEALTH PROGRAMS.—A Tribal  
23 Health Program receiving payments pursuant to  
24 paragraph (1) may expend the payments to provide  
25 scholarships or recruit and employ, directly or by

1 contract, health professionals to provide health care  
2 services.

3 “(c) INVESTMENT OF FUNDS.—The Secretary of the  
4 Treasury shall invest such amounts of the LRRF as the  
5 Secretary of Health and Human Services determines are  
6 not required to meet current withdrawals from the LRRF.  
7 Such investments may be made only in interest bearing  
8 obligations of the United States. For such purpose, such  
9 obligations may be acquired on original issue at the issue  
10 price, or by purchase of outstanding obligations at the  
11 market price.

12 “(d) SALE OF OBLIGATIONS.—Any obligation ac-  
13 quired by the LRRF may be sold by the Secretary of the  
14 Treasury at the market price.

15 **“SEC. 112. RECRUITMENT ACTIVITIES.**

16 “(a) REIMBURSEMENT FOR TRAVEL.—The Sec-  
17 retary, acting through the Service, may reimburse health  
18 professionals seeking positions with Indian Health Pro-  
19 grams or Urban Indian Organizations, including individ-  
20 uals considering entering into a contract under section  
21 110 and their spouses, for actual and reasonable expenses  
22 incurred in traveling to and from their places of residence  
23 to an area in which they may be assigned for the purpose  
24 of evaluating such area with respect to such assignment.



1       “(b) SERVICE OBLIGATION.—An individual who par-  
2 ticipates in a program under subsection (a), where the  
3 educational costs are borne by the Service, shall incur an  
4 obligation to serve in an Indian Health Program or Urban  
5 Indian Organization for a period of obligated service equal  
6 to at least the period of time during which the individual  
7 participates in such program. In the event that the indi-  
8 vidual fails to complete such obligated service, the indi-  
9 vidual shall be liable to the United States for the period  
10 of service remaining. In such event, with respect to indi-  
11 viduals entering the program after the date of enactment  
12 of the Indian Health Care Improvement Act Amendments  
13 of 2006, the United States shall be entitled to recover  
14 from such individual an amount to be determined in ac-  
15 cordance with the formula specified in subsection (l) of  
16 section 110 in the manner provided for in such subsection.

17       “(c) EQUAL OPPORTUNITY FOR PARTICIPATION.—  
18 Health professionals from Tribal Health Programs and  
19 Urban Indian Organizations shall be given an equal oppor-  
20 tunity to participate in the program under subsection (a).

21 **“SEC. 115. QUENTIN N. BURDICK AMERICAN INDIANS INTO**  
22 **NURSING PROGRAM.**

23       “(a) GRANTS AUTHORIZED.—For the purpose of in-  
24 creasing the number of nurses, nurse midwives, and nurse  
25 practitioners who deliver health care services to Indians,



1 the Secretary, acting through the Service, shall provide  
2 grants to the following:

3           “(1) Public or private schools of nursing.

4           “(2) Tribal colleges or universities.

5           “(3) Nurse midwife programs and advanced  
6 practice nurse programs that are provided by any  
7 tribal college or university accredited nursing pro-  
8 gram, or in the absence of such, any other public or  
9 private institutions.

10          “(b) USE OF GRANTS.—Grants provided under sub-  
11 section (a) may be used for 1 or more of the following:

12           “(1) To recruit individuals for programs which  
13 train individuals to be nurses, nurse midwives, or  
14 advanced practice nurses.

15           “(2) To provide scholarships to Indians enrolled  
16 in such programs that may pay the tuition charged  
17 for such program and other expenses incurred in  
18 connection with such program, including books, fees,  
19 room and board, and stipends for living expenses.

20           “(3) To provide a program that encourages  
21 nurses, nurse midwives, and advanced practice  
22 nurses to provide, or continue to provide, health care  
23 services to Indians.

24           “(4) To provide a program that increases the  
25 skills of, and provides continuing education to,

1 nurses, nurse midwives, and advanced practice  
2 nurses.

3 “(5) To provide any program that is designed  
4 to achieve the purpose described in subsection (a).

5 “(c) APPLICATIONS.—Each application for a grant  
6 under subsection (a) shall include such information as the  
7 Secretary may require to establish the connection between  
8 the program of the applicant and a health care facility  
9 that primarily serves Indians.

10 “(d) PREFERENCES FOR GRANT RECIPIENTS.—In  
11 providing grants under subsection (a), the Secretary shall  
12 extend a preference to the following:

13 “(1) Programs that provide a preference to In-  
14 dians.

15 “(2) Programs that train nurse midwives or ad-  
16 vanced practice nurses.

17 “(3) Programs that are interdisciplinary.

18 “(4) Programs that are conducted in coopera-  
19 tion with a program for gifted and talented Indian  
20 students.

21 “(5) Programs conducted by tribal colleges and  
22 universities.

23 “(e) QUENTIN N. BURDICK PROGRAM GRANT.—The  
24 Secretary shall provide 1 of the grants authorized under  
25 subsection (a) to establish and maintain a program at the

1 University of North Dakota to be known as the ‘Quentin  
2 N. Burdick American Indians Into Nursing Program’.  
3 Such program shall, to the maximum extent feasible, co-  
4 ordinate with the Quentin N. Burdick Indian Health Pro-  
5 grams established under section 117(b) and the Quentin  
6 N. Burdick American Indians Into Psychology Program  
7 established under section 105(b).

8 “(f) ACTIVE DUTY SERVICE OBLIGATION.—The ac-  
9 tive duty service obligation prescribed under section 338C  
10 of the Public Health Service Act (42 U.S.C. 254m) shall  
11 be met by each individual who receives training or assist-  
12 ance described in paragraph (1) or (2) of subsection (b)  
13 that is funded by a grant provided under subsection (a).  
14 Such obligation shall be met by service—

15 “(1) in the Service;

16 “(2) in a program of an Indian Tribe or Tribal  
17 Organization conducted under the Indian Self-Deter-  
18 mination and Education Assistance Act (25 U.S.C.  
19 450 et seq.) (including programs under agreements  
20 with the Bureau of Indian Affairs);

21 “(3) in a program assisted under title V of this  
22 Act;

23 “(4) in the private practice of nursing if, as de-  
24 termined by the Secretary, in accordance with guide-  
25 lines promulgated by the Secretary, such practice is

1 situated in a physician or other health shortage area  
2 and addresses the health care needs of a substantial  
3 number of Indians; or

4 “(5) in a teaching capacity in a tribal college or  
5 university nursing program (or a related health pro-  
6 fession program) if, as determined by the Secretary,  
7 health services provided to Indians would not de-  
8 crease.

9 **“SEC. 116. TRIBAL CULTURAL ORIENTATION.**

10 “(a) CULTURAL EDUCATION OF EMPLOYEES.—The  
11 Secretary, acting through the Service, shall require that  
12 appropriate employees of the Service who serve Indian  
13 Tribes in each Service Area receive educational instruction  
14 in the history and culture of such Indian Tribes and their  
15 relationship to the Service.

16 “(b) PROGRAM.—In carrying out subsection (a), the  
17 Secretary shall establish a program which shall, to the ex-  
18 tent feasible—

19 “(1) be developed in consultation with the af-  
20 fected Indian Tribes, Tribal Organizations, and  
21 Urban Indian Organizations;

22 “(2) be carried out through tribal colleges or  
23 universities;

24 “(3) include instruction in American Indian  
25 studies; and

1           “(4) describe the use and place of traditional  
2           health care practices of the Indian Tribes in the  
3           Service Area.

4   **“SEC. 117. INMED PROGRAM.**

5           “(a) GRANTS AUTHORIZED.—The Secretary, acting  
6           through the Service, is authorized to provide grants to col-  
7           leges and universities for the purpose of maintaining and  
8           expanding the Indian health careers recruitment program  
9           known as the ‘Indians Into Medicine Program’ (herein-  
10          after in this section referred to as ‘INMED’) as a means  
11          of encouraging Indians to enter the health professions.

12          “(b) QUENTIN N. BURDICK GRANT.—The Secretary  
13          shall provide 1 of the grants authorized under subsection  
14          (a) to maintain the INMED program at the University  
15          of North Dakota, to be known as the ‘Quentin N. Burdick  
16          Indian Health Programs’, unless the Secretary makes a  
17          determination, based upon program reviews, that the pro-  
18          gram is not meeting the purposes of this section. Such  
19          program shall, to the maximum extent feasible, coordinate  
20          with the Quentin N. Burdick American Indians Into Psy-  
21          chology Program established under section 105(b) and the  
22          Quentin N. Burdick American Indians Into Nursing Pro-  
23          gram established under section 115.

1       “(c) REGULATIONS.—The Secretary, pursuant to this  
2 Act, shall develop regulations to govern grants pursuant  
3 to this section.

4       “(d) REQUIREMENTS.—Applicants for grants pro-  
5 vided under this section shall agree to provide a program  
6 which—

7           “(1) provides outreach and recruitment for  
8 health professions to Indian communities including  
9 elementary and secondary schools and community  
10 colleges located on reservations which will be served  
11 by the program;

12           “(2) incorporates a program advisory board  
13 comprised of representatives from the Indian Tribes  
14 and Indian communities which will be served by the  
15 program;

16           “(3) provides summer preparatory programs for  
17 Indian students who need enrichment in the subjects  
18 of math and science in order to pursue training in  
19 the health professions;

20           “(4) provides tutoring, counseling, and support  
21 to students who are enrolled in a health career pro-  
22 gram of study at the respective college or university;  
23 and

24           “(5) to the maximum extent feasible, employs  
25 qualified Indians in the program.

1 **“SEC. 118. HEALTH TRAINING PROGRAMS OF COMMUNITY**  
2 **COLLEGES.**

3 “(a) GRANTS TO ESTABLISH PROGRAMS.—

4 “(1) IN GENERAL.—The Secretary, acting  
5 through the Service, shall award grants to accredited  
6 and accessible community colleges for the purpose of  
7 assisting such community colleges in the establish-  
8 ment of programs which provide education in a  
9 health profession leading to a degree or diploma in  
10 a health profession for individuals who desire to  
11 practice such profession on or near a reservation or  
12 in an Indian Health Program.

13 “(2) AMOUNT OF GRANTS.—The amount of any  
14 grant awarded to a community college under para-  
15 graph (1) for the first year in which such a grant  
16 is provided to the community college shall not exceed  
17 \$250,000.

18 “(b) GRANTS FOR MAINTENANCE AND RECRUIT-  
19 ING.—

20 “(1) IN GENERAL.—The Secretary, acting  
21 through the Service, shall award grants to accredited  
22 and accessible community colleges that have estab-  
23 lished a program described in subsection (a)(1) for  
24 the purpose of maintaining the program and recruit-  
25 ing students for the program.

1           “(2) REQUIREMENTS.—Grants may only be  
2           made under this section to a community college  
3           which—

4                   “(A) is accredited;

5                   “(B) has a relationship with a hospital fa-  
6           cility, Service facility, or hospital that could  
7           provide training of nurses or health profes-  
8           sionals;

9                   “(C) has entered into an agreement with  
10          an accredited college or university medical  
11          school, the terms of which—

12                   “(i) provide a program that enhances  
13          the transition and recruitment of students  
14          into advanced baccalaureate or graduate  
15          programs that train health professionals;  
16          and

17                   “(ii) stipulate certifications necessary  
18          to approve internship and field placement  
19          opportunities at Indian Health Programs;

20                   “(D) has a qualified staff which has the  
21          appropriate certifications;

22                   “(E) is capable of obtaining State or re-  
23          gional accreditation of the program described in  
24          subsection (a)(1); and



1           “(F) agrees to provide for Indian pref-  
2           ference for applicants for programs under this  
3           section.

4           “(c) TECHNICAL ASSISTANCE.—The Secretary shall  
5 encourage community colleges described in subsection  
6 (b)(2) to establish and maintain programs described in  
7 subsection (a)(1) by—

8           “(1) entering into agreements with such col-  
9           leges for the provision of qualified personnel of the  
10          Service to teach courses of study in such programs;  
11          and

12          “(2) providing technical assistance and support  
13          to such colleges.

14          “(d) ADVANCED TRAINING.—

15          “(1) REQUIRED.—Any program receiving as-  
16          sistance under this section that is conducted with re-  
17          spect to a health profession shall also offer courses  
18          of study which provide advanced training for any  
19          health professional who—

20                  “(A) has already received a degree or di-  
21                  ploma in such health profession; and

22                  “(B) provides clinical services on or near a  
23                  reservation or for an Indian Health Program.

24          “(2) MAY BE OFFERED AT ALTERNATE SITE.—

25          Such courses of study may be offered in conjunction

1 with the college or university with which the commu-  
2 nity college has entered into the agreement required  
3 under subsection (b)(2)(C).

4 “(e) PRIORITY.—Where the requirements of sub-  
5 section (b) are met, grant award priority shall be provided  
6 to tribal colleges and universities in Service Areas where  
7 they exist.

8 **“SEC. 119. RETENTION BONUS.**

9 “(a) BONUS AUTHORIZED.—The Secretary may pay  
10 a retention bonus to any health professional employed by,  
11 or assigned to, and serving in, an Indian Health Program  
12 or Urban Indian Organization either as a civilian employee  
13 or as a commissioned officer in the Regular or Reserve  
14 Corps of the Public Health Service who—

15 “(1) is assigned to, and serving in, a position  
16 for which recruitment or retention of personnel is  
17 difficult;

18 “(2) the Secretary determines is needed by In-  
19 dian Health Programs and Urban Indian Organiza-  
20 tions;

21 “(3) has—

22 “(A) completed 2 years of employment  
23 with an Indian Health Program or Urban In-  
24 dian Organization; or

1           “(B) completed any service obligations in-  
2           curred as a requirement of—

3                   “(i) any Federal scholarship program;

4                   or

5                   “(ii) any Federal education loan re-  
6                   payment program; and

7           “(4) enters into an agreement with an Indian  
8           Health Program or Urban Indian Organization for  
9           continued employment for a period of not less than  
10          1 year.

11          “(b) RATES.—The Secretary may establish rates for  
12          the retention bonus which shall provide for a higher an-  
13          nual rate for multiyear agreements than for single year  
14          agreements referred to in subsection (a)(4), but in no  
15          event shall the annual rate be more than \$25,000 per  
16          annum.

17          “(c) DEFAULT OF RETENTION AGREEMENT.—Any  
18          health professional failing to complete the agreed upon  
19          term of service, except where such failure is through no  
20          fault of the individual, shall be obligated to refund to the  
21          Government the full amount of the retention bonus for the  
22          period covered by the agreement, plus interest as deter-  
23          mined by the Secretary in accordance with section  
24          110(l)(2)(B).

1       “(d) OTHER RETENTION BONUS.—The Secretary  
2 may pay a retention bonus to any health professional em-  
3 ployed by a Tribal Health Program if such health profes-  
4 sional is serving in a position which the Secretary deter-  
5 mines is—

6               “(1) a position for which recruitment or reten-  
7 tion is difficult; and

8               “(2) necessary for providing health care services  
9 to Indians.

10 **“SEC. 120. NURSING RESIDENCY PROGRAM.**

11       “(a) ESTABLISHMENT OF PROGRAM.—The Sec-  
12 retary, acting through the Service, shall establish a pro-  
13 gram to enable Indians who are licensed practical nurses,  
14 licensed vocational nurses, and registered nurses who are  
15 working in an Indian Health Program or Urban Indian  
16 Organization, and have done so for a period of not less  
17 than 1 year, to pursue advanced training. Such program  
18 shall include a combination of education and work study  
19 in an Indian Health Program or Urban Indian Organiza-  
20 tion leading to an associate or bachelor’s degree (in the  
21 case of a licensed practical nurse or licensed vocational  
22 nurse), a bachelor’s degree (in the case of a registered  
23 nurse), or advanced degrees or certifications in nursing  
24 and public health.

1       “(b) SERVICE OBLIGATION.—An individual who par-  
2 ticipates in a program under subsection (a), where the  
3 educational costs are paid by the Service, shall incur an  
4 obligation to serve in an Indian Health Program or Urban  
5 Indian Organization for a period of obligated service equal  
6 to 1 year for every year that nonprofessional employee (li-  
7 censed practical nurses, licensed vocational nurses, nurs-  
8 ing assistants, and various health care technicals), or 2  
9 years for every year that professional nurse (associate de-  
10 gree and bachelor-prepared registered nurses), partici-  
11 pates in such program. In the event that the individual  
12 fails to complete such obligated service, the United States  
13 shall be entitled to recover from such individual an amount  
14 determined in accordance with the formula specified in  
15 subsection (l) of section 110 in the manner provided for  
16 in such subsection.

17 **“SEC. 121. COMMUNITY HEALTH AIDE PROGRAM.**

18       “(a) GENERAL PURPOSES OF PROGRAM.—Under the  
19 authority of the Act of November 2, 1921 (25 U.S.C. 13)  
20 (commonly known as the ‘Snyder Act’), the Secretary, act-  
21 ing through the Service, shall develop and operate a Com-  
22 munity Health Aide Program in Alaska under which the  
23 Service—

24               “(1) provides for the training of Alaska Natives  
25       as health aides or community health practitioners;

1           “(2) uses such aides or practitioners in the pro-  
2 vision of health care, health promotion, and disease  
3 prevention services to Alaska Natives living in vil-  
4 lages in rural Alaska; and

5           “(3) provides for the establishment of tele-  
6 conferencing capacity in health clinics located in or  
7 near such villages for use by community health aides  
8 or community health practitioners.

9           “(b) SPECIFIC PROGRAM REQUIREMENTS.—The Sec-  
10 retary, acting through the Community Health Aide Pro-  
11 gram of the Service, shall—

12           “(1) using trainers accredited by the Program,  
13 provide a high standard of training to community  
14 health aides and community health practitioners to  
15 ensure that such aides and practitioners provide  
16 quality health care, health promotion, and disease  
17 prevention services to the villages served by the Pro-  
18 gram;

19           “(2) in order to provide such training, develop  
20 a curriculum that—

21           “(A) combines education in the theory of  
22 health care with supervised practical experience  
23 in the provision of health care;

24           “(B) provides instruction and practical ex-  
25 perience in the provision of acute care, emer-

1           agency care, health promotion, disease preven-  
2           tion, and the efficient and effective manage-  
3           ment of clinic pharmacies, supplies, equipment,  
4           and facilities; and

5           “(C) promotes the achievement of the  
6           health status objectives specified in section  
7           3(2);

8           “(3) establish and maintain a Community  
9           Health Aide Certification Board to certify as com-  
10          munity health aides or community health practi-  
11          tioners individuals who have successfully completed  
12          the training described in paragraph (1) or can dem-  
13          onstrate equivalent experience;

14          “(4) develop and maintain a system which iden-  
15          tifies the needs of community health aides and com-  
16          munity health practitioners for continuing education  
17          in the provision of health care, including the areas  
18          described in paragraph (2)(B), and develop pro-  
19          grams that meet the needs for such continuing edu-  
20          cation;

21          “(5) develop and maintain a system that pro-  
22          vides close supervision of community health aides  
23          and community health practitioners;

24          “(6) develop a system under which the work of  
25          community health aides and community health prac-

1       titioners is reviewed and evaluated to assure the pro-  
2       vision of quality health care, health promotion, and  
3       disease prevention services; and

4               “(7) ensure that pulpal therapy (not including  
5       pulpotomies on deciduous teeth) or extraction of  
6       adult teeth can be performed by a dental health aide  
7       therapist only after consultation with a licensed den-  
8       tist who determines that the procedure is a medical  
9       emergency that cannot be resolved with palliative  
10      treatment, and further that dental health aide thera-  
11      pists are strictly prohibited from performing all  
12      other oral or jaw surgeries, provided that uncompl-  
13      icated extractions shall not be considered oral sur-  
14      gery under this section.

15      “(c) PROGRAM REVIEW.—

16               “(1) NEUTRAL PANEL.—

17                       “(A) ESTABLISHMENT.—The Secretary,  
18                       acting through the Service, shall establish a  
19                       neutral panel to carry out the study under  
20                       paragraph (2).

21                       “(B) MEMBERSHIP.—Members of the neu-  
22                       tral panel shall be appointed by the Secretary  
23                       from among clinicians, economists, community  
24                       practitioners, oral epidemiologists, and Alaska  
25                       Natives.



1           “(2) STUDY.—

2                   “(A) IN GENERAL.—The neutral panel es-  
3           tablished under paragraph (1) shall conduct a  
4           study of the dental health aide therapist serv-  
5           ices provided by the Community Health Aide  
6           Program under this section to ensure that the  
7           quality of care provided through those services  
8           is adequate and appropriate.

9                   “(B) PARAMETERS OF STUDY.—The Sec-  
10           retary, in consultation with interested parties,  
11           including professional dental organizations,  
12           shall develop the parameters of the study.

13                   “(C) INCLUSIONS.—The study shall in-  
14           clude a determination by the neutral panel with  
15           respect to—

16                           “(i) the ability of the dental health  
17                           aide therapist services under this section to  
18                           address the dental care needs of Alaska  
19                           Natives;

20                           “(ii) the quality of care provided  
21                           through those services, including any train-  
22                           ing, improvement, or additional oversight  
23                           required to improve the quality of care;  
24                           and

1                   “(iii) whether safer and less costly al-  
2                   ternatives to the dental health aide thera-  
3                   pist services exist.

4                   “(D) CONSULTATION.—In carrying out the  
5                   study under this paragraph, the neutral panel  
6                   shall consult with Alaska Tribal Organizations  
7                   with respect to the adequacy and accuracy of  
8                   the study.

9                   “(3) REPORT.—The neutral panel shall submit  
10                  to the Secretary, the Committee on Indian Affairs of  
11                  the Senate, and the Committee on Resources of the  
12                  House of Representatives a report describing the re-  
13                  sults of the study under paragraph (2), including a  
14                  description of—

15                         “(A) any determination of the neutral  
16                         panel under paragraph (2)(C); and

17                         “(B) any comments received from an Alas-  
18                         ka Tribal Organization under paragraph  
19                         (2)(D).

20                  “(d) NATIONALIZATION OF PROGRAM.—

21                         “(1) IN GENERAL.—Except as provided in para-  
22                         graph (2), the Secretary, acting through the Service,  
23                         may establish a national Community Health Aide  
24                         Program in accordance with the program under this

1 section, as the Secretary determines to be appro-  
2 priate.

3 “(2) EXCEPTION.—The national Community  
4 Health Aide Program under paragraph (1) shall not  
5 include dental health aide therapist services.

6 “(3) REQUIREMENT.—In establishing a na-  
7 tional program under paragraph (1), the Secretary  
8 shall not reduce the amount of funds provided for  
9 the Community Health Aide Program described in  
10 subsections (a) and (b).

11 **“SEC. 122. TRIBAL HEALTH PROGRAM ADMINISTRATION.**

12 “The Secretary, acting through the Service, shall, by  
13 contract or otherwise, provide training for Indians in the  
14 administration and planning of Tribal Health Programs.

15 **“SEC. 123. HEALTH PROFESSIONAL CHRONIC SHORTAGE  
16 DEMONSTRATION PROGRAMS.**

17 “(a) DEMONSTRATION PROGRAMS AUTHORIZED.—  
18 The Secretary, acting through the Service, may fund dem-  
19 onstration programs for Tribal Health Programs to ad-  
20 dress the chronic shortages of health professionals.

21 “(b) PURPOSES OF PROGRAMS.—The purposes of  
22 demonstration programs funded under subsection (a) shall  
23 be—

1           “(1) to provide direct clinical and practical ex-  
2           perience at a Service Unit to health profession stu-  
3           dents and residents from medical schools;

4           “(2) to improve the quality of health care for  
5           Indians by assuring access to qualified health care  
6           professionals; and

7           “(3) to provide academic and scholarly opportu-  
8           nities for health professionals serving Indians by  
9           identifying all academic and scholarly resources of  
10          the region.

11          “(c) ADVISORY BOARD.—The demonstration pro-  
12          grams established pursuant to subsection (a) shall incor-  
13          porate a program advisory board composed of representa-  
14          tives from the Indian Tribes and Indian communities in  
15          the area which will be served by the program.

16          **“SEC. 124. NATIONAL HEALTH SERVICE CORPS.**

17          “The Secretary shall not—

18                 “(1) remove a member of the National Health  
19                 Service Corps from an Indian Health Program or  
20                 Urban Indian Organization; or

21                 “(2) withdraw funding used to support such  
22                 member, unless the Secretary, acting through the  
23                 Service, has ensured that the Indians receiving serv-  
24                 ices from such member will experience no reduction  
25                 in services.

1 **“SEC. 125. SUBSTANCE ABUSE COUNSELOR EDUCATIONAL**  
2 **CURRICULA DEMONSTRATION PROGRAMS.**

3 “(a) **CONTRACTS AND GRANTS.**—The Secretary, act-  
4 ing through the Service, may enter into contracts with,  
5 or make grants to, accredited tribal colleges and univer-  
6 sities and eligible accredited and accessible community col-  
7 leges to establish demonstration programs to develop edu-  
8 cational curricula for substance abuse counseling.

9 “(b) **USE OF FUNDS.**—Funds provided under this  
10 section shall be used only for developing and providing  
11 educational curriculum for substance abuse counseling (in-  
12 cluding paying salaries for instructors). Such curricula  
13 may be provided through satellite campus programs.

14 “(c) **TIME PERIOD OF ASSISTANCE; RENEWAL.**—A  
15 contract entered into or a grant provided under this sec-  
16 tion shall be for a period of 3 years. Such contract or  
17 grant may be renewed for an additional 2-year period  
18 upon the approval of the Secretary.

19 “(d) **CRITERIA FOR REVIEW AND APPROVAL OF AP-**  
20 **PLICATIONS.**—Not later than 180 days after the date of  
21 enactment of the Indian Health Care Improvement Act  
22 Amendments of 2006, the Secretary, after consultation  
23 with Indian Tribes and administrators of tribal colleges  
24 and universities and eligible accredited and accessible com-  
25 munity colleges, shall develop and issue criteria for the  
26 review and approval of applications for funding (including

1 applications for renewals of funding) under this section.  
2 Such criteria shall ensure that demonstration programs  
3 established under this section promote the development of  
4 the capacity of such entities to educate substance abuse  
5 counselors.

6 “(e) ASSISTANCE.—The Secretary shall provide such  
7 technical and other assistance as may be necessary to en-  
8 able grant recipients to comply with the provisions of this  
9 section.

10 “(f) REPORT.—Each fiscal year, the Secretary shall  
11 submit to the President, for inclusion in the report which  
12 is required to be submitted under section 801 for that fis-  
13 cal year, a report on the findings and conclusions derived  
14 from the demonstration programs conducted under this  
15 section during that fiscal year.

16 “(g) DEFINITION.—For the purposes of this section,  
17 the term ‘educational curriculum’ means 1 or more of the  
18 following:

19 “(1) Classroom education.

20 “(2) Clinical work experience.

21 “(3) Continuing education workshops.

22 **“SEC. 126. BEHAVIORAL HEALTH TRAINING AND COMMU-**  
23 **NITY EDUCATION PROGRAMS.**

24 “(a) STUDY; LIST.—The Secretary, acting through  
25 the Service, and the Secretary of the Interior, in consulta-

1 tion with Indian Tribes and Tribal Organizations, shall  
2 conduct a study and compile a list of the types of staff  
3 positions specified in subsection (b) whose qualifications  
4 include, or should include, training in the identification,  
5 prevention, education, referral, or treatment of mental ill-  
6 ness, or dysfunctional and self destructive behavior.

7 “(b) POSITIONS.—The positions referred to in sub-  
8 section (a) are—

9 “(1) staff positions within the Bureau of Indian  
10 Affairs, including existing positions, in the fields  
11 of—

12 “(A) elementary and secondary education;

13 “(B) social services and family and child  
14 welfare;

15 “(C) law enforcement and judicial services;

16 and

17 “(D) alcohol and substance abuse;

18 “(2) staff positions within the Service; and

19 “(3) staff positions similar to those identified in  
20 paragraphs (1) and (2) established and maintained  
21 by Indian Tribes, Tribal Organizations (without re-  
22 gard to the funding source), and Urban Indian Or-  
23 ganizations.

24 “(c) TRAINING CRITERIA.—

1           “(1) IN GENERAL.—The appropriate Secretary  
2 shall provide training criteria appropriate to each  
3 type of position identified in subsection (b)(1) and  
4 (b)(2) and ensure that appropriate training has  
5 been, or shall be provided to any individual in any  
6 such position. With respect to any such individual in  
7 a position identified pursuant to subsection (b)(3),  
8 the respective Secretaries shall provide appropriate  
9 training to, or provide funds to, an Indian Tribe,  
10 Tribal Organization, or Urban Indian Organization  
11 for training of appropriate individuals. In the case of  
12 positions funded under a contract or compact under  
13 the Indian Self-Determination and Education Assist-  
14 ance Act (25 U.S.C. 450 et seq.), the appropriate  
15 Secretary shall ensure that such training costs are  
16 included in the contract or compact, as the Sec-  
17 retary determines necessary.

18           “(2) POSITION SPECIFIC TRAINING CRITERIA.—  
19 Position specific training criteria shall be culturally  
20 relevant to Indians and Indian Tribes and shall en-  
21 sure that appropriate information regarding tradi-  
22 tional health care practices is provided.

23           “(d) COMMUNITY EDUCATION ON MENTAL ILL-  
24 NESS.—The Service shall develop and implement, on re-  
25 quest of an Indian Tribe, Tribal Organization, or Urban



1 Indian Organization, or assist the Indian Tribe, Tribal Or-  
2 ganization, or Urban Indian Organization to develop and  
3 implement, a program of community education on mental  
4 illness. In carrying out this subsection, the Service shall,  
5 upon request of an Indian Tribe, Tribal Organization, or  
6 Urban Indian Organization, provide technical assistance  
7 to the Indian Tribe, Tribal Organization, or Urban Indian  
8 Organization to obtain and develop community edu-  
9 cational materials on the identification, prevention, refer-  
10 ral, and treatment of mental illness and dysfunctional and  
11 self-destructive behavior.

12       “(e) PLAN.—Not later than 90 days after the date  
13 of enactment of the Indian Health Care Improvement Act  
14 Amendments of 2006, the Secretary shall develop a plan  
15 under which the Service will increase the health care staff  
16 providing behavioral health services by at least 500 posi-  
17 tions within 5 years after the date of enactment of this  
18 section, with at least 200 of such positions devoted to  
19 child, adolescent, and family services. The plan developed  
20 under this subsection shall be implemented under the Act  
21 of November 2, 1921 (25 U.S.C. 13) (commonly known  
22 as the ‘Snyder Act’).

1 **“SEC. 127. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated such sums  
3 as may be necessary for each fiscal year through fiscal  
4 year 2016 to carry out this title.

5 **“TITLE II—HEALTH SERVICES**

6 **“SEC. 201. INDIAN HEALTH CARE IMPROVEMENT FUND.**

7 “(a) USE OF FUNDS.—The Secretary, acting through  
8 the Service, is authorized to expend funds, directly or  
9 under the authority of the Indian Self-Determination and  
10 Education Assistance Act (25 U.S.C. 450 et seq.), which  
11 are appropriated under the authority of this section, for  
12 the purposes of—

13 “(1) eliminating the deficiencies in health sta-  
14 tus and health resources of all Indian Tribes;

15 “(2) eliminating backlogs in the provision of  
16 health care services to Indians;

17 “(3) meeting the health needs of Indians in an  
18 efficient and equitable manner, including the use of  
19 telehealth and telemedicine when appropriate;

20 “(4) eliminating inequities in funding for both  
21 direct care and contract health service programs;  
22 and

23 “(5) augmenting the ability of the Service to  
24 meet the following health service responsibilities with  
25 respect to those Indian Tribes with the highest levels

1 of health status deficiencies and resource defi-  
2 ciencies:

3 “(A) Clinical care, including inpatient care,  
4 outpatient care (including audiology, clinical  
5 eye, and vision care), primary care, secondary  
6 and tertiary care, and long-term care.

7 “(B) Preventive health, including mam-  
8 mography and other cancer screening in accord-  
9 ance with section 207.

10 “(C) Dental care.

11 “(D) Mental health, including community  
12 mental health services, inpatient mental health  
13 services, dormitory mental health services,  
14 therapeutic and residential treatment centers,  
15 and training of traditional health care practi-  
16 tioners.

17 “(E) Emergency medical services.

18 “(F) Treatment and control of, and reha-  
19 bilitative care related to, alcoholism and drug  
20 abuse (including fetal alcohol syndrome) among  
21 Indians.

22 “(G) Injury prevention programs.

23 “(H) Home health care.

24 “(I) Community health representatives.

25 “(J) Maintenance and improvement.

1       “(b) NO OFFSET OR LIMITATION.—Any funds appro-  
2       priated under the authority of this section shall not be  
3       used to offset or limit any other appropriations made to  
4       the Service under this Act or the Act of November 2, 1921  
5       (25 U.S.C. 13) (commonly known as the ‘Snyder Act’),  
6       or any other provision of law.

7       “(c) ALLOCATION; USE.—

8               “(1) IN GENERAL.—Funds appropriated under  
9       the authority of this section shall be allocated to  
10       Service Units, Indian Tribes, or Tribal Organiza-  
11       tions. The funds allocated to each Indian Tribe,  
12       Tribal Organization, or Service Unit under this  
13       paragraph shall be used by the Indian Tribe, Tribal  
14       Organization, or Service Unit under this paragraph  
15       to improve the health status and reduce the resource  
16       deficiency of each Indian Tribe served by such Serv-  
17       ice Unit, Indian Tribe, or Tribal Organization.

18               “(2) APPORTIONMENT OF ALLOCATED  
19       FUNDS.—The apportionment of funds allocated to a  
20       Service Unit, Indian Tribe, or Tribal Organization  
21       under paragraph (1) among the health service re-  
22       sponsibilities described in subsection (a)(5) shall be  
23       determined by the Service in consultation with, and  
24       with the active participation of, the affected Indian  
25       Tribes and Tribal Organizations.

1       “(d) PROVISIONS RELATING TO HEALTH STATUS  
2 AND RESOURCE DEFICIENCIES.—For the purposes of this  
3 section, the following definitions apply:

4           “(1) DEFINITION.—The term ‘health status  
5 and resource deficiency’ means the extent to  
6 which—

7           “(A) the health status objectives set forth  
8 in section 3(2) are not being achieved; and

9           “(B) the Indian Tribe or Tribal Organiza-  
10 tion does not have available to it the health re-  
11 sources it needs, taking into account the actual  
12 cost of providing health care services given local  
13 geographic, climatic, rural, or other cir-  
14 cumstances.

15           “(2) AVAILABLE RESOURCES.—The health re-  
16 sources available to an Indian Tribe or Tribal Orga-  
17 nization include health resources provided by the  
18 Service as well as health resources used by the In-  
19 dian Tribe or Tribal Organization, including services  
20 and financing systems provided by any Federal pro-  
21 grams, private insurance, and programs of State or  
22 local governments.

23           “(3) PROCESS FOR REVIEW OF DETERMINA-  
24 TIONS.—The Secretary shall establish procedures  
25 which allow any Indian Tribe or Tribal Organization

1 to petition the Secretary for a review of any deter-  
2 mination of the extent of the health status and re-  
3 source deficiency of such Indian Tribe or Tribal Or-  
4 ganization.

5 “(e) ELIGIBILITY FOR FUNDS.—Tribal Health Pro-  
6 grams shall be eligible for funds appropriated under the  
7 authority of this section on an equal basis with programs  
8 that are administered directly by the Service.

9 “(f) REPORT.—By no later than the date that is 3  
10 years after the date of enactment of the Indian Health  
11 Care Improvement Act Amendments of 2006, the Sec-  
12 retary shall submit to Congress the current health status  
13 and resource deficiency report of the Service for each  
14 Service Unit, including newly recognized or acknowledged  
15 Indian Tribes. Such report shall set out—

16 “(1) the methodology then in use by the Service  
17 for determining Tribal health status and resource  
18 deficiencies, as well as the most recent application of  
19 that methodology;

20 “(2) the extent of the health status and re-  
21 source deficiency of each Indian Tribe served by the  
22 Service or a Tribal Health Program;

23 “(3) the amount of funds necessary to eliminate  
24 the health status and resource deficiencies of all In-

1       dian Tribes served by the Service or a Tribal Health  
2       Program; and

3             “(4) an estimate of—

4                 “(A) the amount of health service funds  
5                 appropriated under the authority of this Act, or  
6                 any other Act, including the amount of any  
7                 funds transferred to the Service for the pre-  
8                 ceding fiscal year which is allocated to each  
9                 Service Unit, Indian Tribe, or Tribal Organiza-  
10                tion;

11               “(B) the number of Indians eligible for  
12               health services in each Service Unit or Indian  
13               Tribe or Tribal Organization; and

14               “(C) the number of Indians using the  
15               Service resources made available to each Service  
16               Unit, Indian Tribe or Tribal Organization, and,  
17               to the extent available, information on the wait-  
18               ing lists and number of Indians turned away for  
19               services due to lack of resources.

20             “(g) INCLUSION IN BASE BUDGET.—Funds appro-  
21             priated under this section for any fiscal year shall be in-  
22             cluded in the base budget of the Service for the purpose  
23             of determining appropriations under this section in subse-  
24             quent fiscal years.

1       “(h) CLARIFICATION.—Nothing in this section is in-  
2 tended to diminish the primary responsibility of the Serv-  
3 ice to eliminate existing backlogs in unmet health care  
4 needs, nor are the provisions of this section intended to  
5 discourage the Service from undertaking additional efforts  
6 to achieve equity among Indian Tribes and Tribal Organi-  
7 zations.

8       “(i) FUNDING DESIGNATION.—Any funds appro-  
9 priated under the authority of this section shall be des-  
10 ignated as the ‘Indian Health Care Improvement Fund’.

11 **“SEC. 202. CATASTROPHIC HEALTH EMERGENCY FUND.**

12       “(a) ESTABLISHMENT.—There is established an In-  
13 dian Catastrophic Health Emergency Fund (hereafter in  
14 this section referred to as the ‘CHEF’) consisting of—

15               “(1) the amounts deposited under subsection  
16               (f); and

17               “(2) the amounts appropriated to CHEF’ under  
18               this section.

19       “(b) ADMINISTRATION.—CHEF’ shall be adminis-  
20 tered by the Secretary, acting through the central office  
21 of the Service, solely for the purpose of meeting the ex-  
22 traordinary medical costs associated with the treatment of  
23 victims of disasters or catastrophic illnesses who are with-  
24 in the responsibility of the Service.



1       “(c) CONDITIONS ON USE OF FUND.—No part of  
2 CHEF or its administration shall be subject to contract  
3 or grant under any law, including the Indian Self-Deter-  
4 mination and Education Assistance Act (25 U.S.C. 450  
5 et seq.), nor shall CHEF funds be allocated, apportioned,  
6 or delegated on an Area Office, Service Unit, or other  
7 similar basis.

8       “(d) REGULATIONS.—The Secretary shall promul-  
9 gate regulations consistent with the provisions of this sec-  
10 tion to—

11               “(1) establish a definition of disasters and cata-  
12 strophic illnesses for which the cost of the treatment  
13 provided under contract would qualify for payment  
14 from CHEF;

15               “(2) provide that a Service Unit shall not be el-  
16 igible for reimbursement for the cost of treatment  
17 from CHEF until its cost of treating any victim of  
18 such catastrophic illness or disaster has reached a  
19 certain threshold cost which the Secretary shall es-  
20 tablish at—

21                       “(A) the 2000 level of \$19,000; and

22                       “(B) for any subsequent year, not less  
23 than the threshold cost of the previous year in-  
24 creased by the percentage increase in the med-  
25 ical care expenditure category of the consumer

1 price index for all urban consumers (United  
2 States city average) for the 12-month period  
3 ending with December of the previous year;

4 “(3) establish a procedure for the reimburse-  
5 ment of the portion of the costs that exceeds such  
6 threshold cost incurred by—

7 “(A) Service Units; or

8 “(B) whenever otherwise authorized by the  
9 Service, non-Service facilities or providers;

10 “(4) establish a procedure for payment from  
11 CHEF in cases in which the exigencies of the med-  
12 ical circumstances warrant treatment prior to the  
13 authorization of such treatment by the Service; and

14 “(5) establish a procedure that will ensure that  
15 no payment shall be made from CHEF to any pro-  
16 vider of treatment to the extent that such provider  
17 is eligible to receive payment for the treatment from  
18 any other Federal, State, local, or private source of  
19 reimbursement for which the patient is eligible.

20 “(e) NO OFFSET OR LIMITATION.—Amounts appro-  
21 priated to CHEF under this section shall not be used to  
22 offset or limit appropriations made to the Service under  
23 the authority of the Act of November 2, 1921 (25 U.S.C.  
24 13) (commonly known as the ‘Snyder Act’), or any other  
25 law.



1           “(1) the health promotion and disease preven-  
2           tion needs of Indians;

3           “(2) the health promotion and disease preven-  
4           tion activities which would best meet such needs;

5           “(3) the internal capacity of the Service and  
6           Tribal Health Programs to meet such needs; and

7           “(4) the resources which would be required to  
8           enable the Service and Tribal Health Programs to  
9           undertake the health promotion and disease preven-  
10          tion activities necessary to meet such needs.

11 **“SEC. 204. DIABETES PREVENTION, TREATMENT, AND CON-**  
12 **TROL.**

13          “(a) DETERMINATIONS REGARDING DIABETES.—  
14 The Secretary, acting through the Service, and in con-  
15 sultation with Indian Tribes and Tribal Organizations,  
16 shall determine—

17           “(1) by Indian Tribe and by Service Unit, the  
18           incidence of, and the types of complications resulting  
19           from, diabetes among Indians; and

20           “(2) based on the determinations made pursu-  
21           ant to paragraph (1), the measures (including pa-  
22           tient education and effective ongoing monitoring of  
23           disease indicators) each Service Unit should take to  
24           reduce the incidence of, and prevent, treat, and con-

1        trol the complications resulting from, diabetes  
2        among Indian Tribes within that Service Unit.

3        “(b) DIABETES SCREENING.—To the extent medi-  
4        cally indicated and with informed consent, the Secretary  
5        shall screen each Indian who receives services from the  
6        Service for diabetes and for conditions which indicate a  
7        high risk that the individual will become diabetic and es-  
8        tablish a cost-effective approach to ensure ongoing moni-  
9        toring of disease indicators. Such screening and moni-  
10       toring may be conducted by a Tribal Health Program and  
11       may be conducted through appropriate Internet-based  
12       health care management programs.

13       “(c) DIABETES PROJECTS.—The Secretary shall con-  
14       tinue to maintain each model diabetes project in existence  
15       on the date of enactment of the Indian Health Care Im-  
16       provement Act Amendments of 2006, any such other dia-  
17       betes programs operated by the Service or Tribal Health  
18       Programs, and any additional diabetes projects, such as  
19       the Medical Vanguard program provided for in title IV  
20       of Public Law 108–87, as implemented to serve Indian  
21       Tribes. Tribal Health Programs shall receive recurring  
22       funding for the diabetes projects that they operate pursu-  
23       ant to this section, both at the date of enactment of the  
24       Indian Health Care Improvement Act Amendments of

1 2006 and for projects which are added and funded there-  
2 after.

3 “(d) DIALYSIS PROGRAMS.—The Secretary is author-  
4 ized to provide, through the Service, Indian Tribes, and  
5 Tribal Organizations, dialysis programs, including the  
6 purchase of dialysis equipment and the provision of nec-  
7 essary staffing.

8 “(e) OTHER DUTIES OF THE SECRETARY.—

9 “(1) IN GENERAL.—The Secretary shall, to the  
10 extent funding is available—

11 “(A) in each Area Office, consult with In-  
12 dian Tribes and Tribal Organizations regarding  
13 programs for the prevention, treatment, and  
14 control of diabetes;

15 “(B) establish in each Area Office a reg-  
16 istry of patients with diabetes to track the inci-  
17 dence of diabetes and the complications from  
18 diabetes in that area; and

19 “(C) ensure that data collected in each  
20 Area Office regarding diabetes and related com-  
21 plications among Indians are disseminated to  
22 all other Area Offices, subject to applicable pa-  
23 tient privacy laws.

