

116TH CONGRESS
1ST SESSION

H. R. 4533

To amend the Public Health Service Act to improve behavioral health outcomes for American Indians and Alaskan Natives, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2019

Mr. PALLONE (for himself and Mr. RUIZ) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Public Health Service Act to improve behavioral health outcomes for American Indians and Alaskan Natives, and for other purposes.

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.**

4 This Act may be cited as the “Native Health Access
5 Improvement Act of 2019”.

1 **SEC. 2. SPECIAL BEHAVIORAL HEALTH PROGRAM FOR IN-**
2 **DIANS.**

3 Part A of title V of the Public Health Service Act
4 (42 U.S.C. 290aa et seq.) is amended by adding at the
5 end the following new section:

6 **“SEC. 506B. SPECIAL BEHAVIORAL HEALTH PROGRAM FOR**
7 **INDIANS.**

8 “(a) **IN GENERAL.**—The Director of the Indian
9 Health Service, in coordination with the Assistant Sec-
10 retary for Mental Health and Substance Use, shall award
11 grants for providing services in accordance with subsection
12 (b) for the prevention and treatment of mental health and
13 substance use disorders.

14 “(b) **SERVICES THROUGH INDIAN HEALTH FACILI-**
15 **TIES.**—For purposes of subsection (a), services are pro-
16 vided in accordance with this subsection if the services are
17 provided through any of the following entities:

18 “(1) The Indian Health Service.

19 “(2) An Indian health program operated by an
20 Indian tribe or tribal organization pursuant to a
21 contract, grant, cooperative agreement, or compact
22 with the Indian Health Service pursuant to the In-
23 dian Self-Determination and Education Assistance
24 Act (25 U.S.C. 5301 et seq.).

25 “(3) An urban Indian health program operated
26 by an urban Indian organization pursuant to a grant

1 or contract with the Indian Health Service pursuant
2 to title V of the Indian Health Care Improvement
3 Act (25 U.S.C. 1651 et seq.).

4 “(c) REPORTS.—Each grantee under this section
5 shall submit reports at such time, in such manner, and
6 containing such information as the Director of the Indian
7 Health Service may require.

8 “(d) TECHNICAL ASSISTANCE CENTER.—

9 “(1) ESTABLISHMENT.—The Director of the
10 Indian Health Service, in coordination with the As-
11 sistant Secretary for Mental Health and Substance
12 Use, shall establish a technical assistance center (di-
13 rectly or by contract or cooperative agreement)—

14 “(A) to provide technical assistance to
15 grantees under this section; and

16 “(B) to collect and evaluate information on
17 the program carried out under this section.

18 “(2) CONSULTATION.—The technical assistance
19 center shall consult with grantees under this section
20 for purposes of developing evaluation measures and
21 data submission requirements for purposes of the
22 collection and evaluation of information under para-
23 graph (1)(B).

24 “(3) DATA SUBMISSION.—As a condition on re-
25 ceipt of a grant under this section, an applicant

1 shall agree to submit data consistent with the data
2 submission requirements developed pursuant to
3 paragraph (2).

4 “(e) FUNDING.—

5 “(1) IN GENERAL.—For the purpose of making
6 grants under this section, there is authorized to be
7 appropriated, and there is appropriated, out of any
8 money in the Treasury not otherwise appropriated,
9 \$150,000,000 for each of fiscal years 2020 through
10 2024.

11 “(2) TECHNICAL ASSISTANCE CENTER.—Of the
12 amount made available to carry out this section for
13 each of fiscal years 2020 through 2024, the Director
14 of the Indian Health Service shall allocate a percent-
15 age of such amount, to be determined by the Direc-
16 tor in consultation with Indian tribes, for the tech-
17 nical assistance center under subsection (d).

18 “(f) DEFINITIONS.—In this section, the terms ‘In-
19 dian health program’, ‘Indian tribe’, ‘tribal organization’,
20 and ‘urban Indian organization’ have the meanings given
21 those terms in section 4 of the Indian Health Care Im-
22 provement Act (25 U.S.C. 1603).”.

