

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5312

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2006

Mr. YOUNG of Alaska (for himself, Mr. HAYWORTH, Mr. RENZI, Mr. COLE of Oklahoma, Mr. RAHALL, Mr. OBERSTAR, Mr. PALLONE, Mr. BACA, Mr. CASE, Ms. BORDALLO, Mr. HONDA, Mr. UDALL of New Mexico, Mr. KILDEE, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on Energy and Commerce and Ways and Means, 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

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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.**

4       This Act may be cited as the “Indian Health Care  
5       Improvement Act Amendments of 2006”.

1 **SEC. 2. INDIAN HEALTH CARE IMPROVEMENT ACT AMEND-**  
 2 **ED.**

3 (a) IN GENERAL.—The Indian Health Care Improve-  
 4 ment Act (25 U.S.C. 1601 et seq.) is amended to read  
 5 as follows:

6 **“SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

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

9 “(b) TABLE OF CONTENTS.—The table of contents  
 10 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 pro-  
 grams.

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

#### “TITLE III—FACILITIES

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

“TITLE IV—ACCESS TO HEALTH SERVICES

- “Sec. 401. Treatment of payments under Social Security Act health care programs.
- “Sec. 402. Grants to and contracts with the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations.
- “Sec. 403. Reimbursement from certain third parties of costs of health services.
- “Sec. 404. Crediting of reimbursements.
- “Sec. 405. Purchasing health care coverage.
- “Sec. 406. Sharing arrangements with Federal agencies.
- “Sec. 407. Payor of last resort.
- “Sec. 408. Nondiscrimination in qualifications for reimbursement for services.
- “Sec. 409. Consultation.
- “Sec. 410. State Children’s Health Insurance Program (SCHIP).
- “Sec. 411. Social Security Act sanctions.
- “Sec. 412. Cost sharing.
- “Sec. 413. Treatment under Medicaid 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. Use of Federal Government facilities and sources of supply
- “Sec. 517. Grants for diabetes prevention, treatment, and control.
- “Sec. 518. Community health representatives.
- “Sec. 519. Effective date.
- “Sec. 520. Eligibility for services.
- “Sec. 521. 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. Limitation on use of funds appropriated to the Indian Health Service.
- “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-

1       ices which will permit the health status of Indians  
2       to be raised to the highest possible level and to en-  
3       courage the maximum participation of Indians in the  
4       planning and management of those services.

5           “(3) Federal health services to Indians have re-  
6       sulted in a reduction in the prevalence and incidence  
7       of preventable illnesses among, and unnecessary and  
8       premature deaths of, Indians.

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

13   **“SEC. 3. DECLARATION OF NATIONAL INDIAN HEALTH POL-**  
14                            **ICY.**

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

18           “(1) to assure the highest possible health status  
19      for Indians and to provide all resources necessary to  
20      effect that policy;

21           “(2) to raise the health status of Indians by the  
22      year 2010 to at least the levels set forth in the goals  
23      contained within the Healthy People 2010 or suc-  
24      cessor objectives;

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

4           “(4) to increase the proportion of all degrees in  
5           the health professions and allied and associated  
6           health professions awarded to Indians so that the  
7           proportion of Indian health professionals in each  
8           Service Area is raised to at least the level of that of  
9           the general population;

10           “(5) to require meaningful consultation with In-  
11           dian Tribes, Tribal Organizations, and Urban Indian  
12           Organizations to implement this Act and the na-  
13           tional policy of Indian self-determination; and

14           “(6) to provide funding for programs and facili-  
15           ties operated by Indian Tribes and Tribal Organiza-  
16           tions in amounts that are not less than the amounts  
17           provided to programs and facilities operated directly  
18           by the Service.

19 **“SEC. 4. DEFINITIONS.**

20           “For purposes of this Act:

21           “(1) The term ‘accredited and accessible’ means  
22           on or near a reservation and accredited by a na-  
23           tional or regional organization with accrediting au-  
24           thority.

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

6           “(3) The term ‘Assistant Secretary’ means the  
7           Assistant Secretary of Indian Health.

8           “(4)(A) The term ‘behavioral health’ means the  
9           blending of substance (alcohol, drugs, inhalants, and  
10          tobacco) abuse and mental health prevention and  
11          treatment, for the purpose of providing comprehen-  
12          sive services.

13          “(B) The term ‘behavioral health’ includes the  
14          joint development of substance abuse and mental  
15          health treatment planning and coordinated case  
16          management using a multidisciplinary approach.

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

20          “(6) The term ‘community college’ means—

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

22                  “(B) a junior or community college.

23          “(7) The term ‘contract health service’ means  
24          health services provided at the expense of the Serv-  
25          ice or a Tribal Health Program by public or private



1 medical providers or hospitals, other than the Serv-  
2 ice Unit or the Tribal Health Program at whose ex-  
3 pense the services are provided.

4 “(8) The term ‘Department’ means, unless oth-  
5 erwise designated, the Department of Health and  
6 Human Services.

7 “(9) The term ‘disease prevention’ means the  
8 reduction, limitation, and prevention of disease and  
9 its complications and reduction in the consequences  
10 of disease, including—

11 “(A) controlling—

12 “(i) the development of diabetes;

13 “(ii) high blood pressure;

14 “(iii) infectious agents;

15 “(iv) injuries;

16 “(v) occupational hazards and disabil-  
17 ities;

18 “(vi) sexually transmittable diseases;

19 and

20 “(vii) toxic agents; and

21 “(B) providing—

22 “(i) fluoridation of water; and

23 “(ii) immunizations.

24 “(10) The term ‘health profession’ means  
25 allopathic medicine, family medicine, internal medi-

1 cine, pediatrics, geriatric medicine, obstetrics and  
2 gynecology, podiatric medicine, nursing, public  
3 health nursing, dentistry, psychiatry, osteopathy, op-  
4 tometry, pharmacy, psychology, public health, social  
5 work, marriage and family therapy, chiropractic  
6 medicine, environmental health and engineering, al-  
7 lied health professions, naturopathic medicine, and  
8 any other health profession.