24 “(2) DIABETES CONTROL OFFICERS.—

1           “(A) IN GENERAL.—The Secretary may es-  
2           tablish and maintain in each Area Office a posi-  
3           tion of diabetes control officer to coordinate and  
4           manage any activity of that Area Office relating  
5           to the prevention, treatment, or control of dia-  
6           betes to assist the Secretary in carrying out a  
7           program under this section or section 330C of  
8           the Public Health Service Act (42 U.S.C. 254c-  
9           3).

10           “(B) CERTAIN ACTIVITIES.—Any activity  
11           carried out by a diabetes control officer under  
12           subparagraph (A) that is the subject of a con-  
13           tract or compact under the Indian Self-Deter-  
14           mination and Education Assistance Act (25  
15           U.S.C. 450 et seq.), and any funds made avail-  
16           able to carry out such an activity, shall not be  
17           divisible for purposes of that Act.

18   **“SEC. 205. SHARED SERVICES FOR LONG-TERM CARE.**

19           “(a) LONG-TERM CARE.—Notwithstanding any other  
20           provision of law, the Secretary, acting through the Service,  
21           is authorized to provide directly, or enter into contracts  
22           or compacts under the Indian Self-Determination and  
23           Education Assistance Act (25 U.S.C. 450 et seq.) with  
24           Indian Tribes or Tribal Organizations for, the delivery of  
25           long-term care (including health care services associated

1 with long-term care) provided in a facility to Indians. Such  
2 agreements shall provide for the sharing of staff or other  
3 services between the Service or a Tribal Health Program  
4 and a long-term care or related facility owned and oper-  
5 ated (directly or through a contract or compact under the  
6 Indian Self-Determination and Education Assistance Act  
7 (25 U.S.C. 450 et seq.)) by such Indian Tribe or Tribal  
8 Organization.

9 “(b) CONTENTS OF AGREEMENTS.—An agreement  
10 entered into pursuant to subsection (a)—

11 “(1) may, at the request of the Indian Tribe or  
12 Tribal Organization, delegate to such Indian Tribe  
13 or Tribal Organization such powers of supervision  
14 and control over Service employees as the Secretary  
15 deems necessary to carry out the purposes of this  
16 section;

17 “(2) shall provide that expenses (including sala-  
18 ries) relating to services that are shared between the  
19 Service and the Tribal Health Program be allocated  
20 proportionately between the Service and the Indian  
21 Tribe or Tribal Organization; and

22 “(3) may authorize such Indian Tribe or Tribal  
23 Organization to construct, renovate, or expand a  
24 long-term care or other similar facility (including the



1 construction of a facility attached to a Service facil-  
2 ity).

3 “(c) **MINIMUM REQUIREMENT.**—Any nursing facility  
4 provided for under this section shall meet the require-  
5 ments for nursing facilities under section 1919 of the So-  
6 cial Security Act.

7 “(d) **OTHER ASSISTANCE.**—The Secretary shall pro-  
8 vide such technical and other assistance as may be nec-  
9 essary to enable applicants to comply with the provisions  
10 of this section.

11 “(e) **USE OF EXISTING OR UNDERUSED FACILI-**  
12 **TIES.**—The Secretary shall encourage the use of existing  
13 facilities that are underused or allow the use of swing beds  
14 for long-term or similar care.

15 **“SEC. 206. HEALTH SERVICES RESEARCH.**

16 “(a) **IN GENERAL.**—The Secretary, acting through  
17 the Service, shall make funding available for research to  
18 further the performance of the health service responsibil-  
19 ities of Indian Health Programs.

20 “(b) **COORDINATION OF RESOURCES AND ACTIVI-**  
21 **TIES.**—The Secretary shall also, to the maximum extent  
22 practicable, coordinate departmental research resources  
23 and activities to address relevant Indian Health Program  
24 research needs.

1       “(c) AVAILABILITY.—Tribal Health Programs shall  
2 be given an equal opportunity to compete for, and receive,  
3 research funds under this section.

4       “(d) USE OF FUNDS.—This funding may be used for  
5 both clinical and nonclinical research.

6       “(e) EVALUATION AND DISSEMINATION.—The Sec-  
7 retary shall periodically—

8               “(1) evaluate the impact of research conducted  
9 under this section; and

10              “(2) disseminate to Tribal Health Programs in-  
11 formation regarding that research as the Secretary  
12 determines to be appropriate.

13 **“SEC. 207. MAMMOGRAPHY AND OTHER CANCER SCREEN-**  
14 **ING.**

15       “The Secretary, acting through the Service or Tribal  
16 Health Programs, shall provide for screening as follows:

17              “(1) Screening mammography (as defined in  
18 section 1861(jj) of the Social Security Act) for In-  
19 dian women at a frequency appropriate to such  
20 women under accepted and appropriate national  
21 standards, and under such terms and conditions as  
22 are consistent with standards established by the Sec-  
23 retary to ensure the safety and accuracy of screen-  
24 ing mammography under part B of title XVIII of  
25 such Act.

1           “(2) Other cancer screening that receives an A  
2           or B rating as recommended by the United States  
3           Preventive Services Task Force established under  
4           section 915(a)(1) of the Public Health Service Act  
5           (42 U.S.C. 299b–4(a)(1)). The Secretary shall en-  
6           sure that screening provided for under this para-  
7           graph complies with the recommendations of the  
8           Task Force with respect to—

9                   “(A) frequency;

10                   “(B) the population to be served;

11                   “(C) the procedure or technology to be  
12           used;

13                   “(D) evidence of effectiveness; and

14                   “(E) other matters that the Secretary de-  
15           termines appropriate.

16 **“SEC. 208. PATIENT TRAVEL COSTS.**

17           “(a) DEFINITION OF QUALIFIED ESCORT.—In this  
18           section, the term ‘qualified escort’ means—

19                   “(1) an adult escort (including a parent, guard-  
20           ian, or other family member) who is required be-  
21           cause of the physical or mental condition, or age, of  
22           the applicable patient;

23                   “(2) a health professional for the purpose of  
24           providing necessary medical care during travel by  
25           the applicable patient; or

1           “(3) other escorts, as the Secretary or applica-  
2           ble Indian Health Program determines to be appro-  
3           priate.

4           “(b) PROVISION OF FUNDS.—The Secretary, acting  
5           through the Service and Tribal Health Programs, is au-  
6           thorized to provide funds for the following patient travel  
7           costs, including qualified escorts, associated with receiving  
8           health care services provided (either through direct or con-  
9           tract care or through a contract or compact under the In-  
10          dian Self-Determination and Education Assistance Act  
11          (25 U.S.C. 450 et seq.)) under this Act—

12           “(1) emergency air transportation and non-  
13           emergency air transportation where ground trans-  
14           portation is infeasible;

15           “(2) transportation by private vehicle (where no  
16           other means of transportation is available), specially  
17           equipped vehicle, and ambulance; and

18           “(3) transportation by such other means as  
19           may be available and required when air or motor ve-  
20           hicle transportation is not available.

21          **“SEC. 209. EPIDEMIOLOGY CENTERS.**

22           “(a) ADDITIONAL CENTERS.—In addition to those  
23           epidemiology centers already established as of the date of  
24           enactment of the Indian Health Care Improvement Act  
25           Amendments of 2006, and without reducing the funding

1 levels for such centers, not later than 180 days after the  
2 date of enactment of the Indian Health Care Improvement  
3 Act Amendments of 2006, the Secretary, acting through  
4 the Service, shall establish an epidemiology center in each  
5 Service Area which does not yet have one to carry out the  
6 functions described in subsection (b). Any new centers so  
7 established may be operated by Tribal Health Programs,  
8 but such funding shall not be divisible.

9       “(b) FUNCTIONS OF CENTERS.—In consultation with  
10 and upon the request of Indian Tribes, Tribal Organiza-  
11 tions, and Urban Indian Organizations, each Service Area  
12 epidemiology center established under this subsection  
13 shall, with respect to such Service Area—

14               “(1) collect data relating to, and monitor  
15 progress made toward meeting, each of the health  
16 status objectives of the Service, the Indian Tribes,  
17 Tribal Organizations, and Urban Indian Organiza-  
18 tions in the Service Area;

19               “(2) evaluate existing delivery systems, data  
20 systems, and other systems that impact the improve-  
21 ment of Indian health;

22               “(3) assist Indian Tribes, Tribal Organizations,  
23 and Urban Indian Organizations in identifying their  
24 highest priority health status objectives and the

1 services needed to achieve such objectives, based on  
2 epidemiological data;

3 “(4) make recommendations for the targeting  
4 of services needed by the populations served;

5 “(5) make recommendations to improve health  
6 care delivery systems for Indians and Urban Indi-  
7 ans;

8 “(6) provide requested technical assistance to  
9 Indian Tribes, Tribal Organizations, and Urban In-  
10 dian Organizations in the development of local  
11 health service priorities and incidence and prevalence  
12 rates of disease and other illness in the community;  
13 and

14 “(7) provide disease surveillance and assist In-  
15 dian Tribes, Tribal Organizations, and Urban Indian  
16 Organizations to promote public health.

17 “(c) TECHNICAL ASSISTANCE.—The Director of the  
18 Centers for Disease Control and Prevention shall provide  
19 technical assistance to the centers in carrying out the re-  
20 quirements of this subsection.

21 “(d) GRANTS FOR STUDIES.—The Secretary may  
22 make grants to Indian Tribes, Tribal Organizations, and  
23 Urban Indian Organizations to conduct epidemiological  
24 studies of Indian communities.

1 **“SEC. 210. COMPREHENSIVE SCHOOL HEALTH EDUCATION**  
2 **PROGRAMS.**

3 “(a) **FUNDING FOR DEVELOPMENT OF PROGRAMS.—**

4 In addition to carrying out any other program for health  
5 promotion or disease prevention, the Secretary, acting  
6 through the Service, is authorized to award grants to In-  
7 dian Tribes, Tribal Organizations, and Urban Indian Or-  
8 ganizations to develop comprehensive school health edu-  
9 cation programs for children from pre-school through  
10 grade 12 in schools for the benefit of Indian and Urban  
11 Indian children.

12 “(b) **USE OF GRANT FUNDS.—**A grant awarded  
13 under this section may be used for purposes which may  
14 include, but are not limited to, the following:

15 “(1) Developing health education materials both  
16 for regular school programs and afterschool pro-  
17 grams.

18 “(2) Training teachers in comprehensive school  
19 health education materials.

20 “(3) Integrating school-based, community-  
21 based, and other public and private health promotion  
22 efforts.

23 “(4) Encouraging healthy, tobacco-free school  
24 environments.

1           “(5) Coordinating school-based health programs  
2 with existing services and programs available in the  
3 community.

4           “(6) Developing school programs on nutrition  
5 education, personal health, oral health, and fitness.

6           “(7) Developing behavioral health wellness pro-  
7 grams.

8           “(8) Developing chronic disease prevention pro-  
9 grams.

10          “(9) Developing substance abuse prevention  
11 programs.

12          “(10) Developing injury prevention and safety  
13 education programs.

14          “(11) Developing activities for the prevention  
15 and control of communicable diseases.

16          “(12) Developing community and environmental  
17 health education programs that include traditional  
18 health care practitioners.

19          “(13) Violence prevention.

20          “(14) Such other health issues as are appro-  
21 priate.

22          “(c) TECHNICAL ASSISTANCE.—Upon request, the  
23 Secretary, acting through the Service, shall provide tech-  
24 nical assistance to Indian Tribes, Tribal Organizations,  
25 and Urban Indian Organizations in the development of



1 comprehensive health education plans and the dissemina-  
2 tion of comprehensive health education materials and in-  
3 formation on existing health programs and resources.

4 “(d) CRITERIA FOR REVIEW AND APPROVAL OF AP-  
5 PPLICATIONS.—The Secretary, acting through the Service,  
6 and in consultation with Indian Tribes, Tribal Organiza-  
7 tions, and Urban Indian Organizations, shall establish cri-  
8 teria for the review and approval of applications for grants  
9 awarded under this section.

10 “(e) DEVELOPMENT OF PROGRAM FOR BIA-FUNDED  
11 SCHOOLS.—

12 “(1) IN GENERAL.—The Secretary of the Inte-  
13 rior, acting through the Bureau of Indian Affairs  
14 and in cooperation with the Secretary, acting  
15 through the Service, and affected Indian Tribes and  
16 Tribal Organizations, shall develop a comprehensive  
17 school health education program for children from  
18 preschool through grade 12 in schools for which sup-  
19 port is provided by the Bureau of Indian Affairs.

20 “(2) REQUIREMENTS FOR PROGRAMS.—Such  
21 programs shall include—

22 “(A) school programs on nutrition edu-  
23 cation, personal health, oral health, and fitness;

24 “(B) behavioral health wellness programs;

25 “(C) chronic disease prevention programs;

1           “(D) substance abuse prevention pro-  
2           grams;

3           “(E) injury prevention and safety edu-  
4           cation programs; and

5           “(F) activities for the prevention and con-  
6           trol of communicable diseases.

7           “(3) DUTIES OF THE SECRETARY.—The Sec-  
8           retary of the Interior shall—

9           “(A) provide training to teachers in com-  
10          prehensive school health education materials;

11          “(B) ensure the integration and coordina-  
12          tion of school-based programs with existing  
13          services and health programs available in the  
14          community; and

15          “(C) encourage healthy, tobacco-free school  
16          environments.

17   **“SEC. 211. INDIAN YOUTH PROGRAM.**

18          “(a) PROGRAM AUTHORIZED.—The Secretary, acting  
19          through the Service, is authorized to establish and admin-  
20          ister a program to provide grants to Indian Tribes, Tribal  
21          Organizations, and Urban Indian Organizations for inno-  
22          vative mental and physical disease prevention and health  
23          promotion and treatment programs for Indian and Urban  
24          Indian preadolescent and adolescent youths.

25          “(b) USE OF FUNDS.—

1           “(1) ALLOWABLE USES.—Funds made available  
2 under this section may be used to—

3           “(A) develop prevention and treatment  
4 programs for Indian youth which promote men-  
5 tal and physical health and incorporate cultural  
6 values, community and family involvement, and  
7 traditional health care practitioners; and

8           “(B) develop and provide community train-  
9 ing and education.

10          “(2) PROHIBITED USE.—Funds made available  
11 under this section may not be used to provide serv-  
12 ices described in section 707(c).

13          “(c) DUTIES OF THE SECRETARY.—The Secretary  
14 shall—

15          “(1) disseminate to Indian Tribes, Tribal Orga-  
16 nizations, and Urban Indian Organizations informa-  
17 tion regarding models for the delivery of comprehen-  
18 sive health care services to Indian and Urban Indian  
19 adolescents;

20          “(2) encourage the implementation of such  
21 models; and

22          “(3) at the request of an Indian Tribe, Tribal  
23 Organization, or Urban Indian Organization, provide  
24 technical assistance in the implementation of such  
25 models.



1           “(4) Demonstration projects for the screening,  
2           treatment, and prevention of hepatitis C virus  
3           (HCV).

4           “(b) APPLICATION REQUIRED.—The Secretary may  
5           provide funding under subsection (a) only if an application  
6           or proposal for funding is submitted to the Secretary.

7           “(c) COORDINATION WITH HEALTH AGENCIES.—In-  
8           dian Tribes, Tribal Organizations, and Urban Indian Or-  
9           ganizations receiving funding under this section are en-  
10          couraged to coordinate their activities with the Centers for  
11          Disease Control and Prevention and State and local health  
12          agencies.

13          “(d) TECHNICAL ASSISTANCE; REPORT.—In carrying  
14          out this section, the Secretary—

15                 “(1) may, at the request of an Indian Tribe,  
16                 Tribal Organization, or Urban Indian Organization,  
17                 provide technical assistance; and

18                 “(2) shall prepare and submit a report to Con-  
19                 gress biennially on the use of funds under this sec-  
20                 tion and on the progress made toward the preven-  
21                 tion, control, and elimination of communicable and  
22                 infectious diseases among Indians and Urban Indi-  
23                 ans.

1 **“SEC. 213. AUTHORITY FOR PROVISION OF OTHER SERV-**  
2 **ICES.**

3 “(a) **FUNDING AUTHORIZED.**—The Secretary, acting  
4 through the Service, Indian Tribes, and Tribal Organiza-  
5 tions, may provide funding under this Act to meet the ob-  
6 jectives set forth in section 3 through health care-related  
7 services and programs not otherwise described in this Act,  
8 including—

9 “(1) hospice care;

10 “(2) assisted living;

11 “(3) long-term care; and

12 “(4) home- and community-based services, in  
13 accordance with subsection (c).

14 “(b) **TERMS AND CONDITIONS.**—

15 “(1) **IN GENERAL.**—The Secretary shall require  
16 that any service provided under this section shall be  
17 in accordance with such terms and conditions as the  
18 Secretary determines to be consistent with accepted  
19 and appropriate standards relating to the service, in-  
20 cluding any licensing term or condition under this  
21 Act.

22 “(2) **STANDARDS.**—

23 “(A) **IN GENERAL.**—In accordance with  
24 this Act and the Indian Self-Determination and  
25 Education Assistance Act (25 U.S.C. 450 et  
26 seq.), the Secretary may use the standards for

1 a service provided under this section required  
2 by the State in which the service is provided.

3 “(B) INDIAN TRIBES.—If a service under  
4 this section is provided by an Indian Tribe or  
5 Tribal Organization pursuant to the Indian  
6 Self-Determination and Education Assistance  
7 Act (25 U.S.C. 450 et seq.), the verification by  
8 the Secretary that the service meets any stand-  
9 ards required by the State in which the service  
10 is or will be provided shall be considered to  
11 meet the terms and conditions required under  
12 this subsection.

13 “(3) ELIGIBILITY.—The following individuals  
14 shall be eligible to receive long-term care under this  
15 section:

16 “(A) Individuals who are unable to per-  
17 form a certain number of activities of daily liv-  
18 ing without assistance.

19 “(B) Individuals with a mental impair-  
20 ment, such as dementia, Alzheimer’s disease, or  
21 another disabling mental illness, who may be  
22 able to perform activities of daily living under  
23 supervision.

1           “(C) Such other individuals as an applica-  
2           ble Indian Health Program determines to be  
3           appropriate.

4           “(c) DEFINITIONS.—For the purposes of this section,  
5 the following definitions shall apply:

6           “(1) The term ‘home- and community-based  
7           services’ means 1 or more of the following services  
8           (whether provided by the Service or by an Indian  
9           Tribe or Tribal Organization under a contract, grant  
10          agreement, or cooperative agreement pursuant to the  
11          Indian Self-Determination and Education Assistance  
12          Act (25 U.S.C. 450 et seq.)) for which the Secretary  
13          has established standards pursuant to subsection  
14          (b):

15                  “(A) Home health aide services.

16                  “(B) Nursing care services provided out-  
17          side of a nursing facility by, or under the super-  
18          vision of, a registered nurse.

19                  “(C) Respite care.

20                  “(D) Adult day care.

21                  “(E) Such other services identified by an  
22          Indian Tribe or Tribal Organization for which  
23          the Secretary has established standards pursu-  
24          ant to subsection (b).





1 life threatening health problems, such as nuclear resource  
2 development, petroleum contamination, and contamination  
3 of water source and of the food chain. Such studies shall  
4 include—

5           “(1) an evaluation of the nature and extent of  
6 health problems caused by environmental hazards  
7 currently exhibited among Indians and the causes of  
8 such health problems;

9           “(2) an analysis of the potential effect of ongo-  
10 ing and future environmental resource development  
11 on or near reservations and Indian communities, in-  
12 cluding the cumulative effect over time on health;

13           “(3) an evaluation of the types and nature of  
14 activities, practices, and conditions causing or affect-  
15 ing such health problems, including uranium mining  
16 and milling, uranium mine tailing deposits, nuclear  
17 power plant operation and construction, and nuclear  
18 waste disposal; oil and gas production or transpor-  
19 tation on or near reservations or Indian commu-  
20 nities; and other development that could affect the  
21 health of Indians and their water supply and food  
22 chain;

23           “(4) a summary of any findings and rec-  
24 ommendations provided in Federal and State stud-  
25 ies, reports, investigations, and inspections during

1 the 5 years prior to the date of enactment of the In-  
2 dian Health Care Improvement Act Amendments of  
3 2006 that directly or indirectly relate to the activi-  
4 ties, practices, and conditions affecting the health or  
5 safety of such Indians; and

6 “(5) the efforts that have been made by Federal  
7 and State agencies and resource and economic devel-  
8 opment companies to effectively carry out an edu-  
9 cation program for such Indians regarding the  
10 health and safety hazards of such development.

11 “(b) HEALTH CARE PLANS.—Upon completion of  
12 such studies, the Secretary and the Service shall take into  
13 account the results of such studies and develop health care  
14 plans to address the health problems studied under sub-  
15 section (a). The plans shall include—

16 “(1) methods for diagnosing and treating Indi-  
17 ans currently exhibiting such health problems;

18 “(2) preventive care and testing for Indians  
19 who may be exposed to such health hazards, includ-  
20 ing the monitoring of the health of individuals who  
21 have or may have been exposed to excessive amounts  
22 of radiation or affected by other activities that have  
23 had or could have a serious impact upon the health  
24 of such individuals; and

1           “(3) a program of education for Indians who,  
2           by reason of their work or geographic proximity to  
3           such nuclear or other development activities, may ex-  
4           perience health problems.

5           “(c) SUBMISSION OF REPORT AND PLAN TO CON-  
6 GRESS.—The Secretary and the Service shall submit to  
7 Congress the study prepared under subsection (a) no later  
8 than 18 months after the date of enactment of the Indian  
9 Health Care Improvement Act Amendments of 2006. The  
10 health care plan prepared under subsection (b) shall be  
11 submitted in a report no later than 1 year after the study  
12 prepared under subsection (a) is submitted to Congress.  
13 Such report shall include recommended activities for the  
14 implementation of the plan, as well as an evaluation of  
15 any activities previously undertaken by the Service to ad-  
16 dress such health problems.

17           “(d) INTERGOVERNMENTAL TASK FORCE.—

18           “(1) ESTABLISHMENT; MEMBERS.—There is es-  
19           tablished an Intergovernmental Task Force to be  
20           composed of the following individuals (or their des-  
21           ignees):

22                           “(A) The Secretary of Energy.

23                           “(B) The Secretary of the Environmental  
24           Protection Agency.

25                           “(C) The Director of the Bureau of Mines.

1           “(D) The Assistant Secretary for Occupa-  
2           tional Safety and Health.

3           “(E) The Secretary of the Interior.

4           “(F) The Secretary of Health and Human  
5           Services.

6           “(G) The Director of the Indian Health  
7           Service.

8           “(2) DUTIES.—The Task Force shall—

9           “(A) identify existing and potential oper-  
10          ations related to nuclear resource development  
11          or other environmental hazards that affect or  
12          may affect the health of Indians on or near a  
13          reservation or in an Indian community; and

14          “(B) enter into activities to correct exist-  
15          ing health hazards and ensure that current and  
16          future health problems resulting from nuclear  
17          resource or other development activities are  
18          minimized or reduced.

19          “(3) CHAIRMAN; MEETINGS.—The Secretary of  
20          Health and Human Services shall be the Chairman  
21          of the Task Force. The Task Force shall meet at  
22          least twice each year.

23          “(e) HEALTH SERVICES TO CERTAIN EMPLOYEES.—  
24          In the case of any Indian who—

1           “(1) as a result of employment in or near a  
2 uranium mine or mill or near any other environ-  
3 mental hazard, suffers from a work-related illness or  
4 condition;

5           “(2) is eligible to receive diagnosis and treat-  
6 ment services from an Indian Health Program; and

7           “(3) by reason of such Indian’s employment, is  
8 entitled to medical care at the expense of such mine  
9 or mill operator or entity responsible for the environ-  
10 mental hazard, the Indian Health Program shall, at  
11 the request of such Indian, render appropriate med-  
12 ical care to such Indian for such illness or condition  
13 and may be reimbursed for any medical care so ren-  
14 dered to which such Indian is entitled at the expense  
15 of such operator or entity from such operator or en-  
16 tity. Nothing in this subsection shall affect the  
17 rights of such Indian to recover damages other than  
18 such amounts paid to the Indian Health Program  
19 from the employer for providing medical care for  
20 such illness or condition.

21 **“SEC. 216. ARIZONA AS A CONTRACT HEALTH SERVICE DE-**  
22 **LIVERY AREA.**

23           “(a) IN GENERAL.—For fiscal years beginning with  
24 the fiscal year ending September 30, 1983, and ending  
25 with the fiscal year ending September 30, 2016, the State

1 of Arizona shall be designated as a contract health service  
 2 delivery area by the Service for the purpose of providing  
 3 contract health care services to members of federally rec-  
 4 ognized Indian Tribes of Arizona.

5 “(b) MAINTENANCE OF SERVICES.—The Service  
 6 shall not curtail any health care services provided to Indi-  
 7 ans residing on reservations in the State of Arizona if such  
 8 curtailment is due to the provision of contract services in  
 9 such State pursuant to the designation of such State as  
 10 a contract health service delivery area pursuant to sub-  
 11 section (a).

12 **“SEC. 216A. NORTH DAKOTA AND SOUTH DAKOTA AS CON-**  
 13 **TRACT HEALTH SERVICE DELIVERY AREA.**

14 “(a) IN GENERAL.—Beginning in fiscal year 2003,  
 15 the States of North Dakota and South Dakota shall be  
 16 designated as a contract health service delivery area by  
 17 the Service for the purpose of providing contract health  
 18 care services to members of federally recognized Indian  
 19 Tribes of North Dakota and South Dakota.

20 “(b) LIMITATION.—The Service shall not curtail any  
 21 health care services provided to Indians residing on any  
 22 reservation, or in any county that has a common boundary  
 23 with any reservation, in the State of North Dakota or  
 24 South Dakota if such curtailment is due to the provision  
 25 of contract services in such States pursuant to the des-

1 igation of such States as a contract health service deliv-  
2 ery area pursuant to subsection (a).

3 **“SEC. 217. CALIFORNIA CONTRACT HEALTH SERVICES PRO-**  
4 **GRAM.**

5 “(a) FUNDING AUTHORIZED.—The Secretary is au-  
6 thorized to fund a program using the California Rural In-  
7 dian Health Board (hereafter in this section referred to  
8 as the ‘CRIHB’) as a contract care intermediary to im-  
9 prove the accessibility of health services to California Indi-  
10 ans.

11 “(b) REIMBURSEMENT CONTRACT.—The Secretary  
12 shall enter into an agreement with the CRIHB to reim-  
13 burse the CRIHB for costs (including reasonable adminis-  
14 trative costs) incurred pursuant to this section, in pro-  
15 viding medical treatment under contract to California In-  
16 dians described in section 806(a) throughout the Cali-  
17 fornia contract health services delivery area described in  
18 section 218 with respect to high cost contract care cases.

19 “(c) ADMINISTRATIVE EXPENSES.—Not more than 5  
20 percent of the amounts provided to the CRIHB under this  
21 section for any fiscal year may be for reimbursement for  
22 administrative expenses incurred by the CRIHB during  
23 such fiscal year.

24 “(d) LIMITATION ON PAYMENT.—No payment may  
25 be made for treatment provided hereunder to the extent



1 payment may be made for such treatment under the In-  
 2 dian Catastrophic Health Emergency Fund described in  
 3 section 202 or from amounts appropriated or otherwise  
 4 made available to the California contract health service de-  
 5 livery area for a fiscal year.

6       “(e) ADVISORY BOARD.—There is established an ad-  
 7 visory board which shall advise the CRIHB in carrying  
 8 out this section. The advisory board shall be composed of  
 9 representatives, selected by the CRIHB, from not less  
 10 than 8 Tribal Health Programs serving California Indians  
 11 covered under this section at least  $\frac{1}{2}$  of whom of whom  
 12 are not affiliated with the CRIHB.

13 **“SEC. 218. CALIFORNIA AS A CONTRACT HEALTH SERVICE**  
 14 **DELIVERY AREA.**

15       “The State of California, excluding the counties of  
 16 Alameda, Contra Costa, Los Angeles, Marin, Orange, Sac-  
 17 ramento, San Francisco, San Mateo, Santa Clara, Kern,  
 18 Merced, Monterey, Napa, San Benito, San Joaquin, San  
 19 Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ven-  
 20 tura, shall be designated as a contract health service deliv-  
 21 ery area by the Service for the purpose of providing con-  
 22 tract health services to California Indians. However, any  
 23 of the counties listed herein may only be included in the  
 24 contract health services delivery area if funding is specifi-

1 cally provided by the Service for such services in those  
2 counties.

3 **“SEC. 219. CONTRACT HEALTH SERVICES FOR THE TREN-**  
4 **TON SERVICE AREA.**

5 “(a) AUTHORIZATION FOR SERVICES.—The Sec-  
6 retary, acting through the Service, is directed to provide  
7 contract health services to members of the Turtle Moun-  
8 tain Band of Chippewa Indians that reside in the Trenton  
9 Service Area of Divide, McKenzie, and Williams counties  
10 in the State of North Dakota and the adjoining counties  
11 of Richland, Roosevelt, and Sheridan in the State of Mon-  
12 tana.

13 “(b) NO EXPANSION OF ELIGIBILITY.—Nothing in  
14 this section may be construed as expanding the eligibility  
15 of members of the Turtle Mountain Band of Chippewa In-  
16 dians for health services provided by the Service beyond  
17 the scope of eligibility for such health services that applied  
18 on May 1, 1986.

19 **“SEC. 220. PROGRAMS OPERATED BY INDIAN TRIBES AND**  
20 **TRIBAL ORGANIZATIONS.**

21 “The Service shall provide funds for health care pro-  
22 grams and facilities operated by Tribal Health Programs  
23 on the same basis as such funds are provided to programs  
24 and facilities operated directly by the Service.

1 **“SEC. 221. LICENSING.**

2 “Health care professionals employed by a Tribal  
3 Health Program shall, if licensed in any State, be exempt  
4 from the licensing requirements of the State in which the  
5 Tribal Health Program performs the services described in  
6 its contract or compact under the Indian Self-Determina-  
7 tion and Education Assistance Act (25 U.S.C. 450 et  
8 seq.).

9 **“SEC. 222. NOTIFICATION OF PROVISION OF EMERGENCY**  
10 **CONTRACT HEALTH SERVICES.**

11 “With respect to an elderly Indian or an Indian with  
12 a disability receiving emergency medical care or services  
13 from a non-Service provider or in a non-Service facility  
14 under the authority of this Act, the time limitation (as  
15 a condition of payment) for notifying the Service of such  
16 treatment or admission shall be 30 days.

17 **“SEC. 223. PROMPT ACTION ON PAYMENT OF CLAIMS.**

18 “(a) **DEADLINE FOR RESPONSE.**—The Service shall  
19 respond to a notification of a claim by a provider of a  
20 contract care service with either an individual purchase  
21 order or a denial of the claim within 5 working days after  
22 the receipt of such notification.

23 “(b) **EFFECT OF UNTIMELY RESPONSE.**—If the  
24 Service fails to respond to a notification of a claim in ac-  
25 cordance with subsection (a), the Service shall accept as

1 valid the claim submitted by the provider of a contract  
2 care service.

3 “(c) DEADLINE FOR PAYMENT OF VALID CLAIM.—

4 The Service shall pay a valid contract care service claim  
5 within 30 days after the completion of the claim.

6 **“SEC. 224. LIABILITY FOR PAYMENT.**

7 “(a) NO PATIENT LIABILITY.—A patient who re-  
8 ceives contract health care services that are authorized by  
9 the Service shall not be liable for the payment of any  
10 charges or costs associated with the provision of such serv-  
11 ices.

12 “(b) NOTIFICATION.—The Secretary shall notify a  
13 contract care provider and any patient who receives con-  
14 tract health care services authorized by the Service that  
15 such patient is not liable for the payment of any charges  
16 or costs associated with the provision of such services not  
17 later than 5 business days after receipt of a notification  
18 of a claim by a provider of contract care services.

19 “(c) NO RECOURSE.—Following receipt of the notice  
20 provided under subsection (b), or, if a claim has been  
21 deemed accepted under section 223(b), the provider shall  
22 have no further recourse against the patient who received  
23 the services.

1 **“SEC. 225. OFFICE OF INDIAN MEN’S HEALTH.**

2 “(a) ESTABLISHMENT.—The Secretary may establish  
3 within the Service an office to be known as the ‘Office  
4 of Indian Men’s Health’ (referred to in this section as the  
5 ‘Office’).

6 “(b) DIRECTOR.—

7 “(1) IN GENERAL.—The Office shall be headed  
8 by a director, to be appointed by the Secretary.

9 “(2) DUTIES.—The director shall coordinate  
10 and promote the status of the health of Indian men  
11 in the United States.

12 “(c) REPORT.—Not later than 2 years after the date  
13 of enactment of the Indian Health Care Improvement Act  
14 Amendments of 2006, the Secretary, acting through the  
15 director of the Office, shall submit to Congress a report  
16 describing—

17 “(1) any activity carried out by the director as  
18 of the date on which the report is prepared; and

19 “(2) any finding of the director with respect to  
20 the health of Indian men.

21 **“SEC. 226. AUTHORIZATION OF APPROPRIATIONS.**

22 “There are authorized to be appropriated such sums  
23 as may be necessary for each fiscal year through fiscal  
24 year 2016 to carry out this title.

1           **“TITLE III—FACILITIES**

2   **“SEC. 301. CONSULTATION; CONSTRUCTION AND RENOVA-**  
3           **TION OF FACILITIES; REPORTS.**

4           “(a) PREREQUISITES FOR EXPENDITURE OF  
5 FUNDS.—Prior to the expenditure of, or the making of  
6 any binding commitment to expend, any funds appro-  
7 priated for the planning, design, construction, or renova-  
8 tion of facilities pursuant to the Act of November 2, 1921  
9 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’),  
10 the Secretary, acting through the Service, shall—

11           “(1) consult with any Indian Tribe that would  
12 be significantly affected by such expenditure for the  
13 purpose of determining and, whenever practicable,  
14 honoring tribal preferences concerning size, location,  
15 type, and other characteristics of any facility on  
16 which such expenditure is to be made; and

17           “(2) ensure, whenever practicable and applica-  
18 ble, that such facility meets the construction stand-  
19 ards of any accrediting body recognized by the Sec-  
20 retary for the purposes of the Medicare, Medicaid,  
21 and SCHIP programs under titles XVIII, XIX, and  
22 XXI of the Social Security Act by not later than 1  
23 year after the date on which the construction or ren-  
24 ovation of such facility is completed.

25           “(b) CLOSURES.—

1           “(1)     EVALUATION     REQUIRED.—Notwith-  
2     standing any other provision of law, no facility oper-  
3     ated by the Service may be closed if the Secretary  
4     has not submitted to Congress at least 1 year prior  
5     to the date of the proposed closure an evaluation of  
6     the impact of the proposed closure which specifies,  
7     in addition to other considerations—

8           “(A) the accessibility of alternative health  
9     care resources for the population served by such  
10    facility;

11          “(B) the cost-effectiveness of such closure;

12          “(C) the quality of health care to be pro-  
13    vided to the population served by such facility  
14    after such closure;

15          “(D) the availability of contract health  
16    care funds to maintain existing levels of service;

17          “(E) the views of the Indian Tribes served  
18    by such facility concerning such closure;

19          “(F) the level of use of such facility by all  
20    eligible Indians; and

21          “(G) the distance between such facility and  
22    the nearest operating Service hospital.

23           “(2)     EXCEPTION FOR CERTAIN TEMPORARY  
24     CLOSURES.—Paragraph (1) shall not apply to any  
25     temporary closure of a facility or any portion of a

1 facility if such closure is necessary for medical, envi-  
2 ronmental, or construction safety reasons.

3 “(c) HEALTH CARE FACILITY PRIORITY SYSTEM.—

4 “(1) IN GENERAL.—

5 “(A) ESTABLISHMENT.—The Secretary,  
6 acting through the Service, shall maintain a  
7 health care facility priority system, which—

8 “(i) shall be developed in consultation  
9 with Indian Tribes and Tribal Organiza-  
10 tions;

11 “(ii) shall give Indian Tribes’ needs  
12 the highest priority;

13 “(iii)(I) may include the lists required  
14 in paragraph (2)(B)(ii); and

15 “(II) shall include the methodology re-  
16 quired in paragraph (2)(B)(v); and

17 “(III) may include such other facili-  
18 ties, and such renovation or expansion  
19 needs of any health care facility, as the  
20 Service, Indian Tribes, and Tribal Organi-  
21 zations may identify; and

22 “(iv) shall provide an opportunity for  
23 the nomination of planning, design, and  
24 construction projects by the Service, In-  
25 dian Tribes, and Tribal Organizations for



1 consideration under the priority system at  
2 least once every 3 years, or more fre-  
3 quently as the Secretary determines to be  
4 appropriate.

5 “(B) NEEDS OF FACILITIES UNDER  
6 ISDEAA AGREEMENTS.—The Secretary shall en-  
7 sure that the planning, design, construction,  
8 renovation, and expansion needs of Service and  
9 non-Service facilities operated under contracts  
10 or compacts in accordance with the Indian Self-  
11 Determination and Education Assistance Act  
12 (25 U.S.C. 450 et seq.) are fully and equitably  
13 integrated into the health care facility priority  
14 system.

15 “(C) CRITERIA FOR EVALUATING  
16 NEEDS.—For purposes of this subsection, the  
17 Secretary, in evaluating the needs of facilities  
18 operated under a contract or compact under the  
19 Indian Self-Determination and Education As-  
20 sistance Act (25 U.S.C. 450 et seq.), shall use  
21 the criteria used by the Secretary in evaluating  
22 the needs of facilities operated directly by the  
23 Service.

24 “(D) PRIORITY OF CERTAIN PROJECTS  
25 PROTECTED.—The priority of any project estab-

1           lished under the construction priority system in  
 2           effect on the date of enactment of the Indian  
 3           Health Care Improvement Act Amendments of  
 4           2006 shall not be affected by any change in the  
 5           construction priority system taking place after  
 6           that date if the project—

7                   “(i) was identified in the fiscal year  
 8                   2007 Service budget justification as—

9                           “(I) 1 of the 10 top-priority inpa-  
 10                           tient projects;

11                           “(II) 1 of the 10 top-priority out-  
 12                           patient projects;

13                           “(III) 1 of the 10 top-priority  
 14                           staff quarters developments; or

15                           “(IV) 1 of the 10 top-priority  
 16                           Youth Regional Treatment Centers;

17                   “(ii) had completed both Phase I and  
 18                   Phase II of the construction priority sys-  
 19                   tem in effect on the date of enactment of  
 20                   such Act; or

21                   “(iii) is not included in clause (i) or  
 22                   (ii) and is selected, as determined by the  
 23                   Secretary—

24                           “(I) on the initiative of the Sec-  
 25                           retary; or

1                   “(II) pursuant to a request of an  
2                   Indian Tribe or Tribal Organization.

3                   “(2) REPORT; CONTENTS.—

4                   “(A) INITIAL COMPREHENSIVE REPORT.—

5                   “(i) DEFINITIONS.—In this subpara-  
6                   graph:

7                   “(I) FACILITIES APPROPRIATION  
8                   ADVISORY BOARD.—The term ‘Facili-  
9                   ties Appropriation Advisory Board’  
10                  means the advisory board, comprised  
11                  of 12 members representing Indian  
12                  tribes and 2 members representing  
13                  the Service, established at the discre-  
14                  tion of the Director—

15                  “(aa) to provide advice and  
16                  recommendations for policies and  
17                  procedures of the programs fund-  
18                  ed pursuant to facilities appro-  
19                  priations; and

20                  “(bb) to address other facili-  
21                  ties issues.

22                  “(II) FACILITIES NEEDS ASSESS-  
23                  MENT WORKGROUP.—The term ‘Fa-  
24                  cilities Needs Assessment Workgroup’

1 means the workgroup established at  
2 the discretion of the Director—

3 “(aa) to review the health  
4 care facilities construction pri-  
5 ority system; and

6 “(bb) to make recommenda-  
7 tions to the Facilities Appropria-  
8 tion Advisory Board for revising  
9 the priority system.

10 “(ii) INITIAL REPORT.—

11 “(I) IN GENERAL.—Not later  
12 than 1 year after the date of enact-  
13 ment of the Indian Health Care Im-  
14 provement Act Amendments of 2006,  
15 the Secretary shall submit to the  
16 Committee on Indian Affairs of the  
17 Senate and the Committee on Re-  
18 sources of the House of Representa-  
19 tives a report that describes the com-  
20 prehensive, national, ranked list of all  
21 health care facilities needs for the  
22 Service, Indian Tribes, and Tribal Or-  
23 ganizations (including inpatient health  
24 care facilities, outpatient health care  
25 facilities, specialized health care facili-

1 ties (such as for long-term care and  
2 alcohol and drug abuse treatment),  
3 wellness centers, staff quarters and  
4 hostels associated with health care fa-  
5 cilities, and the renovation and expan-  
6 sion needs, if any, of such facilities)  
7 developed by the Service, Indian  
8 Tribes, and Tribal Organizations for  
9 the Facilities Needs Assessment  
10 Workgroup and the Facilities Appro-  
11 priation Advisory Board.

12 “(II) INCLUSIONS.—The initial  
13 report shall include—

14 “(aa) the methodology and  
15 criteria used by the Service in de-  
16 termining the needs and estab-  
17 lishing the ranking of the facili-  
18 ties needs; and

19 “(bb) such other information  
20 as the Secretary determines to be  
21 appropriate.

22 “(iii) UPDATES OF REPORT.—Begin-  
23 ning in calendar year 2010, the Secretary  
24 shall—

1           “(I) update the report under  
2           clause (ii) not less frequently than  
3           once every 5 years; and

4           “(II) include the updated report  
5           in the appropriate annual report  
6           under subparagraph (B) for submis-  
7           sion to Congress under section 801.

8           “(B) ANNUAL REPORTS.—The Secretary  
9           shall submit to the President, for inclusion in  
10          the report required to be transmitted to Con-  
11          gress under section 801, a report which sets  
12          forth the following:

13           “(i) A description of the health care  
14           facility priority system of the Service es-  
15           tablished under paragraph (1).

16           “(ii) Health care facilities lists, which  
17           may include—

18           “(I) the 10 top-priority inpatient  
19           health care facilities;

20           “(II) the 10 top-priority out-  
21           patient health care facilities;

22           “(III) the 10 top-priority special-  
23           ized health care facilities (such as  
24           long-term care and alcohol and drug  
25           abuse treatment);

1                   “(IV) the 10 top-priority staff  
2                   quarters developments associated with  
3                   health care facilities; and

4                   “(V) the 10 top-priority hostels  
5                   associated with health care facilities.

6                   “(iii) The justification for such order  
7                   of priority.

8                   “(iv) The projected cost of such  
9                   projects.

10                  “(v) The methodology adopted by the  
11                  Service in establishing priorities under its  
12                  health care facility priority system.

13                  “(3) REQUIREMENTS FOR PREPARATION OF RE-  
14                  PORTS.—In preparing the report required under  
15                  paragraph (2), the Secretary shall—

16                  “(A) consult with and obtain information  
17                  on all health care facilities needs from Indian  
18                  Tribes, Tribal Organizations, and Urban Indian  
19                  Organizations; and

20                  “(B) review the total unmet needs of all  
21                  Indian Tribes, Tribal Organizations, and Urban  
22                  Indian Organizations for health care facilities  
23                  (including hostels and staff quarters), including  
24                  needs for renovation and expansion of existing  
25                  facilities.