23 **SEC. 3. INDIAN DEFINED IN PPACA.**

24 (a) INDIAN DEFINED IN PPACA.—

1 (1) IN GENERAL.—Section 1304 of the Patient
2 Protection and Affordable Care Act (42 U.S.C.
3 18024) is amended by adding at the end the fol-
4 lowing new subsection:

5 “(f) INDIAN.—

6 “(1) IN GENERAL.—In this title, the term ‘In-
7 dian’ means any individual—

8 “(A) described in paragraph (13) or (28)
9 of section 4 of the Indian Health Care Improve-
10 ment Act (25 U.S.C. 1603);

11 “(B) who is eligible for health services pro-
12 vided by the Indian Health Service under sec-
13 tion 809 of the Indian Health Care Improve-
14 ment Act (25 U.S.C. 1679);

15 “(C) who is of Indian descent and belongs
16 to the Indian community served by the local fa-
17 cilities and program of the Indian Health Serv-
18 ice; or

19 “(D) who is described in paragraph (2).

20 “(2) INCLUDED INDIVIDUALS.—For purposes of
21 this title, the following individuals shall be consid-
22 ered to be an ‘Indian’:

23 “(A) A member of a Federally recognized
24 Indian tribe.

1 “(B) A resident of an urban center who
2 meets one or more of the following four criteria:

3 “(i) Membership in a Tribe, band, or
4 other organized group of Indians, including
5 those Tribes, bands, or groups terminated
6 since 1940 and those recognized by the
7 State in which they reside, or being a de-
8 scendant, in the first or second degree, of
9 any such member.

10 “(ii) Is an Eskimo or Aleut or other
11 Alaska Native.

12 “(iii) Is considered by the Secretary of
13 the Interior to be an Indian for any pur-
14 pose.

15 “(iv) Is determined to be an Indian
16 under regulations promulgated by the Sec-
17 retary.

18 “(C) An individual who is considered by
19 the Secretary of the Interior to be an Indian for
20 any purpose.

21 “(D) An individual who is considered by
22 the Secretary to be an Indian for purposes of
23 eligibility for Indian health care services, includ-
24 ing as a California Indian, Eskimo, Aleut, or
25 other Alaska Native.”.

1 (2) CONFORMING AMENDMENTS.—

2 (A) AFFORDABLE CHOICES HEALTH BEN-
3 EFIT PLANS.—Section 1311(c)(6)(D) of the Pa-
4 tient Protection and Affordable Care Act (42
5 U.S.C. 18031(c)(6)(D)) is amended by striking
6 “section 4 of the Indian Health Care Improve-
7 ment Act” and inserting “section 1304(f)”.

8 (B) REDUCED COST-SHARING FOR INDI-
9 VIDUALS ENROLLING IN QUALIFIED HEALTH
10 PLANS.—Section 1402(d) of the Patient Protec-
11 tion and Affordable Care Act (42 U.S.C.
12 18071(d)) is amended—

13 (i) in paragraph (1), in the matter
14 preceding subparagraph (A), by striking
15 “section 4(d) of the Indian Self-Deter-
16 mination and Education Assistance Act
17 (25 U.S.C. 450b(d))” and inserting “sec-
18 tion 1304(f)”;

19 (ii) in paragraph (2), in the matter
20 preceding subparagraph (A), by striking
21 “(as so defined)” and inserting “(as de-
22 fined in section 1304(f))”.

23 (C) EXEMPTION FROM PENALTY FOR NOT
24 MAINTAINING MINIMUM ESSENTIAL COV-
25 ERAGE.—Section 5000A(e) of the Internal Rev-

1 venue Code of 1986 is amended by striking para-
2 graph (3) and inserting the following new para-
3 graph:

4 “(3) INDIANS.—Any applicable individual who
5 is an Indian (as defined in section 1304(f) of the
6 Patient Protection and Affordable Care Act).”.

7 (3) EFFECTIVE DATE.—The amendments made
8 by this subsection shall apply with respect to plan
9 years beginning on or after January 1, 2021.

10 (b) TECHNICAL AMENDMENTS.—Section 4 of the In-
11 dian Health Care Improvement Act (25 U.S.C. 1603) is
12 amended—

13 (1) in paragraph (13), by striking “as defined
14 in subsection (d) hereof” and inserting “as defined
15 in paragraph (14)”; and

16 (2) in paragraph (28)—

17 (A) by striking “as defined in subsection
18 (g) hereof” and inserting “as defined in para-
19 graph (27)”; and

20 (B) by striking “subsection (c)(1) through
21 (4)” and inserting “subparagraphs (A) through
22 (D) of paragraph (13)”.

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