9 “(11) The term ‘health promotion’ means—

10 “(A) fostering social, economic, environ-  
11 mental, and personal factors conducive to  
12 health, including raising public awareness about  
13 health matters and enabling the people to cope  
14 with health problems by increasing their knowl-  
15 edge and providing them with valid information;

16 “(B) encouraging adequate and appro-  
17 priate diet, exercise, and sleep;

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

20 “(D) making available suitable housing,  
21 safe water, and sanitary facilities;

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

1           “(F) promoting adequate opportunity for  
2           spiritual, religious, and traditional health care  
3           practices; and

4           “(G) providing adequate and appropriate  
5           programs, including—

6                   “(i) abuse prevention (mental and  
7                   physical);

8                   “(ii) community health;

9                   “(iii) community safety;

10                   “(iv) consumer health education;

11                   “(v) diet and nutrition;

12                   “(vi) immunization and other preven-  
13                   tion of communicable diseases, including  
14                   HIV/AIDS;

15                   “(vii) environmental health;

16                   “(viii) exercise and physical fitness;

17                   “(ix) avoidance of fetal alcohol dis-  
18                   orders;

19                   “(x) first aid and CPR education;

20                   “(xi) human growth and development;

21                   “(xii) injury prevention and personal  
22                   safety;

23                   “(xiii) behavioral health;

24                   “(xiv) monitoring of disease indicators  
25                   between health care provider visits,

1 through appropriate means, including  
2 Internet-based health care management  
3 systems;  
4 “(xv) personal health and wellness  
5 practices;  
6 “(xvi) personal capacity building;  
7 “(xvii) prenatal, pregnancy, and in-  
8 fant care;  
9 “(xviii) psychological well-being;  
10 “(xix) reproductive health and family  
11 planning;  
12 “(xx) safe and adequate water;  
13 “(xxi) safe housing, relating to elimi-  
14 nation, reduction, and prevention of con-  
15 taminants that create unhealthy housing  
16 conditions;  
17 “(xxii) safe work environments;  
18 “(xxiii) stress control;  
19 “(xxiv) substance abuse;  
20 “(xxv) sanitary facilities;  
21 “(xxvi) sudden infant death syndrome  
22 prevention;  
23 “(xxvii) tobacco use cessation and re-  
24 duction;  
25 “(xxviii) violence prevention; and

1           “(xxix) such other activities identified  
2           by the Service, a Tribal Health Program,  
3           or an Urban Indian Organization, to pro-  
4           mote achievement of any of the objectives  
5           described in section 3(2).

6           “(12) The term ‘Indian’, unless otherwise des-  
7           ignated, means any person who is a member of an  
8           Indian Tribe or is eligible for health services under  
9           section 806, except that, for the purpose of sections  
10          102 and 103, the term also means any individual  
11          who—

12           “(A)(i) irrespective of whether the indi-  
13          vidual lives on or near a reservation, is a mem-  
14          ber of a tribe, band, or other organized group  
15          of Indians, including those tribes, bands, or  
16          groups terminated since 1940 and those recog-  
17          nized now or in the future by the State in  
18          which they reside; or

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

21           “(B) is an Eskimo or Aleut or other Alas-  
22          ka Native;

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

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

3           “(13) The term ‘Indian Health Program’  
4 means—

5           “(A) any health program administered di-  
6 rectly by the Service;

7           “(B) any Tribal Health Program; or

8           “(C) any Indian Tribe or Tribal Organiza-  
9 tion to which the Secretary provides funding  
10 pursuant to section 23 of the Act of June 25,  
11 1910 (25 U.S.C. 47) (commonly known as the  
12 ‘Buy Indian Act’).

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

16           “(15) The term ‘junior or community college’  
17 has the meaning given the term by section 312(e) of  
18 the Higher Education Act of 1965 (20 U.S.C.  
19 1058(e)).

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

1           “(17) The term ‘Secretary’, unless otherwise  
2 designated, means the Secretary of Health and  
3 Human Services.

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

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

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

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

16           “(22) The term ‘telemedicine’ means a tele-  
17 communications link to an end user through the use  
18 of eligible equipment that electronically links health  
19 professionals or patients and health professionals at  
20 separate sites in order to exchange health care infor-  
21 mation in audio, video, graphic, or other format for  
22 the purpose of providing improved health care serv-  
23 ices.

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

4           “(24) The term ‘Tribal Health Program’ means  
5 an Indian Tribe or Tribal Organization that oper-  
6 ates any health program, service, function, activity,  
7 or facility funded, in whole or part, by the Service  
8 through, or provided for in, a contract or compact  
9 with the Service under the Indian Self-Determina-  
10 tion and Education Assistance Act (25 U.S.C. 450  
11 et seq.).

12           “(25) The term ‘Tribal Organization’ has the  
13 meaning given the term in the Indian Self-Deter-  
14 mination and Education Assistance Act (25 U.S.C.  
15 450 et seq.).

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

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

24                   “(A) Irrespective of whether the individual  
25 lives on or near a reservation, the individual is



1 a member of a tribe, band, or other organized  
2 group of Indians, including those tribes, bands,  
3 or groups terminated since 1940 and those  
4 tribes, bands, or groups that are recognized by  
5 the States in which they reside, or who is a de-  
6 scendant in the first or second degree of any  
7 such member.

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

10 “(C) The individual is considered by the  
11 Secretary of the Interior to be an Indian for  
12 any purpose.

13 “(D) The individual is determined to be an  
14 Indian under regulations promulgated by the  
15 Secretary.

16 “(28) The term ‘Urban Indian Organization’  
17 means a nonprofit corporate body that (A) is situ-  
18 ated in an Urban Center; (B) is governed by an  
19 Urban Indian-controlled board of directors; (C) pro-  
20 vides for the participation of all interested Indian  
21 groups and individuals; and (D) is capable of legally  
22 cooperating with other public and private entities for  
23 the purpose of performing the activities described in  
24 section 503(a).

1 **“TITLE I—INDIAN HEALTH,**  
2 **HUMAN RESOURCES, AND DE-**  
3 **VELOPMENT**

4 **“SEC. 101. PURPOSE.**

5 “The purpose of this title is to increase, to the max-  
6 imum extent feasible, the number of Indians entering the  
7 health professions and providing health services, and to  
8 assure an optimum supply of health professionals to the  
9 Indian Health Programs and Urban Indian Organizations  
10 involved in the provision of health services to Indians.

11 **“SEC. 102. HEALTH PROFESSIONS RECRUITMENT PROGRAM**  
12 **FOR INDIANS.**

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

18 “(1) identifying Indians with a potential for  
19 education or training in the health professions and  
20 encouraging and assisting them—

21 “(A) to enroll in courses of study in such  
22 health professions; or

23 “(B) if they are not qualified to enroll in  
24 any such courses of study, to undertake such

1 postsecondary education or training as may be  
2 required to qualify them for enrollment;

3 “(2) publicizing existing sources of financial aid  
4 available to Indians enrolled in any course of study  
5 referred to in paragraph (1) or who are undertaking  
6 training necessary to qualify them to enroll in any  
7 such course of study; or

8 “(3) establishing other programs which the Sec-  
9 retary determines will enhance and facilitate the en-  
10 rollment of Indians in, and the subsequent pursuit  
11 and completion by them of, courses of study referred  
12 to in paragraph (1).