1       “(d) REVIEW OF METHODOLOGY USED FOR HEALTH  
2 FACILITIES CONSTRUCTION PRIORITY SYSTEM.—

3           “(1) IN GENERAL.—Not later than 1 year after  
4 the establishment of the priority system under sub-  
5 section (c)(1)(A), the Comptroller General of the  
6 United States shall prepare and finalize a report re-  
7 viewing the methodologies applied, and the processes  
8 followed, by the Service in making each assessment  
9 of needs for the list under subsection (c)(2)(A)(ii)  
10 and developing the priority system under subsection  
11 (c)(1), including a review of—

12           “(A) the recommendations of the Facilities  
13 Appropriation Advisory Board and the Facili-  
14 ties Needs Assessment Workgroup (as those  
15 terms are defined in subsection (c)(2)(A)(i));  
16 and

17           “(B) the relevant criteria used in ranking  
18 or prioritizing facilities other than hospitals or  
19 clinics.

20           “(2) SUBMISSION TO CONGRESS.—The Comp-  
21 troller General of the United States shall submit the  
22 report under paragraph (1) to—

23           “(A) the Committees on Indian Affairs and  
24 Appropriations of the Senate;



1           “(B) the Committees on Resources and  
2           Appropriations of the House of Representatives;  
3           and

4           “(C) the Secretary.

5           “(e) FUNDING CONDITION.—All funds appropriated  
6 under the Act of November 2, 1921 (25 U.S.C. 13) (com-  
7 monly known as the ‘Snyder Act’), for the planning, de-  
8 sign, construction, or renovation of health facilities for the  
9 benefit of 1 or more Indian Tribes shall be subject to the  
10 provisions of the Indian Self-Determination and Edu-  
11 cation Assistance Act (25 U.S.C. 450 et seq.).

12          “(f) DEVELOPMENT OF INNOVATIVE APPROACHES.—  
13 The Secretary shall consult and cooperate with Indian  
14 Tribes, Tribal Organizations, and Urban Indian Organiza-  
15 tions in developing innovative approaches to address all  
16 or part of the total unmet need for construction of health  
17 facilities, including those provided for in other sections of  
18 this title and other approaches.

19 **“SEC. 302. SANITATION FACILITIES.**

20          “(a) FINDINGS.—Congress finds the following:

21           “(1) The provision of sanitation facilities is pri-  
22 marily a health consideration and function.

23           “(2) Indian people suffer an inordinately high  
24 incidence of disease, injury, and illness directly at-

1       tributable to the absence or inadequacy of sanitation  
2       facilities.

3           “(3) The long-term cost to the United States of  
4       treating and curing such disease, injury, and illness  
5       is substantially greater than the short-term cost of  
6       providing sanitation facilities and other preventive  
7       health measures.

8           “(4) Many Indian homes and Indian commu-  
9       nities still lack sanitation facilities.

10          “(5) It is in the interest of the United States,  
11       and it is the policy of the United States, that all In-  
12       dian communities and Indian homes, new and exist-  
13       ing, be provided with sanitation facilities.

14          “(b) FACILITIES AND SERVICES.—In furtherance of  
15       the findings made in subsection (a), Congress reaffirms  
16       the primary responsibility and authority of the Service to  
17       provide the necessary sanitation facilities and services as  
18       provided in section 7 of the Act of August 5, 1954 (42  
19       U.S.C. 2004a). Under such authority, the Secretary, act-  
20       ing through the Service, is authorized to provide the fol-  
21       lowing:

22           “(1) Financial and technical assistance to In-  
23       dian Tribes, Tribal Organizations, and Indian com-  
24       munities in the establishment, training, and equip-  
25       ping of utility organizations to operate and maintain

1 sanitation facilities, including the provision of exist-  
2 ing plans, standard details, and specifications avail-  
3 able in the Department, to be used at the option of  
4 the Indian Tribe, Tribal Organization, or Indian  
5 community.

6 “(2) Ongoing technical assistance and training  
7 to Indian Tribes, Tribal Organizations, and Indian  
8 communities in the management of utility organiza-  
9 tions which operate and maintain sanitation facili-  
10 ties.

11 “(3) Priority funding for operation and mainte-  
12 nance assistance for, and emergency repairs to, sani-  
13 tation facilities operated by an Indian Tribe, Tribal  
14 Organization or Indian community when necessary  
15 to avoid an imminent health threat or to protect the  
16 investment in sanitation facilities and the investment  
17 in the health benefits gained through the provision  
18 of sanitation facilities.

19 “(c) FUNDING.—Notwithstanding any other provi-  
20 sion of law—

21 “(1) the Secretary of Housing and Urban De-  
22 velopment is authorized to transfer funds appro-  
23 priated under the Native American Housing Assist-  
24 ance and Self-Determination Act of 1996 (25 U.S.C.

1 4101 et seq.) to the Secretary of Health and Human  
2 Services;

3 “(2) the Secretary of Health and Human Serv-  
4 ices is authorized to accept and use such funds for  
5 the purpose of providing sanitation facilities and  
6 services for Indians under section 7 of the Act of  
7 August 5, 1954 (42 U.S.C. 2004a);

8 “(3) unless specifically authorized when funds  
9 are appropriated, the Secretary shall not use funds  
10 appropriated under section 7 of the Act of August  
11 5, 1954 (42 U.S.C. 2004a), to provide sanitation fa-  
12 cilities to new homes constructed using funds pro-  
13 vided by the Department of Housing and Urban De-  
14 velopment;

15 “(4) the Secretary of Health and Human Serv-  
16 ices is authorized to accept from any source, includ-  
17 ing Federal and State agencies, funds for the pur-  
18 pose of providing sanitation facilities and services  
19 and place these funds into contracts or compacts  
20 under the Indian Self-Determination and Education  
21 Assistance Act (25 U.S.C. 450 et seq.);

22 “(5) except as otherwise prohibited by this sec-  
23 tion, the Secretary may use funds appropriated  
24 under the authority of section 7 of the Act of Au-  
25 gust 5, 1954 (42 U.S.C. 2004a) to meet matching

1 or cost participation requirements under other Fed-  
2 eral and non-Federal programs for new projects to  
3 construct eligible sanitation facilities;

4 “(6) all Federal agencies are authorized to  
5 transfer to the Secretary funds identified, granted,  
6 loaned, or appropriated whereby the Department’s  
7 applicable policies, rules, and regulations shall apply  
8 in the implementation of such projects;

9 “(7) the Secretary of Health and Human Serv-  
10 ices shall enter into interagency agreements with  
11 Federal and State agencies for the purpose of pro-  
12 viding financial assistance for sanitation facilities  
13 and services under this Act;

14 “(8) the Secretary of Health and Human Serv-  
15 ices shall, by regulation, establish standards applica-  
16 ble to the planning, design, and construction of sani-  
17 tation facilities funded under this Act; and

18 “(9) the Secretary of Health and Human Serv-  
19 ices is authorized to accept payments for goods and  
20 services furnished by the Service from appropriate  
21 public authorities, nonprofit organizations or agen-  
22 cies, or Indian Tribes, as contributions by that au-  
23 thority, organization, agency, or tribe to agreements  
24 made under section 7 of the Act of August 5, 1954  
25 (42 U.S.C. 2004a), and such payments shall be

1 credited to the same or subsequent appropriation ac-  
2 count as funds appropriated under the authority of  
3 section 7 of the Act of August 5, 1954 (42 U.S.C.  
4 2004a).

5 “(d) CERTAIN CAPABILITIES NOT PREREQUISITE.—  
6 The financial and technical capability of an Indian Tribe,  
7 Tribal Organization, or Indian community to safely oper-  
8 ate, manage, and maintain a sanitation facility shall not  
9 be a prerequisite to the provision or construction of sanita-  
10 tion facilities by the Secretary.

11 “(e) FINANCIAL ASSISTANCE.—The Secretary is au-  
12 thorized to provide financial assistance to Indian Tribes,  
13 Tribal Organizations, and Indian communities for oper-  
14 ation, management, and maintenance of their sanitation  
15 facilities.

16 “(f) OPERATION, MANAGEMENT, AND MAINTENANCE  
17 OF FACILITIES.—The Indian Tribe has the primary re-  
18 sponsibility to establish, collect, and use reasonable user  
19 fees, or otherwise set aside funding, for the purpose of  
20 operating, managing, and maintaining sanitation facilities.  
21 If a sanitation facility serving a community that is oper-  
22 ated by an Indian Tribe or Tribal Organization is threat-  
23 ened with imminent failure and such operator lacks capac-  
24 ity to maintain the integrity or the health benefits of the  
25 sanitation facility, then the Secretary is authorized to as-

1 sist the Indian Tribe, Tribal Organization, or Indian com-  
2 munity in the resolution of the problem on a short-term  
3 basis through cooperation with the emergency coordinator  
4 or by providing operation, management, and maintenance  
5 service.

6 “(g) ISDEEAA PROGRAM FUNDED ON EQUAL  
7 BASIS.—Tribal Health Programs shall be eligible (on an  
8 equal basis with programs that are administered directly  
9 by the Service) for—

10 “(1) any funds appropriated pursuant to this  
11 section; and

12 “(2) any funds appropriated for the purpose of  
13 providing sanitation facilities.

14 “(h) REPORT.—

15 “(1) REQUIRED; CONTENTS.—The Secretary, in  
16 consultation with the Secretary of Housing and  
17 Urban Development, Indian Tribes, Tribal Organiza-  
18 tions, and tribally designated housing entities (as de-  
19 fined in section 4 of the Native American Housing  
20 Assistance and Self-Determination Act of 1996 (25  
21 U.S.C. 4103)) shall submit to the President, for in-  
22 clusion in the report required to be transmitted to  
23 Congress under section 801, a report which sets  
24 forth—

1           “(A) the current Indian sanitation facility  
2 priority system of the Service;

3           “(B) the methodology for determining  
4 sanitation deficiencies and needs;

5           “(C) the criteria on which the deficiencies  
6 and needs will be evaluated;

7           “(D) the level of initial and final sanitation  
8 deficiency for each type of sanitation facility for  
9 each project of each Indian Tribe or Indian  
10 community;

11           “(E) the amount and most effective use of  
12 funds, derived from whatever source, necessary  
13 to accommodate the sanitation facilities needs  
14 of new homes assisted with funds under the  
15 Native American Housing Assistance and Self-  
16 Determination Act (25 U.S.C. 4101 et seq.),  
17 and to reduce the identified sanitation defi-  
18 ciency levels of all Indian Tribes and Indian  
19 communities to level I sanitation deficiency as  
20 defined in paragraph (3)(A); and

21           “(F) a 10-year plan to provide sanitation  
22 facilities to serve existing Indian homes and In-  
23 dian communities and new and renovated In-  
24 dian homes.



1           “(2) UNIFORM METHODOLOGY.—The method-  
2           ology used by the Secretary in determining, pre-  
3           paring cost estimates for, and reporting sanitation  
4           deficiencies for purposes of paragraph (1) shall be  
5           applied uniformly to all Indian Tribes and Indian  
6           communities.

7           “(3) SANITATION DEFICIENCY LEVELS.—For  
8           purposes of this subsection, the sanitation deficiency  
9           levels for an individual, Indian Tribe, or Indian com-  
10          munity sanitation facility to serve Indian homes are  
11          determined as follows:

12               “(A) A level I deficiency exists if a sanita-  
13               tion facility serving an individual, Indian Tribe,  
14               or Indian community—

15                       “(i) complies with all applicable water  
16                       supply, pollution control, and solid waste  
17                       disposal laws; and

18                       “(ii) deficiencies relate to routine re-  
19                       placement, repair, or maintenance needs.

20               “(B) A level II deficiency exists if a sanita-  
21               tion facility serving an individual, Indian Tribe,  
22               or Indian community substantially or recently  
23               complied with all applicable water supply, pollu-  
24               tion control, and solid waste laws and any defi-  
25               ciencies relate to—

1           “(i) small or minor capital improve-  
2           ments needed to bring the facility back  
3           into compliance;

4           “(ii) capital improvements that are  
5           necessary to enlarge or improve the facili-  
6           ties in order to meet the current needs for  
7           domestic sanitation facilities; or

8           “(iii) the lack of equipment or train-  
9           ing by an Indian Tribe, Tribal Organiza-  
10          tion, or an Indian community to properly  
11          operate and maintain the sanitation facili-  
12          ties.

13          “(C) A level III deficiency exists if a sani-  
14          tation facility serving an individual, Indian  
15          Tribe or Indian community meets 1 or more of  
16          the following conditions—

17               “(i) water or sewer service in the  
18               home is provided by a haul system with  
19               holding tanks and interior plumbing;

20               “(ii) major significant interruptions to  
21               water supply or sewage disposal occur fre-  
22               quently, requiring major capital improve-  
23               ments to correct the deficiencies; or

1           “(iii) there is no access to or no ap-  
2           proved or permitted solid waste facility  
3           available.

4           “(D) A level IV deficiency exists—

5           “(i) if a sanitation facility for an indi-  
6           vidual home, an Indian Tribe, or an Indian  
7           community exists but—

8           “(I) lacks—

9           “(aa) a safe water supply  
10           system; or

11           “(bb) a waste disposal sys-  
12           tem;

13           “(II) contains no piped water or  
14           sewer facilities; or

15           “(III) has become inoperable due  
16           to a major component failure; or

17           “(ii) if only a washeteria or central fa-  
18           cility exists in the community.

19           “(E) A level V deficiency exists in the ab-  
20           sence of a sanitation facility, where individual  
21           homes do not have access to safe drinking  
22           water or adequate wastewater (including sew-  
23           age) disposal.

24           “(i) DEFINITIONS.—For purposes of this section, the  
25           following terms apply:

1           “(1) INDIAN COMMUNITY.—The term ‘Indian  
2           community’ means a geographic area, a significant  
3           proportion of whose inhabitants are Indians and  
4           which is served by or capable of being served by a  
5           facility described in this section.

6           “(2) SANITATION FACILITIES.—The terms  
7           ‘sanitation facility’ and ‘sanitation facilities’ mean  
8           safe and adequate water supply systems, sanitary  
9           sewage disposal systems, and sanitary solid waste  
10          systems (and all related equipment and support in-  
11          frastructure).

12   **“SEC. 303. PREFERENCE TO INDIANS AND INDIAN FIRMS.**

13          “(a) BUY INDIAN ACT.—The Secretary, acting  
14          through the Service, may use the negotiating authority of  
15          section 23 of the Act of June 25, 1910 (25 U.S.C. 47,  
16          commonly known as the ‘Buy Indian Act’), to give pref-  
17          erence to any Indian or any enterprise, partnership, cor-  
18          poration, or other type of business organization owned and  
19          controlled by an Indian or Indians including former or  
20          currently federally recognized Indian Tribes in the State  
21          of New York (hereinafter referred to as an ‘Indian firm’)  
22          in the construction and renovation of Service facilities pur-  
23          suant to section 301 and in the construction of sanitation  
24          facilities pursuant to section 302. Such preference may be  
25          accorded by the Secretary unless the Secretary finds, pur-

1 suant to regulations, that the project or function to be  
2 contracted for will not be satisfactory or such project or  
3 function cannot be properly completed or maintained  
4 under the proposed contract. The Secretary, in arriving  
5 at such a finding, shall consider whether the Indian or  
6 Indian firm will be deficient with respect to—

7           “(1) ownership and control by Indians;

8           “(2) equipment;

9           “(3) bookkeeping and accounting procedures;

10           “(4) substantive knowledge of the project or  
11 function to be contracted for;

12           “(5) adequately trained personnel; or

13           “(6) other necessary components of contract  
14 performance.

15           “(b) LABOR STANDARDS.—

16           “(1) IN GENERAL.—For the purposes of imple-  
17 menting the provisions of this title, contracts for the  
18 construction or renovation of health care facilities,  
19 staff quarters, and sanitation facilities, and related  
20 support infrastructure, funded in whole or in part  
21 with funds made available pursuant to this title,  
22 shall contain a provision requiring compliance with  
23 subchapter IV of chapter 31 of title 40, United  
24 States Code (commonly known as the ‘Davis-Bacon  
25 Act’), unless such construction or renovation—



1 Self-Determination and Education Assistance Act (25  
2 U.S.C. 450 et seq.), including—

3 “(1) any plans or designs for such expansion,  
4 renovation, or modernization; and

5 “(2) any expansion, renovation, or moderniza-  
6 tion for which funds appropriated under any Federal  
7 law were lawfully expended.

8 “(b) PRIORITY LIST.—

9 “(1) IN GENERAL.—The Secretary shall main-  
10 tain a separate priority list to address the needs for  
11 increased operating expenses, personnel, or equip-  
12 ment for such facilities. The methodology for estab-  
13 lishing priorities shall be developed through regula-  
14 tions. The list of priority facilities will be revised an-  
15 nually in consultation with Indian Tribes and Tribal  
16 Organizations.

17 “(2) REPORT.—The Secretary shall submit to  
18 the President, for inclusion in the report required to  
19 be transmitted to Congress under section 801, the  
20 priority list maintained pursuant to paragraph (1).

21 “(c) REQUIREMENTS.—The requirements of this sub-  
22 section are met with respect to any expansion, renovation,  
23 or modernization if—

24 “(1) the Indian Tribe or Tribal Organization—

1           “(A) provides notice to the Secretary of its  
2 intent to expand, renovate, or modernize; and

3           “(B) applies to the Secretary to be placed  
4 on a separate priority list to address the needs  
5 of such new facilities for increased operating ex-  
6 penses, personnel, or equipment; and

7           “(2) the expansion, renovation, or moderniza-  
8 tion—

9           “(A) is approved by the appropriate area  
10 director of the Service for Federal facilities; and

11           “(B) is administered by the Indian Tribe  
12 or Tribal Organization in accordance with any  
13 applicable regulations prescribed by the Sec-  
14 retary with respect to construction or renova-  
15 tion of Service facilities.

16           “(d) ADDITIONAL REQUIREMENT FOR EXPANSION.—  
17 In addition to the requirements under subsection (c), for  
18 any expansion, the Indian Tribe or Tribal Organization  
19 shall provide to the Secretary additional information pur-  
20 suant to regulations, including additional staffing, equip-  
21 ment, and other costs associated with the expansion.

22           “(e) CLOSURE OR CONVERSION OF FACILITIES.—If  
23 any Service facility which has been expanded, renovated,  
24 or modernized by an Indian Tribe or Tribal Organization  
25 under this section ceases to be used as a Service facility



1 during the 20-year period beginning on the date such ex-  
2 pansion, renovation, or modernization is completed, such  
3 Indian Tribe or Tribal Organization shall be entitled to  
4 recover from the United States an amount which bears  
5 the same ratio to the value of such facility at the time  
6 of such cessation as the value of such expansion, renova-  
7 tion, or modernization (less the total amount of any funds  
8 provided specifically for such facility under any Federal  
9 program that were expended for such expansion, renova-  
10 tion, or modernization) bore to the value of such facility  
11 at the time of the completion of such expansion, renova-  
12 tion, or modernization.

13 **“SEC. 305. FUNDING FOR THE CONSTRUCTION, EXPANSION,**  
14 **AND MODERNIZATION OF SMALL AMBULA-**  
15 **TORY CARE FACILITIES.**

16 “(a) GRANTS.—

17 “(1) IN GENERAL.—The Secretary, acting  
18 through the Service, shall make grants to Indian  
19 Tribes and Tribal Organizations for the construc-  
20 tion, expansion, or modernization of facilities for the  
21 provision of ambulatory care services to eligible Indi-  
22 ans (and noneligible persons pursuant to subsections  
23 (b)(2) and (c)(1)(C)). A grant made under this sec-  
24 tion may cover up to 100 percent of the costs of  
25 such construction, expansion, or modernization. For

1 the purposes of this section, the term ‘construction’  
2 includes the replacement of an existing facility.

3 “(2) GRANT AGREEMENT REQUIRED.—A grant  
4 under paragraph (1) may only be made available to  
5 a Tribal Health Program operating an Indian health  
6 facility (other than a facility owned or constructed  
7 by the Service, including a facility originally owned  
8 or constructed by the Service and transferred to an  
9 Indian Tribe or Tribal Organization).

10 “(b) USE OF GRANT FUNDS.—

11 “(1) ALLOWABLE USES.—A grant awarded  
12 under this section may be used for the construction,  
13 expansion, or modernization (including the planning  
14 and design of such construction, expansion, or mod-  
15 ernization) of an ambulatory care facility—

16 “(A) located apart from a hospital;

17 “(B) not funded under section 301 or sec-  
18 tion 307; and

19 “(C) which, upon completion of such con-  
20 struction or modernization will—

21 “(i) have a total capacity appropriate  
22 to its projected service population;

23 “(ii) provide annually no fewer than  
24 150 patient visits by eligible Indians and  
25 other users who are eligible for services in

1           such facility in accordance with section  
2           807(e)(2); and

3           “(iii) provide ambulatory care in a  
4           Service Area (specified in the contract or  
5           compact under the Indian Self-Determina-  
6           tion and Education Assistance Act (25  
7           U.S.C. 450 et seq.)) with a population of  
8           no fewer than 1,500 eligible Indians and  
9           other users who are eligible for services in  
10          such facility in accordance with section  
11          807(e)(2).

12           “(2) ADDITIONAL ALLOWABLE USE.—The Sec-  
13          retary may also reserve a portion of the funding pro-  
14          vided under this section and use those reserved  
15          funds to reduce an outstanding debt incurred by In-  
16          dian Tribes or Tribal Organizations for the con-  
17          struction, expansion, or modernization of an ambula-  
18          tory care facility that meets the requirements under  
19          paragraph (1). The provisions of this section shall  
20          apply, except that such applications for funding  
21          under this paragraph shall be considered separately  
22          from applications for funding under paragraph (1).

23           “(3) USE ONLY FOR CERTAIN PORTION OF  
24          COSTS.—A grant provided under this section may be  
25          used only for the cost of that portion of a construc-

1       tion, expansion, or modernization project that bene-  
2       fits the Service population identified above in sub-  
3       section (b)(1)(C) (ii) and (iii). The requirements of  
4       clauses (ii) and (iii) of paragraph (1)(C) shall not  
5       apply to an Indian Tribe or Tribal Organization ap-  
6       plying for a grant under this section for a health  
7       care facility located or to be constructed on an is-  
8       land or when such facility is not located on a road  
9       system providing direct access to an inpatient hos-  
10      pital where care is available to the Service popu-  
11      lation.

12      “(c) GRANTS.—

13           “(1) APPLICATION.—No grant may be made  
14      under this section unless an application or proposal  
15      for the grant has been approved by the Secretary in  
16      accordance with applicable regulations and has set  
17      forth reasonable assurance by the applicant that, at  
18      all times after the construction, expansion, or mod-  
19      ernization of a facility carried out using a grant re-  
20      ceived under this section—

21           “(A) adequate financial support will be  
22      available for the provision of services at such  
23      facility;

1           “(B) such facility will be available to eligi-  
2           ble Indians without regard to ability to pay or  
3           source of payment; and

4           “(C) such facility will, as feasible without  
5           diminishing the quality or quantity of services  
6           provided to eligible Indians, serve noneligible  
7           persons on a cost basis.

8           “(2) PRIORITY.—In awarding grants under this  
9           section, the Secretary shall give priority to Indian  
10          Tribes and Tribal Organizations that demonstrate—

11           “(A) a need for increased ambulatory care  
12          services; and

13           “(B) insufficient capacity to deliver such  
14          services.

15          “(3) PEER REVIEW PANELS.—The Secretary  
16          may provide for the establishment of peer review  
17          panels, as necessary, to review and evaluate applica-  
18          tions and proposals and to advise the Secretary re-  
19          garding such applications using the criteria devel-  
20          oped pursuant to subsection (a)(1).

21          “(d) REVERSION OF FACILITIES.—If any facility (or  
22          portion thereof) with respect to which funds have been  
23          paid under this section, ceases, at any time after comple-  
24          tion of the construction, expansion, or modernization car-  
25          ried out with such funds, to be used for the purposes of

1 providing health care services to eligible Indians, all of the  
2 right, title, and interest in and to such facility (or portion  
3 thereof) shall transfer to the United States unless other-  
4 wise negotiated by the Service and the Indian Tribe or  
5 Tribal Organization.

6 “(e) FUNDING NONRECURRING.—Funding provided  
7 under this section shall be nonrecurring and shall not be  
8 available for inclusion in any individual Indian Tribe’s  
9 tribal share for an award under the Indian Self-Deter-  
10 mination and Education Assistance Act (25 U.S.C. 450  
11 et seq.) or for reallocation or redesign thereunder.

12 **“SEC. 306. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECT.**  
13

14 “(a) HEALTH CARE DEMONSTRATION PROJECTS.—  
15 The Secretary, acting through the Service, is authorized  
16 to enter into construction agreements under the Indian  
17 Self-Determination and Education Assistance Act (25  
18 U.S.C. 450 et seq.) with Indian Tribes or Tribal Organiza-  
19 tions for the purpose of carrying out a health care delivery  
20 demonstration project to test alternative means of deliv-  
21 ering health care and services to Indians through facilities.

22 “(b) USE OF FUNDS.—The Secretary, in approving  
23 projects pursuant to this section, may authorize funding  
24 for the construction and renovation of hospitals, health

1 centers, health stations, and other facilities to deliver  
2 health care services and is authorized to—

3 “(1) waive any leasing prohibition;

4 “(2) permit carryover of funds appropriated for  
5 the provision of health care services;

6 “(3) permit the use of other available funds;

7 “(4) permit the use of funds or property do-  
8 nated from any source for project purposes;

9 “(5) provide for the reversion of donated real or  
10 personal property to the donor; and

11 “(6) permit the use of Service funds to match  
12 other funds, including Federal funds.

13 “(c) REGULATIONS.—The Secretary shall develop  
14 and promulgate regulations, not later than 1 year after  
15 the date of enactment of the Indian Health Care Improve-  
16 ment Act Amendments of 2006, for the review and ap-  
17 proval of applications submitted under this section.

18 “(d) CRITERIA.—The Secretary may approve projects  
19 that meet the following criteria:

20 “(1) There is a need for a new facility or pro-  
21 gram or the reorientation of an existing facility or  
22 program.

23 “(2) A significant number of Indians, including  
24 those with low health status, will be served by the  
25 project.

1           “(3) The project has the potential to deliver  
2 services in an efficient and effective manner.

3           “(4) The project is economically viable.

4           “(5) The Indian Tribe or Tribal Organization  
5 has the administrative and financial capability to ad-  
6 minister the project.

7           “(6) The project is integrated with providers of  
8 related health and social services and is coordinated  
9 with, and avoids duplication of, existing services.

10          “(e) PEER REVIEW PANELS.—The Secretary may  
11 provide for the establishment of peer review panels, as nec-  
12 essary, to review and evaluate applications using the cri-  
13 teria developed pursuant to subsection (d).

14          “(f) PRIORITY.—The Secretary shall give priority to  
15 applications for demonstration projects in each of the fol-  
16 lowing Service Units to the extent that such applications  
17 are timely filed and meet the criteria specified in sub-  
18 section (d):

19           “(1) Cass Lake, Minnesota.

20           “(2) Clinton, Oklahoma.

21           “(3) Harlem, Montana.

22           “(4) Mescalero, New Mexico.

23           “(5) Owyhee, Nevada.

24           “(6) Parker, Arizona.

25           “(7) Schurz, Nevada.



1           “(8) Winnebago, Nebraska.

2           “(9) Ft. Yuma, California.

3           “(g) TECHNICAL ASSISTANCE.—The Secretary shall  
4 provide such technical and other assistance as may be nec-  
5 essary to enable applicants to comply with the provisions  
6 of this section.

7           “(h) SERVICE TO INELIGIBLE PERSONS.—Subject to  
8 section 807, the authority to provide services to persons  
9 otherwise ineligible for the health care benefits of the  
10 Service and the authority to extend hospital privileges in  
11 Service facilities to non-Service health practitioners as  
12 provided in section 807 may be included, subject to the  
13 terms of such section, in any demonstration project ap-  
14 proved pursuant to this section.

15           “(i) EQUITABLE TREATMENT.—For purposes of sub-  
16 section (d)(1), the Secretary shall, in evaluating facilities  
17 operated under any contract or compact under the Indian  
18 Self-Determination and Education Assistance Act (25  
19 U.S.C. 450 et seq.), use the same criteria that the Sec-  
20 retary uses in evaluating facilities operated directly by the  
21 Service.

22           “(j) EQUITABLE INTEGRATION OF FACILITIES.—The  
23 Secretary shall ensure that the planning, design, construc-  
24 tion, renovation, and expansion needs of Service and non-  
25 Service facilities which are the subject of a contract or

1 compact under the Indian Self-Determination and Edu-  
2 cation Assistance Act (25 U.S.C. 450 et seq.) for health  
3 services are fully and equitably integrated into the imple-  
4 mentation of the health care delivery demonstration  
5 projects under this section.

6 **“SEC. 307. LAND TRANSFER.**

7 “Notwithstanding any other provision of law, the Bu-  
8 reau of Indian Affairs and all other agencies and depart-  
9 ments of the United States are authorized to transfer, at  
10 no cost, land and improvements to the Service for the pro-  
11 vision of health care services. The Secretary is authorized  
12 to accept such land and improvements for such purposes.

13 **“SEC. 308. LEASES, CONTRACTS, AND OTHER AGREEMENTS.**

14 “The Secretary, acting through the Service, may  
15 enter into leases, contracts, and other agreements with In-  
16 dian Tribes and Tribal Organizations which hold (1) title  
17 to, (2) a leasehold interest in, or (3) a beneficial interest  
18 in (when title is held by the United States in trust for  
19 the benefit of an Indian Tribe) facilities used or to be used  
20 for the administration and delivery of health services by  
21 an Indian Health Program. Such leases, contracts, or  
22 agreements may include provisions for construction or ren-  
23 ovation and provide for compensation to the Indian Tribe  
24 or Tribal Organization of rental and other costs consistent  
25 with section 105(l) of the Indian Self-Determination and

1 Education Assistance Act (25 U.S.C. 450j(1)) and regula-  
2 tions thereunder.

3 **“SEC. 309. STUDY ON LOANS, LOAN GUARANTEES, AND**  
4 **LOAN REPAYMENT.**

5 “(a) IN GENERAL.—The Secretary, in consultation  
6 with the Secretary of the Treasury, Indian Tribes, and  
7 Tribal Organizations, shall carry out a study to determine  
8 the feasibility of establishing a loan fund to provide to In-  
9 dian Tribes and Tribal Organizations direct loans or guar-  
10 antees for loans for the construction of health care facili-  
11 ties, including—

12 “(1) inpatient facilities;

13 “(2) outpatient facilities;

14 “(3) staff quarters;

15 “(4) hostels; and

16 “(5) specialized care facilities, such as behav-  
17 ioral health and elder care facilities.

18 “(b) DETERMINATIONS.—In carrying out the study  
19 under subsection (a), the Secretary shall determine—

20 “(1) the maximum principal amount of a loan  
21 or loan guarantee that should be offered to a recipi-  
22 ent from the loan fund;

23 “(2) the percentage of eligible costs, not to ex-  
24 ceed 100 percent, that may be covered by a loan or  
25 loan guarantee from the loan fund (including costs

1 relating to planning, design, financing, site land de-  
2 velopment, construction, rehabilitation, renovation,  
3 conversion, improvements, medical equipment and  
4 furnishings, and other facility-related costs and cap-  
5 ital purchase (but excluding staffing));

6 “(3) the cumulative total of the principal of di-  
7 rect loans and loan guarantees, respectively, that  
8 may be outstanding at any 1 time;

9 “(4) the maximum term of a loan or loan guar-  
10 antee that may be made for a facility from the loan  
11 fund;

12 “(5) the maximum percentage of funds from  
13 the loan fund that should be allocated for payment  
14 of costs associated with planning and applying for a  
15 loan or loan guarantee;

16 “(6) whether acceptance by the Secretary of an  
17 assignment of the revenue of an Indian Tribe or  
18 Tribal Organization as security for any direct loan  
19 or loan guarantee from the loan fund would be ap-  
20 propriate;

21 “(7) whether, in the planning and design of  
22 health facilities under this section, users eligible  
23 under section 807(c) may be included in any projec-  
24 tion of patient population;

1           “(8) whether funds of the Service provided  
2 through loans or loan guarantees from the loan fund  
3 should be eligible for use in matching other Federal  
4 funds under other programs;

5           “(9) the appropriateness of, and best methods  
6 for, coordinating the loan fund with the health care  
7 priority system of the Service under section 301; and

8           “(10) any legislative or regulatory changes re-  
9 quired to implement recommendations of the Sec-  
10 retary based on results of the study.

11          “(c) REPORT.—Not later than September 30, 2008,  
12 the Secretary shall submit to the Committee on Indian Af-  
13 fairs of the Senate and the Committee on Resources and  
14 the Committee on Energy and Commerce of the House  
15 of Representatives a report that describes—

16           “(1) the manner of consultation made as re-  
17 quired by subsection (a); and

18           “(2) the results of the study, including any rec-  
19 ommendations of the Secretary based on results of  
20 the study.

21 **“SEC. 310. TRIBAL LEASING.**

22          “A Tribal Health Program may lease permanent  
23 structures for the purpose of providing health care services  
24 without obtaining advance approval in appropriation Acts.

1 **“SEC. 311. INDIAN HEALTH SERVICE/TRIBAL FACILITIES**  
2 **JOINT VENTURE PROGRAM.**

3 “(a) IN GENERAL.—The Secretary, acting through  
4 the Service, shall make arrangements with Indian Tribes  
5 and Tribal Organizations to establish joint venture dem-  
6 onstration projects under which an Indian Tribe or Tribal  
7 Organization shall expend tribal, private, or other avail-  
8 able funds, for the acquisition or construction of a health  
9 facility for a minimum of 10 years, under a no-cost lease,  
10 in exchange for agreement by the Service to provide the  
11 equipment, supplies, and staffing for the operation and  
12 maintenance of such a health facility. An Indian Tribe or  
13 Tribal Organization may use tribal funds, private sector,  
14 or other available resources, including loan guarantees, to  
15 fulfill its commitment under a joint venture entered into  
16 under this subsection. An Indian Tribe or Tribal Organi-  
17 zation shall be eligible to establish a joint venture project  
18 if, when it submits a letter of intent, it—

19 “(1) has begun but not completed the process  
20 of acquisition or construction of a health facility to  
21 be used in the joint venture project; or

22 “(2) has not begun the process of acquisition or  
23 construction of a health facility for use in the joint  
24 venture project.

1       “(b) REQUIREMENTS.—The Secretary shall make  
2 such an arrangement with an Indian Tribe or Tribal Orga-  
3 nization only if—

4               “(1) the Secretary first determines that the In-  
5 dian Tribe or Tribal Organization has the adminis-  
6 trative and financial capabilities necessary to com-  
7 plete the timely acquisition or construction of the  
8 relevant health facility; and

9               “(2) the Indian Tribe or Tribal Organization  
10 meets the need criteria determined using the criteria  
11 developed under the health care facility priority sys-  
12 tem under section 301, unless the Secretary deter-  
13 mines, pursuant to regulations, that other criteria  
14 will result in a more cost-effective and efficient  
15 method of facilitating and completing construction of  
16 health care facilities.

17       “(c) CONTINUED OPERATION.—The Secretary shall  
18 negotiate an agreement with the Indian Tribe or Tribal  
19 Organization regarding the continued operation of the fa-  
20 cility at the end of the initial 10 year no-cost lease period.

21       “(d) BREACH OF AGREEMENT.—An Indian Tribe or  
22 Tribal Organization that has entered into a written agree-  
23 ment with the Secretary under this section, and that  
24 breaches or terminates without cause such agreement,  
25 shall be liable to the United States for the amount that

1 has been paid to the Indian Tribe or Tribal Organization,  
2 or paid to a third party on the Indian Tribe's or Tribal  
3 Organization's behalf, under the agreement. The Sec-  
4 retary has the right to recover tangible property (including  
5 supplies) and equipment, less depreciation, and any funds  
6 expended for operations and maintenance under this sec-  
7 tion. The preceding sentence does not apply to any funds  
8 expended for the delivery of health care services, per-  
9 sonnel, or staffing.

10       “(e) RECOVERY FOR NONUSE.—An Indian Tribe or  
11 Tribal Organization that has entered into a written agree-  
12 ment with the Secretary under this subsection shall be en-  
13 titled to recover from the United States an amount that  
14 is proportional to the value of such facility if, at any time  
15 within the 10-year term of the agreement, the Service  
16 ceases to use the facility or otherwise breaches the agree-  
17 ment.

18       “(f) DEFINITION.—For the purposes of this section,  
19 the term ‘health facility’ or ‘health facilities’ includes  
20 quarters needed to provide housing for staff of the rel-  
21 evant Tribal Health Program.

22 **“SEC. 312. LOCATION OF FACILITIES.**

23       “(a) IN GENERAL.—In all matters involving the reor-  
24 ganization or development of Service facilities or in the  
25 establishment of related employment projects to address



1 unemployment conditions in economically depressed areas,  
2 the Bureau of Indian Affairs and the Service shall give  
3 priority to locating such facilities and projects on Indian  
4 lands, or lands in Alaska owned by any Alaska Native vil-  
5 lage, or village or regional corporation under the Alaska  
6 Native Claims Settlement Act (25 U.S.C. 1601 et seq.),  
7 or any land allotted to any Alaska Native, if requested  
8 by the Indian owner and the Indian Tribe with jurisdiction  
9 over such lands or other lands owned or leased by the In-  
10 dian Tribe or Tribal Organization. Top priority shall be  
11 given to Indian land owned by 1 or more Indian Tribes.

12 “(b) DEFINITION.—For purposes of this section, the  
13 term ‘Indian lands’ means—

14 “(1) all lands within the exterior boundaries of  
15 any reservation; and

16 “(2) any lands title to which is held in trust by  
17 the United States for the benefit of any Indian  
18 Tribe or individual Indian or held by any Indian  
19 Tribe or individual Indian subject to restriction by  
20 the United States against alienation.

21 **“SEC. 313. MAINTENANCE AND IMPROVEMENT OF HEALTH**  
22 **CARE FACILITIES.**

23 “(a) REPORT.—The Secretary shall submit to the  
24 President, for inclusion in the report required to be trans-  
25 mitted to Congress under section 801, a report which iden-

1 tifies the backlog of maintenance and repair work required  
2 at both Service and tribal health care facilities, including  
3 new health care facilities expected to be in operation in  
4 the next fiscal year. The report shall also identify the need  
5 for renovation and expansion of existing facilities to sup-  
6 port the growth of health care programs.

7       “(b) MAINTENANCE OF NEWLY CONSTRUCTED  
8 SPACE.—The Secretary, acting through the Service, is au-  
9 thorized to expend maintenance and improvement funds  
10 to support maintenance of newly constructed space only  
11 if such space falls within the approved supportable space  
12 allocation for the Indian Tribe or Tribal Organization.  
13 Supportable space allocation shall be defined through the  
14 health care facility priority system under section 301(c).

15       “(c) REPLACEMENT FACILITIES.—In addition to  
16 using maintenance and improvement funds for renovation,  
17 modernization, and expansion of facilities, an Indian Tribe  
18 or Tribal Organization may use maintenance and improve-  
19 ment funds for construction of a replacement facility if  
20 the costs of renovation of such facility would exceed a  
21 maximum renovation cost threshold. The maximum ren-  
22 ovation cost threshold shall be determined through the ne-  
23 gotiated rulemaking process provided for under section  
24 802.

1 **“SEC. 314. TRIBAL MANAGEMENT OF FEDERALLY-OWNED**  
2 **QUARTERS.**

3 “(a) RENTAL RATES.—

4 “(1) ESTABLISHMENT.—Notwithstanding any  
5 other provision of law, a Tribal Health Program  
6 which operates a hospital or other health facility and  
7 the federally-owned quarters associated therewith  
8 pursuant to a contract or compact under the Indian  
9 Self-Determination and Education Assistance Act  
10 (25 U.S.C. 450 et seq.) shall have the authority to  
11 establish the rental rates charged to the occupants  
12 of such quarters by providing notice to the Secretary  
13 of its election to exercise such authority, provided  
14 that the method for establishing such rates be iden-  
15 tified according to guidelines (such as OMB Circular  
16 A-45) which will ensure that rents shall be collected,  
17 that the rents are fair and reasonable, and that the  
18 tenants are not treated inequitably relative to other  
19 similar quarters, such as for the Bureau of Indian  
20 Affairs.

21 “(2) OBJECTIVES.—In establishing rental rates  
22 pursuant to authority of this subsection, a Tribal  
23 Health Program shall endeavor to achieve the fol-  
24 lowing objectives:

1           “(A) To base such rental rates on the rea-  
2           sonable value of the quarters to the occupants  
3           thereof.

4           “(B) To generate sufficient funds to pru-  
5           dently provide for the operation and mainte-  
6           nance of the quarters, and subject to the discre-  
7           tion of the Tribal Health Program, to supply  
8           reserve funds for capital repairs and replace-  
9           ment of the quarters.

10          “(3) **EQUITABLE FUNDING.**—Any quarters  
11          whose rental rates are established by a Tribal  
12          Health Program pursuant to this subsection shall  
13          remain eligible for quarters improvement and repair  
14          funds to the same extent as all federally-owned quar-  
15          ters used to house personnel in Services-supported  
16          programs.

17          “(4) **NOTICE OF RATE CHANGE.**—A Tribal  
18          Health Program which exercises the authority pro-  
19          vided under this subsection shall provide occupants  
20          with no less than 60 days notice of any change in  
21          rental rates.

22          “(b) **DIRECT COLLECTION OF RENT.**—

23                 “(1) **IN GENERAL.**—Notwithstanding any other  
24                 provision of law, and subject to paragraph (2), a  
25                 Tribal Health Program shall have the authority to

1 collect rents directly from Federal employees who oc-  
2 cupy such quarters in accordance with the following:

3 “(A) The Tribal Health Program shall no-  
4 tify the Secretary and the subject Federal em-  
5 ployees of its election to exercise its authority  
6 to collect rents directly from such Federal em-  
7 ployees.

8 “(B) Upon receipt of a notice described in  
9 subparagraph (A), the Federal employees shall  
10 pay rents for occupancy of such quarters di-  
11 rectly to the Tribal Health Program and the  
12 Secretary shall have no further authority to col-  
13 lect rents from such employees through payroll  
14 deduction or otherwise.

15 “(C) Such rent payments shall be retained  
16 by the Tribal Health Program and shall not be  
17 made payable to or otherwise be deposited with  
18 the United States.

19 “(D) Such rent payments shall be depos-  
20 ited into a separate account which shall be used  
21 by the Tribal Health Program for the mainte-  
22 nance (including capital repairs and replace-  
23 ment) and operation of the quarters and facili-  
24 ties as the Tribal Health Program shall deter-  
25 mine.

1           “(2) RETROCESSION OF AUTHORITY.—If a  
2 Tribal Health Program which has made an election  
3 under paragraph (1) requests retrocession of its au-  
4 thority to directly collect rents from Federal employ-  
5 ees occupying federally-owned quarters, such ret-  
6 rocession shall become effective on the earlier of—

7           “(A) the first day of the month that begins  
8 no less than 180 days after the Tribal Health  
9 Program notifies the Secretary of its desire to  
10 retrocede; or

11           “(B) such other date as may be mutually  
12 agreed by the Secretary and the Tribal Health  
13 Program.

14           “(c) RATES IN ALASKA.—To the extent that a Tribal  
15 Health Program, pursuant to authority granted in sub-  
16 section (a), establishes rental rates for federally-owned  
17 quarters provided to a Federal employee in Alaska, such  
18 rents may be based on the cost of comparable private rent-  
19 al housing in the nearest established community with a  
20 year-round population of 1,500 or more individuals.

21 **“SEC. 315. APPLICABILITY OF BUY AMERICAN ACT RE-**  
22 **QUIREMENT.**

23           “(a) APPLICABILITY.—The Secretary shall ensure  
24 that the requirements of the Buy American Act apply to  
25 all procurements made with funds provided pursuant to

1 section 317. Indian Tribes and Tribal Organizations shall  
2 be exempt from these requirements.

3 “(b) EFFECT OF VIOLATION.—If it has been finally  
4 determined by a court or Federal agency that any person  
5 intentionally affixed a label bearing a ‘Made in America’  
6 inscription or any inscription with the same meaning, to  
7 any product sold in or shipped to the United States that  
8 is not made in the United States, such person shall be  
9 ineligible to receive any contract or subcontract made with  
10 funds provided pursuant to section 317, pursuant to the  
11 debarment, suspension, and ineligibility procedures de-  
12 scribed in sections 9.400 through 9.409 of title 48, Code  
13 of Federal Regulations.

14 “(c) DEFINITIONS.—For purposes of this section, the  
15 term ‘Buy American Act’ means title III of the Act enti-  
16 tled ‘An Act making appropriations for the Treasury and  
17 Post Office Departments for the fiscal year ending June  
18 30, 1934, and for other purposes’, approved March 3,  
19 1933 (41 U.S.C. 10a et seq.).

20 **“SEC. 316. OTHER FUNDING FOR FACILITIES.**

21 “(a) AUTHORITY TO ACCEPT FUNDS.—The Sec-  
22 retary is authorized to accept from any source, including  
23 Federal and State agencies, funds that are available for  
24 the construction of health care facilities and use such  
25 funds to plan, design, and construct health care facilities

1 for Indians and to place such funds into a contract or com-  
2 pact under the Indian Self-Determination and Education  
3 Assistance Act (25 U.S.C. 450 et seq.). Receipt of such  
4 funds shall have no effect on the priorities established pur-  
5 suant to section 301.

6 “(b) INTERAGENCY AGREEMENTS.—The Secretary is  
7 authorized to enter into interagency agreements with  
8 other Federal agencies or State agencies and other entities  
9 and to accept funds from such Federal or State agencies  
10 or other sources to provide for the planning, design, and  
11 construction of health care facilities to be administered by  
12 Indian Health Programs in order to carry out the pur-  
13 poses of this Act and the purposes for which the funds  
14 were appropriated or for which the funds were otherwise  
15 provided.

16 “(c) ESTABLISHMENT OF STANDARDS.—The Sec-  
17 retary, through the Service, shall establish standards by  
18 regulation for the planning, design, and construction of  
19 health care facilities serving Indians under this Act.

20 **“SEC. 317. AUTHORIZATION OF APPROPRIATIONS.**

21 “There are authorized to be appropriated such sums  
22 as may be necessary for each fiscal year through fiscal  
23 year 2016 to carry out this title.



1 **“TITLE IV—ACCESS TO HEALTH**  
2 **SERVICES**

3 **“SEC. 401. TREATMENT OF PAYMENTS UNDER SOCIAL SE-**  
4 **CURITY ACT HEALTH BENEFITS PROGRAMS.**

5 “(a) DISREGARD OF MEDICARE, MEDICAID, AND  
6 SCHIP PAYMENTS IN DETERMINING APPROPRIATIONS.—  
7 Any payments received by an Indian Health Program or  
8 by an Urban Indian Organization under title XVIII, XIX,  
9 or XXI of the Social Security Act for services provided  
10 to Indians eligible for benefits under such respective titles  
11 shall not be considered in determining appropriations for  
12 the provision of health care and services to Indians.

13 “(b) NONPREFERENTIAL TREATMENT.—Nothing in  
14 this Act authorizes the Secretary to provide services to an  
15 Indian with coverage under title XVIII, XIX, or XXI of  
16 the Social Security Act in preference to an Indian without  
17 such coverage.

18 “(c) USE OF FUNDS.—

19 “(1) SPECIAL FUND.—

20 “(A) 100 PERCENT PASS-THROUGH OF  
21 PAYMENTS DUE TO FACILITIES.—Notwith-  
22 standing any other provision of law, but subject  
23 to paragraph (2), payments to which a facility  
24 of the Service is entitled by reason of a provi-  
25 sion of the Social Security Act shall be placed

1 in a special fund to be held by the Secretary.  
2 In making payments from such fund, the Sec-  
3 retary shall ensure that each Service Unit of  
4 the Service receives 100 percent of the amount  
5 to which the facilities of the Service, for which  
6 such Service Unit makes collections, are enti-  
7 tled by reason of a provision of the Social Secu-  
8 rity Act.

9 “(B) USE OF FUNDS.—Amounts received  
10 by a facility of the Service under subparagraph  
11 (A) shall first be used (to such extent or in  
12 such amounts as are provided in appropriation  
13 Acts) for the purpose of making any improve-  
14 ments in the programs of the Service operated  
15 by or through such facility which may be nec-  
16 essary to achieve or maintain compliance with  
17 the applicable conditions and requirements of  
18 titles XVIII and XIX of the Social Security  
19 Act. Any amounts so received that are in excess  
20 of the amount necessary to achieve or maintain  
21 such conditions and requirements shall, subject  
22 to consultation with the Indian Tribes being  
23 served by the Service Unit, be used for reducing  
24 the health resource deficiencies (as determined  
25 under section 201(d)) of such Indian Tribes.

1           “(2) DIRECT PAYMENT OPTION.—Paragraph  
2 (1) shall not apply to a Tribal Health Program upon  
3 the election of such Program under subsection (d) to  
4 receive payments directly. No payment may be made  
5 out of the special fund described in such paragraph  
6 with respect to reimbursement made for services  
7 provided by such Program during the period of such  
8 election.

9           “(d) DIRECT BILLING.—

10           “(1) IN GENERAL.—Subject to complying with  
11 the requirements of paragraph (2), a Tribal Health  
12 Program may elect to directly bill for, and receive  
13 payment for, health care items and services provided  
14 by such Program for which payment is made under  
15 title XVIII or XIX of the Social Security Act or  
16 from any other third party payor.

17           “(2) DIRECT REIMBURSEMENT.—

18           “(A) USE OF FUNDS.—Each Tribal Health  
19 Program making the election described in para-  
20 graph (1) with respect to a program under a  
21 title of the Social Security Act shall be reim-  
22 bursed directly by that program for items and  
23 services furnished without regard to subsection  
24 (c)(1), but all amounts so reimbursed shall be  
25 used by the Tribal Health Program for the pur-

1           pose of making any improvements in facilities  
2           of the Tribal Health Program that may be nec-  
3           essary to achieve or maintain compliance with  
4           the conditions and requirements applicable gen-  
5           erally to such items and services under the pro-  
6           gram under such title and to provide additional  
7           health care services, improvements in health  
8           care facilities and Tribal Health Programs, any  
9           health care related purpose, or otherwise to  
10          achieve the objectives provided in section 3 of  
11          this Act.

12                 “(B) AUDITS.—The amounts paid to a  
13          Tribal Health Program making the election de-  
14          scribed in paragraph (1) with respect to a pro-  
15          gram under a title of the Social Security Act  
16          shall be subject to all auditing requirements ap-  
17          plicable to the program under such title, as well  
18          as all auditing requirements applicable to pro-  
19          grams administered by an Indian Health Pro-  
20          gram. Nothing in the preceding sentence shall  
21          be construed as limiting the application of au-  
22          diting requirements applicable to amounts paid  
23          under title XVIII, XIX, or XXI of the Social  
24          Security Act.

1           “(C) IDENTIFICATION OF SOURCE OF PAY-  
2           MENTS.—Any Tribal Health Program that re-  
3           ceives reimbursements or payments under title  
4           XVIII, XIX, or XXI of the Social Security Act,  
5           shall provide to the Service a list of each pro-  
6           vider enrollment number (or other identifier)  
7           under which such Program receives such reim-  
8           bursements or payments.

9           “(3) EXAMINATION AND IMPLEMENTATION OF  
10          CHANGES.—

11           “(A) IN GENERAL.—The Secretary, acting  
12           through the Service and with the assistance of  
13           the Administrator of the Centers for Medicare  
14           & Medicaid Services, shall examine on an ongo-  
15           ing basis and implement any administrative  
16           changes that may be necessary to facilitate di-  
17           rect billing and reimbursement under the pro-  
18           gram established under this subsection, includ-  
19           ing any agreements with States that may be  
20           necessary to provide for direct billing under a  
21           program under a title of the Social Security  
22           Act.

23           “(B) COORDINATION OF INFORMATION.—  
24           The Service shall provide the Administrator of  
25           the Centers for Medicare & Medicaid Services

1 with copies of the lists submitted to the Service  
2 under paragraph (2)(C), enrollment data re-  
3 garding patients served by the Service (and by  
4 Tribal Health Programs, to the extent such  
5 data is available to the Service), and such other  
6 information as the Administrator may require  
7 for purposes of administering title XVIII, XIX,  
8 or XXI of the Social Security Act.

9 “(4) WITHDRAWAL FROM PROGRAM.—A Tribal  
10 Health Program that bills directly under the pro-  
11 gram established under this subsection may with-  
12 draw from participation in the same manner and  
13 under the same conditions that an Indian Tribe or  
14 Tribal Organization may retrocede a contracted pro-  
15 gram to the Secretary under the authority of the In-  
16 dian Self-Determination and Education Assistance  
17 Act (25 U.S.C. 450 et seq.). All cost accounting and  
18 billing authority under the program established  
19 under this subsection shall be returned to the Sec-  
20 retary upon the Secretary’s acceptance of the with-  
21 drawal of participation in this program.

22 “(5) TERMINATION FOR FAILURE TO COMPLY  
23 WITH REQUIREMENTS.—The Secretary may termi-  
24 nate the participation of a Tribal Health Program or  
25 in the direct billing program established under this

1 subsection if the Secretary determines that the Pro-  
 2 gram has failed to comply with the requirements of  
 3 paragraph (2). The Secretary shall provide a Tribal  
 4 Health Program with notice of a determination that  
 5 the Program has failed to comply with any such re-  
 6 quirement and a reasonable opportunity to correct  
 7 such noncompliance prior to terminating the Pro-  
 8 gram's participation in the direct billing program es-  
 9 tablished under this subsection.

10 “(e) RELATED PROVISIONS UNDER THE SOCIAL SE-  
 11 CURITY ACT.—For provisions related to subsections (c)  
 12 and (d), see sections 1880, 1911, and 2107(e)(1)(D) of  
 13 the Social Security Act.

14 **“SEC. 402. GRANTS TO AND CONTRACTS WITH THE SERV-  
 15 ICE, INDIAN TRIBES, TRIBAL ORGANIZA-  
 16 TIONS, AND URBAN INDIAN ORGANIZATIONS  
 17 TO FACILITATE OUTREACH, ENROLLMENT,  
 18 AND COVERAGE OF INDIANS UNDER SOCIAL  
 19 SECURITY ACT HEALTH BENEFIT PROGRAMS  
 20 AND OTHER HEALTH BENEFITS PROGRAMS.**

21 “(a) INDIAN TRIBES AND TRIBAL ORGANIZA-  
 22 TIONS.—From funds appropriated to carry out this title  
 23 in accordance with section 415, the Secretary, acting  
 24 through the Service, shall make grants to or enter into  
 25 contracts with Indian Tribes and Tribal Organizations to

1 assist such Tribes and Tribal Organizations in estab-  
2 lishing and administering programs on or near reserva-  
3 tions and trust lands to assist individual Indians—

4           “(1) to enroll for benefits under a program es-  
5 tablished under title XVIII, XIX, or XXI of the So-  
6 cial Security Act and other health benefits pro-  
7 grams; and

8           “(2) with respect to such programs for which  
9 the charging of premiums and cost sharing is not  
10 prohibited under such programs, to pay premiums or  
11 cost sharing for coverage for such benefits, which  
12 may be based on financial need (as determined by  
13 the Indian Tribe or Tribes or Tribal Organizations  
14 being served based on a schedule of income levels de-  
15 veloped or implemented by such Tribe, Tribes, or  
16 Tribal Organizations).

17           “(b) CONDITIONS.—The Secretary, acting through  
18 the Service, shall place conditions as deemed necessary to  
19 effect the purpose of this section in any grant or contract  
20 which the Secretary makes with any Indian Tribe or Trib-  
21 al Organization pursuant to this section. Such conditions  
22 shall include requirements that the Indian Tribe or Tribal  
23 Organization successfully undertake—

24           “(1) to determine the population of Indians eli-  
25 gible for the benefits described in subsection (a);



1           “(2) to educate Indians with respect to the ben-  
2           efits available under the respective programs;

3           “(3) to provide transportation for such indi-  
4           vidual Indians to the appropriate offices for enroll-  
5           ment or applications for such benefits; and

6           “(4) to develop and implement methods of im-  
7           proving the participation of Indians in receiving ben-  
8           efits under such programs.

9           “(c) APPLICATION TO URBAN INDIAN ORGANIZA-  
10          TIONS.—

11           “(1) IN GENERAL.—The provisions of sub-  
12           section (a) shall apply with respect to grants and  
13           other funding to Urban Indian Organizations with  
14           respect to populations served by such organizations  
15           in the same manner they apply to grants and con-  
16           tracts with Indian Tribes and Tribal Organizations  
17           with respect to programs on or near reservations.

18           “(2) REQUIREMENTS.—The Secretary shall in-  
19           clude in the grants or contracts made or provided  
20           under paragraph (1) requirements that are—

21                   “(A) consistent with the requirements im-  
22                   posed by the Secretary under subsection (b);

23                   “(B) appropriate to Urban Indian Organi-  
24                   zations and Urban Indians; and

1                   “(C) necessary to effect the purposes of  
2                   this section.

3           “(d) FACILITATING COOPERATION.—The Secretary,  
4 acting through the Centers for Medicare & Medicaid Serv-  
5 ices, shall take such steps as are necessary to facilitate  
6 cooperation with, and agreements between, States and the  
7 Service, Indian Tribes, Tribal Organizations, or Urban In-  
8 dian Organizations with respect to the provision of health  
9 care items and services to Indians under the programs es-  
10 tablished under title XVIII, XIX, or XXI of the Social  
11 Security Act.

12           “(e) AGREEMENTS RELATING TO IMPROVING EN-  
13 ROLLMENT OF INDIANS UNDER SOCIAL SECURITY ACT  
14 HEALTH BENEFITS PROGRAMS.—For provisions relating  
15 to agreements between the Secretary, acting through the  
16 Service, and Indian Tribes, Tribal Organizations, and  
17 Urban Indian Organization for the collection, preparation,  
18 and submission of applications by Indians for assistance  
19 under the Medicaid and State children’s health insurance  
20 programs established under titles XIX and XXI of the So-  
21 cial Security Act, and benefits under the Medicare pro-  
22 gram established under title XVIII of such Act, see sub-  
23 sections (a) and (b) of section 1139 of the Social Security  
24 Act.

1       “(f) DEFINITION OF PREMIUMS AND COST SHAR-  
2     ING.—In this section:

3               “(1) PREMIUM.—The term ‘premium’ includes  
4     any enrollment fee or similar charge.

5               “(2) COST SHARING.—The term ‘cost sharing’  
6     includes any deduction, deductible, copayment, coin-  
7     surance, or similar charge.

8     **“SEC. 403. REIMBURSEMENT FROM CERTAIN THIRD PAR-  
9                               TIES OF COSTS OF HEALTH SERVICES.**

10       “(a) RIGHT OF RECOVERY.—Except as provided in  
11     subsection (f), the United States, an Indian Tribe, or  
12     Tribal Organization shall have the right to recover from  
13     an insurance company, health maintenance organization,  
14     employee benefit plan, third-party tortfeasor, or any other  
15     responsible or liable third party (including a political sub-  
16     division or local governmental entity of a State) the rea-  
17     sonable expenses incurred and billed by the Secretary, an  
18     Indian Tribe, or Tribal Organization in providing health  
19     services through the Service, an Indian Tribe, or Tribal  
20     Organization to any individual to the same extent that  
21     such individual, or any nongovernmental provider of such  
22     services, would be eligible to receive damages, reimburse-  
23     ment, or indemnification for such charges or expenses if—

24               “(1) such services had been provided by a non-  
25     governmental provider; and

1           “(2) such individual had been required to pay  
2           such charges or expenses and did pay such charges  
3           or expenses.

4           “(b) LIMITATIONS ON RECOVERIES FROM STATES.—  
5           Subsection (a) shall provide a right of recovery against  
6           any State, only if the injury, illness, or disability for which  
7           health services were provided is covered under—

8                   “(1) workers’ compensation laws; or

9                   “(2) a no-fault automobile accident insurance  
10           plan or program.

11           “(c) NONAPPLICATION OF OTHER LAWS.—No law of  
12           any State, or of any political subdivision of a State and  
13           no provision of any contract, insurance or health mainte-  
14           nance organization policy, employee benefit plan, self-in-  
15           surance plan, managed care plan, or other health care plan  
16           or program entered into or renewed after the date of the  
17           enactment of the Indian Health Care Amendments of  
18           1988, shall prevent or hinder the right of recovery of the  
19           United States, an Indian Tribe, or Tribal Organization  
20           under subsection (a).

21           “(d) NO EFFECT ON PRIVATE RIGHTS OF ACTION.—  
22           No action taken by the United States, an Indian Tribe,  
23           or Tribal Organization to enforce the right of recovery  
24           provided under this section shall operate to deny to the

1 injured person the recovery for that portion of the person's  
2 damage not covered hereunder.

3 “(e) ENFORCEMENT.—

4 “(1) IN GENERAL.—The United States, an In-  
5 dian Tribe, or Tribal Organization may enforce the  
6 right of recovery provided under subsection (a) by—

7 “(A) intervening or joining in any civil ac-  
8 tion or proceeding brought—

9 “(i) by the individual for whom health  
10 services were provided by the Secretary, an  
11 Indian Tribe, or Tribal Organization; or

12 “(ii) by any representative or heirs of  
13 such individual, or

14 “(B) instituting a civil action, including a  
15 civil action for injunctive relief and other relief  
16 and including, with respect to a political sub-  
17 division or local governmental entity of a State,  
18 such an action against an official thereof.

19 “(2) NOTICE.—All reasonable efforts shall be  
20 made to provide notice of action instituted under  
21 paragraph (1)(B) to the individual to whom health  
22 services were provided, either before or during the  
23 pendency of such action.

24 “(f) LIMITATION.—Absent specific written authoriza-  
25 tion by the governing body of an Indian Tribe for the pe-

1 rioid of such authorization (which may not be for a period  
2 of more than 1 year and which may be revoked at any  
3 time upon written notice by the governing body to the  
4 Service), the United States shall not have a right of recov-  
5 ery under this section if the injury, illness, or disability  
6 for which health services were provided is covered under  
7 a self-insurance plan funded by an Indian Tribe, Tribal  
8 Organization, or Urban Indian Organization. Where such  
9 authorization is provided, the Service may receive and ex-  
10 pend such amounts for the provision of additional health  
11 services consistent with such authorization.

12       “(g) COSTS AND ATTORNEYS’ FEES.—In any action  
13 brought to enforce the provisions of this section, a pre-  
14 vailing plaintiff shall be awarded its reasonable attorneys’  
15 fees and costs of litigation.

16       “(h) NONAPPLICATION OF CLAIMS FILING REQUIRE-  
17 MENTS.—An insurance company, health maintenance or-  
18 ganization, self-insurance plan, managed care plan, or  
19 other health care plan or program (under the Social Secu-  
20 rity Act or otherwise) may not deny a claim for benefits  
21 submitted by the Service or by an Indian Tribe or Tribal  
22 Organization based on the format in which the claim is  
23 submitted if such format complies with the format re-  
24 quired for submission of claims under title XVIII of the

1 Social Security Act or recognized under section 1175 of  
2 such Act.

3 “(i) APPLICATION TO URBAN INDIAN ORGANIZA-  
4 TIONS.—The previous provisions of this section shall apply  
5 to Urban Indian Organizations with respect to populations  
6 served by such Organizations in the same manner they  
7 apply to Indian Tribes and Tribal Organizations with re-  
8 spect to populations served by such Indian Tribes and  
9 Tribal Organizations.

10 “(j) STATUTE OF LIMITATIONS.—The provisions of  
11 section 2415 of title 28, United States Code, shall apply  
12 to all actions commenced under this section, and the ref-  
13 erences therein to the United States are deemed to include  
14 Indian Tribes, Tribal Organizations, and Urban Indian  
15 Organizations.

16 “(k) SAVINGS.—Nothing in this section shall be con-  
17 strued to limit any right of recovery available to the  
18 United States, an Indian Tribe, or Tribal Organization  
19 under the provisions of any applicable, Federal, State, or  
20 Tribal law, including medical lien laws and the Federal  
21 Medical Care Recovery Act (42 U.S.C. 2651 et seq.).

22 **“SEC. 404. CREDITING OF REIMBURSEMENTS.**

23 “(a) USE OF AMOUNTS.—

24 “(1) RETENTION BY PROGRAM.—Except as pro-  
25 vided in section 202(g) (relating to the Catastrophic

1 Health Emergency Fund) and section 807 (relating  
2 to health services for ineligible persons), all reim-  
3 bursements received or recovered under any of the  
4 programs described in paragraph (2), including  
5 under section 807, by reason of the provision of  
6 health services by the Service, by an Indian Tribe or  
7 Tribal Organization, or by an Urban Indian Organi-  
8 zation, shall be credited to the Service, such Indian  
9 Tribe or Tribal Organization, or such Urban Indian  
10 Organization, respectively, and may be used as pro-  
11 vided in section 401. In the case of such a service  
12 provided by or through a Service Unit, such  
13 amounts shall be credited to such unit and used for  
14 such purposes.

15 “(2) PROGRAMS COVERED.—The programs re-  
16 ferred to in paragraph (1) are the following:

17 “(A) Titles XVIII, XIX, and XXI of the  
18 Social Security Act.

19 “(B) This Act, including section 807.

20 “(C) Public Law 87–693.

21 “(D) Any other provision of law.

22 “(b) NO OFFSET OF AMOUNTS.—The Service may  
23 not offset or limit any amount obligated to any Service  
24 Unit or entity receiving funding from the Service because  
25 of the receipt of reimbursements under subsection (a).



1 **“SEC. 405. PURCHASING HEALTH CARE COVERAGE.**

2       “(a) IN GENERAL.—Insofar as amounts are made  
3 available under law (including a provision of the Social  
4 Security Act, the Indian Self-Determination and Edu-  
5 cation Assistance Act (25 U.S.C. 450 et seq.), or other  
6 law, other than under section 402) to Indian Tribes, Trib-  
7 al Organizations, and Urban Indian Organizations for  
8 health benefits for Service beneficiaries, Indian Tribes,  
9 Tribal Organizations, and Urban Indian Organizations  
10 may use such amounts to purchase health benefits cov-  
11 erage for such beneficiaries in any manner, including  
12 through—

13               “(1) a tribally owned and operated health care  
14       plan;

15               “(2) a State or locally authorized or licensed  
16       health care plan;

17               “(3) a health insurance provider or managed  
18       care organization; or

19               “(4) a self-insured plan.

20 The purchase of such coverage by an Indian Tribe, Tribal  
21 Organization, or Urban Indian Organization may be based  
22 on the financial needs of such beneficiaries (as determined  
23 by the Indian Tribe or Tribes being served based on a  
24 schedule of income levels developed or implemented by  
25 such Indian Tribe or Tribes).

1 “(b) EXPENSES FOR SELF-INSURED PLAN.—In the  
2 case of a self-insured plan under subsection (a)(4), the  
3 amounts may be used for expenses of operating the plan,  
4 including administration and insurance to limit the finan-  
5 cial risks to the entity offering the plan.

6 “(c) CONSTRUCTION.—Nothing in this section shall  
7 be construed as affecting the use of any amounts not re-  
8 ferred to in subsection (a).

9 **“SEC. 406. SHARING ARRANGEMENTS WITH FEDERAL AGEN-**  
10 **CIES.**

11 “(a) AUTHORITY.—

12 “(1) IN GENERAL.—The Secretary may enter  
13 into (or expand) arrangements for the sharing of  
14 medical facilities and services between the Service,  
15 Indian Tribes, and Tribal Organizations and the De-  
16 partment of Veterans Affairs and the Department of  
17 Defense.

18 “(2) CONSULTATION BY SECRETARY RE-  
19 QUIRED.—The Secretary may not finalize any ar-  
20 rangement between the Service and a Department  
21 described in paragraph (1) without first consulting  
22 with the Indian Tribes which will be significantly af-  
23 fected by the arrangement.

24 “(b) LIMITATIONS.—The Secretary shall not take  
25 any action under this section or under subchapter IV of

1 chapter 81 of title 38, United States Code, which would  
2 impair—

3 “(1) the priority access of any Indian to health  
4 care services provided through the Service and the  
5 eligibility of any Indian to receive health services  
6 through the Service;

7 “(2) the quality of health care services provided  
8 to any Indian through the Service;

9 “(3) the priority access of any veteran to health  
10 care services provided by the Department of Vet-  
11 erans Affairs;

12 “(4) the quality of health care services provided  
13 by the Department of Veterans Affairs or the De-  
14 partment of Defense; or

15 “(5) the eligibility of any Indian who is a vet-  
16 eran to receive health services through the Depart-  
17 ment of Veterans Affairs.

18 “(c) REIMBURSEMENT.—The Service, Indian Tribe,  
19 or Tribal Organization shall be reimbursed by the Depart-  
20 ment of Veterans Affairs or the Department of Defense  
21 (as the case may be) where services are provided through  
22 the Service, an Indian Tribe, or a Tribal Organization to  
23 beneficiaries eligible for services from either such Depart-  
24 ment, notwithstanding any other provision of law.

1       “(d) CONSTRUCTION.—Nothing in this section may  
2 be construed as creating any right of a non-Indian veteran  
3 to obtain health services from the Service.

4 **“SEC. 407. PAYOR OF LAST RESORT.**

5       “Indian Health Programs and health care programs  
6 operated by Urban Indian Organizations shall be the  
7 payor of last resort for services provided to persons eligible  
8 for services from Indian Health Programs and Urban In-  
9 dian Organizations, notwithstanding any Federal, State,  
10 or local law to the contrary.

11 **“SEC. 408. NONDISCRIMINATION UNDER FEDERAL HEALTH**  
12 **CARE PROGRAMS IN QUALIFICATIONS FOR**  
13 **REIMBURSEMENT FOR SERVICES.**

14       “(a) REQUIREMENT TO SATISFY GENERALLY APPLI-  
15 CABLE PARTICIPATION REQUIREMENTS.—

16       “(1) IN GENERAL.—A Federal health care pro-  
17 gram must accept an entity that is operated by the  
18 Service, an Indian Tribe, Tribal Organization, or  
19 Urban Indian Organization as a provider eligible to  
20 receive payment under the program for health care  
21 services furnished to an Indian on the same basis as  
22 any other provider qualified to participate as a pro-  
23 vider of health care services under the program if  
24 the entity meets generally applicable State or other

1 requirements for participation as a provider of  
2 health care services under the program.

3 “(2) SATISFACTION OF STATE OR LOCAL LICEN-  
4 SURE OR RECOGNITION REQUIREMENTS.—Any re-  
5 quirement for participation as a provider of health  
6 care services under a Federal health care program  
7 that an entity be licensed or recognized under the  
8 State or local law where the entity is located to fur-  
9 nish health care services shall be deemed to have  
10 been met in the case of an entity operated by the  
11 Service, an Indian Tribe, Tribal Organization, or  
12 Urban Indian Organization if the entity meets all  
13 the applicable standards for such licensure or rec-  
14 ognition, regardless of whether the entity obtains a  
15 license or other documentation under such State or  
16 local law. In accordance with section 221, the ab-  
17 sence of the licensure of a health care professional  
18 employed by such an entity under the State or local  
19 law where the entity is located shall not be taken  
20 into account for purposes of determining whether  
21 the entity meets such standards, if the professional  
22 is licensed in another State.

23 “(b) APPLICATION OF EXCLUSION FROM PARTICIPA-  
24 TION IN FEDERAL HEALTH CARE PROGRAMS.—

1           “(1) EXCLUDED ENTITIES.—No entity operated  
2           by the Service, an Indian Tribe, Tribal Organiza-  
3           tion, or Urban Indian Organization that has been  
4           excluded from participation in any Federal health  
5           care program or for which a license is under suspen-  
6           sion or has been revoked by the State where the en-  
7           tity is located shall be eligible to receive payment or  
8           reimbursement under any such program for health  
9           care services furnished to an Indian.

10           “(2) EXCLUDED INDIVIDUALS.—No individual  
11           who has been excluded from participation in any  
12           Federal health care program or whose State license  
13           is under suspension shall be eligible to receive pay-  
14           ment or reimbursement under any such program for  
15           health care services furnished by that individual, di-  
16           rectly or through an entity that is otherwise eligible  
17           to receive payment for health care services, to an In-  
18           dian.

19           “(3) FEDERAL HEALTH CARE PROGRAM DE-  
20           FINED.—In this subsection, the term, ‘Federal  
21           health care program’ has the meaning given that  
22           term in section 1128B(f) of the Social Security Act  
23           (42 U.S.C. 1320a–7b(f)), except that, for purposes  
24           of this subsection, such term shall include the health

1 insurance program under chapter 89 of title 5,  
2 United States Code.

3 “(c) RELATED PROVISIONS.—For provisions related  
4 to nondiscrimination against providers operated by the  
5 Service, an Indian Tribe, Tribal Organization, or Urban  
6 Indian Organization, see section 1139(c) of the Social Se-  
7 curity Act (42 U.S.C. 1320b–9(c)).

8 **“SEC. 409. CONSULTATION.**

9 “For provisions related to consultation with rep-  
10 resentatives of Indian Health Programs and Urban Indian  
11 Organizations with respect to the health care programs  
12 established under titles XVIII, XIX, and XXI of the Social  
13 Security Act, see section 1139(d) of the Social Security  
14 Act (42 U.S.C. 1320b–9(d)).

15 **“SEC. 410. STATE CHILDREN’S HEALTH INSURANCE PRO-**  
16 **GRAM (SCHIP).**

17 “For provisions relating to—

18 “(1) outreach to families of Indian children  
19 likely to be eligible for child health assistance under  
20 the State children’s health insurance program estab-  
21 lished under title XXI of the Social Security Act, see  
22 sections 2105(c)(2)(C) and 1139(a) of such Act (42  
23 U.S.C. 1397ee(c)(2), 1320b–9); and

24 “(2) ensuring that child health assistance is  
25 provided under such program to targeted low-income

1 children who are Indians and that payments are  
2 made under such program to Indian Health Pro-  
3 grams and Urban Indian Organizations operating in  
4 the State that provide such assistance, see sections  
5 2102(b)(3)(D) and 2105(e)(6)(B) of such Act (42  
6 U.S.C. 1397bb(b)(3)(D), 1397ee(c)(6)(B)).

7 **“SEC. 411. EXCLUSION WAIVER AUTHORITY FOR AFFECTED**  
8 **INDIAN HEALTH PROGRAMS AND SAFE HAR-**  
9 **BOR TRANSACTIONS UNDER THE SOCIAL SE-**  
10 **CURITY ACT.**

11 “For provisions relating to—

12 “(1) exclusion waiver authority for affected In-  
13 dian Health Programs under the Social Security  
14 Act, see section 1128(k) of the Social Security Act  
15 (42 U.S.C. 1320a-7(k)); and

16 “(2) certain transactions involving Indian  
17 Health Programs deemed to be in safe harbors  
18 under that Act, see section 1128B(b)(4) of the So-  
19 cial Security Act (42 U.S.C. 1320a-7b(b)(4)).

20 **“SEC. 412. PREMIUM AND COST SHARING PROTECTIONS**  
21 **AND ELIGIBILITY DETERMINATIONS UNDER**  
22 **MEDICAID AND SCHIP AND PROTECTION OF**  
23 **CERTAIN INDIAN PROPERTY FROM MEDICAID**  
24 **ESTATE RECOVERY.**

25 “For provisions relating to—





1 cial Security Act (42 U.S.C. 1396u–2(h),  
2 1397gg(e)(1)(H)).

3 **“SEC. 414. NAVAJO NATION MEDICAID AGENCY FEASI-**  
4 **BILITY STUDY.**

5 “(a) STUDY.—The Secretary shall conduct a study  
6 to determine the feasibility of treating the Navajo Nation  
7 as a State for the purposes of title XIX of the Social Secu-  
8 rity Act, to provide services to Indians living within the  
9 boundaries of the Navajo Nation through an entity estab-  
10 lished having the same authority and performing the same  
11 functions as single-State medicaid agencies responsible for  
12 the administration of the State plan under title XIX of  
13 the Social Security Act.

14 “(b) CONSIDERATIONS.—In conducting the study,  
15 the Secretary shall consider the feasibility of—

16 “(1) assigning and paying all expenditures for  
17 the provision of services and related administration  
18 funds, under title XIX of the Social Security Act, to  
19 Indians living within the boundaries of the Navajo  
20 Nation that are currently paid to or would otherwise  
21 be paid to the State of Arizona, New Mexico, or  
22 Utah;

23 “(2) providing assistance to the Navajo Nation  
24 in the development and implementation of such enti-  
25 ty for the administration, eligibility, payment, and

1 delivery of medical assistance under title XIX of the  
2 Social Security Act;

3 “(3) providing an appropriate level of matching  
4 funds for Federal medical assistance with respect to  
5 amounts such entity expends for medical assistance  
6 for services and related administrative costs; and

7 “(4) authorizing the Secretary, at the option of  
8 the Navajo Nation, to treat the Navajo Nation as a  
9 State for the purposes of title XIX of the Social Se-  
10 curity Act (relating to the State children’s health in-  
11 surance program) under terms equivalent to those  
12 described in paragraphs (2) through (4).

13 “(c) REPORT.—Not later than 3 years after the date  
14 of enactment of the Indian Health Care Improvement Act  
15 Amendments of 2006, the Secretary shall submit to the  
16 Committee on Indian Affairs and Committee on Finance  
17 of the Senate and the Committee on Resources and Com-  
18 mittee on Energy and Commerce of the House of Rep-  
19 resentatives a report that includes—

20 “(1) the results of the study under this section;

21 “(2) a summary of any consultation that oc-  
22 curred between the Secretary and the Navajo Na-  
23 tion, other Indian Tribes, the States of Arizona,  
24 New Mexico, and Utah, counties which include Nav-

1 ajo Lands, and other interested parties, in con-  
 2 ducting this study;

3 “(3) projected costs or savings associated with  
 4 establishment of such entity, and any estimated im-  
 5 pact on services provided as described in this section  
 6 in relation to probable costs or savings; and

7 “(4) legislative actions that would be required  
 8 to authorize the establishment of such entity if such  
 9 entity is determined by the Secretary to be feasible.

10 **“SEC. 415. AUTHORIZATION OF APPROPRIATIONS.**

11 “There are authorized to be appropriated such sums  
 12 as may be necessary for each fiscal year through fiscal  
 13 year 2016 to carry out this title.

14 **“TITLE V—HEALTH SERVICES**  
 15 **FOR URBAN INDIANS**

16 **“SEC. 501. PURPOSE.**

17 “The purpose of this title is to establish and maintain  
 18 programs in Urban Centers to make health services more  
 19 accessible and available to Urban Indians.

20 **“SEC. 502. CONTRACTS WITH, AND GRANTS TO, URBAN IN-**  
 21 **DIAN ORGANIZATIONS.**

22 “Under authority of the Act of November 2, 1921  
 23 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’),  
 24 the Secretary, acting through the Service, shall enter into  
 25 contracts with, or make grants to, Urban Indian Organi-

1 zations to assist such organizations in the establishment  
2 and administration, within Urban Centers, of programs  
3 which meet the requirements set forth in this title. Subject  
4 to section 506, the Secretary, acting through the Service,  
5 shall include such conditions as the Secretary considers  
6 necessary to effect the purpose of this title in any contract  
7 into which the Secretary enters with, or in any grant the  
8 Secretary makes to, any Urban Indian Organization pur-  
9 suant to this title.

10 **“SEC. 503. CONTRACTS AND GRANTS FOR THE PROVISION**  
11 **OF HEALTH CARE AND REFERRAL SERVICES.**

12 “(a) REQUIREMENTS FOR GRANTS AND CON-  
13 TRACTS.—Under authority of the Act of November 2,  
14 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder  
15 Act’), the Secretary, acting through the Service, shall  
16 enter into contracts with, and make grants to, Urban In-  
17 dian Organizations for the provision of health care and  
18 referral services for Urban Indians. Any such contract or  
19 grant shall include requirements that the Urban Indian  
20 Organization successfully undertake to—

21 “(1) estimate the population of Urban Indians  
22 residing in the Urban Center or centers that the or-  
23 ganization proposes to serve who are or could be re-  
24 cipients of health care or referral services;

1           “(2) estimate the current health status of  
2           Urban Indians residing in such Urban Center or  
3           centers;

4           “(3) estimate the current health care needs of  
5           Urban Indians residing in such Urban Center or  
6           centers;

7           “(4) provide basic health education, including  
8           health promotion and disease prevention education,  
9           to Urban Indians;

10          “(5) make recommendations to the Secretary  
11          and Federal, State, local, and other resource agen-  
12          cies on methods of improving health service pro-  
13          grams to meet the needs of Urban Indians; and

14          “(6) where necessary, provide, or enter into  
15          contracts for the provision of, health care services  
16          for Urban Indians.

17          “(b) CRITERIA.—The Secretary, acting through the  
18          Service, shall, by regulation, prescribe the criteria for se-  
19          lecting Urban Indian Organizations to enter into contracts  
20          or receive grants under this section. Such criteria shall,  
21          among other factors, include—

22                 “(1) the extent of unmet health care needs of  
23                 Urban Indians in the Urban Center or centers in-  
24                 volved;

1           “(2) the size of the Urban Indian population in  
2 the Urban Center or centers involved;

3           “(3) the extent, if any, to which the activities  
4 set forth in subsection (a) would duplicate any  
5 project funded under this title, or under any current  
6 public health service project funded in a manner  
7 other than pursuant to this title;

8           “(4) the capability of an Urban Indian Organi-  
9 zation to perform the activities set forth in sub-  
10 section (a) and to enter into a contract with the Sec-  
11 retary or to meet the requirements for receiving a  
12 grant under this section;

13           “(5) the satisfactory performance and success-  
14 ful completion by an Urban Indian Organization of  
15 other contracts with the Secretary under this title;

16           “(6) the appropriateness and likely effectiveness  
17 of conducting the activities set forth in subsection  
18 (a) in an Urban Center or centers; and

19           “(7) the extent of existing or likely future par-  
20 ticipation in the activities set forth in subsection (a)  
21 by appropriate health and health-related Federal,  
22 State, local, and other agencies.

23           “(c) ACCESS TO HEALTH PROMOTION AND DISEASE  
24 PREVENTION PROGRAMS.—The Secretary, acting through  
25 the Service, shall facilitate access to or provide health pro-

1 motion and disease prevention services for Urban Indians  
2 through grants made to Urban Indian Organizations ad-  
3 ministering contracts entered into or receiving grants  
4 under subsection (a).

5 “(d) IMMUNIZATION SERVICES.—

6 “(1) ACCESS OR SERVICES PROVIDED.—The  
7 Secretary, acting through the Service, shall facilitate  
8 access to, or provide, immunization services for  
9 Urban Indians through grants made to Urban In-  
10 dian Organizations administering contracts entered  
11 into or receiving grants under this section.

12 “(2) DEFINITION.—For purposes of this sub-  
13 section, the term ‘immunization services’ means  
14 services to provide without charge immunizations  
15 against vaccine-preventable diseases.

16 “(e) BEHAVIORAL HEALTH SERVICES.—

17 “(1) ACCESS OR SERVICES PROVIDED.—The  
18 Secretary, acting through the Service, shall facilitate  
19 access to, or provide, behavioral health services for  
20 Urban Indians through grants made to Urban In-  
21 dian Organizations administering contracts entered  
22 into or receiving grants under subsection (a).

23 “(2) ASSESSMENT REQUIRED.—Except as pro-  
24 vided by paragraph (3)(A), a grant may not be made  
25 under this subsection to an Urban Indian Organiza-



1       tion until that organization has prepared, and the  
2       Service has approved, an assessment of the fol-  
3       lowing:

4               “(A) The behavioral health needs of the  
5               Urban Indian population concerned.

6               “(B) The behavioral health services and  
7               other related resources available to that popu-  
8               lation.

9               “(C) The barriers to obtaining those serv-  
10              ices and resources.

11              “(D) The needs that are unmet by such  
12              services and resources.

13              “(3) PURPOSES OF GRANTS.—Grants may be  
14              made under this subsection for the following:

15              “(A) To prepare assessments required  
16              under paragraph (2).

17              “(B) To provide outreach, educational, and  
18              referral services to Urban Indians regarding the  
19              availability of direct behavioral health services,  
20              to educate Urban Indians about behavioral  
21              health issues and services, and effect coordina-  
22              tion with existing behavioral health providers in  
23              order to improve services to Urban Indians.

24              “(C) To provide outpatient behavioral  
25              health services to Urban Indians, including the

1 identification and assessment of illness, thera-  
2 peutic treatments, case management, support  
3 groups, family treatment, and other treatment.

4 “(D) To develop innovative behavioral  
5 health service delivery models which incorporate  
6 Indian cultural support systems and resources.

7 “(f) PREVENTION OF CHILD ABUSE.—

8 “(1) ACCESS OR SERVICES PROVIDED.—The  
9 Secretary, acting through the Service, shall facilitate  
10 access to or provide services for Urban Indians  
11 through grants to Urban Indian Organizations ad-  
12 ministering contracts entered into or receiving  
13 grants under subsection (a) to prevent and treat  
14 child abuse (including sexual abuse) among Urban  
15 Indians.

16 “(2) EVALUATION REQUIRED.—Except as pro-  
17 vided by paragraph (3)(A), a grant may not be made  
18 under this subsection to an Urban Indian Organiza-  
19 tion until that organization has prepared, and the  
20 Service has approved, an assessment that documents  
21 the prevalence of child abuse in the Urban Indian  
22 population concerned and specifies the services and  
23 programs (which may not duplicate existing services  
24 and programs) for which the grant is requested.

1           “(3) PURPOSES OF GRANTS.—Grants may be  
2 made under this subsection for the following:

3           “(A) To prepare assessments required  
4 under paragraph (2).

5           “(B) For the development of prevention,  
6 training, and education programs for Urban In-  
7 dians, including child education, parent edu-  
8 cation, provider training on identification and  
9 intervention, education on reporting require-  
10 ments, prevention campaigns, and establishing  
11 service networks of all those involved in Indian  
12 child protection.

13           “(C) To provide direct outpatient treat-  
14 ment services (including individual treatment,  
15 family treatment, group therapy, and support  
16 groups) to Urban Indians who are child victims  
17 of abuse (including sexual abuse) or adult sur-  
18 vivors of child sexual abuse, to the families of  
19 such child victims, and to Urban Indian per-  
20 petrators of child abuse (including sexual  
21 abuse).

22           “(4) CONSIDERATIONS WHEN MAKING  
23 GRANTS.—In making grants to carry out this sub-  
24 section, the Secretary shall take into consideration—

1           “(A) the support for the Urban Indian Or-  
2           ganization demonstrated by the child protection  
3           authorities in the area, including committees or  
4           other services funded under the Indian Child  
5           Welfare Act of 1978 (25 U.S.C. 1901 et seq.),  
6           if any;

7           “(B) the capability and expertise dem-  
8           onstrated by the Urban Indian Organization to  
9           address the complex problem of child sexual  
10          abuse in the community; and

11          “(C) the assessment required under para-  
12          graph (2).

13          “(g) OTHER GRANTS.—The Secretary, acting  
14 through the Service, may enter into a contract with or  
15 make grants to an Urban Indian Organization that pro-  
16 vides or arranges for the provision of health care services  
17 (through satellite facilities, provider networks, or other-  
18 wise) to Urban Indians in more than 1 Urban Center.

19 **“SEC. 504. CONTRACTS AND GRANTS FOR THE DETERMINA-**  
20 **TION OF UNMET HEALTH CARE NEEDS.**

21          “(a) GRANTS AND CONTRACTS AUTHORIZED.—  
22 Under authority of the Act of November 2, 1921 (25  
23 U.S.C. 13) (commonly known as the ‘Snyder Act’), the  
24 Secretary, acting through the Service, may enter into con-  
25 tracts with or make grants to Urban Indian Organizations

1 situated in Urban Centers for which contracts have not  
2 been entered into or grants have not been made under sec-  
3 tion 503.