13 “(b) FUNDING.—

14 “(1) APPLICATION.—The Secretary shall not  
15 make a grant under this section unless an applica-  
16 tion has been submitted to, and approved by, the  
17 Secretary. Such application shall be in such form,  
18 submitted in such manner, and contain such infor-  
19 mation, as the Secretary shall by regulation pre-  
20 scribe pursuant to this Act. The Secretary shall give  
21 a preference to applications submitted by Tribal  
22 Health Programs or Urban Indian Organizations.

23 “(2) AMOUNT OF GRANTS; PAYMENT.—The  
24 amount of a grant under this section shall be deter-  
25 mined by the Secretary. Payments pursuant to this

1 section may be made in advance or by way of reim-  
2 bursement, and at such intervals and on such condi-  
3 tions as provided for in regulations issued pursuant  
4 to this Act. To the extent not otherwise prohibited  
5 by law, funding commitments shall be for 3 years,  
6 as provided in regulations issued pursuant to this  
7 Act.

8 **“SEC. 103. HEALTH PROFESSIONS PREPARATORY SCHOL-**  
9 **ARSHIP PROGRAM FOR INDIANS.**

10 “(a) SCHOLARSHIPS AUTHORIZED.—The Secretary,  
11 acting through the Service, shall provide scholarship  
12 grants to Indians who—

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

15 “(2) have demonstrated the potential to suc-  
16 cessfully complete courses of study in the health pro-  
17 fessions.

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

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

1           “(2) Pregraduate education of any recipient  
2 leading to a baccalaureate degree in an approved  
3 course of study preparatory to a field of study in a  
4 health profession, such scholarship not to exceed 4  
5 years. An extension of up to 2 years (or the part-  
6 time equivalent thereof, as determined by the Sec-  
7 retary pursuant to regulations issued pursuant to  
8 this Act) may be approved.

9           “(c) OTHER CONDITIONS.—Scholarships under this  
10 section—

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

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

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

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

22           “(a) IN GENERAL.—

23           “(1) AUTHORITY.—The Secretary, acting  
24 through the Service, shall make scholarship grants  
25 to Indians who are enrolled full or part time in ac-

1 credited schools pursuing courses of study in the  
2 health professions. Such scholarships shall be des-  
3 ignated Indian Health Scholarships and shall be  
4 made in accordance with section 338A of the Public  
5 Health Services Act (42 U.S.C. 2541), except as  
6 provided in subsection (b) of this section.

7 “(2) DETERMINATIONS BY SECRETARY.—The  
8 Secretary, acting through the Service, shall deter-  
9 mine—

10 “(A) who shall receive scholarship grants  
11 under subsection (a); and

12 “(B) the distribution of the scholarships  
13 among health professions on the basis of the  
14 relative needs of Indians for additional service  
15 in the health professions.

16 “(3) CERTAIN DELEGATION NOT ALLOWED.—  
17 The administration of this section shall be a respon-  
18 sibility of the Assistant Secretary and shall not be  
19 delegated in a contract or compact under the Indian  
20 Self-Determination and Education Assistance Act  
21 (25 U.S.C. 450 et seq.).

22 “(b) ACTIVE DUTY SERVICE OBLIGATION.—

23 “(1) OBLIGATION MET.—The active duty serv-  
24 ice obligation under a written contract with the Sec-  
25 retary under this section that an Indian has entered

1 into shall, if that individual is a recipient of an In-  
2 dian Health Scholarship, be met in full-time practice  
3 on an equivalent year-for-year obligation, by service  
4 in 1 or more of the following:

5 “(A) In an Indian Health Program.

6 “(B) In a program assisted under title V  
7 of this Act.

8 “(C) In the private practice of the applica-  
9 ble profession if, as determined by the Sec-  
10 retary, in accordance with guidelines promul-  
11 gated by the Secretary, such practice is situated  
12 in a physician or other health professional  
13 shortage area and addresses the health care  
14 needs of a substantial number of Indians.

15 “(D) In a teaching capacity in a tribal col-  
16 lege or university nursing program (or a related  
17 health profession program) if, as determined by  
18 the Secretary, the health service provided to In-  
19 dians would not decrease.

20 “(2) OBLIGATION DEFERRED.—At the request  
21 of any individual who has entered into a contract re-  
22 ferred to in paragraph (1) and who receives a degree  
23 in medicine (including osteopathic or allopathic med-  
24 icine), dentistry, optometry, podiatry, or pharmacy,  
25 the Secretary shall defer the active duty service obli-

1 gation of that individual under that contract, in  
2 order that such individual may complete any intern-  
3 ship, residency, or other advanced clinical training  
4 that is required for the practice of that health pro-  
5 fession, for an appropriate period (in years, as deter-  
6 mined by the Secretary), subject to the following  
7 conditions:

8 “(A) No period of internship, residency, or  
9 other advanced clinical training shall be counted  
10 as satisfying any period of obligated service  
11 under this subsection.

12 “(B) The active duty service obligation of  
13 that individual shall commence not later than  
14 90 days after the completion of that advanced  
15 clinical training (or by a date specified by the  
16 Secretary).

17 “(C) The active duty service obligation will  
18 be served in the health profession of that indi-  
19 vidual in a manner consistent with paragraph  
20 (1).

21 “(D) A recipient of a scholarship under  
22 this section may, at the election of the recipient,  
23 meet the active duty service obligation described  
24 in paragraph (1) by service in a program speci-  
25 fied under that paragraph that—



1                   “(i) is located on the reservation of  
2                   the Indian Tribe in which the recipient is  
3                   enrolled; or

4                   “(ii) serves the Indian Tribe in which  
5                   the recipient is enrolled.

6                   “(3) PRIORITY WHEN MAKING ASSIGNMENTS.—  
7                   Subject to paragraph (2), the Secretary, in making  
8                   assignments of Indian Health Scholarship recipients  
9                   required to meet the active duty service obligation  
10                  described in paragraph (1), shall give priority to as-  
11                  signing individuals to service in those programs  
12                  specified in paragraph (1) that have a need for  
13                  health professionals to provide health care services  
14                  as a result of individuals having breached contracts  
15                  entered into under this section.

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

19                         “(1) such scholarship shall be for a period of  
20                         years not to exceed the part-time equivalent of 4  
21                         years, as determined by the Area Office;

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

24                                 “(A) the part-time equivalent of 1 year for  
25                                 each year for which the individual was provided

1 a scholarship (as determined by the Area Of-  
2 fice); or

3 “(B) 2 years; and

4 “(3) the amount of the monthly stipend speci-  
5 fied in section 338A(g)(1)(B) of the Public Health  
6 Service Act (42 U.S.C. 254l(g)(1)(B)) shall be re-  
7 duced pro rata (as determined by the Secretary)  
8 based on the number of hours such student is en-  
9 rolled.

10 “(d) BREACH OF CONTRACT.—

11 “(1) SPECIFIED BREACHES.—An individual  
12 shall be liable to the United States for the amount  
13 which has been paid to the individual, or on behalf  
14 of the individual, under a contract entered into with  
15 the Secretary under this section on or after the date  
16 of enactment of the Indian Health Care Improve-  
17 ment Act Amendments of 2006 if that individual—

18 “(A) fails to maintain an acceptable level  
19 of academic standing in the educational institu-  
20 tion in which he or she is enrolled (such level  
21 determined by the educational institution under  
22 regulations of the Secretary);

23 “(B) is dismissed from such educational  
24 institution for disciplinary reasons;

1           “(C) voluntarily terminates the training in  
2           such an educational institution for which he or  
3           she is provided a scholarship under such con-  
4           tract before the completion of such training; or

5           “(D) fails to accept payment, or instructs  
6           the educational institution in which he or she is  
7           enrolled not to accept payment, in whole or in  
8           part, of a scholarship under such contract, in  
9           lieu of any service obligation arising under such  
10          contract.

11          “(2) OTHER BREACHES.—If for any reason not  
12          specified in paragraph (1) an individual breaches a  
13          written contract by failing either to begin such indi-  
14          vidual’s service obligation required under such con-  
15          tract or to complete such service obligation, the  
16          United States shall be entitled to recover from the  
17          individual an amount determined in accordance with  
18          the formula specified in subsection (l) of section 110  
19          in the manner provided for in such subsection.

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

25          “(4) WAIVERS AND SUSPENSIONS.—

1           “(A) IN GENERAL.—The Secretary shall  
2 provide for the partial or total waiver or sus-  
3 pension of any obligation of service or payment  
4 of a recipient of an Indian Health Scholarship  
5 if the Secretary, in consultation with the af-  
6 fected Area Office, Indian Tribes, Tribal Orga-  
7 nizations, and Urban Indian Organizations, de-  
8 termines that—

9                   “(i) it is not possible for the recipient  
10 to meet that obligation or make that pay-  
11 ment;

12                   “(ii) requiring that recipient to meet  
13 that obligation or make that payment  
14 would result in extreme hardship to the re-  
15 cipient; or

16                   “(iii) the enforcement of the require-  
17 ment to meet the obligation or make the  
18 payment would be unconscionable.

19           “(B) FACTORS FOR CONSIDERATION.—Be-  
20 fore waiving or suspending an obligation of  
21 service or payment under subparagraph (A), the  
22 Secretary may take into consideration whether  
23 the obligation may be satisfied in a teaching ca-  
24 pacity at a tribal college or university nursing  
25 program under subsection (b)(1)(D).

1           “(5) EXTREME HARDSHIP.—Notwithstanding  
2 any other provision of law, in any case of extreme  
3 hardship or for other good cause shown, the Sec-  
4 retary may waive, in whole or in part, the right of  
5 the United States to recover funds made available  
6 under this section.

7           “(6) BANKRUPTCY.—Notwithstanding any  
8 other provision of law, with respect to a recipient of  
9 an Indian Health Scholarship, no obligation for pay-  
10 ment may be released by a discharge in bankruptcy  
11 under title 11, United States Code, unless that dis-  
12 charge is granted after the expiration of the 5-year  
13 period beginning on the initial date on which that  
14 payment is due, and only if the bankruptcy court  
15 finds that the nondischarge of the obligation would  
16 be unconscionable.

17 **“SEC. 105. AMERICAN INDIANS INTO PSYCHOLOGY PRO-**  
18 **GRAM.**

19           “(a) GRANTS AUTHORIZED.—The Secretary, acting  
20 through the Service, shall make grants of not more than  
21 \$300,000 to each of 9 colleges and universities for the pur-  
22 pose of developing and maintaining Indian psychology ca-  
23 reer recruitment programs as a means of encouraging In-  
24 dians to enter the behavioral health field. These programs  
25 shall be located at various locations throughout the coun-

1 try to maximize their availability to Indian students and  
2 new programs shall be established in different locations  
3 from time to time.

4       “(b) QUENTIN N. BURDICK PROGRAM GRANT.—The  
5 Secretary shall provide a grant authorized under sub-  
6 section (a) to develop and maintain a program at the Uni-  
7 versity of North Dakota to be known as the ‘Quentin N.  
8 Burdick American Indians Into Psychology Program’.  
9 Such program shall, to the maximum extent feasible, co-  
10 ordinate with the Quentin N. Burdick Indian Health Pro-  
11 grams authorized under section 117(b), the Quentin N.  
12 Burdick American Indians Into Nursing Program author-  
13 ized under section 115(e), and existing university research  
14 and communications networks.

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

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

21               “(1) provides outreach and recruitment for  
22 health professions to Indian communities including  
23 elementary, secondary, and accredited and accessible  
24 community colleges that will be served by the pro-  
25 gram;

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

4           “(3) provides summer enrichment programs to  
5           expose Indian students to the various fields of psy-  
6           chology through research, clinical, and experimental  
7           activities;

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

10           “(5) develops affiliation agreements with tribal  
11           colleges and universities, the Service, university af-  
12           filiated programs, and other appropriate accredited  
13           and accessible entities to enhance the education of  
14           Indian students;

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

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

20           “(e) ACTIVE DUTY SERVICE REQUIREMENT.—The  
21           active duty service obligation prescribed under section  
22           338C of the Public Health Service Act (42 U.S.C. 254m)  
23           shall be met by each graduate who receives a stipend de-  
24           scribed in subsection (d)(4) that is funded under this sec-  
25           tion. Such obligation shall be met by service—

1           “(1) in an Indian Health Program;

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

4           “(3) in the private practice of psychology if, as  
5 determined by the Secretary, in accordance with  
6 guidelines promulgated by the Secretary, such prac-  
7 tice is situated in a physician or other health profes-  
8 sional shortage area and addresses the health care  
9 needs of a substantial number of Indians.

10          “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
11 is authorized to be appropriated to carry out this section  
12 \$2,700,000 for each of fiscal years 2006 through 2015.