4 “(b) PURPOSE.—The purpose of a contract or grant  
5 made under this section shall be the determination of the  
6 matters described in subsection (c)(1) in order to assist  
7 the Secretary in assessing the health status and health  
8 care needs of Urban Indians in the Urban Center involved  
9 and determining whether the Secretary should enter into  
10 a contract or make a grant under section 503 with respect  
11 to the Urban Indian Organization which the Secretary has  
12 entered into a contract with, or made a grant to, under  
13 this section.

14 “(c) GRANT AND CONTRACT REQUIREMENTS.—Any  
15 contract entered into, or grant made, by the Secretary  
16 under this section shall include requirements that—

17 “(1) the Urban Indian Organization success-  
18 fully undertakes to—

19 “(A) document the health care status and  
20 unmet health care needs of Urban Indians in  
21 the Urban Center involved; and

22 “(B) with respect to Urban Indians in the  
23 Urban Center involved, determine the matters  
24 described in paragraphs (2), (3), (4), and (7) of  
25 section 503(b); and

1           “(2) the Urban Indian Organization complete  
2 performance of the contract, or carry out the re-  
3 quirements of the grant, within 1 year after the date  
4 on which the Secretary and such organization enter  
5 into such contract, or within 1 year after such orga-  
6 nization receives such grant, whichever is applicable.

7           “(d) NO RENEWALS.—The Secretary may not renew  
8 any contract entered into or grant made under this sec-  
9 tion.

10 **“SEC. 505. EVALUATIONS; RENEWALS.**

11           “(a) PROCEDURES FOR EVALUATIONS.—The Sec-  
12 retary, acting through the Service, shall develop proce-  
13 dures to evaluate compliance with grant requirements and  
14 compliance with and performance of contracts entered into  
15 by Urban Indian Organizations under this title. Such pro-  
16 cedures shall include provisions for carrying out the re-  
17 quirements of this section.

18           “(b) EVALUATIONS.—The Secretary, acting through  
19 the Service, shall evaluate the compliance of each Urban  
20 Indian Organization which has entered into a contract or  
21 received a grant under section 503 with the terms of such  
22 contract or grant. For purposes of this evaluation, the  
23 Secretary shall—

24           “(1) acting through the Service, conduct an an-  
25 nual onsite evaluation of the organization; or

1           “(2) accept in lieu of such onsite evaluation evi-  
2           dence of the organization’s provisional or full accred-  
3           itation by a private independent entity recognized by  
4           the Secretary for purposes of conducting quality re-  
5           views of providers participating in the Medicare pro-  
6           gram under title XVIII of the Social Security Act.

7           “(c) NONCOMPLIANCE; UNSATISFACTORY PERFORM-  
8           ANCE.—If, as a result of the evaluations conducted under  
9           this section, the Secretary determines that an Urban In-  
10          dian Organization has not complied with the requirements  
11          of a grant or complied with or satisfactorily performed a  
12          contract under section 503, the Secretary shall, prior to  
13          renewing such contract or grant, attempt to resolve with  
14          the organization the areas of noncompliance or unsatisfac-  
15          tory performance and modify the contract or grant to pre-  
16          vent future occurrences of noncompliance or unsatisfac-  
17          tory performance. If the Secretary determines that the  
18          noncompliance or unsatisfactory performance cannot be  
19          resolved and prevented in the future, the Secretary shall  
20          not renew the contract or grant with the organization and  
21          is authorized to enter into a contract or make a grant  
22          under section 503 with another Urban Indian Organiza-  
23          tion which is situated in the same Urban Center as the  
24          Urban Indian Organization whose contract or grant is not  
25          renewed under this section.

1       “(d) CONSIDERATIONS FOR RENEWALS.—In deter-  
2 mining whether to renew a contract or grant with an  
3 Urban Indian Organization under section 503 which has  
4 completed performance of a contract or grant under sec-  
5 tion 504, the Secretary shall review the records of the  
6 Urban Indian Organization, the reports submitted under  
7 section 507, and shall consider the results of the onsite  
8 evaluations or accreditations under subsection (b).

9       **“SEC. 506. OTHER CONTRACT AND GRANT REQUIREMENTS.**

10       “(a) PROCUREMENT.—Contracts with Urban Indian  
11 Organizations entered into pursuant to this title shall be  
12 in accordance with all Federal contracting laws and regu-  
13 lations relating to procurement except that in the discre-  
14 tion of the Secretary, such contracts may be negotiated  
15 without advertising and need not conform to the provisions  
16 of sections 1304 and 3131 through 3133 of title 40,  
17 United States Code.

18       “(b) PAYMENTS UNDER CONTRACTS OR GRANTS.—

19               “(1) IN GENERAL.—Payments under any con-  
20 tracts or grants pursuant to this title, notwith-  
21 standing any term or condition of such contract or  
22 grant—

23                       “(A) may be made in a single advance pay-  
24 ment by the Secretary to the Urban Indian Or-  
25 ganization by no later than the end of the first



1           30 days of the funding period with respect to  
2           which the payments apply, unless the Secretary  
3           determines through an evaluation under section  
4           505 that the organization is not capable of ad-  
5           ministering such a single advance payment; and

6           “(B) if any portion thereof is unexpended  
7           by the Urban Indian Organization during the  
8           funding period with respect to which the pay-  
9           ments initially apply, shall be carried forward  
10          for expenditure with respect to allowable or re-  
11          imbursable costs incurred by the organization  
12          during 1 or more subsequent funding periods  
13          without additional justification or documenta-  
14          tion by the organization as a condition of car-  
15          rying forward the availability for expenditure of  
16          such funds.

17          “(2) SEMIANNUAL AND QUARTERLY PAYMENTS  
18          AND REIMBURSEMENTS.—If the Secretary deter-  
19          mines under paragraph (1)(A) that an Urban Indian  
20          Organization is not capable of administering an en-  
21          tire single advance payment, on request of the  
22          Urban Indian Organization, the payments may be  
23          made—

24                  “(A) in semiannual or quarterly payments  
25                  by not later than 30 days after the date on

1           which the funding period with respect to which  
2           the payments apply begins; or

3                   “(B) by way of reimbursement.

4           “(c) REVISION OR AMENDMENT OF CONTRACTS.—

5 Notwithstanding any provision of law to the contrary, the  
6 Secretary may, at the request and consent of an Urban  
7 Indian Organization, revise or amend any contract entered  
8 into by the Secretary with such organization under this  
9 title as necessary to carry out the purposes of this title.

10          “(d) FAIR AND UNIFORM SERVICES AND ASSIST-

11 ANCE.—Contracts with or grants to Urban Indian Organi-  
12 zations and regulations adopted pursuant to this title shall  
13 include provisions to assure the fair and uniform provision  
14 to Urban Indians of services and assistance under such  
15 contracts or grants by such organizations.

16 **“SEC. 507. REPORTS AND RECORDS.**

17          “(a) REPORTS.—

18               “(1) IN GENERAL.—For each fiscal year during  
19 which an Urban Indian Organization receives or ex-  
20 pends funds pursuant to a contract entered into or  
21 a grant received pursuant to this title, such Urban  
22 Indian Organization shall submit to the Secretary  
23 not more frequently than every 6 months, a report  
24 that includes the following:

1           “(A) In the case of a contract or grant  
2 under section 503, recommendations pursuant  
3 to section 503(a)(5).

4           “(B) Information on activities conducted  
5 by the organization pursuant to the contract or  
6 grant.

7           “(C) An accounting of the amounts and  
8 purpose for which Federal funds were ex-  
9 pended.

10           “(D) A minimum set of data, using uni-  
11 formly defined elements, as specified by the  
12 Secretary after consultation with Urban Indian  
13 Organizations.

14           “(2) HEALTH STATUS AND SERVICES.—

15           “(A) IN GENERAL.—Not later than 18  
16 months after the date of enactment of the In-  
17 dian Health Care Improvement Act Amend-  
18 ments of 2006, the Secretary, acting through  
19 the Service, shall submit to Congress a report  
20 evaluating—

21                   “(i) the health status of Urban Indi-  
22 ans;

23                   “(ii) the services provided to Indians  
24 pursuant to this title; and

1                   “(iii) areas of unmet needs in the de-  
2                   livery of health services to Urban Indians.

3                   “(B) CONSULTATION AND CONTRACTS.—  
4                   In preparing the report under paragraph (1),  
5                   the Secretary—

6                   “(i) shall consult with Urban Indian  
7                   Organizations; and

8                   “(ii) may enter into a contract with a  
9                   national organization representing Urban  
10                  Indian Organizations to conduct any as-  
11                  pect of the report.

12                  “(b) AUDIT.—The reports and records of the Urban  
13                  Indian Organization with respect to a contract or grant  
14                  under this title shall be subject to audit by the Secretary  
15                  and the Comptroller General of the United States.

16                  “(c) COSTS OF AUDITS.—The Secretary shall allow  
17                  as a cost of any contract or grant entered into or awarded  
18                  under section 502 or 503 the cost of an annual inde-  
19                  pendent financial audit conducted by—

20                         “(1) a certified public accountant; or

21                         “(2) a certified public accounting firm qualified  
22                         to conduct Federal compliance audits.

23                  **“SEC. 508. LIMITATION ON CONTRACT AUTHORITY.**

24                  “The authority of the Secretary to enter into con-  
25                  tracts or to award grants under this title shall be to the

1 extent, and in an amount, provided for in appropriation  
2 Acts.

3 **“SEC. 509. FACILITIES.**

4       “(a) GRANTS.—The Secretary, acting through the  
5 Service, may make grants to contractors or grant recipi-  
6 ents under this title for the lease, purchase, renovation,  
7 construction, or expansion of facilities, including leased fa-  
8 cilities, in order to assist such contractors or grant recipi-  
9 ents in complying with applicable licensure or certification  
10 requirements.

11       “(b) LOAN FUND STUDY.—The Secretary, acting  
12 through the Service, may carry out a study to determine  
13 the feasibility of establishing a loan fund to provide to  
14 Urban Indian Organizations direct loans or guarantees for  
15 loans for the construction of health care facilities in a  
16 manner consistent with section 309.

17 **“SEC. 510. DIVISION OF URBAN INDIAN HEALTH.**

18       “There is established within the Service a Division  
19 of Urban Indian Health, which shall be responsible for—

20               “(1) carrying out the provisions of this title;

21               “(2) providing central oversight of the pro-  
22 grams and services authorized under this title; and

23               “(3) providing technical assistance to Urban In-  
24 dian Organizations.

1 **“SEC. 511. GRANTS FOR ALCOHOL AND SUBSTANCE ABUSE-**  
2 **RELATED SERVICES.**

3 “(a) GRANTS AUTHORIZED.—The Secretary, acting  
4 through the Service, may make grants for the provision  
5 of health-related services in prevention of, treatment of,  
6 rehabilitation of, or school- and community-based edu-  
7 cation regarding, alcohol and substance abuse in Urban  
8 Centers to those Urban Indian Organizations with which  
9 the Secretary has entered into a contract under this title  
10 or under section 201.

11 “(b) GOALS.—Each grant made pursuant to sub-  
12 section (a) shall set forth the goals to be accomplished  
13 pursuant to the grant. The goals shall be specific to each  
14 grant as agreed to between the Secretary and the grantee.

15 “(c) CRITERIA.—The Secretary shall establish cri-  
16 teria for the grants made under subsection (a), including  
17 criteria relating to the following:

18 “(1) The size of the Urban Indian population.

19 “(2) Capability of the organization to ade-  
20 quately perform the activities required under the  
21 grant.

22 “(3) Satisfactory performance standards for the  
23 organization in meeting the goals set forth in such  
24 grant. The standards shall be negotiated and agreed  
25 to between the Secretary and the grantee on a  
26 grant-by-grant basis.

1           “(4) Identification of the need for services.

2           “(d) ALLOCATION OF GRANTS.—The Secretary shall  
3 develop a methodology for allocating grants made pursu-  
4 ant to this section based on the criteria established pursu-  
5 ant to subsection (c).

6           “(e) GRANTS SUBJECT TO CRITERIA.—Any grant re-  
7 ceived by an Urban Indian Organization under this Act  
8 for substance abuse prevention, treatment, and rehabilita-  
9 tion shall be subject to the criteria set forth in subsection  
10 (c).

11 **“SEC. 512. TREATMENT OF CERTAIN DEMONSTRATION**  
12 **PROJECTS.**

13           “Notwithstanding any other provision of law, the  
14 Tulsa Clinic and Oklahoma City Clinic demonstration  
15 projects shall—

16           “(1) be permanent programs within the Serv-  
17 ice’s direct care program;

18           “(2) continue to be treated as Service Units  
19 and Operating Units in the allocation of resources  
20 and coordination of care; and

21           “(3) continue to meet the requirements and  
22 definitions of an Urban Indian Organization in this  
23 Act, and shall not be subject to the provisions of the  
24 Indian Self-Determination and Education Assistance  
25 Act (25 U.S.C. 450 et seq.).

1 **“SEC. 513. URBAN NIAAA TRANSFERRED PROGRAMS.**

2       “(a) GRANTS AND CONTRACTS.—The Secretary,  
3 through the Division of Urban Indian Health, shall make  
4 grants or enter into contracts with Urban Indian Organi-  
5 zations, to take effect not later than September 30, 2008,  
6 for the administration of Urban Indian alcohol programs  
7 that were originally established under the National Insti-  
8 tute on Alcoholism and Alcohol Abuse (hereafter in this  
9 section referred to as ‘NIAAA’) and transferred to the  
10 Service.

11       “(b) USE OF FUNDS.—Grants provided or contracts  
12 entered into under this section shall be used to provide  
13 support for the continuation of alcohol prevention and  
14 treatment services for Urban Indian populations and such  
15 other objectives as are agreed upon between the Service  
16 and a recipient of a grant or contract under this section.

17       “(c) ELIGIBILITY.—Urban Indian Organizations that  
18 operate Indian alcohol programs originally funded under  
19 the NIAAA and subsequently transferred to the Service  
20 are eligible for grants or contracts under this section.

21       “(d) REPORT.—The Secretary shall evaluate and re-  
22 port to Congress on the activities of programs funded  
23 under this section not less than every 5 years.



1 **“SEC. 514. CONSULTATION WITH URBAN INDIAN ORGANIZA-**  
2 **TIONS.**

3 “(a) IN GENERAL.—The Secretary shall ensure that  
4 the Service consults, to the greatest extent practicable,  
5 with Urban Indian Organizations.

6 “(b) DEFINITION OF CONSULTATION.—For purposes  
7 of subsection (a), consultation is the open and free ex-  
8 change of information and opinions which leads to mutual  
9 understanding and comprehension and which emphasizes  
10 trust, respect, and shared responsibility.

11 **“SEC. 515. URBAN YOUTH TREATMENT CENTER DEM-**  
12 **ONSTRATION.**

13 “(a) CONSTRUCTION AND OPERATION.—The Sec-  
14 retary, acting through the Service, through grant or con-  
15 tract, is authorized to fund the construction and operation  
16 of at least 2 residential treatment centers in each State  
17 described in subsection (b) to demonstrate the provision  
18 of alcohol and substance abuse treatment services to  
19 Urban Indian youth in a culturally competent residential  
20 setting.

21 “(b) DEFINITION OF STATE.—A State described in  
22 this subsection is a State in which—

23 “(1) there resides Urban Indian youth with  
24 need for alcohol and substance abuse treatment serv-  
25 ices in a residential setting; and

1           “(2) there is a significant shortage of culturally  
2           competent residential treatment services for Urban  
3           Indian youth.

4   **“SEC. 516. GRANTS FOR DIABETES PREVENTION, TREAT-**  
5                           **MENT, AND CONTROL.**

6           “(a) GRANTS AUTHORIZED.—The Secretary may  
7           make grants to those Urban Indian Organizations that  
8           have entered into a contract or have received a grant  
9           under this title for the provision of services for the preven-  
10          tion and treatment of, and control of the complications  
11          resulting from, diabetes among Urban Indians.

12          “(b) GOALS.—Each grant made pursuant to sub-  
13          section (a) shall set forth the goals to be accomplished  
14          under the grant. The goals shall be specific to each grant  
15          as agreed to between the Secretary and the grantee.

16          “(c) ESTABLISHMENT OF CRITERIA.—The Secretary  
17          shall establish criteria for the grants made under sub-  
18          section (a) relating to—

19                 “(1) the size and location of the Urban Indian  
20                 population to be served;

21                 “(2) the need for prevention of and treatment  
22                 of, and control of the complications resulting from,  
23                 diabetes among the Urban Indian population to be  
24                 served;

1           “(3) performance standards for the organiza-  
2           tion in meeting the goals set forth in such grant  
3           that are negotiated and agreed to by the Secretary  
4           and the grantee;

5           “(4) the capability of the organization to ade-  
6           quately perform the activities required under the  
7           grant; and

8           “(5) the willingness of the organization to col-  
9           laborate with the registry, if any, established by the  
10          Secretary under section 204(e) in the Area Office of  
11          the Service in which the organization is located.

12          “(d) FUNDS SUBJECT TO CRITERIA.—Any funds re-  
13          ceived by an Urban Indian Organization under this Act  
14          for the prevention, treatment, and control of diabetes  
15          among Urban Indians shall be subject to the criteria devel-  
16          oped by the Secretary under subsection (c).

17          **“SEC. 517. COMMUNITY HEALTH REPRESENTATIVES.**

18          “The Secretary, acting through the Service, may  
19          enter into contracts with, and make grants to, Urban In-  
20          dian Organizations for the employment of Indians trained  
21          as health service providers through the Community Health  
22          Representatives Program under section 109 in the provi-  
23          sion of health care, health promotion, and disease preven-  
24          tion services to Urban Indians.

1 **“SEC. 518. EFFECTIVE DATE.**

2 “The amendments made by the Indian Health Care  
3 Improvement Act Amendments of 2006 to this title shall  
4 take effect beginning on the date of enactment of that Act,  
5 regardless of whether the Secretary has promulgated regu-  
6 lations implementing such amendments.

7 **“SEC. 519. ELIGIBILITY FOR SERVICES.**

8 “Urban Indians shall be eligible and the ultimate  
9 beneficiaries for health care or referral services provided  
10 pursuant to this title.

11 **“SEC. 520. AUTHORIZATION OF APPROPRIATIONS.**

12 “There are authorized to be appropriated such sums  
13 as may be necessary for each fiscal year through fiscal  
14 year 2016 to carry out this title.

15 **“TITLE VI—ORGANIZATIONAL**  
16 **IMPROVEMENTS**

17 **“SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERV-**  
18 **ICE AS AN AGENCY OF THE PUBLIC HEALTH**  
19 **SERVICE.**

20 “(a) ESTABLISHMENT.—

21 “(1) IN GENERAL.—In order to more effectively  
22 and efficiently carry out the responsibilities, authori-  
23 ties, and functions of the United States to provide  
24 health care services to Indians and Indian Tribes, as  
25 are or may be hereafter provided by Federal statute  
26 or treaties, there is established within the Public

1 Health Service of the Department the Indian Health  
2 Service.

3 “(2) DIRECTOR OF INDIAN HEALTH SERVICE.—

4 The Service shall be administered by a Director, who  
5 shall be appointed by the President, by and with the  
6 advice and consent of the Senate. The Director shall  
7 report to the Secretary. Effective with respect to an  
8 individual appointed by the President, by and with  
9 the advice and consent of the Senate, after January  
10 1, 2006, the term of service of the Director shall be  
11 4 years. A Director may serve more than 1 term.

12 “(3) INCUMBENT.—The individual serving in  
13 the position of Director of the Service on the day be-  
14 fore the date of enactment of the Indian Health  
15 Care Improvement Act Amendments of 2006 shall  
16 serve as Director.

17 “(4) ADVOCACY AND CONSULTATION.—The po-  
18 sition of Director is established to, in a manner con-  
19 sistent with the government-to-government relation-  
20 ship between the United States and Indian Tribes—

21 “(A) facilitate advocacy for the develop-  
22 ment of appropriate Indian health policy; and

23 “(B) promote consultation on matters re-  
24 lating to Indian health.

1       “(b) AGENCY.—The Service shall be an agency within  
2 the Public Health Service of the Department, and shall  
3 not be an office, component, or unit of any other agency  
4 of the Department.

5       “(c) DUTIES.—The Director shall—

6           “(1) perform all functions that were, on the day  
7 before the date of enactment of the Indian Health  
8 Care Improvement Act Amendments of 2006, car-  
9 ried out by or under the direction of the individual  
10 serving as Director of the Service on that day;

11           “(2) perform all functions of the Secretary re-  
12 lating to the maintenance and operation of hospital  
13 and health facilities for Indians and the planning  
14 for, and provision and utilization of, health services  
15 for Indians;

16           “(3) administer all health programs under  
17 which health care is provided to Indians based upon  
18 their status as Indians which are administered by  
19 the Secretary, including programs under—

20                   “(A) this Act;

21                   “(B) the Act of November 2, 1921 (25  
22 U.S.C. 13);

23                   “(C) the Act of August 5, 1954 (42 U.S.C.  
24 2001 et seq.);

1           “(D) the Act of August 16, 1957 (42  
2           U.S.C. 2005 et seq.); and

3           “(E) the Indian Self-Determination and  
4           Education Assistance Act (25 U.S.C. 450 et  
5           seq.);

6           “(4) administer all scholarship and loan func-  
7           tions carried out under title I;

8           “(5) report directly to the Secretary concerning  
9           all policy- and budget-related matters affecting In-  
10          dian health;

11          “(6) collaborate with the Assistant Secretary  
12          for Health concerning appropriate matters of Indian  
13          health that affect the agencies of the Public Health  
14          Service;

15          “(7) advise each Assistant Secretary of the De-  
16          partment concerning matters of Indian health with  
17          respect to which that Assistant Secretary has au-  
18          thority and responsibility;

19          “(8) advise the heads of other agencies and pro-  
20          grams of the Department concerning matters of In-  
21          dian health with respect to which those heads have  
22          authority and responsibility;

23          “(9) coordinate the activities of the Department  
24          concerning matters of Indian health; and

1           “(10) perform such other functions as the Sec-  
2     retary may designate.

3           “(d) AUTHORITY.—

4           “(1) IN GENERAL.—The Secretary, acting  
5     through the Director, shall have the authority—

6           “(A) except to the extent provided for in  
7     paragraph (2), to appoint and compensate em-  
8     ployees for the Service in accordance with title  
9     5, United States Code;

10          “(B) to enter into contracts for the pro-  
11     curement of goods and services to carry out the  
12     functions of the Service; and

13          “(C) to manage, expend, and obligate all  
14     funds appropriated for the Service.

15          “(2) PERSONNEL ACTIONS.—Notwithstanding  
16     any other provision of law, the provisions of section  
17     12 of the Act of June 18, 1934 (48 Stat. 986; 25  
18     U.S.C. 472), shall apply to all personnel actions  
19     taken with respect to new positions created within  
20     the Service as a result of its establishment under  
21     subsection (a).

22     **“SEC. 602. AUTOMATED MANAGEMENT INFORMATION SYS-**  
23           **TEM.**

24          “(a) ESTABLISHMENT.—



1           “(1) IN GENERAL.—The Secretary shall estab-  
2           lish an automated management information system  
3           for the Service.

4           “(2) REQUIREMENTS OF SYSTEM.—The infor-  
5           mation system established under paragraph (1) shall  
6           include—

7                   “(A) a financial management system;

8                   “(B) a patient care information system for  
9                   each area served by the Service;

10                  “(C) a privacy component that protects the  
11                  privacy of patient information held by, or on be-  
12                  half of, the Service;

13                  “(D) a services-based cost accounting com-  
14                  ponent that provides estimates of the costs as-  
15                  sociated with the provision of specific medical  
16                  treatments or services in each Area office of the  
17                  Service;

18                  “(E) an interface mechanism for patient  
19                  billing and accounts receivable system; and

20                  “(F) a training component.

21           “(b) PROVISION OF SYSTEMS TO TRIBES AND ORGA-  
22           NIZATIONS.—The Secretary shall provide each Tribal  
23           Health Program automated management information sys-  
24           tems which—

1           “(1) meet the management information needs  
2           of such Tribal Health Program with respect to the  
3           treatment by the Tribal Health Program of patients  
4           of the Service; and

5           “(2) meet the management information needs  
6           of the Service.

7           “(c) ACCESS TO RECORDS.—Notwithstanding any  
8           other provision of law, each patient shall have reasonable  
9           access to the medical or health records of such patient  
10          which are held by, or on behalf of, the Service.

11          “(d) AUTHORITY TO ENHANCE INFORMATION TECH-  
12          NOLOGY.—The Secretary, acting through the Service,  
13          shall have the authority to enter into contracts, agree-  
14          ments, or joint ventures with other Federal agencies,  
15          States, private and nonprofit organizations, for the pur-  
16          pose of enhancing information technology in Indian  
17          Health Programs and facilities.

18          **“SEC. 603. AUTHORIZATION OF APPROPRIATIONS.**

19          ““There is authorized to be appropriated such sums  
20          as may be necessary for each fiscal year through fiscal  
21          year 2016 to carry out this title.

1           **“TITLE VII—BEHAVIORAL**  
2                           **HEALTH PROGRAMS**

3   **“SEC. 701. BEHAVIORAL HEALTH PREVENTION AND TREAT-**  
4                           **MENT SERVICES.**

5           “(a) PURPOSES.—The purposes of this section are as  
6 follows:

7                   “(1) To authorize and direct the Secretary, act-  
8           ing through the Service, Indian Tribes, Tribal Orga-  
9           nizations, and Urban Indian Organizations, to de-  
10          velop a comprehensive behavioral health prevention  
11          and treatment program which emphasizes collabora-  
12          tion among alcohol and substance abuse, social serv-  
13          ices, and mental health programs.

14                   “(2) To provide information, direction, and  
15          guidance relating to mental illness and dysfunction  
16          and self-destructive behavior, including child abuse  
17          and family violence, to those Federal, tribal, State,  
18          and local agencies responsible for programs in In-  
19          dian communities in areas of health care, education,  
20          social services, child and family welfare, alcohol and  
21          substance abuse, law enforcement, and judicial serv-  
22          ices.

23                   “(3) To assist Indian Tribes to identify services  
24          and resources available to address mental illness and  
25          dysfunctional and self-destructive behavior.

1           “(4) To provide authority and opportunities for  
2 Indian Tribes and Tribal Organizations to develop,  
3 implement, and coordinate with community-based  
4 programs which include identification, prevention,  
5 education, referral, and treatment services, including  
6 through multidisciplinary resource teams.

7           “(5) To ensure that Indians, as citizens of the  
8 United States and of the States in which they re-  
9 side, have the same access to behavioral health serv-  
10 ices to which all citizens have access.

11           “(6) To modify or supplement existing pro-  
12 grams and authorities in the areas identified in  
13 paragraph (2).

14           “(b) PLANS.—

15           “(1) DEVELOPMENT.—The Secretary, acting  
16 through the Service, Indian Tribes, Tribal Organiza-  
17 tions, and Urban Indian Organizations, shall encour-  
18 age Indian Tribes and Tribal Organizations to de-  
19 velop tribal plans, and Urban Indian Organizations  
20 to develop local plans, and for all such groups to  
21 participate in developing areawide plans for Indian  
22 Behavioral Health Services. The plans shall include,  
23 to the extent feasible, the following components:

24           “(A) An assessment of the scope of alcohol  
25 or other substance abuse, mental illness, and

1           dysfunctional and self-destructive behavior, in-  
2           cluding suicide, child abuse, and family vio-  
3           lence, among Indians, including—

4                   “(i) the number of Indians served who  
5                   are directly or indirectly affected by such  
6                   illness or behavior; or

7                   “(ii) an estimate of the financial and  
8                   human cost attributable to such illness or  
9                   behavior.

10           “(B) An assessment of the existing and  
11           additional resources necessary for the preven-  
12           tion and treatment of such illness and behavior,  
13           including an assessment of the progress toward  
14           achieving the availability of the full continuum  
15           of care described in subsection (c).

16           “(C) An estimate of the additional funding  
17           needed by the Service, Indian Tribes, Tribal  
18           Organizations, and Urban Indian Organizations  
19           to meet their responsibilities under the plans.

20           “(2) NATIONAL CLEARINGHOUSE.—The Sec-  
21           retary, acting through the Service, shall coordinate  
22           with existing national clearinghouses and informa-  
23           tion centers to include at the clearinghouses and  
24           centers plans and reports on the outcomes of such  
25           plans developed by Indian Tribes, Tribal Organiza-

1 tions, Urban Indian Organizations, and Service  
2 Areas relating to behavioral health. The Secretary  
3 shall ensure access to these plans and outcomes by  
4 any Indian Tribe, Tribal Organization, Urban In-  
5 dian Organization, or the Service.

6 “(3) TECHNICAL ASSISTANCE.—The Secretary  
7 shall provide technical assistance to Indian Tribes,  
8 Tribal Organizations, and Urban Indian Organiza-  
9 tions in preparation of plans under this section and  
10 in developing standards of care that may be used  
11 and adopted locally.

12 “(c) PROGRAMS.—The Secretary, acting through the  
13 Service, Indian Tribes, and Tribal Organizations, shall  
14 provide, to the extent feasible and if funding is available,  
15 programs including the following:

16 “(1) COMPREHENSIVE CARE.—A comprehensive  
17 continuum of behavioral health care which pro-  
18 vides—

19 “(A) community-based prevention, inter-  
20 vention, outpatient, and behavioral health  
21 aftercare;

22 “(B) detoxification (social and medical);

23 “(C) acute hospitalization;

24 “(D) intensive outpatient/day treatment;

25 “(E) residential treatment;

1           “(F) transitional living for those needing a  
2 temporary, stable living environment that is  
3 supportive of treatment and recovery goals;

4           “(G) emergency shelter;

5           “(H) intensive case management; and

6           “(I) diagnostic services.

7           “(2) CHILD CARE.—Behavioral health services  
8 for Indians from birth through age 17, including—

9           “(A) preschool and school age fetal alcohol  
10 disorder services, including assessment and be-  
11 havioral intervention;

12           “(B) mental health and substance abuse  
13 services (emotional, organic, alcohol, drug, in-  
14 halant, and tobacco);

15           “(C) identification and treatment of co-oc-  
16 ccurring disorders and comorbidity;

17           “(D) prevention of alcohol, drug, inhalant,  
18 and tobacco use;

19           “(E) early intervention, treatment, and  
20 aftercare;

21           “(F) promotion of healthy approaches to  
22 risk and safety issues; and

23           “(G) identification and treatment of ne-  
24 glect and physical, mental, and sexual abuse.

1           “(3) ADULT CARE.—Behavioral health services  
2 for Indians from age 18 through 55, including—

3           “(A) early intervention, treatment, and  
4 aftercare;

5           “(B) mental health and substance abuse  
6 services (emotional, alcohol, drug, inhalant, and  
7 tobacco), including sex specific services;

8           “(C) identification and treatment of co-oc-  
9 ccurring disorders (dual diagnosis) and comor-  
10 bidity;

11           “(D) promotion of healthy approaches for  
12 risk-related behavior;

13           “(E) treatment services for women at risk  
14 of giving birth to a child with a fetal alcohol  
15 disorder; and

16           “(F) sex specific treatment for sexual as-  
17 sult and domestic violence.

18           “(4) FAMILY CARE.—Behavioral health services  
19 for families, including—

20           “(A) early intervention, treatment, and  
21 aftercare for affected families;

22           “(B) treatment for sexual assault and do-  
23 mestic violence; and



1           “(C) promotion of healthy approaches re-  
2 relating to parenting, domestic violence, and other  
3 abuse issues.

4           “(5) ELDER CARE.—Behavioral health services  
5 for Indians 56 years of age and older, including—

6           “(A) early intervention, treatment, and  
7 aftercare;

8           “(B) mental health and substance abuse  
9 services (emotional, alcohol, drug, inhalant, and  
10 tobacco), including sex specific services;

11           “(C) identification and treatment of co-oc-  
12 ccurring disorders (dual diagnosis) and comor-  
13 bidity;

14           “(D) promotion of healthy approaches to  
15 managing conditions related to aging;

16           “(E) sex specific treatment for sexual as-  
17 sult, domestic violence, neglect, physical and  
18 mental abuse and exploitation; and

19           “(F) identification and treatment of de-  
20 mentias regardless of cause.

21           “(d) COMMUNITY BEHAVIORAL HEALTH PLAN.—

22           “(1) ESTABLISHMENT.—The governing body of  
23 any Indian Tribe, Tribal Organization, or Urban In-  
24 dian Organization may adopt a resolution for the es-  
25 tablishment of a community behavioral health plan

1 providing for the identification and coordination of  
2 available resources and programs to identify, pre-  
3 vent, or treat substance abuse, mental illness, or  
4 dysfunctional and self-destructive behavior, including  
5 child abuse and family violence, among its members  
6 or its service population. This plan should include  
7 behavioral health services, social services, intensive  
8 outpatient services, and continuing aftercare.

9 “(2) TECHNICAL ASSISTANCE.—At the request  
10 of an Indian Tribe, Tribal Organization, or Urban  
11 Indian Organization, the Bureau of Indian Affairs  
12 and the Service shall cooperate with and provide  
13 technical assistance to the Indian Tribe, Tribal Or-  
14 ganization, or Urban Indian Organization in the de-  
15 velopment and implementation of such plan.

16 “(3) FUNDING.—The Secretary, acting through  
17 the Service, may make funding available to Indian  
18 Tribes and Tribal Organizations which adopt a reso-  
19 lution pursuant to paragraph (1) to obtain technical  
20 assistance for the development of a community be-  
21 havioral health plan and to provide administrative  
22 support in the implementation of such plan.

23 “(e) COORDINATION FOR AVAILABILITY OF SERV-  
24 ICES.—The Secretary, acting through the Service, Indian  
25 Tribes, Tribal Organizations, and Urban Indian Organiza-

1 tions, shall coordinate behavioral health planning, to the  
2 extent feasible, with other Federal agencies and with State  
3 agencies, to encourage comprehensive behavioral health  
4 services for Indians regardless of their place of residence.

5 “(f) MENTAL HEALTH CARE NEED ASSESSMENT.—  
6 Not later than 1 year after the date of enactment of the  
7 Indian Health Care Improvement Act Amendments of  
8 2006, the Secretary, acting through the Service, shall  
9 make an assessment of the need for inpatient mental  
10 health care among Indians and the availability and cost  
11 of inpatient mental health facilities which can meet such  
12 need. In making such assessment, the Secretary shall con-  
13 sider the possible conversion of existing, underused Service  
14 hospital beds into psychiatric units to meet such need.

15 **“SEC. 702. MEMORANDA OF AGREEMENT WITH THE DE-**  
16 **PARTMENT OF THE INTERIOR.**

17 “(a) CONTENTS.—Not later than 12 months after the  
18 date of enactment of the Indian Health Care Improvement  
19 Act Amendments of 2006, the Secretary, acting through  
20 the Service, and the Secretary of the Interior shall develop  
21 and enter into a memoranda of agreement, or review and  
22 update any existing memoranda of agreement, as required  
23 by section 4205 of the Indian Alcohol and Substance  
24 Abuse Prevention and Treatment Act of 1986 (25 U.S.C.  
25 2411) under which the Secretaries address the following:

1           “(1) The scope and nature of mental illness and  
2           dysfunctional and self-destructive behavior, including  
3           child abuse and family violence, among Indians.

4           “(2) The existing Federal, tribal, State, local,  
5           and private services, resources, and programs avail-  
6           able to provide behavioral health services for Indi-  
7           ans.

8           “(3) The unmet need for additional services, re-  
9           sources, and programs necessary to meet the needs  
10          identified pursuant to paragraph (1).

11          “(4)(A) The right of Indians, as citizens of the  
12          United States and of the States in which they re-  
13          side, to have access to behavioral health services to  
14          which all citizens have access.

15          “(B) The right of Indians to participate in, and  
16          receive the benefit of, such services.

17          “(C) The actions necessary to protect the exer-  
18          cise of such right.

19          “(5) The responsibilities of the Bureau of In-  
20          dian Affairs and the Service, including mental illness  
21          identification, prevention, education, referral, and  
22          treatment services (including services through multi-  
23          disciplinary resource teams), at the central, area,  
24          and agency and Service Unit, Service Area, and

1       headquarters levels to address the problems identi-  
2       fied in paragraph (1).

3               “(6) A strategy for the comprehensive coordina-  
4       tion of the behavioral health services provided by the  
5       Bureau of Indian Affairs and the Service to meet  
6       the problems identified pursuant to paragraph (1),  
7       including—

8               “(A) the coordination of alcohol and sub-  
9       stance abuse programs of the Service, the Bu-  
10      reau of Indian Affairs, and Indian Tribes and  
11      Tribal Organizations (developed under the In-  
12      dian Alcohol and Substance Abuse Prevention  
13      and Treatment Act of 1986 (25 U.S.C. 2401 et  
14      seq.)) with behavioral health initiatives pursu-  
15      ant to this Act, particularly with respect to the  
16      referral and treatment of dually diagnosed indi-  
17      viduals requiring behavioral health and sub-  
18      stance abuse treatment; and

19              “(B) ensuring that the Bureau of Indian  
20      Affairs and Service programs and services (in-  
21      cluding multidisciplinary resource teams) ad-  
22      dressing child abuse and family violence are co-  
23      ordinated with such non-Federal programs and  
24      services.

1           “(7) Directing appropriate officials of the Bu-  
2           reau of Indian Affairs and the Service, particularly  
3           at the agency and Service Unit levels, to cooperate  
4           fully with tribal requests made pursuant to commu-  
5           nity behavioral health plans adopted under section  
6           701(c) and section 4206 of the Indian Alcohol and  
7           Substance Abuse Prevention and Treatment Act of  
8           1986 (25 U.S.C. 2412).

9           “(8) Providing for an annual review of such  
10          agreement by the Secretaries which shall be provided  
11          to Congress and Indian Tribes and Tribal Organiza-  
12          tions.

13          “(b) SPECIFIC PROVISIONS REQUIRED.—The memo-  
14          randa of agreement updated or entered into pursuant to  
15          subsection (a) shall include specific provisions pursuant to  
16          which the Service shall assume responsibility for—

17                 “(1) the determination of the scope of the prob-  
18                 lem of alcohol and substance abuse among Indians,  
19                 including the number of Indians within the jurisdic-  
20                 tion of the Service who are directly or indirectly af-  
21                 fected by alcohol and substance abuse and the finan-  
22                 cial and human cost;

23                 “(2) an assessment of the existing and needed  
24                 resources necessary for the prevention of alcohol and

1 substance abuse and the treatment of Indians af-  
2 fected by alcohol and substance abuse; and

3 “(3) an estimate of the funding necessary to  
4 adequately support a program of prevention of alco-  
5 hol and substance abuse and treatment of Indians  
6 affected by alcohol and substance abuse.

7 “(c) PUBLICATION.—Each memorandum of agree-  
8 ment entered into or renewed (and amendments or modi-  
9 fications thereto) under subsection (a) shall be published  
10 in the Federal Register. At the same time as publication  
11 in the Federal Register, the Secretary shall provide a copy  
12 of such memoranda, amendment, or modification to each  
13 Indian Tribe, Tribal Organization, and Urban Indian Or-  
14 ganization.

15 **“SEC. 703. COMPREHENSIVE BEHAVIORAL HEALTH PRE-**  
16 **VENTION AND TREATMENT PROGRAM.**

17 “(a) ESTABLISHMENT.—

18 “(1) IN GENERAL.—The Secretary, acting  
19 through the Service, Indian Tribes, and Tribal Orga-  
20 nizations, shall provide a program of comprehensive  
21 behavioral health, prevention, treatment, and  
22 aftercare, which shall include—

23 “(A) prevention, through educational inter-  
24 vention, in Indian communities;

1           “(B) acute detoxification, psychiatric hos-  
2           pitalization, residential, and intensive outpatient  
3           treatment;

4           “(C) community-based rehabilitation and  
5           aftercare;

6           “(D) community education and involve-  
7           ment, including extensive training of health  
8           care, educational, and community-based per-  
9           sonnel;

10           “(E) specialized residential treatment pro-  
11           grams for high-risk populations, including preg-  
12           nant and postpartum women and their children;  
13           and

14           “(F) diagnostic services.

15           “(2) TARGET POPULATIONS.—The target popu-  
16           lation of such programs shall be members of Indian  
17           Tribes. Efforts to train and educate key members of  
18           the Indian community shall also target employees of  
19           health, education, judicial, law enforcement, legal,  
20           and social service programs.

21           “(b) CONTRACT HEALTH SERVICES.—

22           “(1) IN GENERAL.—The Secretary, acting  
23           through the Service, Indian Tribes, and Tribal Orga-  
24           nizations, may enter into contracts with public or  
25           private providers of behavioral health treatment



1 services for the purpose of carrying out the program  
2 required under subsection (a).

3 “(2) PROVISION OF ASSISTANCE.—In carrying  
4 out this subsection, the Secretary shall provide as-  
5 sistance to Indian Tribes and Tribal Organizations  
6 to develop criteria for the certification of behavioral  
7 health service providers and accreditation of service  
8 facilities which meet minimum standards for such  
9 services and facilities.

10 **“SEC. 704. MENTAL HEALTH TECHNICIAN PROGRAM.**

11 “(a) IN GENERAL.—Under the authority of the Act  
12 of November 2, 1921 (25 U.S.C. 13) (commonly known  
13 as the ‘Snyder Act’), the Secretary shall establish and  
14 maintain a mental health technician program within the  
15 Service which—

16 “(1) provides for the training of Indians as  
17 mental health technicians; and

18 “(2) employs such technicians in the provision  
19 of community-based mental health care that includes  
20 identification, prevention, education, referral, and  
21 treatment services.

22 “(b) PARAPROFESSIONAL TRAINING.—In carrying  
23 out subsection (a), the Secretary, acting through the Serv-  
24 ice, Indian Tribes, and Tribal Organizations, shall provide  
25 high-standard paraprofessional training in mental health

1 care necessary to provide quality care to the Indian com-  
2 munities to be served. Such training shall be based upon  
3 a curriculum developed or approved by the Secretary  
4 which combines education in the theory of mental health  
5 care with supervised practical experience in the provision  
6 of such care.

7       “(c) SUPERVISION AND EVALUATION OF TECHNI-  
8 CIANS.—The Secretary, acting through the Service, Indian  
9 Tribes, and Tribal Organizations, shall supervise and  
10 evaluate the mental health technicians in the training pro-  
11 gram.

12       “(d) TRADITIONAL HEALTH CARE PRACTICES.—The  
13 Secretary, acting through the Service, shall ensure that  
14 the program established pursuant to this subsection in-  
15 volves the use and promotion of the traditional health care  
16 practices of the Indian Tribes to be served.

17 **“SEC. 705. LICENSING REQUIREMENT FOR MENTAL**  
18 **HEALTH CARE WORKERS.**

19       “(a) IN GENERAL.—Subject to the provisions of sec-  
20 tion 221, and except as provided in subsection (b), any  
21 individual employed as a psychologist, social worker, or  
22 marriage and family therapist for the purpose of providing  
23 mental health care services to Indians in a clinical setting  
24 under this Act is required to be licensed as a psychologist,

1 social worker, or marriage and family therapist, respec-  
2 tively.

3 “(b) **TRAINEES.**—An individual may be employed as  
4 a trainee in psychology, social work, or marriage and fam-  
5 ily therapy to provide mental health care services de-  
6 scribed in subsection (a) if such individual—

7 “(1) works under the direct supervision of a li-  
8 censed psychologist, social worker, or marriage and  
9 family therapist, respectively;

10 “(2) is enrolled in or has completed at least 2  
11 years of course work at a post-secondary, accredited  
12 education program for psychology, social work, mar-  
13 riage and family therapy, or counseling; and

14 “(3) meets such other training, supervision, and  
15 quality review requirements as the Secretary may es-  
16 tablish.