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

14          “(a) IN GENERAL.—

15           “(1) GRANTS AUTHORIZED.—The Secretary,  
16 acting through the Service, shall make grants to  
17 Tribal Health Programs for the purpose of providing  
18 scholarships for Indians to serve as health profes-  
19 sionals in Indian communities.

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

24           “(3) APPLICATION.—An application for a grant  
25 under paragraph (1) shall be in such form and con-



1       tain such agreements, assurances, and information  
2       as consistent with this section.

3       “(b) REQUIREMENTS.—

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

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

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

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

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

21       “(d) CONTRACT.—In providing scholarships under  
22       subsection (b), the Secretary and the Tribal Health Pro-  
23       gram shall enter into a written contract with each recipi-  
24       ent of such scholarship. Such contract shall—

1           “(1) obligate such recipient to provide service in  
2           an Indian Health Program or Urban Indian Organi-  
3           zation, in the same Service Area where the Tribal  
4           Health Program providing the scholarship is located,  
5           for—

6                   “(A) a number of years for which the  
7                   scholarship is provided (or the part-time equiva-  
8                   lent thereof, as determined by the Secretary),  
9                   or for a period of 2 years, whichever period is  
10                  greater; or

11                  “(B) such greater period of time as the re-  
12                  cipient and the Tribal Health Program may  
13                  agree;

14           “(2) provide that the amount of the scholar-  
15           ship—

16                   “(A) may only be expended for—

17                           “(i) tuition expenses, other reasonable  
18                           educational expenses, and reasonable living  
19                           expenses incurred in attendance at the  
20                           educational institution; and

21                           “(ii) payment to the recipient of a  
22                           monthly stipend of not more than the  
23                           amount authorized by section 338(g)(1)(B)  
24                           of the Public Health Service Act (42  
25                           U.S.C. 254m(g)(1)(B)), with such amount

1 to be reduced pro rata (as determined by  
2 the Secretary) based on the number of  
3 hours such student is enrolled, and not to  
4 exceed, for any year of attendance for  
5 which the scholarship is provided, the total  
6 amount required for the year for the pur-  
7 poses authorized in this clause; and

8 “(B) may not exceed, for any year of at-  
9 tendance for which the scholarship is provided,  
10 the total amount required for the year for the  
11 purposes authorized in subparagraph (A);

12 “(3) require the recipient of such scholarship to  
13 maintain an acceptable level of academic standing as  
14 determined by the educational institution in accord-  
15 ance with regulations issued pursuant to this Act;  
16 and

17 “(4) require the recipient of such scholarship to  
18 meet the educational and licensure requirements ap-  
19 propriate to each health profession.

20 “(e) BREACH OF CONTRACT.—

21 “(1) SPECIFIC BREACHES.—An individual who  
22 has entered into a written contract with the Sec-  
23 retary and a Tribal Health Program under sub-  
24 section (d) shall be liable to the United States for  
25 the Federal share of the amount which has been

1       paid to him or her, or on his or her behalf, under  
2       the contract if that individual—

3               “(A) fails to maintain an acceptable level  
4               of academic standing in the educational institu-  
5               tion in which he or she is enrolled (such level  
6               as determined by the educational institution  
7               under regulations of the Secretary);

8               “(B) is dismissed from such educational  
9               institution for disciplinary reasons;

10              “(C) voluntarily terminates the training in  
11              such an educational institution for which he or  
12              she is provided a scholarship under such con-  
13              tract before the completion of such training; or

14              “(D) fails to accept payment, or instructs  
15              the educational institution in which he or she is  
16              enrolled not to accept payment, in whole or in  
17              part, of a scholarship under such contract, in  
18              lieu of any service obligation arising under such  
19              contract.

20              “(2) OTHER BREACHES.—If for any reason not  
21              specified in paragraph (1), an individual breaches a  
22              written contract by failing to either begin such indi-  
23              vidual’s service obligation required under such con-  
24              tract or to complete such service obligation, the  
25              United States shall be entitled to recover from the

1 individual an amount determined in accordance with  
2 the formula specified in subsection (l) of section 110  
3 in the manner provided for in such subsection.

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

9 “(4) INFORMATION.—The Secretary may carry  
10 out this subsection on the basis of information re-  
11 ceived from Tribal Health Programs involved or on  
12 the basis of information collected through such other  
13 means as the Secretary deems appropriate.

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

18 “(1) not to discriminate against an individual  
19 seeking care on the basis of the ability of the indi-  
20 vidual to pay for such care or on the basis that pay-  
21 ment for such care will be made pursuant to a pro-  
22 gram established in title XVIII of the Social Secu-  
23 rity Act or pursuant to the programs established in  
24 title XIX or title XXI of such Act; and

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

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

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

19          “(a) EMPLOYMENT PREFERENCE.—Any individual  
20          who receives a scholarship pursuant to section 104 or 106  
21          shall be given preference for employment in the Service,  
22          or may be employed by a Tribal Health Program or an  
23          Urban Indian Organization, or other agencies of the De-  
24          partment as available, during any nonacademic period of  
25          the year.

1           “(b) NOT COUNTED TOWARD ACTIVE DUTY SERVICE  
2 OBLIGATION.—Periods of employment pursuant to this  
3 subsection shall not be counted in determining fulfillment  
4 of the service obligation incurred as a condition of the  
5 scholarship.

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

13           “(d) NONAPPLICABILITY OF COMPETITIVE PER-  
14 SONNEL SYSTEM.—Any employment pursuant to this sec-  
15 tion shall be made without regard to any competitive per-  
16 sonnel system or agency personnel limitation and to a po-  
17 sition which will enable the individual so employed to re-  
18 ceive practical experience in the health profession in which  
19 he or she is engaged in study. Any individual so employed  
20 shall receive payment for his or her services comparable  
21 to the salary he or she would receive if he or she were  
22 employed in the competitive system. Any individual so em-  
23 ployed shall not be counted against any employment ceil-  
24 ing affecting the Service or the Department.

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

2 “In order to encourage health professionals, including  
3 community health representatives and emergency medical  
4 technicians, to join or continue in an Indian Health Pro-  
5 gram or an Urban Indian Organization and to provide  
6 their services in the rural and remote areas where a sig-  
7 nificant portion of Indians reside, the Secretary, acting  
8 through the Service, may provide allowances to health pro-  
9 fessionals employed in an Indian Health Program or an  
10 Urban Indian Organization to enable them for a period  
11 of time each year prescribed by regulation of the Secretary  
12 to take leave of their duty stations for professional con-  
13 sultation and refresher training courses.

14 **“SEC. 109. COMMUNITY HEALTH REPRESENTATIVE PRO-**  
15 **GRAM.**

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

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

23 “(2) use such community health representatives  
24 in the provision of health care, health promotion,  
25 and disease prevention services to Indian commu-  
26 nities.



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

3           “(1) provide a high standard of training for  
4 community health representatives to ensure that the  
5 community health representatives provide quality  
6 health care, health promotion, and disease preven-  
7 tion services to the Indian communities served by  
8 the Program;

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

11           “(A) combines education in the theory of  
12 health care with supervised practical experience  
13 in the provision of health care; and

14           “(B) provides instruction and practical ex-  
15 perience in health promotion and disease pre-  
16 vention activities, with appropriate consider-  
17 ation given to lifestyle factors that have an im-  
18 pact on Indian health status, such as alco-  
19 holism, family dysfunction, and poverty;

20           “(3) maintain a system which identifies the  
21 needs of community health representatives for con-  
22 tinuing education in health care, health promotion,  
23 and disease prevention and develop programs that  
24 meet the needs for continuing education;

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

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

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

10 **“SEC. 110. INDIAN HEALTH SERVICE LOAN REPAYMENT**  
11 **PROGRAM.**

12           “(a) ESTABLISHMENT.—The Secretary, acting  
13 through the Service, shall establish and administer a pro-  
14 gram to be known as the Service Loan Repayment Pro-  
15 gram (hereinafter referred to as the ‘Loan Repayment  
16 Program’) in order to ensure an adequate supply of  
17 trained health professionals necessary to maintain accredi-  
18 tation of, and provide health care services to Indians  
19 through, Indian Health Programs and Urban Indian Or-  
20 ganizations.

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

24           “(1)(A) be enrolled—

1           “(i) in a course of study or program in an  
2           accredited educational institution (as deter-  
3           mined by the Secretary under section  
4           338B(b)(1)(c)(i) of the Public Health Service  
5           Act (42 U.S.C. 2541-1(b)(1)(c)(i))) and be  
6           scheduled to complete such course of study in  
7           the same year such individual applies to partici-  
8           pate in such program; or

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

11         “(B) have—

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

13                 “(ii) a license to practice a health profes-  
14                 sion;

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

18         “(B) be eligible for selection for civilian service  
19         in the Regular or Reserve Corps of the Public  
20         Health Service;

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

23         “(D) be employed in an Indian Health Program  
24         or Urban Indian Organization without a service obli-  
25         gation; and

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

3           “(c) APPLICATION.—

4           “(1) INFORMATION TO BE INCLUDED WITH  
5 FORMS.—In disseminating application forms and  
6 contract forms to individuals desiring to participate  
7 in the Loan Repayment Program, the Secretary  
8 shall include with such forms a fair summary of the  
9 rights and liabilities of an individual whose applica-  
10 tion is approved (and whose contract is accepted) by  
11 the Secretary, including in the summary a clear ex-  
12 planation of the damages to which the United States  
13 is entitled under subsection (l) in the case of the in-  
14 dividual’s breach of contract. The Secretary shall  
15 provide such individuals with sufficient information  
16 regarding the advantages and disadvantages of serv-  
17 ice as a commissioned officer in the Regular or Re-  
18 serve Corps of the Public Health Service or a civil-  
19 ian employee of the Service to enable the individual  
20 to make a decision on an informed basis.

21           “(2) CLEAR LANGUAGE.—The application form,  
22 contract form, and all other information furnished  
23 by the Secretary under this section shall be written  
24 in a manner calculated to be understood by the aver-

1 age individual applying to participate in the Loan  
2 Repayment Program.

3 “(3) TIMELY AVAILABILITY OF FORMS.—The  
4 Secretary shall make such application forms, con-  
5 tract forms, and other information available to indi-  
6 viduals desiring to participate in the Loan Repay-  
7 ment Program on a date sufficiently early to ensure  
8 that such individuals have adequate time to carefully  
9 review and evaluate such forms and information.

10 “(d) PRIORITIES.—

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

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

16 “(B) rank those positions in order of pri-  
17 ority.

18 “(2) APPROVALS.—Notwithstanding the pri-  
19 ority determined under paragraph (1), the Secretary,  
20 in determining which applications under the Loan  
21 Repayment Program to approve (and which con-  
22 tracts to accept), shall—

23 “(A) give first priority to applications  
24 made by individual Indians; and

1           “(B) after making determinations on all  
2 applications submitted by individual Indians as  
3 required under subparagraph (A), give priority  
4 to—

5                   “(i) individuals recruited through the  
6 efforts of an Indian Health Program or  
7 Urban Indian Organization; and

8                   “(ii) other individuals based on the  
9 priority rankings under paragraph (1).

10           “(e) RECIPIENT CONTRACTS.—

11                   “(1) CONTRACT REQUIRED.—An individual be-  
12 comes a participant in the Loan Repayment Pro-  
13 gram only upon the Secretary and the individual en-  
14 tering into a written contract described in paragraph  
15 (2).

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

19                           “(A) an agreement under which—

20                                   “(i) subject to subparagraph (C), the  
21 Secretary agrees—

22   “(I) to pay loans on behalf of the  
23 individual in accordance with the pro-  
24 visions of this section; and

1 “(II) to accept (subject to the  
2 availability of appropriated funds for  
3 carrying out this section) the indi-  
4 vidual into the Service or place the in-  
5 dividual with a Tribal Health Pro-  
6 gram or Urban Indian Organization  
7 as provided in clause (ii)(III); and

8 “(ii) subject to subparagraph (C), the  
9 individual agrees—

10 “(I) to accept loan payments on  
11 behalf of the individual;

12 “(II) in the case of an individual  
13 described in subsection (b)(1)—

14 “(aa) to maintain enrollment  
15 in a course of study or training  
16 described in subsection (b)(1)(A)  
17 until the individual completes the  
18 course of study or training; and

19 “(bb) while enrolled in such  
20 course of study or training, to  
21 maintain an acceptable level of  
22 academic standing (as deter-  
23 mined under regulations of the  
24 Secretary by the educational in-

1                   stitution offering such course of  
2                   study or training); and

3                   “(III) to serve for a time period  
4                   (hereinafter in this section referred to  
5                   as the ‘period of obligated service’)  
6                   equal to 2 years or such longer period  
7                   as the individual may agree to serve  
8                   in the full-time clinical practice of  
9                   such individual’s profession in an In-  
10                  dian Health Program or Urban In-  
11                  dian Organization to which the indi-  
12                  vidual may be assigned by the Sec-  
13                  retary;

14                  “(B) a provision permitting the Secretary  
15                  to extend for such longer additional periods, as  
16                  the individual may agree to, the period of obli-  
17                  gated service agreed to by the individual under  
18                  subparagraph (A)(ii)(III);

19                  “(C) a provision that any financial obliga-  
20                  tion of the United States arising out of a con-  
21                  tract entered into under this section and any  
22                  obligation of the individual which is conditioned  
23                  thereon is contingent upon funds being appro-  
24                  priated for loan repayments under this section;



1           “(D) a statement of the damages to which  
2           the United States is entitled under subsection  
3           (l) for the individual’s breach of the contract;  
4           and

5           “(E) such other statements of the rights  
6           and liabilities of the Secretary and of the indi-  
7           vidual, not inconsistent with this section.