17 **“SEC. 706. INDIAN WOMEN TREATMENT PROGRAMS.**

18 “(a) **GRANTS.**—The Secretary, consistent with sec-  
19 tion 701, may make grants to Indian Tribes, Tribal Orga-  
20 nizations, and Urban Indian Organizations to develop and  
21 implement a comprehensive behavioral health program of  
22 prevention, intervention, treatment, and relapse preven-  
23 tion services that specifically addresses the cultural, his-  
24 torical, social, and child care needs of Indian women, re-  
25 gardless of age.

1       “(b) USE OF GRANT FUNDS.—A grant made pursu-  
2 ant to this section may be used to—

3           “(1) develop and provide community training,  
4 education, and prevention programs for Indian  
5 women relating to behavioral health issues, including  
6 fetal alcohol disorders;

7           “(2) identify and provide psychological services,  
8 counseling, advocacy, support, and relapse preven-  
9 tion to Indian women and their families; and

10          “(3) develop prevention and intervention models  
11 for Indian women which incorporate traditional  
12 health care practices, cultural values, and commu-  
13 nity and family involvement.

14       “(c) CRITERIA.—The Secretary, in consultation with  
15 Indian Tribes and Tribal Organizations, shall establish  
16 criteria for the review and approval of applications and  
17 proposals for funding under this section.

18       “(d) EARMARK OF CERTAIN FUNDS.—Twenty per-  
19 cent of the funds appropriated pursuant to this section  
20 shall be used to make grants to Urban Indian Organiza-  
21 tions.

22 **“SEC. 707. INDIAN YOUTH PROGRAM.**

23       “(a) DETOXIFICATION AND REHABILITATION.—The  
24 Secretary, acting through the Service, consistent with sec-  
25 tion 701, shall develop and implement a program for acute

1 detoxification and treatment for Indian youths, including  
2 behavioral health services. The program shall include re-  
3 gional treatment centers designed to include detoxification  
4 and rehabilitation for both sexes on a referral basis and  
5 programs developed and implemented by Indian Tribes or  
6 Tribal Organizations at the local level under the Indian  
7 Self-Determination and Education Assistance Act (25  
8 U.S.C. 450 et seq.). Regional centers shall be integrated  
9 with the intake and rehabilitation programs based in the  
10 referring Indian community.

11       “(b) ALCOHOL AND SUBSTANCE ABUSE TREATMENT  
12 CENTERS OR FACILITIES.—

13               “(1) ESTABLISHMENT.—

14                       “(A) IN GENERAL.—The Secretary, acting  
15 through the Service, Indian Tribes, and Tribal  
16 Organizations, shall construct, renovate, or, as  
17 necessary, purchase, and appropriately staff  
18 and operate, at least 1 youth regional treatment  
19 center or treatment network in each area under  
20 the jurisdiction of an Area Office.

21                       “(B) AREA OFFICE IN CALIFORNIA.—For  
22 the purposes of this subsection, the Area Office  
23 in California shall be considered to be 2 Area  
24 Offices, 1 office whose jurisdiction shall be con-  
25 sidered to encompass the northern area of the

1 State of California, and 1 office whose jurisdic-  
2 tion shall be considered to encompass the re-  
3 mainder of the State of California for the pur-  
4 pose of implementing California treatment net-  
5 works.

6 “(2) FUNDING.—For the purpose of staffing  
7 and operating such centers or facilities, funding  
8 shall be pursuant to the Act of November 2, 1921  
9 (25 U.S.C. 13).

10 “(3) LOCATION.—A youth treatment center  
11 constructed or purchased under this subsection shall  
12 be constructed or purchased at a location within the  
13 area described in paragraph (1) agreed upon (by ap-  
14 propriate tribal resolution) by a majority of the In-  
15 dian Tribes to be served by such center.

16 “(4) SPECIFIC PROVISION OF FUNDS.—

17 “(A) IN GENERAL.—Notwithstanding any  
18 other provision of this title, the Secretary may,  
19 from amounts authorized to be appropriated for  
20 the purposes of carrying out this section, make  
21 funds available to—

22 “(i) the Tanana Chiefs Conference,  
23 Incorporated, for the purpose of leasing,  
24 constructing, renovating, operating, and

1 maintaining a residential youth treatment  
2 facility in Fairbanks, Alaska; and

3 “(ii) the Southeast Alaska Regional  
4 Health Corporation to staff and operate a  
5 residential youth treatment facility without  
6 regard to the proviso set forth in section  
7 4(l) of the Indian Self-Determination and  
8 Education Assistance Act (25 U.S.C.  
9 450b(l)).

10 “(B) PROVISION OF SERVICES TO ELIGI-  
11 BLE YOUTHS.—Until additional residential  
12 youth treatment facilities are established in  
13 Alaska pursuant to this section, the facilities  
14 specified in subparagraph (A) shall make every  
15 effort to provide services to all eligible Indian  
16 youths residing in Alaska.

17 “(c) INTERMEDIATE ADOLESCENT BEHAVIORAL  
18 HEALTH SERVICES.—

19 “(1) IN GENERAL.—The Secretary, acting  
20 through the Service, Indian Tribes, and Tribal Orga-  
21 nizations, may provide intermediate behavioral  
22 health services to Indian children and adolescents,  
23 including—

24 “(A) pretreatment assistance;

1           “(B) inpatient, outpatient, and aftercare  
2 services;

3           “(C) emergency care;

4           “(D) suicide prevention and crisis interven-  
5 tion; and

6           “(E) prevention and treatment of mental  
7 illness and dysfunctional and self-destructive  
8 behavior, including child abuse and family vio-  
9 lence.

10          “(2) USE OF FUNDS.—Funds provided under  
11 this subsection may be used—

12           “(A) to construct or renovate an existing  
13 health facility to provide intermediate behav-  
14 ioral health services;

15           “(B) to hire behavioral health profes-  
16 sionals;

17           “(C) to staff, operate, and maintain an in-  
18 termediate mental health facility, group home,  
19 sober housing, transitional housing or similar  
20 facilities, or youth shelter where intermediate  
21 behavioral health services are being provided;

22           “(D) to make renovations and hire appro-  
23 priate staff to convert existing hospital beds  
24 into adolescent psychiatric units; and



1           “(E) for intensive home- and community-  
2           based services.

3           “(3) CRITERIA.—The Secretary, acting through  
4           the Service, shall, in consultation with Indian Tribes  
5           and Tribal Organizations, establish criteria for the  
6           review and approval of applications or proposals for  
7           funding made available pursuant to this subsection.

8           “(d) FEDERALLY-OWNED STRUCTURES.—

9           “(1) IN GENERAL.—The Secretary, in consulta-  
10          tion with Indian Tribes and Tribal Organizations,  
11          shall—

12                 “(A) identify and use, where appropriate,  
13                 federally-owned structures suitable for local res-  
14                 idential or regional behavioral health treatment  
15                 for Indian youths; and

16                 “(B) establish guidelines for determining  
17                 the suitability of any such federally-owned  
18                 structure to be used for local residential or re-  
19                 gional behavioral health treatment for Indian  
20                 youths.

21           “(2) TERMS AND CONDITIONS FOR USE OF  
22          STRUCTURE.—Any structure described in paragraph  
23          (1) may be used under such terms and conditions as  
24          may be agreed upon by the Secretary and the agency  
25          having responsibility for the structure and any In-

1       dian Tribe or Tribal Organization operating the pro-  
2       gram.

3       “(e) REHABILITATION AND AFTERCARE SERVICES.—

4             “(1) IN GENERAL.—The Secretary, Indian  
5       Tribes, or Tribal Organizations, in cooperation with  
6       the Secretary of the Interior, shall develop and im-  
7       plement within each Service Unit, community-based  
8       rehabilitation and follow-up services for Indian  
9       youths who are having significant behavioral health  
10      problems, and require long-term treatment, commu-  
11      nity reintegration, and monitoring to support the In-  
12      dian youths after their return to their home commu-  
13      nity.

14            “(2) ADMINISTRATION.—Services under para-  
15      graph (1) shall be provided by trained staff within  
16      the community who can assist the Indian youths in  
17      their continuing development of self-image, positive  
18      problem-solving skills, and nonalcohol or substance  
19      abusing behaviors. Such staff may include alcohol  
20      and substance abuse counselors, mental health pro-  
21      fessionals, and other health professionals and para-  
22      professionals, including community health represent-  
23      atives.

24            “(f) INCLUSION OF FAMILY IN YOUTH TREATMENT  
25      PROGRAM.—In providing the treatment and other services

1 to Indian youths authorized by this section, the Secretary,  
2 acting through the Service, Indian Tribes, and Tribal Or-  
3 ganizations, shall provide for the inclusion of family mem-  
4 bers of such youths in the treatment programs or other  
5 services as may be appropriate. Not less than 10 percent  
6 of the funds appropriated for the purposes of carrying out  
7 subsection (e) shall be used for outpatient care of adult  
8 family members related to the treatment of an Indian  
9 youth under that subsection.

10 “(g) MULTIDRUG ABUSE PROGRAM.—The Secretary,  
11 acting through the Service, Indian Tribes, Tribal Organi-  
12 zations, and Urban Indian Organizations, shall provide,  
13 consistent with section 701, programs and services to pre-  
14 vent and treat the abuse of multiple forms of substances,  
15 including alcohol, drugs, inhalants, and tobacco, among  
16 Indian youths residing in Indian communities, on or near  
17 reservations, and in urban areas and provide appropriate  
18 mental health services to address the incidence of mental  
19 illness among such youths.

20 “(h) INDIAN YOUTH MENTAL HEALTH.—The Sec-  
21 retary, acting through the Service, shall collect data for  
22 the report under section 801 with respect to—

23 “(1) the number of Indian youth who are being  
24 provided mental health services through the Service  
25 and Tribal Health Programs;

1           “(2) a description of, and costs associated with,  
2           the mental health services provided for Indian youth  
3           through the Service and Tribal Health Programs;

4           “(3) the number of youth referred to the Serv-  
5           ice or Tribal Health Programs for mental health  
6           services;

7           “(4) the number of Indian youth provided resi-  
8           dential treatment for mental health and behavioral  
9           problems through the Service and Tribal Health  
10          Programs, reported separately for on- and off-res-  
11          ervation facilities; and

12          “(5) the costs of the services described in para-  
13          graph (4).

14 **“SEC. 708. INDIAN YOUTH TELEMENTAL HEALTH DEM-**  
15 **ONSTRATION PROJECT.**

16          “(a) PURPOSE.—The purpose of this section is to au-  
17          thorize the Secretary to carry out a demonstration project  
18          to test the use of telemental health services in suicide pre-  
19          vention, intervention and treatment of Indian youth, in-  
20          cluding through—

21                 “(1) the use of psychotherapy, psychiatric as-  
22                 sessments, diagnostic interviews, therapies for men-  
23                 tal health conditions predisposing to suicide, and al-  
24                 cohol and substance abuse treatment;

1           “(2) the provision of clinical expertise to, con-  
2           sultation services with, and medical advice and train-  
3           ing for frontline health care providers working with  
4           Indian youth;

5           “(3) training and related support for commu-  
6           nity leaders, family members and health and edu-  
7           cation workers who work with Indian youth;

8           “(4) the development of culturally-relevant edu-  
9           cational materials on suicide; and

10          “(5) data collection and reporting.

11          “(b) DEFINITIONS.—For the purpose of this section,  
12          the following definitions shall apply:

13                 “(1) DEMONSTRATION PROJECT.—The term  
14                 ‘demonstration project’ means the Indian youth tele-  
15                 mental health demonstration project authorized  
16                 under subsection (c).

17                 “(2) TELEMENTAL HEALTH.—The term ‘tele-  
18                 mental health’ means the use of electronic informa-  
19                 tion and telecommunications technologies to support  
20                 long distance mental health care, patient and profes-  
21                 sional-related education, public health, and health  
22                 administration.

23          “(c) AUTHORIZATION.—

24                 “(1) IN GENERAL.—The Secretary is authorized  
25                 to award grants under the demonstration project for

1 the provision of telemental health services to Indian  
2 youth who—

3 “(A) have expressed suicidal ideas;

4 “(B) have attempted suicide; or

5 “(C) have mental health conditions that in-  
6 crease or could increase the risk of suicide.

7 “(2) ELIGIBILITY FOR GRANTS.—Such grants  
8 shall be awarded to Indian Tribes, Tribal Organiza-  
9 tions, and Urban Indian Organizations that operate  
10 1 or more facilities—

11 “(A) located in Alaska and part of the  
12 Alaska Federal Health Care Access Network;

13 “(B) reporting active clinical telehealth ca-  
14 pabilities; or

15 “(C) offering school-based telemental  
16 health services relating to psychiatry to Indian  
17 youth.

18 “(3) GRANT PERIOD.—The Secretary shall  
19 award grants under this section for a period of up  
20 to 4 years.

21 “(4) AWARDING OF GRANTS.—Not more than 5  
22 grants shall be provided under paragraph (1), with  
23 priority consideration given to Indian Tribes, Tribal  
24 Organizations, and Urban Indian Organizations  
25 that—

1           “(A) serve a particular community or geo-  
2           graphic area where there is a demonstrated  
3           need to address Indian youth suicide;

4           “(B) enter in to collaborative partnerships  
5           with Indian Health Service or other Tribal  
6           Health Programs or facilities to provide services  
7           under this demonstration project;

8           “(C) serve an isolated community or geo-  
9           graphic area which has limited or no access to  
10          behavioral health services; or

11          “(D) operate a detention facility at which  
12          youth are detained.

13          “(d) USE OF FUNDS.—

14                 “(1) IN GENERAL.—An Indian Tribe, Tribal  
15                 Organization, or Urban Indian Organization shall  
16                 use a grant received under subsection (c) for the fol-  
17                 lowing purposes:

18                         “(A) To provide telemental health services  
19                         to Indian youth, including the provision of—

20                                 “(i) psychotherapy;

21                                 “(ii) psychiatric assessments and di-  
22                                 agnostic interviews, therapies for mental  
23                                 health conditions predisposing to suicide,  
24                                 and treatment; and

1                   “(iii) alcohol and substance abuse  
2                   treatment.

3                   “(B) To provide clinician-interactive med-  
4                   ical advice, guidance and training, assistance in  
5                   diagnosis and interpretation, crisis counseling  
6                   and intervention, and related assistance to  
7                   Service, tribal, or urban clinicians and health  
8                   services providers working with youth being  
9                   served under this demonstration project.

10                  “(C) To assist, educate and train commu-  
11                  nity leaders, health education professionals and  
12                  paraprofessionals, tribal outreach workers, and  
13                  family members who work with the youth re-  
14                  ceiving telemental health services under this  
15                  demonstration project, including with identifica-  
16                  tion of suicidal tendencies, crisis intervention  
17                  and suicide prevention, emergency skill develop-  
18                  ment, and building and expanding networks  
19                  among these individuals and with State and  
20                  local health services providers.

21                  “(D) To develop and distribute culturally  
22                  appropriate community educational materials  
23                  on—

24                                 “(i) suicide prevention;

25                                 “(ii) suicide education;



1 “(iii) suicide screening;

2 “(iv) suicide intervention; and

3 “(v) ways to mobilize communities  
4 with respect to the identification of risk  
5 factors for suicide.

6 “(E) For data collection and reporting re-  
7 lated to Indian youth suicide prevention efforts.

8 “(2) TRADITIONAL HEALTH CARE PRAC-  
9 TICES.—In carrying out the purposes described in  
10 paragraph (1), an Indian Tribe, Tribal Organization,  
11 or Urban Indian Organization may use and promote  
12 the traditional health care practices of the Indian  
13 Tribes of the youth to be served.

14 “(e) APPLICATIONS.—To be eligible to receive a grant  
15 under subsection (c), an Indian Tribe, Tribal Organiza-  
16 tion, or Urban Indian Organization shall prepare and sub-  
17 mit to the Secretary an application, at such time, in such  
18 manner, and containing such information as the Secretary  
19 may require, including—

20 “(1) a description of the project that the Indian  
21 Tribe, Tribal Organization, or Urban Indian Organi-  
22 zation will carry out using the funds provided under  
23 the grant;

24 “(2) a description of the manner in which the  
25 project funded under the grant would—

1           “(A) meet the telemental health care needs  
2           of the Indian youth population to be served by  
3           the project; or

4           “(B) improve the access of the Indian  
5           youth population to be served to suicide preven-  
6           tion and treatment services;

7           “(3) evidence of support for the project from  
8           the local community to be served by the project;

9           “(4) a description of how the families and lead-  
10          ership of the communities or populations to be  
11          served by the project would be involved in the devel-  
12          opment and ongoing operations of the project;

13          “(5) a plan to involve the tribal community of  
14          the youth who are provided services by the project  
15          in planning and evaluating the mental health care  
16          and suicide prevention efforts provided, in order to  
17          ensure the integration of community, clinical, envi-  
18          ronmental, and cultural components of the treat-  
19          ment; and

20          “(6) a plan for sustaining the project after Fed-  
21          eral assistance for the demonstration project has ter-  
22          minated.

23          “(f) COLLABORATION; REPORTING TO NATIONAL  
24          CLEARINGHOUSE.—

1           “(1) COLLABORATION.—The Secretary, acting  
2 through the Service, shall encourage Indian Tribes,  
3 Tribal Organizations, and Urban Indian Organiza-  
4 tions receiving grants under this section to collabo-  
5 rate to enable comparisons about best practices  
6 across projects.

7           “(2) REPORTING TO NATIONAL CLEARING-  
8 HOUSE.—The Secretary, acting through the Service,  
9 shall also encourage Indian Tribes, Tribal Organiza-  
10 tions, and Urban Indian Organizations receiving  
11 grants under this section to submit relevant, declas-  
12 sified project information to the national clearing-  
13 house authorized under section 701(b)(2) in order to  
14 better facilitate program performance and improve  
15 suicide prevention, intervention, and treatment serv-  
16 ices.

17           “(g) ANNUAL REPORT.—Each grant recipient shall  
18 submit to the Secretary an annual report that—

19           “(1) describes the number of telemental health  
20 services provided; and

21           “(2) includes any other information that the  
22 Secretary may require.

23           “(h) REPORT TO CONGRESS.—Not later than 270  
24 days after the termination of the demonstration project,  
25 the Secretary shall submit to the Committee on Indian Af-

1 fairs of the Senate and the Committee on Resources and  
 2 Committee on Energy and Commerce of the House of  
 3 Representatives a final report, based on the annual reports  
 4 provided by grant recipients under subsection (h), that—

5           “(1) describes the results of the projects funded  
 6           by grants awarded under this section, including any  
 7           data available which indicates the number of at-  
 8           tempted suicides; and

9           “(2) evaluates the impact of the telemental  
 10          health services funded by the grants in reducing the  
 11          number of completed suicides among Indian youth.

12          “(i) AUTHORIZATION OF APPROPRIATIONS.—There is  
 13 authorized to be appropriated to carry out this section  
 14 \$1,500,000 for each of fiscal years 2007 through 2010.

15 **“SEC. 709. INPATIENT AND COMMUNITY-BASED MENTAL**  
 16 **HEALTH FACILITIES DESIGN, CONSTRUC-**  
 17 **TION, AND STAFFING.**

18          “Not later than 1 year after the date of enactment  
 19 of the Indian Health Care Improvement Act Amendments  
 20 of 2006, the Secretary, acting through the Service, Indian  
 21 Tribes, and Tribal Organizations, may provide, in each  
 22 area of the Service, not less than 1 inpatient mental health  
 23 care facility, or the equivalent, for Indians with behavioral  
 24 health problems. For the purposes of this subsection, Cali-  
 25 fornia shall be considered to be 2 Area Offices, 1 office

1 whose location shall be considered to encompass the north-  
2 ern area of the State of California and 1 office whose ju-  
3 risdiction shall be considered to encompass the remainder  
4 of the State of California. The Secretary shall consider  
5 the possible conversion of existing, underused Service hos-  
6 pital beds into psychiatric units to meet such need.

7 **“SEC. 710. TRAINING AND COMMUNITY EDUCATION.**

8       “(a) PROGRAM.—The Secretary, in cooperation with  
9 the Secretary of the Interior, shall develop and implement  
10 or assist Indian Tribes and Tribal Organizations to de-  
11 velop and implement, within each Service Unit or tribal  
12 program, a program of community education and involve-  
13 ment which shall be designed to provide concise and timely  
14 information to the community leadership of each tribal  
15 community. Such program shall include education about  
16 behavioral health issues to political leaders, Tribal judges,  
17 law enforcement personnel, members of tribal health and  
18 education boards, health care providers including tradi-  
19 tional practitioners, and other critical members of each  
20 tribal community. Such program may also include commu-  
21 nity-based training to develop local capacity and tribal  
22 community provider training for prevention, intervention,  
23 treatment, and aftercare.

24       “(b) INSTRUCTION.—The Secretary, acting through  
25 the Service, shall, either directly or through Indian Tribes

1 and Tribal Organizations, provide instruction in the area  
2 of behavioral health issues, including instruction in crisis  
3 intervention and family relations in the context of alcohol  
4 and substance abuse, child sexual abuse, youth alcohol and  
5 substance abuse, and the causes and effects of fetal alco-  
6 hol disorders to appropriate employees of the Bureau of  
7 Indian Affairs and the Service, and to personnel in schools  
8 or programs operated under any contract with the Bureau  
9 of Indian Affairs or the Service, including supervisors of  
10 emergency shelters and halfway houses described in sec-  
11 tion 4213 of the Indian Alcohol and Substance Abuse Pre-  
12 vention and Treatment Act of 1986 (25 U.S.C. 2433).

13       “(c) TRAINING MODELS.—In carrying out the edu-  
14 cation and training programs required by this section, the  
15 Secretary, in consultation with Indian Tribes, Tribal Or-  
16 ganizations, Indian behavioral health experts, and Indian  
17 alcohol and substance abuse prevention experts, shall de-  
18 velop and provide community-based training models. Such  
19 models shall address—

20               “(1) the elevated risk of alcohol and behavioral  
21 health problems faced by children of alcoholics;

22               “(2) the cultural, spiritual, and  
23 multigenerational aspects of behavioral health prob-  
24 lem prevention and recovery; and

1           “(3) community-based and multidisciplinary  
2 strategies for preventing and treating behavioral  
3 health problems.

4 **“SEC. 711. BEHAVIORAL HEALTH PROGRAM.**

5           “(a) INNOVATIVE PROGRAMS.—The Secretary, acting  
6 through the Service, Indian Tribes, and Tribal Organiza-  
7 tions, consistent with section 701, may plan, develop, im-  
8 plement, and carry out programs to deliver innovative  
9 community-based behavioral health services to Indians.

10          “(b) AWARDS; CRITERIA.—The Secretary may award  
11 a grant for a project under subsection (a) to an Indian  
12 Tribe or Tribal Organization and may consider the fol-  
13 lowing criteria:

14           “(1) The project will address significant unmet  
15 behavioral health needs among Indians.

16           “(2) The project will serve a significant number  
17 of Indians.

18           “(3) The project has the potential to deliver  
19 services in an efficient and effective manner.

20           “(4) The Indian Tribe or Tribal Organization  
21 has the administrative and financial capability to ad-  
22 minister the project.

23           “(5) The project may deliver services in a man-  
24 ner consistent with traditional health care practices.

1           “(6) The project is coordinated with, and avoids  
2           duplication of, existing services.

3           “(c) **EQUITABLE TREATMENT.**—For purposes of this  
4           subsection, the Secretary shall, in evaluating project appli-  
5           cations or proposals, use the same criteria that the Sec-  
6           retary uses in evaluating any other application or proposal  
7           for such funding.

8           **“SEC. 712. FETAL ALCOHOL DISORDER PROGRAMS.**

9           “(a) **PROGRAMS.**—

10           “(1) **ESTABLISHMENT.**—The Secretary, con-  
11           sistent with section 701, acting through the Service,  
12           Indian Tribes, and Tribal Organizations, is author-  
13           ized to establish and operate fetal alcohol disorder  
14           programs as provided in this section for the pur-  
15           poses of meeting the health status objectives speci-  
16           fied in section 3.

17           “(2) **USE OF FUNDS.**—

18           “(A) **IN GENERAL.**—Funding provided  
19           pursuant to this section shall be used for the  
20           following:

21           “(i) To develop and provide for Indi-  
22           ans community and in-school training, edu-  
23           cation, and prevention programs relating  
24           to fetal alcohol disorders.



1           “(ii) To identify and provide behav-  
2           ioral health treatment to high-risk Indian  
3           women and high-risk women pregnant with  
4           an Indian’s child.

5           “(iii) To identify and provide appro-  
6           priate psychological services, educational  
7           and vocational support, counseling, advo-  
8           cacy, and information to fetal alcohol dis-  
9           order affected Indians and their families or  
10          caretakers.

11          “(iv) To develop and implement coun-  
12          seling and support programs in schools for  
13          fetal alcohol disorder affected Indian chil-  
14          dren.

15          “(v) To develop prevention and inter-  
16          vention models which incorporate practi-  
17          tioners of traditional health care practices,  
18          cultural values, and community involve-  
19          ment.

20          “(vi) To develop, print, and dissemi-  
21          nate education and prevention materials on  
22          fetal alcohol disorder.

23          “(vii) To develop and implement, in  
24          consultation with Indian Tribes, Tribal Or-  
25          ganizations, and Urban Indian Organiza-

1 tions, culturally sensitive assessment and  
2 diagnostic tools including dysmorphology  
3 clinics and multidisciplinary fetal alcohol  
4 disorder clinics for use in Indian commu-  
5 nities and Urban Centers.

6 “(B) ADDITIONAL USES.—In addition to  
7 any purpose under subparagraph (A), funding  
8 provided pursuant to this section may be used  
9 for 1 or more of the following:

10 “(i) Early childhood intervention  
11 projects from birth on to mitigate the ef-  
12 fects of fetal alcohol disorder among Indi-  
13 ans.

14 “(ii) Community-based support serv-  
15 ices for Indians and women pregnant with  
16 Indian children.

17 “(iii) Community-based housing for  
18 adult Indians with fetal alcohol disorder.

19 “(3) CRITERIA FOR APPLICATIONS.—The Sec-  
20 retary shall establish criteria for the review and ap-  
21 proval of applications for funding under this section.

22 “(b) SERVICES.—The Secretary, acting through the  
23 Service and Indian Tribes, Tribal Organizations, and  
24 Urban Indian Organizations, shall—

1           “(1) develop and provide services for the pre-  
2           vention, intervention, treatment, and aftercare for  
3           those affected by fetal alcohol disorder in Indian  
4           communities; and

5           “(2) provide supportive services, including serv-  
6           ices to meet the special educational, vocational,  
7           school-to-work transition, and independent living  
8           needs of adolescent and adult Indians with fetal al-  
9           cohol disorder.

10          “(c) TASK FORCE.—The Secretary shall establish a  
11          task force to be known as the Fetal Alcohol Disorder Task  
12          Force to advise the Secretary in carrying out subsection  
13          (b). Such task force shall be composed of representatives  
14          from the following:

15                 “(1) The National Institute on Drug Abuse.

16                 “(2) The National Institute on Alcohol and Al-  
17                 coholism.

18                 “(3) The Office of Substance Abuse Prevention.

19                 “(4) The National Institute of Mental Health.

20                 “(5) The Service.

21                 “(6) The Office of Minority Health of the De-  
22                 partment of Health and Human Services.

23                 “(7) The Administration for Native Americans.

24                 “(8) The National Institute of Child Health  
25                 and Human Development (NICHD).



1 consistent with section 701, in every Service Area, pro-  
2 grams involving treatment for—

3 “(1) victims of sexual abuse who are Indian  
4 children or children in an Indian household; and

5 “(2) perpetrators of child sexual abuse who are  
6 Indian or members of an Indian household.

7 “(b) USE OF FUNDS.—Funding provided pursuant to  
8 this section shall be used for the following:

9 “(1) To develop and provide community edu-  
10 cation and prevention programs related to sexual  
11 abuse of Indian children or children in an Indian  
12 household.

13 “(2) To identify and provide behavioral health  
14 treatment to victims of sexual abuse who are Indian  
15 children or children in an Indian household, and to  
16 their family members who are affected by sexual  
17 abuse.

18 “(3) To develop prevention and intervention  
19 models which incorporate traditional health care  
20 practices, cultural values, and community involve-  
21 ment.

22 “(4) To develop and implement culturally sen-  
23 sitive assessment and diagnostic tools for use in In-  
24 dian communities and Urban Centers.

1           “(5) To identify and provide behavioral health  
2           treatment to Indian perpetrators and perpetrators  
3           who are members of an Indian household—

4                   “(A) making efforts to begin offender and  
5           behavioral health treatment while the pepe-  
6           trator is incarcerated or at the earliest possible  
7           date if the perpetrator is not incarcerated; and

8                   “(B) providing treatment after the pepe-  
9           trator is released, until it is determined that the  
10          perpetrator is not a threat to children.

11 **“SEC. 714. BEHAVIORAL HEALTH RESEARCH.**

12          “The Secretary, in consultation with appropriate  
13 Federal agencies, shall make grants to, or enter into con-  
14 tracts with, Indian Tribes, Tribal Organizations, and  
15 Urban Indian Organizations or enter into contracts with,  
16 or make grants to appropriate institutions for, the conduct  
17 of research on the incidence and prevalence of behavioral  
18 health problems among Indians served by the Service, In-  
19 dian Tribes, or Tribal Organizations and among Indians  
20 in urban areas. Research priorities under this section shall  
21 include—

22                   “(1) the multifactorial causes of Indian youth  
23          suicide, including—

24                           “(A) protective and risk factors and sci-  
25          entific data that identifies those factors; and



1 system involvement such as developmental delay, in-  
2 tellectual deficit, or neurologic abnormalities. Behav-  
3 iorally, there can be problems with irritability, and  
4 failure to thrive as infants. As children become older  
5 there will likely be hyperactivity, attention deficit,  
6 language dysfunction, and perceptual and judgment  
7 problems.

8 “(3) BEHAVIORAL HEALTH AFTERCARE.—The  
9 term ‘behavioral health aftercare’ includes those ac-  
10 tivities and resources used to support recovery fol-  
11 lowing inpatient, residential, intensive substance  
12 abuse, or mental health outpatient or outpatient  
13 treatment. The purpose is to help prevent or deal  
14 with relapse by ensuring that by the time a client or  
15 patient is discharged from a level of care, such as  
16 outpatient treatment, an aftercare plan has been de-  
17 veloped with the client. An aftercare plan may use  
18 such resources as a community-based therapeutic  
19 group, transitional living facilities, a 12-step spon-  
20 sor, a local 12-step or other related support group,  
21 and other community-based providers.

22 “(4) DUAL DIAGNOSIS.—The term ‘dual diag-  
23 nosis’ means coexisting substance abuse and mental  
24 illness conditions or diagnosis. Such clients are



1 sometimes referred to as mentally ill chemical abusers (MICAs).  
2

3 “(5) FETAL ALCOHOL DISORDERS.—The term  
4 ‘fetal alcohol disorders’ means fetal alcohol syndrome, partial fetal alcohol syndrome and alcohol related neurodevelopmental disorder (ARND).  
5  
6

7 “(6) FETAL ALCOHOL SYNDROME OR FAS.—  
8 The term ‘fetal alcohol syndrome’ or ‘FAS’ means a  
9 syndrome in which, with a history of maternal alcohol consumption during pregnancy, the following criteria are met:  
10  
11

12 “(A) Central nervous system involvement  
13 such as developmental delay, intellectual deficit,  
14 microencephaly, or neurologic abnormalities.

15 “(B) Craniofacial abnormalities with at  
16 least 2 of the following: microphthalmia, short  
17 palpebral fissures, poorly developed philtrum,  
18 thin upper lip, flat nasal bridge, and short  
19 upturned nose.

20 “(C) Prenatal or postnatal growth delay.

21 “(7) PARTIAL FAS.—The term ‘partial FAS’  
22 means, with a history of maternal alcohol consumption during pregnancy, having most of the criteria of  
23 FAS, though not meeting a minimum of at least 2  
24 of the following: microphthalmia, short palpebral  
25

1 fissures, poorly developed philtrum, thin upper lip,  
2 flat nasal bridge, and short upturned nose.

3 “(8) REHABILITATION.—The term ‘rehabilita-  
4 tion’ means to restore the ability or capacity to en-  
5 gage in usual and customary life activities through  
6 education and therapy.

7 “(9) SUBSTANCE ABUSE.—The term ‘substance  
8 abuse’ includes inhalant abuse.

9 **“SEC. 716. AUTHORIZATION OF APPROPRIATIONS.**

10 “There is authorized to be appropriated such sums  
11 as may be necessary for each fiscal year through fiscal  
12 year 2016 to carry out the provisions of this title.

13 **“TITLE VIII—MISCELLANEOUS**

14 **“SEC. 801. REPORTS.**

15 “For each fiscal year following the date of enactment  
16 of the Indian Health Care Improvement Act Amendments  
17 of 2006, the Secretary shall transmit to Congress a report  
18 containing the following:

19 “(1) A report on the progress made in meeting  
20 the objectives of this Act, including a review of pro-  
21 grams established or assisted pursuant to this Act  
22 and assessments and recommendations of additional  
23 programs or additional assistance necessary to, at a  
24 minimum, provide health services to Indians and en-  
25 sure a health status for Indians, which are at a par-

1       ity with the health services available to and the  
2       health status of the general population.

3               “(2) A report on whether, and to what extent,  
4       new national health care programs, benefits, initia-  
5       tives, or financing systems have had an impact on  
6       the purposes of this Act and any steps that the Sec-  
7       retary may have taken to consult with Indian Tribes,  
8       Tribal Organizations, and Urban Indian Organiza-  
9       tions to address such impact, including a report on  
10      proposed changes in allocation of funding pursuant  
11      to section 808.

12              “(3) A report on the use of health services by  
13      Indians—

14                      “(A) on a national and area or other rel-  
15                      evant geographical basis;

16                      “(B) by gender and age;

17                      “(C) by source of payment and type of  
18                      service;

19                      “(D) comparing such rates of use with  
20                      rates of use among comparable non-Indian pop-  
21                      ulations; and

22                      “(E) provided under contracts.

23              “(4) A report of contractors to the Secretary on  
24      Health Care Educational Loan Repayments every 6  
25      months required by section 110.

1           “(5) A general audit report of the Secretary on  
2 the Health Care Educational Loan Repayment Pro-  
3 gram as required by section 110(n).

4           “(6) A report of the findings and conclusions of  
5 demonstration programs on development of edu-  
6 cational curricula for substance abuse counseling as  
7 required in section 125(f).

8           “(7) A separate statement which specifies the  
9 amount of funds requested to carry out the provi-  
10 sions of section 201.

11           “(8) A report of the evaluations of health pro-  
12 motion and disease prevention as required in section  
13 203(c).

14           “(9) A biennial report to Congress on infectious  
15 diseases as required by section 212.

16           “(10) A report on environmental and nuclear  
17 health hazards as required by section 215.

18           “(11) An annual report on the status of all  
19 health care facilities needs as required by section  
20 301(c)(2)(B) and 301(d).

21           “(12) Reports on safe water and sanitary waste  
22 disposal facilities as required by section 302(h).

23           “(13) An annual report on the expenditure of  
24 non-Service funds for renovation as required by sec-  
25 tions 304(b)(2).

1           “(14) A report identifying the backlog of main-  
2           tenance and repair required at Service and tribal fa-  
3           cilities required by section 313(a).

4           “(15) A report providing an accounting of reim-  
5           bursement funds made available to the Secretary  
6           under titles XVIII, XIX, and XXI of the Social Se-  
7           curity Act.

8           “(16) A report on any arrangements for the  
9           sharing of medical facilities or services, as author-  
10          ized by section 406.

11          “(17) A report on evaluation and renewal of  
12          Urban Indian programs under section 505.

13          “(18) A report on the evaluation of programs  
14          as required by section 513(d).

15          “(19) A report on alcohol and substance abuse  
16          as required by section 701(f).

17          “(20) A report on Indian youth mental health  
18          services as required by section 707(h).

19          “(21) A report on the reallocation of base re-  
20          sources if required by section 808.

21       **“SEC. 802. REGULATIONS.**

22       “(a) DEADLINES.—

23           “(1) PROCEDURES.—Not later than 90 days  
24           after the date of enactment of the Indian Health  
25           Care Improvement Act Amendments of 2006, the

1 Secretary shall initiate procedures under subchapter  
2 III of chapter 5 of title 5, United States Code, to  
3 negotiate and promulgate such regulations or  
4 amendments thereto that are necessary to carry out  
5 titles II (except section 202) and VII, the sections  
6 of title III for which negotiated rulemaking is spe-  
7 cifically required, and sections 807 and 811. Unless  
8 otherwise required, the Secretary may promulgate  
9 regulations to carry out titles I, III, IV, and V, and  
10 section 202, using the procedures required by chap-  
11 ter V of title 5, United States Code (commonly  
12 known as the ‘Administrative Procedure Act’).

13 “(2) PROPOSED REGULATIONS.—Proposed reg-  
14 ulations to implement this Act shall be published in  
15 the Federal Register by the Secretary no later than  
16 2 years after the date of enactment of the Indian  
17 Health Care Improvement Act Amendments of 2006  
18 and shall have no less than a 120-day comment pe-  
19 riod.

20 “(3) FINAL REGULATIONS.—The Secretary  
21 shall publish in the Federal Register final regula-  
22 tions to implement this Act by not later than 3 years  
23 after the date of enactment of the Indian Health  
24 Care Improvement Act Amendments of 2006.

1       “(b) COMMITTEE.—A negotiated rulemaking com-  
2 mittee established pursuant to section 565 of title 5,  
3 United States Code, to carry out this section shall have  
4 as its members only representatives of the Federal Gov-  
5 ernment and representatives of Indian Tribes, and Tribal  
6 Organizations, a majority of whom shall be nominated by  
7 and be representatives of Indian Tribes and Tribal Orga-  
8 nizations from each Service Area.

9       “(c) ADAPTATION OF PROCEDURES.—The Secretary  
10 shall adapt the negotiated rulemaking procedures to the  
11 unique context of self-governance and the government-to-  
12 government relationship between the United States and  
13 Indian Tribes.

14       “(d) LACK OF REGULATIONS.—The lack of promul-  
15 gated regulations shall not limit the effect of this Act.

16       “(e) INCONSISTENT REGULATIONS.—The provisions  
17 of this Act shall supersede any conflicting provisions of  
18 law in effect on the day before the date of enactment of  
19 the Indian Health Care Improvement Act Amendments of  
20 2006, and the Secretary is authorized to repeal any regu-  
21 lation inconsistent with the provisions of this Act.

22 **“SEC. 803. PLAN OF IMPLEMENTATION.**

23       “Not later than 9 months after the date of enactment  
24 of the Indian Health Care Improvement Act Amendments  
25 of 2006, the Secretary in consultation with Indian Tribes,

1 Tribal Organizations, and Urban Indian Organizations,  
2 shall submit to Congress a plan explaining the manner and  
3 schedule, by title and section, by which the Secretary will  
4 implement the provisions of this Act. This consultation  
5 may be conducted jointly with the annual budget consulta-  
6 tion pursuant to the Indian Self-Determination and Edu-  
7 cation Assistance Act (25 U.S.C. 450 et seq).

8 **“SEC. 804. AVAILABILITY OF FUNDS.**

9 “The funds appropriated pursuant to this Act shall  
10 remain available until expended.

11 **“SEC. 805. LIMITATIONS.**

12 “(a) IN GENERAL.—Any limitation on the use of  
13 funds contained in an Act providing appropriations for the  
14 Department for a period with respect to the performance  
15 of abortions shall apply for that period with respect to the  
16 performance of abortions using funds contained in an Act  
17 providing appropriations for the Service.

18 “(b) NO LIABILITY.—Although the Secretary may  
19 promote traditional health care practices, consistent with  
20 the Service standards for the provision of health care,  
21 health promotion, and disease prevention under this Act,  
22 the United States is not liable for the acts or omissions  
23 of any person in providing traditional health care practices  
24 under this Act that result in damage, injury, death, or  
25 any other outcome to any patient.



1 **“SEC. 806. ELIGIBILITY OF CALIFORNIA INDIANS.**

2 “(a) IN GENERAL.—The following California Indians  
3 shall be eligible for health services provided by the Service:

4 “(1) Any member of a federally recognized In-  
5 dian Tribe.

6 “(2) Any descendant of an Indian who was re-  
7 siding in California on June 1, 1852, if such de-  
8 scendant—

9 “(A) is a member of the Indian community  
10 served by a local program of the Service; and

11 “(B) is regarded as an Indian by the com-  
12 munity in which such descendant lives.

13 “(3) Any Indian who holds trust interests in  
14 public domain, national forest, or reservation allot-  
15 ments in California.

16 “(4) Any Indian in California who is listed on  
17 the plans for distribution of the assets of rancherias  
18 and reservations located within the State of Cali-  
19 fornia under the Act of August 18, 1958 (72 Stat.  
20 619), and any descendant of such an Indian.

21 “(b) CLARIFICATION.—Nothing in this section may  
22 be construed as expanding the eligibility of California Indi-  
23 ans for health services provided by the Service beyond the  
24 scope of eligibility for such health services that applied on  
25 May 1, 1986.

1 **“SEC. 807. HEALTH SERVICES FOR INELIGIBLE PERSONS.**

2 “(a) CHILDREN.—Any individual who—

3 “(1) has not attained 19 years of age;

4 “(2) is the natural or adopted child, stepchild,  
5 foster child, legal ward, or orphan of an eligible In-  
6 dian; and

7 “(3) is not otherwise eligible for health services  
8 provided by the Service,

9 shall be eligible for all health services provided by the  
10 Service on the same basis and subject to the same rules  
11 that apply to eligible Indians until such individual attains  
12 19 years of age. The existing and potential health needs  
13 of all such individuals shall be taken into consideration  
14 by the Service in determining the need for, or the alloca-  
15 tion of, the health resources of the Service. If such an indi-  
16 vidual has been determined to be legally incompetent prior  
17 to attaining 19 years of age, such individual shall remain  
18 eligible for such services until 1 year after the date of a  
19 determination of competency.

20 “(b) SPOUSES.—Any spouse of an eligible Indian who  
21 is not an Indian, or who is of Indian descent but is not  
22 otherwise eligible for the health services provided by the  
23 Service, shall be eligible for such health services if all such  
24 spouses or spouses who are married to members of each  
25 Indian Tribe being served are made eligible, as a class,  
26 by an appropriate resolution of the governing body of the

1 Indian Tribe or Tribal Organization providing such serv-  
2 ices. The health needs of persons made eligible under this  
3 paragraph shall not be taken into consideration by the  
4 Service in determining the need for, or allocation of, its  
5 health resources.

6 “(c) PROVISION OF SERVICES TO OTHER INDIVID-  
7 UALS.—

8 “(1) IN GENERAL.—The Secretary is authorized  
9 to provide health services under this subsection  
10 through health programs operated directly by the  
11 Service to individuals who reside within the Service  
12 Unit and who are not otherwise eligible for such  
13 health services if—

14 “(A) the Indian Tribes served by such  
15 Service Unit request such provision of health  
16 services to such individuals; and

17 “(B) the Secretary and the served Indian  
18 Tribes have jointly determined that—

19 “(i) the provision of such health serv-  
20 ices will not result in a denial or diminu-  
21 tion of health services to eligible Indians;  
22 and

23 “(ii) there is no reasonable alternative  
24 health facilities or services, within or with-

1 out the Service Unit, available to meet the  
2 health needs of such individuals.

3 “(2) ISDEAA PROGRAMS.—In the case of  
4 health programs and facilities operated under a con-  
5 tract or compact entered into under the Indian Self-  
6 Determination and Education Assistance Act (25  
7 U.S.C. 450 et seq.), the governing body of the In-  
8 dian Tribe or Tribal Organization providing health  
9 services under such contract or compact is author-  
10 ized to determine whether health services should be  
11 provided under such contract to individuals who are  
12 not eligible for such health services under any other  
13 subsection of this section or under any other provi-  
14 sion of law. In making such determinations, the gov-  
15 erning body of the Indian Tribe or Tribal Organiza-  
16 tion shall take into account the considerations de-  
17 scribed in paragraph (1)(B).

18 “(3) PAYMENT FOR SERVICES.—

19 “(A) IN GENERAL.—Persons receiving  
20 health services provided by the Service under  
21 this subsection shall be liable for payment of  
22 such health services under a schedule of charges  
23 prescribed by the Secretary which, in the judg-  
24 ment of the Secretary, results in reimbursement  
25 in an amount not less than the actual cost of

1 providing the health services. Notwithstanding  
2 section 404 of this Act or any other provision  
3 of law, amounts collected under this subsection,  
4 including Medicare, Medicaid, or SCHIP reim-  
5 bursements under titles XVIII, XIX, and XXI  
6 of the Social Security Act, shall be credited to  
7 the account of the program providing the serv-  
8 ice and shall be used for the purposes listed in  
9 section 401(d)(2) and amounts collected under  
10 this subsection shall be available for expendi-  
11 ture within such program.

12 “(B) INDIGENT PEOPLE.—Health services  
13 may be provided by the Secretary through the  
14 Service under this subsection to an indigent in-  
15 dividual who would not be otherwise eligible for  
16 such health services but for the provisions of  
17 paragraph (1) only if an agreement has been  
18 entered into with a State or local government  
19 under which the State or local government  
20 agrees to reimburse the Service for the expenses  
21 incurred by the Service in providing such health  
22 services to such indigent individual.

23 “(4) REVOCATION OF CONSENT FOR SERV-  
24 ICES.—

1           “(A) SINGLE TRIBE SERVICE AREA.—In  
2           the case of a Service Area which serves only 1  
3           Indian Tribe, the authority of the Secretary to  
4           provide health services under paragraph (1)  
5           shall terminate at the end of the fiscal year suc-  
6           ceeding the fiscal year in which the governing  
7           body of the Indian Tribe revokes its concur-  
8           rence to the provision of such health services.

9           “(B) MULTITRIBAL SERVICE AREA.—In  
10          the case of a multitribal Service Area, the au-  
11          thority of the Secretary to provide health serv-  
12          ices under paragraph (1) shall terminate at the  
13          end of the fiscal year succeeding the fiscal year  
14          in which at least 51 percent of the number of  
15          Indian Tribes in the Service Area revoke their  
16          concurrence to the provisions of such health  
17          services.

18          “(d) OTHER SERVICES.—The Service may provide  
19          health services under this subsection to individuals who  
20          are not eligible for health services provided by the Service  
21          under any other provision of law in order to—

22                 “(1) achieve stability in a medical emergency;

23                 “(2) prevent the spread of a communicable dis-  
24          ease or otherwise deal with a public health hazard;

1           “(3) provide care to non-Indian women preg-  
2           nant with an eligible Indian’s child for the duration  
3           of the pregnancy through postpartum; or

4           “(4) provide care to immediate family members  
5           of an eligible individual if such care is directly re-  
6           lated to the treatment of the eligible individual.

7           “(e) HOSPITAL PRIVILEGES FOR PRACTITIONERS.—  
8           Hospital privileges in health facilities operated and main-  
9           tained by the Service or operated under a contract or com-  
10          pact pursuant to the Indian Self-Determination and Edu-  
11          cation Assistance Act (25 U.S.C. 450 et seq.) may be ex-  
12          tended to non-Service health care practitioners who pro-  
13          vide services to individuals described in subsection (a), (b),  
14          (c), or (d). Such non-Service health care practitioners  
15          may, as part of the privileging process, be designated as  
16          employees of the Federal Government for purposes of sec-  
17          tion 1346(b) and chapter 171 of title 28, United States  
18          Code (relating to Federal tort claims) only with respect  
19          to acts or omissions which occur in the course of providing  
20          services to eligible individuals as a part of the conditions  
21          under which such hospital privileges are extended.

22          “(f) ELIGIBLE INDIAN.—For purposes of this sec-  
23          tion, the term ‘eligible Indian’ means any Indian who is  
24          eligible for health services provided by the Service without  
25          regard to the provisions of this section.

1 **“SEC. 808. REALLOCATION OF BASE RESOURCES.**

2       “(a) REPORT REQUIRED.—Notwithstanding any  
3 other provision of law, any allocation of Service funds for  
4 a fiscal year that reduces by 5 percent or more from the  
5 previous fiscal year the funding for any recurring pro-  
6 gram, project, or activity of a Service Unit may be imple-  
7 mented only after the Secretary has submitted to Con-  
8 gress, under section 801, a report on the proposed change  
9 in allocation of funding, including the reasons for the  
10 change and its likely effects.

11       “(b) EXCEPTION.—Subsection (a) shall not apply if  
12 the total amount appropriated to the Service for a fiscal  
13 year is at least 5 percent less than the amount appro-  
14 priated to the Service for the previous fiscal year.

15 **“SEC. 809. RESULTS OF DEMONSTRATION PROJECTS.**

16       “The Secretary shall provide for the dissemination to  
17 Indian Tribes, Tribal Organizations, and Urban Indian  
18 Organizations of the findings and results of demonstration  
19 projects conducted under this Act.

20 **“SEC. 810. PROVISION OF SERVICES IN MONTANA.**

21       “(a) CONSISTENT WITH COURT DECISION.—The  
22 Secretary, acting through the Service, shall provide serv-  
23 ices and benefits for Indians in Montana in a manner con-  
24 sistent with the decision of the United States Court of Ap-  
25 peals for the Ninth Circuit in McNabb for McNabb v.  
26 Bowen, 829 F.2d 787 (9th Cir. 1987).



1       “(b) CLARIFICATION.—The provisions of subsection  
2 (a) shall not be construed to be an expression of the sense  
3 of Congress on the application of the decision described  
4 in subsection (a) with respect to the provision of services  
5 or benefits for Indians living in any State other than Mon-  
6 tana.

7 **“SEC. 811. MORATORIUM.**

8       “During the period of the moratorium imposed on  
9 implementation of the final rule published in the Federal  
10 Register on September 16, 1987, by the Health Resources  
11 and Services Administration of the Public Health Service,  
12 relating to eligibility for the health care services of the  
13 Indian Health Service, the Indian Health Service shall  
14 provide services pursuant to the criteria for eligibility for  
15 such services that were in effect on September 15, 1987,  
16 subject to the provisions of sections 806 and 807 until  
17 such time as new criteria governing eligibility for services  
18 are developed in accordance with section 802.

19 **“SEC. 812. TRIBAL EMPLOYMENT.**

20       “For purposes of section 2(2) of the Act of July 5,  
21 1935 (49 Stat. 450, chapter 372), an Indian Tribe or  
22 Tribal Organization carrying out a contract or compact  
23 pursuant to the Indian Self-Determination and Education  
24 Assistance Act (25 U.S.C. 450 et seq.) shall not be consid-  
25 ered an ‘employer’.

1 **“SEC. 813. SEVERABILITY PROVISIONS.**

2 “If any provision of this Act, any amendment made  
3 by the Act, or the application of such provision or amend-  
4 ment to any person or circumstances is held to be invalid,  
5 the remainder of this Act, the remaining amendments  
6 made by this Act, and the application of such provisions  
7 to persons or circumstances other than those to which it  
8 is held invalid, shall not be affected thereby.

9 **“SEC. 814. ESTABLISHMENT OF NATIONAL BIPARTISAN**  
10 **COMMISSION ON INDIAN HEALTH CARE.**

11 “(a) ESTABLISHMENT.—There is established the Na-  
12 tional Bipartisan Indian Health Care Commission (the  
13 ‘Commission’).

14 “(b) DUTIES OF COMMISSION.—The duties of the  
15 Commission are the following:

16 “(1) To establish a study committee composed  
17 of those members of the Commission appointed by  
18 the Director and at least 4 members of Congress  
19 from among the members of the Commission, the  
20 duties of which shall be the following:

21 “(A) To the extent necessary to carry out  
22 its duties, collect and compile data necessary to  
23 understand the extent of Indian needs with re-  
24 gard to the provision of health services, regard-  
25 less of the location of Indians, including holding  
26 hearings and soliciting the views of Indians, In-

1           dian Tribes, Tribal Organizations, and Urban  
2           Indian Organizations, which may include au-  
3           thorizing and making funds available for feasi-  
4           bility studies of various models for providing  
5           and funding health services for all Indian bene-  
6           ficiaries, including those who live outside of a  
7           reservation, temporarily or permanently. The  
8           study committee shall also evaluate utilization  
9           rates by Indians at Indian Health Programs  
10          and Urban Indian Organizations programs, ex-  
11          isting or potential disincentives to any overutili-  
12          zation of health care services, existing or poten-  
13          tial incentives to spend health care resources  
14          prudently, and the concepts of, and potential in-  
15          centives to, achieving personal responsibility of  
16          Indians or a more direct role of Indians in their  
17          personal health care management plans or deci-  
18          sions.

19                 “(B) To make legislative recommendations  
20          to the Commission regarding the delivery of  
21          Federal health care services to Indians. Such  
22          recommendations shall include those related to  
23          issues of eligibility, benefits, the range of serv-  
24          ice providers, the cost of such services, financ-

1           ing such services, and the optimal manner in  
2           which to provide such services.

3           “(C) To determine the effect of the enact-  
4           ment of such recommendations on (i) the exist-  
5           ing system of delivery of health services for In-  
6           dians, and (ii) the sovereign status of Indian  
7           Tribes.

8           “(D) Not later than 12 months after the  
9           appointment of all members of the Commission,  
10          to submit a written report of its findings and  
11          recommendations to the full Commission. The  
12          report shall include a statement of the minority  
13          and majority position of the Committee and  
14          shall be disseminated, at a minimum, to every  
15          Indian Tribe, Tribal Organization, and Urban  
16          Indian Organization for comment to the Com-  
17          mission.

18          “(E) To report regularly to the full Com-  
19          mission regarding the findings and rec-  
20          ommendations developed by the study com-  
21          mittee in the course of carrying out its duties  
22          under this section.

23          “(2) To review and analyze the recommenda-  
24          tions of the report of the study committee.

1           “(3) To make legislative recommendations to  
2 Congress regarding the delivery of Federal health  
3 care services to Indians. Such recommendations  
4 shall include those related to issues of eligibility,  
5 benefits, the range of service providers, the cost of  
6 such services, financing such services, and the opti-  
7 mal manner in which to provide such services.

8           “(4) Not later than 18 months following the  
9 date of appointment of all members of the Commis-  
10 sion, submit a written report to Congress regarding  
11 the delivery of Federal health care services to Indi-  
12 ans. Such recommendations shall include those re-  
13 lated to issues of eligibility, benefits, the range of  
14 service providers, the cost of such services, financing  
15 such services, and the optimal manner in which to  
16 provide such services.

17           “(c) MEMBERS.—

18           “(1) APPOINTMENT.—The Commission shall be  
19 composed of 25 members, appointed as follows:

20           “(A) Ten members of Congress, including  
21 3 from the House of Representatives and 2  
22 from the Senate, appointed by their respective  
23 majority leaders, and 3 from the House of Rep-  
24 resentatives and 2 from the Senate, appointed  
25 by their respective minority leaders, and who

1 shall be members of the standing committees of  
2 Congress that consider legislation affecting  
3 health care to Indians.

4 “(B) Twelve persons chosen by the con-  
5 gressional members of the Commission, 1 from  
6 each Service Area as currently designated by  
7 the Director to be chosen from among 3 nomi-  
8 nees from each Service Area put forward by the  
9 Indian Tribes within the area, with due regard  
10 being given to the experience and expertise of  
11 the nominees in the provision of health care to  
12 Indians and to a reasonable representation on  
13 the commission of members who are familiar  
14 with various health care delivery modes and  
15 who represent Indian Tribes of various size  
16 populations.

17 “(C) Three persons appointed by the Di-  
18 rector who are knowledgeable about the provi-  
19 sion of health care to Indians, at least 1 of  
20 whom shall be appointed from among 3 nomi-  
21 nees put forward by those programs whose  
22 funds are provided in whole or in part by the  
23 Service primarily or exclusively for the benefit  
24 of Urban Indians.

1           “(D) All those persons chosen by the con-  
2           gressional members of the Commission and by  
3           the Director shall be members of federally rec-  
4           ognized Indian Tribes.

5           “(2) CHAIR; VICE CHAIR.—The Chair and Vice  
6           Chair of the Commission shall be selected by the  
7           congressional members of the Commission.

8           “(3) TERMS.—The terms of members of the  
9           Commission shall be for the life of the Commission.

10          “(4) DEADLINE FOR APPOINTMENTS.—Con-  
11          gressional members of the Commission shall be ap-  
12          pointed not later than 180 days after the date of en-  
13          actment of the Indian Health Care Improvement Act  
14          Amendments of 2006, and the remaining members  
15          of the Commission shall be appointed not later than  
16          60 days following the appointment of the congres-  
17          sional members.

18          “(5) VACANCY.—A vacancy in the Commission  
19          shall be filled in the manner in which the original  
20          appointment was made.

21          “(d) COMPENSATION.—

22          “(1) CONGRESSIONAL MEMBERS.—Each con-  
23          gressional member of the Commission shall receive  
24          no additional pay, allowances, or benefits by reason  
25          of their service on the Commission and shall receive

1 travel expenses and per diem in lieu of subsistence  
2 in accordance with sections 5702 and 5703 of title  
3 5, United States Code.

4 “(2) OTHER MEMBERS.—Remaining members  
5 of the Commission, while serving on the business of  
6 the Commission (including travel time), shall be en-  
7 titled to receive compensation at the per diem equiv-  
8 alent of the rate provided for level IV of the Execu-  
9 tive Schedule under section 5315 of title 5, United  
10 States Code, and while so serving away from home  
11 and the member’s regular place of business, a mem-  
12 ber may be allowed travel expenses, as authorized by  
13 the Chairman of the Commission. For purpose of  
14 pay (other than pay of members of the Commission)  
15 and employment benefits, rights, and privileges, all  
16 personnel of the Commission shall be treated as if  
17 they were employees of the United States Senate.

18 “(e) MEETINGS.—The Commission shall meet at the  
19 call of the Chair.

20 “(f) QUORUM.—A quorum of the Commission shall  
21 consist of not less than 15 members, provided that no less  
22 than 6 of the members of Congress who are Commission  
23 members are present and no less than 9 of the members  
24 who are Indians are present.

25 “(g) EXECUTIVE DIRECTOR; STAFF; FACILITIES.—



1           “(1) APPOINTMENT; PAY.—The Commission  
2 shall appoint an executive director of the Commis-  
3 sion. The executive director shall be paid the rate of  
4 basic pay for level V of the Executive Schedule.

5           “(2) STAFF APPOINTMENT.—With the approval  
6 of the Commission, the executive director may ap-  
7 point such personnel as the executive director deems  
8 appropriate.

9           “(3) STAFF PAY.—The staff of the Commission  
10 shall be appointed without regard to the provisions  
11 of title 5, United States Code, governing appoint-  
12 ments in the competitive service, and shall be paid  
13 without regard to the provisions of chapter 51 and  
14 subchapter III of chapter 53 of such title (relating  
15 to classification and General Schedule pay rates).

16           “(4) TEMPORARY SERVICES.—With the ap-  
17 proval of the Commission, the executive director may  
18 procure temporary and intermittent services under  
19 section 3109(b) of title 5, United States Code.

20           “(5) FACILITIES.—The Administrator of Gen-  
21 eral Services shall locate suitable office space for the  
22 operation of the Commission. The facilities shall  
23 serve as the headquarters of the Commission and  
24 shall include all necessary equipment and incidentals

1 required for the proper functioning of the Commis-  
2 sion.

3 “(h) HEARINGS.—(1) For the purpose of carrying  
4 out its duties, the Commission may hold such hearings  
5 and undertake such other activities as the Commission de-  
6 termines to be necessary to carry out its duties, provided  
7 that at least 6 regional hearings are held in different areas  
8 of the United States in which large numbers of Indians  
9 are present. Such hearings are to be held to solicit the  
10 views of Indians regarding the delivery of health care serv-  
11 ices to them. To constitute a hearing under this sub-  
12 section, at least 5 members of the Commission, including  
13 at least 1 member of Congress, must be present. Hearings  
14 held by the study committee established in this section  
15 may count toward the number of regional hearings re-  
16 quired by this subsection.

17 “(2) Upon request of the Commission, the Comp-  
18 troller General shall conduct such studies or investigations  
19 as the Commission determines to be necessary to carry  
20 out its duties.

21 “(3)(A) The Director of the Congressional Budget  
22 Office or the Chief Actuary of the Centers for Medicare  
23 & Medicaid Services, or both, shall provide to the Commis-  
24 sion, upon the request of the Commission, such cost esti-

1 mates as the Commission determines to be necessary to  
2 carry out its duties.

3       “(B) The Commission shall reimburse the Director  
4 of the Congressional Budget Office for expenses relating  
5 to the employment in the office of that Director of such  
6 additional staff as may be necessary for the Director to  
7 comply with requests by the Commission under subpara-  
8 graph (A).

9       “(4) Upon the request of the Commission, the head  
10 of any Federal agency is authorized to detail, without re-  
11 imbursement, any of the personnel of such agency to the  
12 Commission to assist the Commission in carrying out its  
13 duties. Any such detail shall not interrupt or otherwise  
14 affect the civil service status or privileges of the Federal  
15 employee.

16       “(5) Upon the request of the Commission, the head  
17 of a Federal agency shall provide such technical assistance  
18 to the Commission as the Commission determines to be  
19 necessary to carry out its duties.

20       “(6) The Commission may use the United States  
21 mails in the same manner and under the same conditions  
22 as Federal agencies and shall, for purposes of the frank,  
23 be considered a commission of Congress as described in  
24 section 3215 of title 39, United States Code.

1       “(7) The Commission may secure directly from any  
2 Federal agency information necessary to enable it to carry  
3 out its duties, if the information may be disclosed under  
4 section 552 of title 4, United States Code. Upon request  
5 of the Chairman of the Commission, the head of such  
6 agency shall furnish such information to the Commission.

7       “(8) Upon the request of the Commission, the Ad-  
8 ministrator of General Services shall provide to the Com-  
9 mission on a reimbursable basis such administrative sup-  
10 port services as the Commission may request.

11       “(9) For purposes of costs relating to printing and  
12 binding, including the cost of personnel detailed from the  
13 Government Printing Office, the Commission shall be  
14 deemed to be a committee of Congress.

15       “(i) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated \$4,000,000 to carry out the  
17 provisions of this section, which sum shall not be deducted  
18 from or affect any other appropriation for health care for  
19 Indian persons.

20       “(j) NONAPPLICABILITY OF FACA.—The Federal  
21 Advisory Committee Act (5 U.S.C. App.) shall not apply  
22 to the Commission.

23 **“SEC. 815. APPROPRIATIONS; AVAILABILITY.**

24       “Any new spending authority (described in subpara-  
25 graph (A) or (B) of section 401(c)(2) of the Congressional

1 Budget Act of 1974 (Public Law 93–344; 88 Stat. 317))  
2 which is provided under this Act shall be effective for any  
3 fiscal year only to such extent or in such amounts as are  
4 provided in appropriation Acts.

5 **“SEC. 816. AUTHORIZATION OF APPROPRIATIONS.**

6 “(a) IN GENERAL.—There are authorized to be ap-  
7 propriated such sums as may be necessary for each fiscal  
8 year through fiscal year 2016 to carry out this title.”.

9 **SEC. 102. SOBOBA SANITATION FACILITIES.**

10 The Act of December 17, 1970 (84 Stat. 1465), is  
11 amended by adding at the end the following:

12 “SEC. 9. Nothing in this Act shall preclude the  
13 Soboba Band of Mission Indians and the Soboba Indian  
14 Reservation from being provided with sanitation facilities  
15 and services under the authority of section 7 of the Act  
16 of August 5, 1954 (68 Stat. 674), as amended by the Act  
17 of July 31, 1959 (73 Stat. 267).”.

18 **SEC. 103. NATIVE AMERICAN HEALTH AND WELLNESS**  
19 **FOUNDATION.**

20 (a) IN GENERAL.—The Indian Self-Determination  
21 and Education Assistance Act (25 U.S.C. 450 et seq.) is  
22 amended by adding at the end the following:

1 **“TITLE VIII—NATIVE AMERICAN**  
2 **HEALTH AND WELLNESS**  
3 **FOUNDATION**

4 **“SEC. 801. DEFINITIONS.**

5 “In this title:

6 “(1) BOARD.—The term ‘Board’ means the  
7 Board of Directors of the Foundation.

8 “(2) COMMITTEE.—The term ‘Committee’  
9 means the Committee for the Establishment of Na-  
10 tive American Health and Wellness Foundation es-  
11 tablished under section 802(f).

12 “(3) FOUNDATION.—The term ‘Foundation’  
13 means the Native American Health and Wellness  
14 Foundation established under section 802.

15 “(4) SECRETARY.—The term ‘Secretary’ means  
16 the Secretary of Health and Human Services.

17 “(5) SERVICE.—The term ‘Service’ means the  
18 Indian Health Service of the Department of Health  
19 and Human Services.

20 **“SEC. 802. NATIVE AMERICAN HEALTH AND WELLNESS**  
21 **FOUNDATION.**

22 “(a) ESTABLISHMENT.—

23 “(1) IN GENERAL.—As soon as practicable  
24 after the date of enactment of this title, the Sec-  
25 retary shall establish, under the laws of the District

1 of Columbia and in accordance with this title, the  
2 Native American Health and Wellness Foundation.

3 “(2) FUNDING DETERMINATIONS.—No funds,  
4 gift, property, or other item of value (including any  
5 interest accrued on such an item) acquired by the  
6 Foundation shall—

7 “(A) be taken into consideration for pur-  
8 poses of determining Federal appropriations re-  
9 lating to the provision of health care and serv-  
10 ices to Indians; or

11 “(B) otherwise limit, diminish, or affect  
12 the Federal responsibility for the provision of  
13 health care and services to Indians.

14 “(b) PERPETUAL EXISTENCE.—The Foundation  
15 shall have perpetual existence.

16 “(c) NATURE OF CORPORATION.—The Foundation—

17 “(1) shall be a charitable and nonprofit feder-  
18 ally chartered corporation; and

19 “(2) shall not be an agency or instrumentality  
20 of the United States.

21 “(d) PLACE OF INCORPORATION AND DOMICILE.—

22 The Foundation shall be incorporated and domiciled in the  
23 District of Columbia.

24 “(e) DUTIES.—The Foundation shall—

1           “(1) encourage, accept, and administer private  
2           gifts of real and personal property, and any income  
3           from or interest in such gifts, for the benefit of, or  
4           in support of, the mission of the Service;

5           “(2) undertake and conduct such other activi-  
6           ties as will further the health and wellness activities  
7           and opportunities of Native Americans; and

8           “(3) participate with and assist Federal, State,  
9           and tribal governments, agencies, entities, and indi-  
10          viduals in undertaking and conducting activities that  
11          will further the health and wellness activities and op-  
12          portunities of Native Americans.

13          “(f) COMMITTEE FOR THE ESTABLISHMENT OF NA-  
14          TIVE AMERICAN HEALTH AND WELLNESS FOUNDA-  
15          TION.—

16                 “(1) IN GENERAL.—The Secretary shall estab-  
17                 lish the Committee for the Establishment of Native  
18                 American Health and Wellness Foundation to assist  
19                 the Secretary in establishing the Foundation.

20                 “(2) DUTIES.—Not later than 180 days after  
21                 the date of enactment of this section, the Committee  
22                 shall—

23                         “(A) carry out such activities as are nec-  
24                         essary to incorporate the Foundation under the



1 laws of the District of Columbia, including act-  
2 ing as incorporators of the Foundation;

3 “(B) ensure that the Foundation qualifies  
4 for and maintains the status required to carry  
5 out this section, until the Board is established;

6 “(C) establish the constitution and initial  
7 bylaws of the Foundation;

8 “(D) provide for the initial operation of  
9 the Foundation, including providing for tem-  
10 porary or interim quarters, equipment, and  
11 staff; and

12 “(E) appoint the initial members of the  
13 Board in accordance with the constitution and  
14 initial bylaws of the Foundation.

15 “(g) BOARD OF DIRECTORS.—

16 “(1) IN GENERAL.—The Board of Directors  
17 shall be the governing body of the Foundation.

18 “(2) POWERS.—The Board may exercise, or  
19 provide for the exercise of, the powers of the Foun-  
20 dation.

21 “(3) SELECTION.—

22 “(A) IN GENERAL.—Subject to subpara-  
23 graph (B), the number of members of the  
24 Board, the manner of selection of the members  
25 (including the filling of vacancies), and the

1 terms of office of the members shall be as pro-  
2 vided in the constitution and bylaws of the  
3 Foundation.

4 “(B) REQUIREMENTS.—

5 “(i) NUMBER OF MEMBERS.—The  
6 Board shall have at least 11 members, who  
7 shall have staggered terms.

8 “(ii) INITIAL VOTING MEMBERS.—The  
9 initial voting members of the Board—

10 “(I) shall be appointed by the  
11 Committee not later than 180 days  
12 after the date on which the Founda-  
13 tion is established; and

14 “(II) shall have staggered terms.

15 “(iii) QUALIFICATION.—The members  
16 of the Board shall be United States citi-  
17 zens who are knowledgeable or experienced  
18 in Native American health care and related  
19 matters.

20 “(C) COMPENSATION.—A member of the  
21 Board shall not receive compensation for service  
22 as a member, but shall be reimbursed for actual  
23 and necessary travel and subsistence expenses  
24 incurred in the performance of the duties of the  
25 Foundation.

1 “(h) OFFICERS.—

2 “(1) IN GENERAL.—The officers of the Founda-  
3 tion shall be—

4 “(A) a secretary, elected from among the  
5 members of the Board; and

6 “(B) any other officers provided for in the  
7 constitution and bylaws of the Foundation.

8 “(2) CHIEF OPERATING OFFICER.—The sec-  
9 retary of the Foundation may serve, at the direction  
10 of the Board, as the chief operating officer of the  
11 Foundation, or the Board may appoint a chief oper-  
12 ating officer, who shall serve at the direction of the  
13 Board.

14 “(3) ELECTION.—The manner of election, term  
15 of office, and duties of the officers of the Founda-  
16 tion shall be as provided in the constitution and by-  
17 laws of the Foundation.

18 “(i) POWERS.—The Foundation—

19 “(1) shall adopt a constitution and bylaws for  
20 the management of the property of the Foundation  
21 and the regulation of the affairs of the Foundation;

22 “(2) may adopt and alter a corporate seal;

23 “(3) may enter into contracts;

24 “(4) may acquire (through a gift or otherwise),  
25 own, lease, encumber, and transfer real or personal

1 property as necessary or convenient to carry out the  
2 purposes of the Foundation;

3 “(5) may sue and be sued; and

4 “(6) may perform any other act necessary and  
5 proper to carry out the purposes of the Foundation.

6 “(j) PRINCIPAL OFFICE.—

7 “(1) IN GENERAL.—The principal office of the  
8 Foundation shall be in the District of Columbia.

9 “(2) ACTIVITIES; OFFICES.—The activities of  
10 the Foundation may be conducted, and offices may  
11 be maintained, throughout the United States in ac-  
12 cordance with the constitution and bylaws of the  
13 Foundation.

14 “(k) SERVICE OF PROCESS.—The Foundation shall  
15 comply with the law on service of process of each State  
16 in which the Foundation is incorporated and of each State  
17 in which the Foundation carries on activities.

18 “(l) LIABILITY OF OFFICERS, EMPLOYEES, AND  
19 AGENTS.—

20 “(1) IN GENERAL.—The Foundation shall be  
21 liable for the acts of the officers, employees, and  
22 agents of the Foundation acting within the scope of  
23 their authority.

24 “(2) PERSONAL LIABILITY.—A member of the  
25 Board shall be personally liable only for gross neg-

1       ligence in the performance of the duties of the mem-  
2       ber.

3       “(m) RESTRICTIONS.—

4               “(1) LIMITATION ON SPENDING.—Beginning  
5       with the fiscal year following the first full fiscal year  
6       during which the Foundation is in operation, the ad-  
7       ministrative costs of the Foundation shall not exceed  
8       the percentage described in paragraph (2) of the  
9       sum of—

10               “(A) the amounts transferred to the Foun-  
11       dation under subsection (o) during the pre-  
12       ceding fiscal year; and

13               “(B) donations received from private  
14       sources during the preceding fiscal year.

15               “(2) PERCENTAGES.—The percentages referred  
16       to in paragraph (1) are—

17               “(A) for the first fiscal year described in  
18       that paragraph, 20 percent;

19               “(B) for the following fiscal year, 15 per-  
20       cent; and

21               “(C) for each fiscal year thereafter, 10  
22       percent.

23               “(3) APPOINTMENT AND HIRING.—The ap-  
24       pointment of officers and employees of the Founda-  
25       tion shall be subject to the availability of funds.

1           “(4) STATUS.—A member of the Board or offi-  
2           cer, employee, or agent of the Foundation shall not  
3           by reason of association with the Foundation be con-  
4           sidered to be an officer, employee, or agent of the  
5           United States.

6           “(n) AUDITS.—The Foundation shall comply with  
7           section 10101 of title 36, United States Code, as if the  
8           Foundation were a corporation under part B of subtitle  
9           II of that title.

10          “(o) FUNDING.—

11           “(1) AUTHORIZATION OF APPROPRIATIONS.—  
12           There is authorized to be appropriated to carry out  
13           subsection (e)(1) \$500,000 for each fiscal year, as  
14           adjusted to reflect changes in the Consumer Price  
15           Index for all-urban consumers published by the De-  
16           partment of Labor.

17           “(2) TRANSFER OF DONATED FUNDS.—The  
18           Secretary shall transfer to the Foundation funds  
19           held by the Department of Health and Human Serv-  
20           ices under the Act of August 5, 1954 (42 U.S.C.  
21           2001 et seq.), if the transfer or use of the funds is  
22           not prohibited by any term under which the funds  
23           were donated.

1 **“SEC. 803. ADMINISTRATIVE SERVICES AND SUPPORT.**

2       “(a) PROVISION OF SUPPORT BY SECRETARY.—Sub-  
3 ject to subsection (b), during the 5-year period beginning  
4 on the date on which the Foundation is established, the  
5 Secretary—

6           “(1) may provide personnel, facilities, and other  
7 administrative support services to the Foundation;

8           “(2) may provide funds for initial operating  
9 costs and to reimburse the travel expenses of the  
10 members of the Board; and

11          “(3) shall require and accept reimbursements  
12 from the Foundation for—

13           “(A) services provided under paragraph  
14 (1); and

15           “(B) funds provided under paragraph (2).

16       “(b) REIMBURSEMENT.—Reimbursements accepted  
17 under subsection (a)(3)—

18           “(1) shall be deposited in the Treasury of the  
19 United States to the credit of the applicable appro-  
20 priations account; and

21           “(2) shall be chargeable for the cost of pro-  
22 viding services described in subsection (a)(1) and  
23 travel expenses described in subsection (a)(2).

24       “(c) CONTINUATION OF CERTAIN SERVICES.—The  
25 Secretary may continue to provide facilities and necessary  
26 support services to the Foundation after the termination

1 of the 5-year period specified in subsection (a) if the facili-  
 2 ties and services—

3 “(1) are available; and

4 “(2) are provided on reimbursable cost basis.”.

5 (b) TECHNICAL AMENDMENTS.—The Indian Self-De-  
 6 termination and Education Assistance Act is amended—

7 (1) by redesignating title V (25 U.S.C. 458bbb  
 8 et seq.) as title VII;

9 (2) by redesignating sections 501, 502, and 503  
 10 (25 U.S.C. 458bbb, 458bbb–1, 458bbb–2) as sec-  
 11 tions 701, 702, and 703, respectively; and

12 (3) in subsection (a)(2) of section 702 and  
 13 paragraph (2) of section 703 (as redesignated by  
 14 paragraph (2)), by striking “section 501” and in-  
 15 serting “section 701”.

16 **TITLE II—IMPROVEMENT OF IN-**  
 17 **DIAN HEALTH CARE PRO-**  
 18 **VIDED UNDER THE SOCIAL**  
 19 **SECURITY ACT**

20 **SEC. 201. EXPANSION OF PAYMENTS UNDER MEDICARE,**  
 21 **MEDICAID, AND SCHIP FOR ALL COVERED**  
 22 **SERVICES FURNISHED BY INDIAN HEALTH**  
 23 **PROGRAMS.**

24 (a) MEDICAID.—



1           (1) EXPANSION TO ALL COVERED SERVICES.—  
2           Section 1911 of the Social Security Act (42 U.S.C.  
3           1396j) is amended—

4                   (A) by amending the heading to read as  
5           follows:

6           **“SEC. 1911. INDIAN HEALTH PROGRAMS.”; and**

7                   (B) by amending subsection (a) to read as  
8           follows:

9           “(a) ELIGIBILITY FOR PAYMENT FOR MEDICAL AS-  
10          SISTANCE.—The Indian Health Service and an Indian  
11          Tribe, Tribal Organization, or an Urban Indian Organiza-  
12          tion shall be eligible for payment for medical assistance  
13          provided under a State plan or under waiver authority  
14          with respect to items and services furnished by the Indian  
15          Health Service, Indian Tribe, Tribal Organization, or  
16          Urban Indian Organization if the furnishing of such serv-  
17          ices meets all the conditions and requirements which are  
18          applicable generally to the furnishing of items and services  
19          under this title and under such plan or waiver authority.”.

20                  (2) COMPLIANCE WITH CONDITIONS AND RE-  
21          QUIREMENTS.—Subsection (b) of such section is  
22          amended to read as follows:

23                  “(b) COMPLIANCE WITH CONDITIONS AND REQUIRE-  
24          MENTS.—A facility of the Indian Health Service or an In-  
25          dian Tribe, Tribal Organization, or an Urban Indian Or-

1 ganization which is eligible for payment under subsection  
2 (a) with respect to the furnishing of items and services,  
3 but which does not meet all of the conditions and require-  
4 ments of this title and under a State plan or waiver au-  
5 thority which are applicable generally to such facility, shall  
6 make such improvements as are necessary to achieve or  
7 maintain compliance with such conditions and require-  
8 ments in accordance with a plan submitted to and accept-  
9 ed by the Secretary for achieving or maintaining compli-  
10 ance with such conditions and requirements, and shall be  
11 deemed to meet such conditions and requirements (and to  
12 be eligible for payment under this title), without regard  
13 to the extent of its actual compliance with such conditions  
14 and requirements, during the first 12 months after the  
15 month in which such plan is submitted.”.

16 (3) REVISION OF AUTHORITY TO ENTER INTO  
17 AGREEMENTS.—Subsection (c) of such section is  
18 amended to read as follows:

19 “(c) AUTHORITY TO ENTER INTO AGREEMENTS.—  
20 The Secretary may enter into an agreement with a State  
21 for the purpose of reimbursing the State for medical as-  
22 sistance provided by the Indian Health Service, an Indian  
23 Tribe, Tribal Organization, or an Urban Indian Organiza-  
24 tion (as so defined), directly, through referral, or under  
25 contracts or other arrangements between the Indian

1 Health Service, an Indian Tribe, Tribal Organization, or  
2 an Urban Indian Organization and another health care  
3 provider to Indians who are eligible for medical assistance  
4 under the State plan or under waiver authority.”.

5 (4) CROSS-REFERENCES TO SPECIAL FUND FOR  
6 IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING  
7 OPTION; DEFINITIONS.—Such section is further  
8 amended by striking subsection (d) and adding at  
9 the end the following new subsections:

10 “(d) SPECIAL FUND FOR IMPROVEMENT OF IHS FA-  
11 CILITIES.—For provisions relating to the authority of the  
12 Secretary to place payments to which a facility of the In-  
13 dian Health Service is eligible for payment under this title  
14 into a special fund established under section 401(c)(1) of  
15 the Indian Health Care Improvement Act, and the require-  
16 ment to use amounts paid from such fund for making im-  
17 provements in accordance with subsection (b), see sub-  
18 paragraphs (A) and (B) of section 401(c)(1) of such Act.

19 “(e) DIRECT BILLING.—For provisions relating to  
20 the authority of a Tribal Health Program or an Urban  
21 Indian Organization to elect to directly bill for, and receive  
22 payment for, health care items and services provided by  
23 such Program or Organization for which payment is made  
24 under this title, see section 401(d) of the Indian Health  
25 Care Improvement Act.

1       “(f) DEFINITIONS.—In this section, the terms ‘In-  
2       dian Health Program’, ‘Indian Tribe’, ‘Tribal Health Pro-  
3       gram’, ‘Tribal Organization’, and ‘Urban Indian Organi-  
4       zation’ have the meanings given those terms in section 4  
5       of the Indian Health Care Improvement Act.”.

6       (b) MEDICARE.—

7               (1) EXPANSION TO ALL COVERED SERVICES.—  
8       Section 1880 of such Act (42 U.S.C. 1395qq) is  
9       amended—

10               (A) by amending the heading to read as  
11               follows:

12       **“SEC. 1880. INDIAN HEALTH PROGRAMS.”; and**

13               (B) by amending subsection (a) to read as  
14               follows:

15       “(a) ELIGIBILITY FOR PAYMENTS.—Subject to sub-  
16       section (e), the Indian Health Service and an Indian  
17       Tribe, Tribal Organization, or an Urban Indian Organi-  
18       zation shall be eligible for payments under this title with  
19       respect to items and services furnished by the Indian  
20       Health Service, Indian Tribe, Tribal Organization, or  
21       Urban Indian Organization if the furnishing of such serv-  
22       ices meets all the conditions and requirements which are  
23       applicable generally to the furnishing of items and services  
24       under this title.”.

1           (2) COMPLIANCE WITH CONDITIONS AND RE-  
2           QUIREMENTS.—Subsection (b) of such section is  
3           amended to read as follows:

4           “(b) COMPLIANCE WITH CONDITIONS AND REQUIRE-  
5           MENTS.—Subject to subsection (e), a facility of the Indian  
6           Health Service or an Indian Tribe, Tribal Organization,  
7           or an Urban Indian Organization which is eligible for pay-  
8           ment under subsection (a) with respect to the furnishing  
9           of items and services, but which does not meet all of the  
10          conditions and requirements of this title which are applica-  
11          ble generally to such facility, shall make such improve-  
12          ments as are necessary to achieve or maintain compliance  
13          with such conditions and requirements in accordance with  
14          a plan submitted to and accepted by the Secretary for  
15          achieving or maintaining compliance with such conditions  
16          and requirements, and shall be deemed to meet such con-  
17          ditions and requirements (and to be eligible for payment  
18          under this title), without regard to the extent of its actual  
19          compliance with such conditions and requirements, during  
20          the first 12 months after the month in which such plan  
21          is submitted.”.

22           (3) CROSS-REFERENCES TO SPECIAL FUND FOR  
23           IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING  
24           OPTION; DEFINITIONS.—

1                   (A) IN GENERAL.—Such section is further  
2                   amended by striking subsections (c) and (d)  
3                   and inserting the following new subsections:

4           “(c) SPECIAL FUND FOR IMPROVEMENT OF IHS FA-  
5           CILITIES.—For provisions relating to the authority of the  
6           Secretary to place payments to which a facility of the In-  
7           dian Health Service is eligible for payment under this title  
8           into a special fund established under section 401(c)(1) of  
9           the Indian Health Care Improvement Act, and the require-  
10          ment to use amounts paid from such fund for making im-  
11          provements in accordance with subsection (b), see sub-  
12          paragraphs (A) and (B) of section 401(c)(1) of such Act.

13          “(d) DIRECT BILLING.—For provisions relating to  
14          the authority of a Tribal Health Program or an Urban  
15          Indian Organization to elect to directly bill for, and receive  
16          payment for, health care items and services provided by  
17          such Program or Organization for which payment is made  
18          under this title, see section 401(d) of the Indian Health  
19          Care Improvement Act.”.

20                   (B) CONFORMING AMENDMENT.—Para-  
21                   graph (3) of section 1880(e) of such Act (42  
22                   U.S.C. 1395qq(e)) is amended by inserting  
23                   “and section 401(c)(1) of the Indian Health  
24                   Care Improvement Act” after “Subsection (c)”.

1           (4) DEFINITIONS.—Such section is further  
2           amended by amending subsection (f) to read as fol-  
3           lows:

4           “(f) DEFINITIONS.—In this section, the terms ‘In-  
5           dian Health Program’, ‘Indian Tribe’, ‘Service Unit’,  
6           ‘Tribal Health Program’, ‘Tribal Organization’, and  
7           ‘Urban Indian Organization’ have the meanings given  
8           those terms in section 4 of the Indian Health Care Im-  
9           provement Act.”.

10          (c) APPLICATION TO SCHIP.—Section 2107(e)(1) of  
11          the Social Security Act (42 U.S.C. 1397gg(e)(1)) is  
12          amended—

13               (1) by redesignating subparagraph (D) as sub-  
14               paragraph (E); and

15               (2) by inserting after subparagraph (C), the fol-  
16               lowing new subparagraph:

17                       “(D) Section 1911 (relating to Indian  
18                       Health Programs, other than subsection (d) of  
19                       such section).”.

1 **SEC. 202. INCREASED OUTREACH TO INDIANS UNDER MED-**  
2 **ICAID AND SCHIP AND IMPROVED COOPERA-**  
3 **TION IN THE PROVISION OF ITEMS AND**  
4 **SERVICES TO INDIANS UNDER SOCIAL SECU-**  
5 **RITY ACT HEALTH BENEFIT PROGRAMS.**

6 Section 1139 of the Social Security Act (42 U.S.C.  
7 1320b-9) is amended to read as follows:

8 **“SEC. 1139. IMPROVED ACCESS TO, AND DELIVERY OF,**  
9 **HEALTH CARE FOR INDIANS UNDER TITLES**  
10 **XVIII, XIX, AND XXI.**

11 **“(a) AGREEMENTS WITH STATES FOR MEDICAID**  
12 **AND SCHIP OUTREACH ON OR NEAR RESERVATIONS TO**  
13 **INCREASE THE ENROLLMENT OF INDIANS IN THOSE**  
14 **PROGRAMS.—**

15 **“(1) IN GENERAL.—**In order to improve the ac-  
16 cess of Indians residing on or near a reservation to  
17 obtain benefits under the Medicaid and State chil-  
18 dren’s health insurance programs established under  
19 titles XIX and XXI, the Secretary shall encourage  
20 the State to take steps to provide for enrollment on  
21 or near the reservation. Such steps may include out-  
22 reach efforts such as the outstationing of eligibility  
23 workers, entering into agreements with the Indian  
24 Health Service, Indian Tribes, Tribal Organizations,  
25 and Urban Indian Organizations to provide out-  
26 reach, education regarding eligibility and benefits,



1 enrollment, and translation services when such serv-  
2 ices are appropriate.

3 “(2) CONSTRUCTION.—Nothing in subpara-  
4 graph (A) shall be construed as affecting arrange-  
5 ments entered into between States and the Indian  
6 Health Service, Indian Tribes, Tribal Organizations,  
7 or Urban Indian Organizations for such Service,  
8 Tribes, or Organizations to conduct administrative  
9 activities under such titles.

10 “(b) REQUIREMENT TO FACILITATE COOPERA-  
11 TION.—The Secretary, acting through the Centers for  
12 Medicare & Medicaid Services, shall take such steps as are  
13 necessary to facilitate cooperation with, and agreements  
14 between, States and the Indian Health Service, Indian  
15 Tribes, Tribal Organizations, or Urban Indian Organiza-  
16 tions with respect to the provision of health care items  
17 and services to Indians under the programs established  
18 under title XVIII, XIX, or XXI.

19 “(c) DEFINITION OF INDIAN; INDIAN TRIBE; INDIAN  
20 HEALTH PROGRAM; TRIBAL ORGANIZATION; URBAN IN-  
21 DIAN ORGANIZATION.—In this section, the terms ‘Indian’,  
22 ‘Indian Tribe’, ‘Indian Health Program’, ‘Tribal Organi-  
23 zation’, and ‘Urban Indian Organization’ have the mean-  
24 ings given those terms in section 4 of the Indian Health  
25 Care Improvement Act.”