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

11           “(1) the Secretary’s approving, under sub-  
12          section (e)(1), of the individual’s participation in the  
13          Loan Repayment Program, including extensions re-  
14          sulting in an aggregate period of obligated service in  
15          excess of 4 years; or

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

18          “(g) PAYMENTS.—

19           “(1) IN GENERAL.—A loan repayment provided  
20          for an individual under a written contract under the  
21          Loan Repayment Program shall consist of payment,  
22          in accordance with paragraph (2), on behalf of the  
23          individual of the principal, interest, and related ex-  
24          penses on government and commercial loans received  
25          by the individual regarding the undergraduate or

1 graduate education of the individual (or both), which  
2 loans were made for—

3 “(A) tuition expenses;

4 “(B) all other reasonable educational ex-  
5 penses, including fees, books, and laboratory ex-  
6 penses, incurred by the individual; and

7 “(C) reasonable living expenses as deter-  
8 mined by the Secretary.

9 “(2) AMOUNT.—For each year of obligated  
10 service that an individual contracts to serve under  
11 subsection (e), the Secretary may pay up to \$35,000  
12 or an amount equal to the amount specified in sec-  
13 tion 338B(g)(2)(A) of the Public Health Service  
14 Act, whichever is more, on behalf of the individual  
15 for loans described in paragraph (1). In making a  
16 determination of the amount to pay for a year of  
17 such service by an individual, the Secretary shall  
18 consider the extent to which each such determina-  
19 tion—

20 “(A) affects the ability of the Secretary to  
21 maximize the number of contracts that can be  
22 provided under the Loan Repayment Program  
23 from the amounts appropriated for such con-  
24 tracts;

1           “(B) provides an incentive to serve in In-  
2           dian Health Programs and Urban Indian Orga-  
3           nizations with the greatest shortages of health  
4           professionals; and

5           “(C) provides an incentive with respect to  
6           the health professional involved remaining in an  
7           Indian Health Program or Urban Indian Orga-  
8           nization with such a health professional short-  
9           age, and continuing to provide primary health  
10          services, after the completion of the period of  
11          obligated service under the Loan Repayment  
12          Program.

13          “(3) TIMING.—Any arrangement made by the  
14          Secretary for the making of loan repayments in ac-  
15          cordance with this subsection shall provide that any  
16          repayments for a year of obligated service shall be  
17          made no later than the end of the fiscal year in  
18          which the individual completes such year of service.

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

23                 “(A) in addition to such payments, may  
24                 make payments to the individual in an amount  
25                 equal to not less than 20 percent and not more

1           than 39 percent of the total amount of loan re-  
2           payments made for the taxable year involved;  
3           and

4                   “(B) may make such additional payments  
5           as the Secretary determines to be appropriate  
6           with respect to such purpose.

7           “(5) PAYMENT SCHEDULE.—The Secretary  
8           may enter into an agreement with the holder of any  
9           loan for which payments are made under the Loan  
10          Repayment Program to establish a schedule for the  
11          making of such payments.

12          “(h) EMPLOYMENT CEILING.—Notwithstanding any  
13          other provision of law, individuals who have entered into  
14          written contracts with the Secretary under this section  
15          shall not be counted against any employment ceiling af-  
16          fecting the Department while those individuals are under-  
17          going academic training.

18          “(i) RECRUITMENT.—The Secretary shall conduct re-  
19          cruiting programs for the Loan Repayment Program and  
20          other manpower programs of the Service at educational  
21          institutions training health professionals or specialists  
22          identified in subsection (a).

23          “(j) APPLICABILITY OF LAW.—Section 214 of the  
24          Public Health Service Act (42 U.S.C. 215) shall not apply

1 to individuals during their period of obligated service  
2 under the Loan Repayment Program.

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

7 “(1) ensure that the staffing needs of Tribal  
8 Health Programs and Urban Indian Organizations  
9 receive consideration on an equal basis with pro-  
10 grams that are administered directly by the Service;  
11 and

12 “(2) give priority to assigning individuals to In-  
13 dian Health Programs and Urban Indian Organiza-  
14 tions that have a need for health professionals to  
15 provide health care services as a result of individuals  
16 having breached contracts entered into under this  
17 section.

18 “(l) BREACH OF CONTRACT.—

19 “(1) SPECIFIC BREACHES.—An individual who  
20 has entered into a written contract with the Sec-  
21 retary under this section and has not received a  
22 waiver under subsection (m) shall be liable, in lieu  
23 of any service obligation arising under such contract,  
24 to the United States for the amount which has been

1 paid on such individual's behalf under the contract  
2 if that individual—

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

5 “(i) fails to maintain an acceptable  
6 level of academic standing in the edu-  
7 cational institution in which he or she is  
8 enrolled (such level determined by the edu-  
9 cational institution under regulations of  
10 the Secretary);

11 “(ii) voluntarily terminates such en-  
12 rollment; or

13 “(iii) is dismissed from such edu-  
14 cational institution before completion of  
15 such course of study; or

16 “(B) is enrolled in a graduate training pro-  
17 gram and fails to complete such training pro-  
18 gram.

19 “(2) OTHER BREACHES; FORMULA FOR  
20 AMOUNT OWED.—If, for any reason not specified in  
21 paragraph (1), an individual breaches his or her  
22 written contract under this section by failing either  
23 to begin, or complete, such individual's period of ob-  
24 ligated service in accordance with subsection (e)(2),  
25 the United States shall be entitled to recover from

1 such individual an amount to be determined in ac-  
2 cordance with the following formula:  $A=3Z(t-s/t)$   
3 in which—

4 “(A) ‘A’ is the amount the United States  
5 is entitled to recover;

6 “(B) ‘Z’ is the sum of the amounts paid  
7 under this section to, or on behalf of, the indi-  
8 vidual and the interest on such amounts which  
9 would be payable if, at the time the amounts  
10 were paid, they were loans bearing interest at  
11 the maximum legal prevailing rate, as deter-  
12 mined by the Secretary of the Treasury;

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

16 “(D) ‘s’ is the number of months of such  
17 period served by such individual in accordance  
18 with this section.