1 **SEC. 203. ADDITIONAL PROVISIONS TO INCREASE OUT-**  
2 **REACH TO, AND ENROLLMENT OF, INDIANS**  
3 **IN SCHIP AND MEDICAID.**

4 (a) NONAPPLICATION OF 10 PERCENT LIMIT ON  
5 OUTREACH AND CERTAIN OTHER EXPENDITURES.—Sec-  
6 tion 2105(c)(2) of the Social Security Act (42 U.S.C.  
7 1397ee(c)(2)) is amended by adding at the end the fol-  
8 lowing new subparagraph:

9 “(C) NONAPPLICATION TO EXPENDITURES  
10 FOR OUTREACH TO INCREASE THE ENROLL-  
11 MENT OF INDIAN CHILDREN UNDER THIS TITLE  
12 AND TITLE XIX.—The limitation under sub-  
13 paragraph (A) on expenditures for items de-  
14 scribed in subsection (a)(1)(D) shall not apply  
15 in the case of expenditures for outreach activi-  
16 ties to families of Indian children likely to be el-  
17 igible for child health assistance under the plan  
18 or medical assistance under the State plan  
19 under title XIX (or under a waiver of such  
20 plan), to inform such families of the availability  
21 of, and to assist them in enrolling their children  
22 in, such plans, including such activities con-  
23 ducted under grants, contracts, or agreements  
24 entered into under section 1139(a).”.

25 (b) ASSURANCE OF PAYMENTS TO INDIAN HEALTH  
26 CARE PROVIDERS FOR CHILD HEALTH ASSISTANCE.—

1 Section 2102(b)(3)(D) of such Act (42 U.S.C.  
2 1397bb(b)(3)(D)) is amended by striking “(as defined in  
3 section 4(c) of the Indian Health Care Improvement Act,  
4 25 U.S.C. 1603(c))” and inserting “, including how the  
5 State will ensure that payments are made to Indian  
6 Health Programs and Urban Indian Organizations oper-  
7 ating in the State for the provision of such assistance”.

8 (c) INCLUSION OF OTHER INDIAN FINANCED  
9 HEALTH CARE PROGRAMS IN EXEMPTION FROM PROHI-  
10 BITION ON CERTAIN PAYMENTS.—Section 2105(c)(6)(B)  
11 of such Act (42 U.S.C. 1397ee(c)(6)(B)) is amended by  
12 striking “insurance program, other than an insurance pro-  
13 gram operated or financed by the Indian Health Service”  
14 and inserting “program, other than a health care program  
15 operated or financed by the Indian Health Service or by  
16 an Indian Tribe, Tribal Organization, or Urban Indian  
17 Organization”.

18 (d) SATISFACTION OF MEDICAID DOCUMENTATION  
19 REQUIREMENTS.—

20 (1) IN GENERAL.—Section 1903(x)(3)(B) of the  
21 Social Security Act (42 U.S.C. 1396b(x)(3)(B)) is  
22 amended—

23 (A) by redesignating clause (v) as clause  
24 (vi); and

1 (B) by inserting after clause (iv), the fol-  
2 lowing new clause:

3 “(v)(I) Except as provided in subclause (II), a  
4 document issued by a federally-recognized Indian  
5 tribe evidencing membership or enrollment in, or af-  
6 filiation with, such tribe.

7 “(II) With respect to those federally-recognized  
8 Indian tribes located within States having an inter-  
9 national border whose membership includes individ-  
10 uals who are not citizens of the United States, the  
11 Secretary shall, after consulting with such tribes,  
12 issue regulations authorizing the presentation of  
13 such other forms of documentation (including tribal  
14 documentation, if appropriate) that the Secretary  
15 determines to be satisfactory documentary evidence  
16 of citizenship or nationality for purposes of satis-  
17 fying the requirement of this subsection.”.

18 (2) TRANSITION RULE.—During the period that  
19 begins on July 1, 2006, and ends on the effective  
20 date of final regulations issued under subclause (II)  
21 of section 1903(x)(3)(B)(v) of the Social Security  
22 Act (42 U.S.C. 1396b(x)(3)(B)(v)) (as added by  
23 paragraph (1)), an individual who is a member of a  
24 federally-recognized Indian tribe described in sub-  
25 clause (II) of that section who presents a document

1 described in subclause (I) of such section that is  
 2 issued by such Indian tribe, shall be deemed to have  
 3 presented satisfactory evidence of citizenship or na-  
 4 tionality for purposes of satisfying the requirement  
 5 of subsection (x) of section 1903 of such Act.

6 (e) DEFINITIONS.—Section 2110(c) of such Act (42  
 7 U.S.C. 1397jj(c)) is amended by adding at the end the  
 8 following new paragraph:

9 “(9) INDIAN; INDIAN HEALTH PROGRAM; IN-  
 10 DIAN TRIBE; ETC.—The terms ‘Indian’, ‘Indian  
 11 Health Program’, ‘Indian Tribe’, ‘Tribal Organiza-  
 12 tion’, and ‘Urban Indian Organization’ have the  
 13 meanings given those terms in section 4 of the In-  
 14 dian Health Care Improvement Act.”.

15 **SEC. 204. PREMIUMS AND COST SHARING PROTECTIONS**  
 16 **UNDER MEDICAID, ELIGIBILITY DETERMINA-**  
 17 **TIONS UNDER MEDICAID AND SCHIP, AND**  
 18 **PROTECTION OF CERTAIN INDIAN PROPERTY**  
 19 **FROM MEDICAID ESTATE RECOVERY.**

20 (a) PREMIUMS AND COST SHARING PROTECTION  
 21 UNDER MEDICAID.—

22 (1) IN GENERAL.—Section 1916 of the Social  
 23 Security Act (42 U.S.C. 1396o) is amended—

1 (A) in subsection (a), in the matter pre-  
2 ceding paragraph (1), by striking “and (i)” and  
3 inserting “, (i), and (j)”; and

4 (B) by adding at the end the following new  
5 subsection:

6 “(j) NO PREMIUMS OR COST SHARING FOR INDIANS  
7 FURNISHED ITEMS OR SERVICES DIRECTLY BY INDIAN  
8 HEALTH PROGRAMS OR THROUGH REFERRAL UNDER  
9 THE CONTRACT HEALTH SERVICE.—

10 “(1) NO COST SHARING FOR ITEMS OR SERV-  
11 ICES FURNISHED TO INDIANS THROUGH INDIAN  
12 HEALTH PROGRAMS.—

13 “(A) IN GENERAL.—No enrollment fee,  
14 premium, or similar charge, and no deduction,  
15 copayment, cost sharing, or similar charge shall  
16 be imposed against an Indian who is furnished  
17 an item or service directly by the Indian Health  
18 Service, an Indian Tribe, Tribal Organization,  
19 or Urban Indian Organization or through refer-  
20 ral under the contract health service for which  
21 payment may be made under this title.

22 “(B) NO REDUCTION IN AMOUNT OF PAY-  
23 MENT TO INDIAN HEALTH PROVIDERS.—Pay-  
24 ment due under this title to the Indian Health  
25 Service, an Indian Tribe, Tribal Organization,

1 or Urban Indian Organization, or a health care  
2 provider through referral under the contract  
3 health service for the furnishing of an item or  
4 service to an Indian who is eligible for assist-  
5 ance under such title, may not be reduced by  
6 the amount of any enrollment fee, premium, or  
7 similar charge, or any deduction, copayment,  
8 cost sharing, or similar charge that would be  
9 due from the Indian but for the operation of  
10 subparagraph (A).

11 “(2) RULE OF CONSTRUCTION.—Nothing in  
12 this subsection shall be construed as restricting the  
13 application of any other limitations on the imposi-  
14 tion of premiums or cost sharing that may apply to  
15 an individual receiving medical assistance under this  
16 title who is an Indian.

17 “(3) DEFINITIONS.—In this subsection, the  
18 terms ‘contract health service’, ‘Indian’, ‘Indian  
19 Tribe’, ‘Tribal Organization’, and ‘Urban Indian Or-  
20 ganization’ have the meanings given those terms in  
21 section 4 of the Indian Health Care Improvement  
22 Act.”.

23 (2) CONFORMING AMENDMENT.—Section  
24 1916A (a)(1) of such Act (42 U.S.C. 1396o–1(a)(1))

1 is amended by striking “section 1916(g)” and in-  
2 serting “subsections (g), (i), or (j) of section 1916”.

3 (b) TREATMENT OF CERTAIN PROPERTY FOR MED-  
4 ICAID AND SCHIP ELIGIBILITY.—

5 (1) MEDICAID.—Section 1902(e) of the Social  
6 Security Act (42 U.S.C. 1396a) is amended by add-  
7 ing at the end the following new paragraph:

8 “(13) Notwithstanding any other requirement  
9 of this title or any other provision of Federal or  
10 State law, a State shall disregard the following prop-  
11 erty for purposes of determining the eligibility of an  
12 individual who is an Indian (as defined in section 4  
13 of the Indian Health Care Improvement Act) for  
14 medical assistance under this title:

15 “(A) Property, including real property and  
16 improvements, that is held in trust, subject to  
17 Federal restrictions, or otherwise under the su-  
18 pervision of the Secretary of the Interior, lo-  
19 cated on a reservation, including any federally  
20 recognized Indian Tribe’s reservation, pueblo,  
21 or colony, including former reservations in  
22 Oklahoma, Alaska Native regions established by  
23 the Alaska Native Claims Settlement Act, and  
24 Indian allotments on or near a reservation as



1 designated and approved by the Bureau of In-  
2 dian Affairs of the Department of the Interior.

3 “(B) For any federally recognized Tribe  
4 not described in subparagraph (A), property lo-  
5 cated within the most recent boundaries of a  
6 prior Federal reservation.

7 “(C) Ownership interests in rents, leases,  
8 royalties, or usage rights related to natural re-  
9 sources (including extraction of natural re-  
10 sources or harvesting of timber, other plants  
11 and plant products, animals, fish, and shellfish)  
12 resulting from the exercise of federally pro-  
13 tected rights.

14 “(D) Ownership interests in or usage  
15 rights to items not covered by subparagraphs  
16 (A) through (C) that have unique religious,  
17 spiritual, traditional, or cultural significance or  
18 rights that support subsistence or a traditional  
19 lifestyle according to applicable tribal law or  
20 custom.”.

21 (2) APPLICATION TO SCHIP.—Section  
22 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is  
23 amended—

1 (A) by redesignating subparagraphs (B)  
2 through (E), as subparagraphs (C) through  
3 (F), respectively; and

4 (B) by inserting after subparagraph (A),  
5 the following new subparagraph:

6 “(B) Section 1902(e)(13) (relating to dis-  
7 regard of certain property for purposes of mak-  
8 ing eligibility determinations).”.

9 (c) CONTINUATION OF CURRENT LAW PROTECTIONS  
10 OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE  
11 RECOVERY.—Section 1917(b)(3) of the Social Security  
12 Act (42 U.S.C. 1396p(b)(3)) is amended—

13 (1) by inserting “(A)” after “(3)”; and

14 (2) by adding at the end the following new sub-  
15 paragraph:

16 “(B) The standards specified by the Sec-  
17 retary under subparagraph (A) shall require  
18 that the procedures established by the State  
19 agency under subparagraph (A) exempt income,  
20 resources, and property that are exempt from  
21 the application of this subsection as of April 1,  
22 2003, under manual instructions issued to carry  
23 out this subsection (as in effect on such date)  
24 because of the Federal responsibility for Indian  
25 Tribes and Alaska Native Villages. Nothing in

1           this subparagraph shall be construed as pre-  
 2           venting the Secretary from providing additional  
 3           estate recovery exemptions under this title for  
 4           Indians.”.

5 **SEC. 205. NONDISCRIMINATION IN QUALIFICATIONS FOR**  
 6                   **PAYMENT FOR SERVICES UNDER FEDERAL**  
 7                   **HEALTH CARE PROGRAMS.**

8           Section 1139 of the Social Security Act (42 U.S.C.  
 9 1320b–9), as amended by section 202, is amended by re-  
 10 designating subsection (c) as subsection (d), and inserting  
 11 after subsection (b) the following new subsection:

12           “(c) NONDISCRIMINATION IN QUALIFICATIONS FOR  
 13 PAYMENT FOR SERVICES UNDER FEDERAL HEALTH  
 14 CARE PROGRAMS.—

15                   “(1) REQUIREMENT TO SATISFY GENERALLY  
 16 APPLICABLE PARTICIPATION REQUIREMENTS.—

17                           “(A) IN GENERAL.—A Federal health care  
 18 program must accept an entity that is operated  
 19 by the Indian Health Service, an Indian Tribe,  
 20 Tribal Organization, or Urban Indian Organiza-  
 21 tion as a provider eligible to receive payment  
 22 under the program for health care services fur-  
 23 nished to an Indian on the same basis as any  
 24 other provider qualified to participate as a pro-  
 25 vider of health care services under the program

1 if the entity meets generally applicable State or  
2 other requirements for participation as a pro-  
3 vider of health care services under the program.

4 “(B) SATISFACTION OF STATE OR LOCAL  
5 LICENSURE OR RECOGNITION REQUIRE-  
6 MENTS.—Any requirement for participation as  
7 a provider of health care services under a Fed-  
8 eral health care program that an entity be li-  
9 censed or recognized under the State or local  
10 law where the entity is located to furnish health  
11 care services shall be deemed to have been met  
12 in the case of an entity operated by the Indian  
13 Health Service, an Indian Tribe, Tribal Organi-  
14 zation, or Urban Indian Organization if the en-  
15 tity meets all the applicable standards for such  
16 licensure or recognition, regardless of whether  
17 the entity obtains a license or other documenta-  
18 tion under such State or local law. In accord-  
19 ance with section 221 of the Indian Health  
20 Care Improvement Act, the absence of the licen-  
21 sure of a health care professional employed by  
22 such an entity under the State or local law  
23 where the entity is located shall not be taken  
24 into account for purposes of determining wheth-

1           er the entity meets such standards, if the pro-  
2           fessional is licensed in another State.

3           “(2) PROHIBITION ON FEDERAL PAYMENTS TO  
4 ENTITIES OR INDIVIDUALS EXCLUDED FROM PAR-  
5 TICIPATION IN FEDERAL HEALTH CARE PROGRAMS  
6 OR WHOSE STATE LICENSES ARE UNDER SUSPEN-  
7 SION OR HAVE BEEN REVOKED.—

8           “(A) EXCLUDED ENTITIES.—No entity op-  
9 erated by the Indian Health Service, an Indian  
10 Tribe, Tribal Organization, or Urban Indian  
11 Organization that has been excluded from par-  
12 ticipation in any Federal health care program  
13 or for which a license is under suspension or  
14 has been revoked by the State where the entity  
15 is located shall be eligible to receive payment  
16 under any such program for health care serv-  
17 ices furnished to an Indian.

18           “(B) EXCLUDED INDIVIDUALS.—No indi-  
19 vidual who has been excluded from participation  
20 in any Federal health care program or whose  
21 State license is under suspension or has been  
22 revoked shall be eligible to receive payment  
23 under any such program for health care serv-  
24 ices furnished by that individual, directly or  
25 through an entity that is otherwise eligible to

1 receive payment for health care services, to an  
2 Indian.

3 “(C) FEDERAL HEALTH CARE PROGRAM  
4 DEFINED.—In this subsection, the term, ‘Fed-  
5 eral health care program’ has the meaning  
6 given that term in section 1128B(f), except  
7 that, for purposes of this subsection, such term  
8 shall include the health insurance program  
9 under chapter 89 of title 5, United States  
10 Code.”.

11 **SEC. 206. CONSULTATION ON MEDICAID, SCHIP, AND**  
12 **OTHER HEALTH CARE PROGRAMS FUNDED**  
13 **UNDER THE SOCIAL SECURITY ACT INVOLV-**  
14 **ING INDIAN HEALTH PROGRAMS AND URBAN**  
15 **INDIAN ORGANIZATIONS.**

16 (a) IN GENERAL.—Section 1139 of the Social Secu-  
17 rity Act (42 U.S.C. 1320b–9), as amended by sections 202  
18 and 205, is amended by redesignating subsection (d) as  
19 subsection (e), and inserting after subsection (c) the fol-  
20 lowing new subsection:

21 “(d) CONSULTATION WITH TRIBAL TECHNICAL AD-  
22 VISORY GROUP (TTAG).—The Secretary shall maintain  
23 within the Centers for Medicaid & Medicare Services  
24 (CMS) a Tribal Technical Advisory Group, established in  
25 accordance with requirements of the charter dated Sep-

1   tember 30, 2003, and in such group shall include a rep-  
2   resentative of the Urban Indian Organizations and the  
3   Service. The representative of the Urban Indian Organiza-  
4   tion shall be deemed to be an elected officer of a tribal  
5   government for purposes of applying section 204(b) of the  
6   Unfunded Mandates Reform Act of 1995 (2 U.S.C.  
7   1534(b)).”.

8           (b) SOLICITATION OF ADVICE UNDER MEDICAID AND  
9   SCHIP.—

10           (1) MEDICAID STATE PLAN AMENDMENT.—Sec-  
11   tion 1902(a) of the Social Security Act (42 U.S.C.  
12   1396a(a)) is amended—

13           (A) in paragraph (69), by striking “and”  
14   at the end;

15           (B) in paragraph (70)(B)(iv), by striking  
16   the period at the end and inserting “; and”;  
17   and

18           (C) by inserting after paragraph  
19   (70)(B)(iv), the following new paragraph:

20           “(71) in the case of any State in which the In-  
21   dian Health Service operates or funds health care  
22   programs, or in which 1 or more Indian Health Pro-  
23   grams or Urban Indian Organizations (as such  
24   terms are defined in section 4 of the Indian Health  
25   Care Improvement Act) provide health care in the

1 State for which medical assistance is available under  
2 such title, provide for a process under which the  
3 State seeks advice on a regular, ongoing basis from  
4 designees of such Indian Health Programs and  
5 Urban Indian Organizations on matters relating to  
6 the application of this title that are likely to have a  
7 direct effect on such Indian Health Programs and  
8 Urban Indian Organizations and that—

9 “(A) shall include solicitation of advice  
10 prior to submission of any plan amendments,  
11 waiver requests, and proposals for demonstra-  
12 tion projects likely to have a direct effect on In-  
13 dians, Indian Health Programs, or Urban In-  
14 dian Organizations; and

15 “(B) may include appointment of an advi-  
16 sory committee and of a designee of such In-  
17 dian Health Programs and Urban Indian Orga-  
18 nizations to the medical care advisory com-  
19 mittee advising the State on its State plan  
20 under this title.”.

21 (2) APPLICATION TO SCHIP.—Section  
22 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as  
23 amended by section 204(b)(2), is amended—



1 (A) by redesignating subparagraphs (B)  
 2 through (F) as subparagraphs (C) through (G),  
 3 respectively; and

4 (B) by inserting after subparagraph (A),  
 5 the following new subparagraph:

6 “(B) Section 1902(a)(71) (relating to the  
 7 option of certain States to seek advice from  
 8 designees of Indian Health Programs and  
 9 Urban Indian Organizations).”.

10 (c) **RULE OF CONSTRUCTION.**—Nothing in the  
 11 amendments made by this section shall be construed as  
 12 superseding existing advisory committees, working groups,  
 13 guidance, or other advisory procedures established by the  
 14 Secretary of Health and Human Services or by any State  
 15 with respect to the provision of health care to Indians.

16 **SEC. 207. EXCLUSION WAIVER AUTHORITY FOR AFFECTED**  
 17 **INDIAN HEALTH PROGRAMS AND SAFE HAR-**  
 18 **BOR TRANSACTIONS UNDER THE SOCIAL SE-**  
 19 **CURITY ACT.**

20 (a) **EXCLUSION WAIVER AUTHORITY.**—Section 1128  
 21 of the Social Security Act (42 U.S.C. 1320a-7) is amend-  
 22 ed by adding at the end the following new subsection:

23 “(k) **ADDITIONAL EXCLUSION WAIVER AUTHORITY**  
 24 **FOR AFFECTED INDIAN HEALTH PROGRAMS.**—In addi-  
 25 tion to the authority granted the Secretary under sub-

1 sections (c)(3)(B) and (d)(3)(B) to waive an exclusion  
 2 under subsection (a)(1), (a)(3), (a)(4), or (b), the Sec-  
 3 retary may, in the case of an Indian Health Program,  
 4 waive such an exclusion upon the request of the adminis-  
 5 trator of an affected Indian Health Program (as defined  
 6 in section 4 of the Indian Health Care Improvement Act)  
 7 who determines that the exclusion would impose a hard-  
 8 ship on individuals entitled to benefits under or enrolled  
 9 in a Federal health care program.”.

10 (b) CERTAIN TRANSACTIONS INVOLVING INDIAN  
 11 HEALTH CARE PROGRAMS DEEMED TO BE IN SAFE HAR-  
 12 BORS.—Section 1128B(b) of the Social Security Act (42  
 13 U.S.C. 1320a–7b(b)) is amended by adding at the end the  
 14 following new paragraph:

15 “(4) Subject to such conditions as the Secretary may  
 16 promulgate from time to time as necessary to prevent  
 17 fraud and abuse, for purposes of paragraphs (1) and (2)  
 18 and section 1128A(a), the following transfers shall not be  
 19 treated as remuneration:

20 “(A) TRANSFERS BETWEEN INDIAN HEALTH  
 21 PROGRAMS, INDIAN TRIBES, TRIBAL ORGANIZATIONS,  
 22 AND URBAN INDIAN ORGANIZATIONS.—Transfers of  
 23 anything of value between or among an Indian  
 24 Health Program, Indian Tribe, Tribal Organization,  
 25 or Urban Indian Organization, that are made for the

1 purpose of providing necessary health care items and  
2 services to any patient served by such Program,  
3 Tribe, or Organization and that consist of—

4 “(i) services in connection with the collec-  
5 tion, transport, analysis, or interpretation of di-  
6 agnostic specimens or test data;

7 “(ii) inventory or supplies;

8 “(iii) staff; or

9 “(iv) a waiver of all or part of premiums  
10 or cost sharing.

11 “(B) TRANSFERS BETWEEN INDIAN HEALTH  
12 PROGRAMS, INDIAN TRIBES, TRIBAL ORGANIZATIONS,  
13 OR URBAN INDIAN ORGANIZATIONS AND PA-  
14 TIENTS.—Transfers of anything of value between an  
15 Indian Health Program, Indian Tribe, Tribal Orga-  
16 nization, or Urban Indian Organization and any pa-  
17 tient served or eligible for service from an Indian  
18 Health Program, Indian Tribe, Tribal Organization,  
19 or Urban Indian Organization, including any patient  
20 served or eligible for service pursuant to section 807  
21 of the Indian Health Care Improvement Act, but  
22 only if such transfers—

23 “(i) consist of expenditures related to pro-  
24 viding transportation for the patient for the  
25 provision of necessary health care items or serv-

1           ices, provided that the provision of such trans-  
2           portation is not advertised, nor an incentive of  
3           which the value is disproportionately large in  
4           relationship to the value of the health care item  
5           or service (with respect to the value of the item  
6           or service itself or, for preventative items or  
7           services, the future health care costs reasonably  
8           expected to be avoided);

9           “(ii) consist of expenditures related to pro-  
10          viding housing to the patient (including a preg-  
11          nant patient) and immediate family members or  
12          an escort necessary to assuring the timely pro-  
13          vision of health care items and services to the  
14          patient, provided that the provision of such  
15          housing is not advertised nor an incentive of  
16          which the value is disproportionately large in  
17          relationship to the value of the health care item  
18          or service (with respect to the value of the item  
19          or service itself or, for preventative items or  
20          services, the future health care costs reasonably  
21          expected to be avoided); or

22          “(iii) are for the purpose of paying pre-  
23          miums or cost sharing on behalf of such a pa-  
24          tient, provided that the making of such pay-  
25          ment is not subject to conditions other than

1 conditions agreed to under a contract for the  
2 delivery of contract health services.

3 “(C) CONTRACT HEALTH SERVICES.—A trans-  
4 fer of anything of value negotiated as part of a con-  
5 tract entered into between an Indian Health Pro-  
6 gram, Indian Tribe, Tribal Organization, Urban In-  
7 dian Organization, or the Indian Health Service and  
8 a contract care provider for the delivery of contract  
9 health services authorized by the Indian Health  
10 Service, provided that—

11 “(i) such a transfer is not tied to volume  
12 or value of referrals or other business generated  
13 by the parties; and

14 “(ii) any such transfer is limited to the fair  
15 market value of the health care items or serv-  
16 ices provided or, in the case of a transfer of  
17 items or services related to preventative care,  
18 the value of the future health care costs reason-  
19 ably expected to be avoided.

20 “(D) OTHER TRANSFERS.—Any other transfer  
21 of anything of value involving an Indian Health Pro-  
22 gram, Indian Tribe, Tribal Organization, or Urban  
23 Indian Organization, or a patient served or eligible  
24 for service from an Indian Health Program, Indian  
25 Tribe, Tribal Organization, or Urban Indian Organi-

1 zation, that the Secretary, in consultation with the  
 2 Attorney General, determines is appropriate, taking  
 3 into account the special circumstances of such In-  
 4 dian Health Programs, Indian Tribes, Tribal Orga-  
 5 nizations, and Urban Indian Organizations, and of  
 6 patients served by such Programs, Tribes, and Orga-  
 7 nizations.”.

8 **SEC. 208. RULES APPLICABLE UNDER MEDICAID AND**  
 9 **SCHIP TO MANAGED CARE ENTITIES WITH**  
 10 **RESPECT TO INDIAN ENROLLEES AND IN-**  
 11 **DIAN HEALTH CARE PROVIDERS AND INDIAN**  
 12 **MANAGED CARE ENTITIES.**

13 (a) IN GENERAL.—Section 1932 of the Social Secu-  
 14 rity Act (42 U.S.C. 1396u–2) is amended by adding at  
 15 the end the following new subsection:

16 “(h) SPECIAL RULES WITH RESPECT TO INDIAN EN-  
 17 ROLLEES, INDIAN HEALTH CARE PROVIDERS, AND IN-  
 18 DIAN MANAGED CARE ENTITIES.—

19 “(1) ENROLLEE OPTION TO SELECT AN INDIAN  
 20 HEALTH CARE PROVIDER AS PRIMARY CARE PRO-  
 21 VIDER.—In the case of a non-Indian Medicaid man-  
 22 aged care entity that—

23 “(A) has an Indian enrolled with the enti-  
 24 ty; and

1           “(B) has an Indian health care provider  
2           that is participating as a primary care provider  
3           within the network of the entity,  
4           insofar as the Indian is otherwise eligible to receive  
5           services from such Indian health care provider and  
6           the Indian health care provider has the capacity to  
7           provide primary care services to such Indian, the  
8           contract with the entity under section 1903(m) or  
9           under section 1905(t)(3) shall require, as a condi-  
10          tion of receiving payment under such contract, that  
11          the Indian shall be allowed to choose such Indian  
12          health care provider as the Indian’s primary care  
13          provider under the entity.

14           “(2) ASSURANCE OF PAYMENT TO INDIAN  
15          HEALTH CARE PROVIDERS FOR PROVISION OF COV-  
16          ERED SERVICES.—Each contract with a managed  
17          care entity under section 1903(m) or under section  
18          1905(t)(3) shall require any such entity that has a  
19          significant percentage of Indian enrollees (as deter-  
20          mined by the Secretary), as a condition of receiving  
21          payment under such contract to satisfy the following  
22          requirements:

23           “(A) DEMONSTRATION OF PARTICIPATING  
24          INDIAN HEALTH CARE PROVIDERS OR APPLICA-

1 TION OF ALTERNATIVE PAYMENT ARRANGE-  
2 MENTS.—Subject to subparagraph (E), to—

3 “(i) demonstrate that the number of  
4 Indian health care providers that are par-  
5 ticipating providers with respect to such  
6 entity are sufficient to ensure timely access  
7 to covered Medicaid managed care services  
8 for those enrollees who are eligible to re-  
9 ceive services from such providers; or

10 “(ii) agree to pay Indian health care  
11 providers who are not participating pro-  
12 viders with the entity for covered Medicaid  
13 managed care services provided to those  
14 enrollees who are eligible to receive services  
15 from such providers at a rate equal to the  
16 rate negotiated between such entity and  
17 the provider involved or, if such a rate has  
18 not been negotiated, at a rate that is not  
19 less than the level and amount of payment  
20 which the entity would make for the serv-  
21 ices if the services were furnished by a par-  
22 ticipating provider which is not an Indian  
23 health care provider.

24 “(B) PROMPT PAYMENT.—To agree to  
25 make prompt payment (in accordance with



1 rules applicable to managed care entities) to In-  
2 dian health care providers that are participating  
3 providers with respect to such entity or, in the  
4 case of an entity to which subparagraph (A)(ii)  
5 or (E) applies, that the entity is required to pay  
6 in accordance with that subparagraph.

7 “(C) SATISFACTION OF CLAIM REQUIRE-  
8 MENT.—To deem any requirement for the sub-  
9 mission of a claim or other documentation for  
10 services covered under subparagraph (A) by the  
11 enrollee to be satisfied through the submission  
12 of a claim or other documentation by an Indian  
13 health care provider that is consistent with sec-  
14 tion 403(h) of the Indian Health Care Improve-  
15 ment Act.

16 “(D) COMPLIANCE WITH GENERALLY AP-  
17 PPLICABLE REQUIREMENTS.—

18 “(i) IN GENERAL.—Subject to clause  
19 (ii), as a condition of payment under sub-  
20 paragraph (A), an Indian health care pro-  
21 vider shall comply with the generally appli-  
22 cable requirements of this title, the State  
23 plan, and such entity with respect to cov-  
24 ered Medicaid managed care services pro-  
25 vided by the Indian health care provider to

1 the same extent that non-Indian providers  
2 participating with the entity must comply  
3 with such requirements.

4 “(ii) LIMITATIONS ON COMPLIANCE  
5 WITH MANAGED CARE ENTITY GENERALLY  
6 APPLICABLE REQUIREMENTS.—An Indian  
7 health care provider—

8 “(I) shall not be required to com-  
9 ply with a generally applicable re-  
10 quirement of a managed care entity  
11 described in clause (i) as a condition  
12 of payment under subparagraph (A) if  
13 such compliance would conflict with  
14 any other statutory or regulatory re-  
15 quirements applicable to the Indian  
16 health care provider; and

17 “(II) shall only need to comply  
18 with those generally applicable re-  
19 quirements of a managed care entity  
20 described in clause (i) as a condition  
21 of payment under subparagraph (A)  
22 that are necessary for the entity’s  
23 compliance with the State plan, such  
24 as those related to care management,

1 quality assurance, and utilization  
2 management.

3 “(E) APPLICATION OF SPECIAL PAYMENT  
4 REQUIREMENTS FOR FEDERALLY-QUALIFIED  
5 HEALTH CENTERS AND ENCOUNTER RATE FOR  
6 SERVICES PROVIDED BY CERTAIN INDIAN  
7 HEALTH CARE PROVIDERS.—

8 “(i) FEDERALLY-QUALIFIED HEALTH  
9 CENTERS.—

10 “(I) MANAGED CARE ENTITY  
11 PAYMENT REQUIREMENT.—To agree  
12 to pay any Indian health care provider  
13 that is a Federally-qualified health  
14 center but not a participating provider  
15 with respect to the entity, for the pro-  
16 vision of covered Medicaid managed  
17 care services by such provider to an  
18 Indian enrollee of the entity at a rate  
19 equal to the amount of payment that  
20 the entity would pay a Federally-  
21 qualified health center that is a par-  
22 ticipating provider with respect to the  
23 entity but is not an Indian health care  
24 provider for such services.

1                   “(II) CONTINUED APPLICATION  
2                   OF STATE REQUIREMENT TO MAKE  
3                   SUPPLEMENTAL PAYMENT.—Nothing  
4                   in subclause (I) or subparagraph (A)  
5                   or (B) shall be construed as waiving  
6                   the application of section 1902(bb)(5)  
7                   regarding the State plan requirement  
8                   to make any supplemental payment  
9                   due under such section to a Federally-  
10                  qualified health center for services  
11                  furnished by such center to an en-  
12                  rollee of a managed care entity (re-  
13                  gardless of whether the Federally-  
14                  qualified health center is or is not a  
15                  participating provider with the entity).

16                  “(ii) CONTINUED APPLICATION OF  
17                  ENCOUNTER RATE FOR SERVICES PRO-  
18                  VIDED BY CERTAIN INDIAN HEALTH CARE  
19                  PROVIDERS.—If the amount paid by a  
20                  managed care entity to an Indian health  
21                  care provider that is not a Federally-quali-  
22                  fied health center and that has elected to  
23                  receive payment under this title as an In-  
24                  dian Health Service provider under the  
25                  July 11, 1996, Memorandum of Agreement

1           between the Health Care Financing Ad-  
2           ministration (now the Centers for Medicare  
3           & Medicaid Services) and the Indian  
4           Health Service for services provided by  
5           such provider to an Indian enrollee with  
6           the managed care entity is less than the  
7           encounter rate that applies to the provision  
8           of such services under such memorandum,  
9           the State plan shall provide for payment to  
10          the Indian health care provider of the dif-  
11          ference between the applicable encounter  
12          rate under such memorandum and the  
13          amount paid by the managed care entity to  
14          the provider for such services.

15           “(F) CONSTRUCTION.—Nothing in this  
16          paragraph shall be construed as waiving the ap-  
17          plication of section 1902(a)(30)(A) (relating to  
18          application of standards to assure that pay-  
19          ments are consistent with efficiency, economy,  
20          and quality of care).

21           “(3) OFFERING OF MANAGED CARE THROUGH  
22          INDIAN MEDICAID MANAGED CARE ENTITIES.—If—

23           “(A) a State elects to provide services  
24          through Medicaid managed care entities under  
25          its Medicaid managed care program; and

1           “(B) an Indian health care provider that is  
2 funded in whole or in part by the Indian Health  
3 Service, or a consortium composed of 1 or more  
4 Tribes, Tribal Organizations, or Urban Indian  
5 Organizations, and which also may include the  
6 Indian Health Service, has established an In-  
7 dian Medicaid managed care entity in the State  
8 that meets generally applicable standards re-  
9 quired of such an entity under such Medicaid  
10 managed care program,

11 the State shall offer to enter into an agreement with  
12 the entity to serve as a Medicaid managed care enti-  
13 ty with respect to eligible Indians served by such en-  
14 tity under such program.

15           “(4) SPECIAL RULES FOR INDIAN MANAGED  
16 CARE ENTITIES.—The following are special rules re-  
17 garding the application of a Medicaid managed care  
18 program to Indian Medicaid managed care entities:

19           “(A) ENROLLMENT.—

20           “(i) LIMITATION TO INDIANS.—An In-  
21 dian Medicaid managed care entity may re-  
22 strict enrollment under such program to  
23 Indians and to members of specific Tribes  
24 in the same manner as Indian Health Pro-

1           grams may restrict the delivery of services  
2           to such Indians and tribal members.

3           “(ii) NO LESS CHOICE OF PLANS.—

4           Under such program the State may not  
5           limit the choice of an Indian among Med-  
6           icaid managed care entities only to Indian  
7           Medicaid managed care entities or to be  
8           more restrictive than the choice of man-  
9           aged care entities offered to individuals  
10          who are not Indians.

11          “(iii) DEFAULT ENROLLMENT.—

12           “(I) IN GENERAL.—If such pro-  
13           gram of a State requires the enroll-  
14           ment of Indians in a Medicaid man-  
15           aged care entity in order to receive  
16           benefits, the State, taking into consid-  
17           eration the criteria specified in sub-  
18           section (a)(4)(D)(ii)(I), shall provide  
19           for the enrollment of Indians de-  
20           scribed in subclause (II) who are not  
21           otherwise enrolled with such an entity  
22           in an Indian Medicaid managed care  
23           entity described in such clause.

24           “(II) INDIAN DESCRIBED.—An  
25           Indian described in this subclause,

1 with respect to an Indian Medicaid  
2 managed care entity, is an Indian  
3 who, based upon the service area and  
4 capacity of the entity, is eligible to be  
5 enrolled with the entity consistent  
6 with subparagraph (A).

7 “(iv) EXCEPTION TO STATE LOCK-  
8 IN.—A request by an Indian who is en-  
9 rolled under such program with a non-In-  
10 dian Medicaid managed care entity to  
11 change enrollment with that entity to en-  
12 rollment with an Indian Medicaid managed  
13 care entity shall be considered cause for  
14 granting such request under procedures  
15 specified by the Secretary.

16 “(B) FLEXIBILITY IN APPLICATION OF  
17 SOLVENCY.—In applying section 1903(m)(1) to  
18 an Indian Medicaid managed care entity—

19 “(i) any reference to a ‘State’ in sub-  
20 paragraph (A)(ii) of that section shall be  
21 deemed to be a reference to the ‘Sec-  
22 retary’; and

23 “(ii) the entity shall be deemed to be  
24 a public entity described in subparagraph  
25 (C)(ii) of that section.



1           “(C) EXCEPTIONS TO ADVANCE DIREC-  
2 TIVES.—The Secretary may modify or waive the  
3 requirements of section 1902(w) (relating to  
4 provision of written materials on advance direc-  
5 tives) insofar as the Secretary finds that the re-  
6 quirements otherwise imposed are not an appro-  
7 priate or effective way of communicating the in-  
8 formation to Indians.

9           “(D) FLEXIBILITY IN INFORMATION AND  
10 MARKETING.—

11           “(i) MATERIALS.—The Secretary may  
12 modify requirements under subsection  
13 (a)(5) to ensure that information described  
14 in that subsection is provided to enrollees  
15 and potential enrollees of Indian Medicaid  
16 managed care entities in a culturally ap-  
17 propriate and understandable manner that  
18 clearly communicates to such enrollees and  
19 potential enrollees their rights, protections,  
20 and benefits.

21           “(ii) DISTRIBUTION OF MARKETING  
22 MATERIALS.—The provisions of subsection  
23 (d)(2)(B) requiring the distribution of  
24 marketing materials to an entire service  
25 area shall be deemed satisfied in the case

1 of an Indian Medicaid managed care entity  
2 that distributes appropriate materials only  
3 to those Indians who are potentially eligi-  
4 ble to enroll with the entity in the service  
5 area.

6 “(5) MALPRACTICE INSURANCE.—Insofar as,  
7 under a Medicaid managed care program, a health  
8 care provider is required to have medical malpractice  
9 insurance coverage as a condition of contracting as  
10 a provider with a Medicaid managed care entity, an  
11 Indian health care provider that is—

12 “(A) a Federally-qualified health center  
13 that is covered under the Federal Tort Claims  
14 Act (28 U.S.C. 1346(b), 2671 et seq.);

15 “(B) providing health care services pursu-  
16 ant to a contract or compact under the Indian  
17 Self-Determination and Education Assistance  
18 Act (25 U.S.C. 450 et seq.) that are covered  
19 under the Federal Tort Claims Act (28 U.S.C.  
20 1346(b), 2671 et seq.); or

21 “(C) the Indian Health Service providing  
22 health care services that are covered under the  
23 Federal Tort Claims Act (28 U.S.C. 1346(b),  
24 2671 et seq.);

25 are deemed to satisfy such requirement.

1           “(6) DEFINITIONS.—For purposes of this sub-  
2 section:

3           “(A) INDIAN HEALTH CARE PROVIDER.—  
4 The term ‘Indian health care provider’ means  
5 an Indian Health Program or an Urban Indian  
6 Organization.

7           “(B) INDIAN; INDIAN HEALTH PROGRAM;  
8 SERVICE; TRIBE; TRIBAL ORGANIZATION; URBAN  
9 INDIAN ORGANIZATION.—The terms ‘Indian’,  
10 ‘Indian Health Program’, ‘Service’, ‘Tribe’,  
11 ‘tribal organization’, ‘Urban Indian Organiza-  
12 tion’ have the meanings given such terms in  
13 section 4 of the Indian Health Care Improve-  
14 ment Act.

15           “(C) INDIAN MEDICAID MANAGED CARE  
16 ENTITY.—The term ‘Indian Medicaid managed  
17 care entity’ means a managed care entity that  
18 is controlled (within the meaning of the last  
19 sentence of section 1903(m)(1)(C)) by the In-  
20 dian Health Service, a Tribe, Tribal Organiza-  
21 tion, or Urban Indian Organization, or a con-  
22 sortium, which may be composed of 1 or more  
23 Tribes, Tribal Organizations, or Urban Indian  
24 Organizations, and which also may include the  
25 Service.

1           “(D) NON-INDIAN MEDICAID MANAGED  
2 CARE ENTITY.—The term ‘non-Indian Medicaid  
3 managed care entity’ means a managed care en-  
4 tity that is not an Indian Medicaid managed  
5 care entity.

6           “(E) COVERED MEDICAID MANAGED CARE  
7 SERVICES.—The term ‘covered Medicaid man-  
8 aged care services’ means, with respect to an  
9 individual enrolled with a managed care entity,  
10 items and services that are within the scope of  
11 items and services for which benefits are avail-  
12 able with respect to the individual under the  
13 contract between the entity and the State in-  
14 volved.

15           “(F) MEDICAID MANAGED CARE PRO-  
16 GRAM.—The term ‘Medicaid managed care pro-  
17 gram’ means a program under sections  
18 1903(m) and 1932 and includes a managed  
19 care program operating under a waiver under  
20 section 1915(b) or 1115 or otherwise.”.

21           (b) APPLICATION TO SCHIP.—Section 2107(e)(1) of  
22 such Act (42 U.S.C. 1397gg(1)), as amended by section  
23 206(b)(2), is amended by adding at the end the following  
24 new subparagraph:

1                   “(H) Subsections (a)(2)(C) and (h) of sec-  
2                   tion 1932.”.

3 **SEC. 209. ANNUAL REPORT ON INDIANS SERVED BY SOCIAL**  
4 **SECURITY ACT HEALTH BENEFIT PROGRAMS.**

5           Section 1139 of the Social Security Act (42 U.S.C.  
6 1320b-9), as amended by the sections 202, 205, and 206,  
7 is amended by redesignating subsection (e) as subsection  
8 (f), and inserting after subsection (d) the following new  
9 subsection:

10           “(e) ANNUAL REPORT ON INDIANS SERVED BY  
11 HEALTH BENEFIT PROGRAMS FUNDED UNDER THIS  
12 ACT.—Beginning January 1, 2007, and annually there-  
13 after, the Secretary, acting through the Administrator of  
14 the Centers for Medicare & Medicaid Services and the Di-  
15 rector of the Indian Health Service, shall submit a report  
16 to Congress regarding the enrollment and health status  
17 of Indians receiving items or services under health benefit  
18 programs funded under this Act during the preceding  
19 year. Each such report shall include the following:

20                   “(1) The total number of Indians enrolled in, or  
21                   receiving items or services under, such programs,  
22                   disaggregated with respect to each such program.

23                   “(2) The number of Indians described in para-  
24                   graph (1) that also received health benefits under  
25                   programs funded by the Indian Health Service.

1           “(3) General information regarding the health  
2 status of the Indians described in paragraph (1),  
3 disaggregated with respect to specific diseases or  
4 conditions and presented in a manner that is con-  
5 sistent with protections for privacy of individually  
6 identifiable health information under section 264(c)  
7 of the Health Insurance Portability and Account-  
8 ability Act of 1996.

9           “(4) A detailed statement of the status of facili-  
10 ties of the Indian Health Service or an Indian Tribe,  
11 Tribal Organization, or an Urban Indian Organiza-  
12 tion with respect to such facilities’ compliance with  
13 the applicable conditions and requirements of titles  
14 XVIII, XIX, and XXI, and, in the case of title XIX  
15 or XXI, under a State plan under such title or  
16 under waiver authority, and of the progress being  
17 made by such facilities (under plans submitted  
18 under section 1880(b), 1911(b) or otherwise) toward  
19 the achievement and maintenance of such compli-  
20 ance.

21           “(5) Such other information as the Secretary  
22 determines is appropriate.”.

○