19 “(3) DEDUCTIONS IN MEDICARE PAYMENTS.—  
20 Amounts not paid within such period shall be sub-  
21 ject to collection through deductions in medicare  
22 payments pursuant to section 1892 of the Social Se-  
23 curity Act.

24 “(4) TIME PERIOD FOR REPAYMENT.—Any  
25 amount of damages which the United States is enti-

1 tled to recover under this subsection shall be paid to  
2 the United States within the 1-year period beginning  
3 on the date of the breach or such longer period be-  
4 ginning on such date as shall be specified by the  
5 Secretary.

6 “(5) RECOVERY OF DELINQUENCY.—

7 “(A) IN GENERAL.—If damages described  
8 in paragraph (4) are delinquent for 3 months,  
9 the Secretary shall, for the purpose of recov-  
10 ering such damages—

11 “(i) use collection agencies contracted  
12 with by the Administrator of General Serv-  
13 ices; or

14 “(ii) enter into contracts for the re-  
15 covery of such damages with collection  
16 agencies selected by the Secretary.

17 “(B) REPORT.—Each contract for recov-  
18 ering damages pursuant to this subsection shall  
19 provide that the contractor will, not less than  
20 once each 6 months, submit to the Secretary a  
21 status report on the success of the contractor in  
22 collecting such damages. Section 3718 of title  
23 31, United States Code, shall apply to any such  
24 contract to the extent not inconsistent with this  
25 subsection.



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

2 “(1) IN GENERAL.—The Secretary shall by reg-  
3 ulation provide for the partial or total waiver or sus-  
4 pension of any obligation of service or payment by  
5 an individual under the Loan Repayment Program  
6 whenever compliance by the individual is impossible  
7 or would involve extreme hardship to the individual  
8 and if enforcement of such obligation with respect to  
9 any individual would be unconscionable.

10 “(2) CANCELED UPON DEATH.—Any obligation  
11 of an individual under the Loan Repayment Pro-  
12 gram for service or payment of damages shall be  
13 canceled upon the death of the individual.

14 “(3) HARDSHIP WAIVER.—The Secretary may  
15 waive, in whole or in part, the rights of the United  
16 States to recover amounts under this section in any  
17 case of extreme hardship or other good cause shown,  
18 as determined by the Secretary.

19 “(4) BANKRUPTCY.—Any obligation of an indi-  
20 vidual under the Loan Repayment Program for pay-  
21 ment of damages may be released by a discharge in  
22 bankruptcy under title 11 of the United States Code  
23 only if such discharge is granted after the expiration  
24 of the 5-year period beginning on the first date that  
25 payment of such damages is required, and only if

1 the bankruptcy court finds that nondischarge of the  
2 obligation would be unconscionable.

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

8 “(1) A list of the health professional positions  
9 maintained by Indian Health Programs and Urban  
10 Indian Organizations for which recruitment or reten-  
11 tion is difficult.

12 “(2) The number of Loan Repayment Program  
13 applications filed with respect to each type of health  
14 profession.

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

18 “(4) The amount of loan payments made under  
19 this section, in total and by health profession.

20 “(5) The number of scholarships that are pro-  
21 vided under sections 104 and 106 with respect to  
22 each health profession.

23 “(6) The amount of scholarship grants provided  
24 under section 104 and 106, in total and by health  
25 profession.



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

5                   “(A) to which a scholarship recipient under  
6                   section 104 and 106 or a loan repayment pro-  
7                   gram participant under section 110 has been  
8                   assigned to meet the obligated service require-  
9                   ments pursuant to such sections; and

10                   “(B) that has a need for a health profes-  
11                   sional to provide health care services as a result  
12                   of such recipient or participant having breached  
13                   the contract entered into under section 104,  
14                   106, or section 110.

15           “(2) BY TRIBAL HEALTH PROGRAMS.—A Tribal  
16           Health Program receiving payments pursuant to  
17           paragraph (1) may expend the payments to provide  
18           scholarships or recruit and employ, directly or by  
19           contract, health professionals to provide health care  
20           services.

21           “(c) INVESTMENT OF FUNDS.—The Secretary of the  
22           Treasury shall invest such amounts of the LRRF as the  
23           Secretary of Health and Human Services determines are  
24           not required to meet current withdrawals from the LRRF.  
25           Such investments may be made only in interest bearing

1 obligations of the United States. For such purpose, such  
2 obligations may be acquired on original issue at the issue  
3 price, or by purchase of outstanding obligations at the  
4 market price.

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

8 **“SEC. 112. RECRUITMENT ACTIVITIES.**

9 “(a) REIMBURSEMENT FOR TRAVEL.—The Sec-  
10 retary, acting through the Service, may reimburse health  
11 professionals seeking positions with Indian Health Pro-  
12 grams or Urban Indian Organizations, including individ-  
13 uals considering entering into a contract under section  
14 110 and their spouses, for actual and reasonable expenses  
15 incurred in traveling to and from their places of residence  
16 to an area in which they may be assigned for the purpose  
17 of evaluating such area with respect to such assignment.

18 “(b) RECRUITMENT PERSONNEL.—The Secretary,  
19 acting through the Service, shall assign 1 individual in  
20 each Area Office to be responsible on a full-time basis for  
21 recruitment activities.

22 **“SEC. 113. INDIAN RECRUITMENT AND RETENTION PRO-**  
23 **GRAM.**

24 “(a) IN GENERAL.—The Secretary, acting through  
25 the Service, shall fund, on a competitive basis, innovative

1 demonstration projects for a period not to exceed 3 years  
2 to enable Tribal Health Programs and Urban Indian Or-  
3 ganizations to recruit, place, and retain health profes-  
4 sionals to meet their staffing needs.

5 “(b) ELIGIBLE ENTITIES; APPLICATION.—Any Trib-  
6 al Health Program or Urban Indian Organization may  
7 submit an application for funding of a project pursuant  
8 to this section.

9 **“SEC. 114. ADVANCED TRAINING AND RESEARCH.**

10 “(a) DEMONSTRATION PROGRAM.—The Secretary,  
11 acting through the Service, shall establish a demonstration  
12 project to enable health professionals who have worked in  
13 an Indian Health Program or Urban Indian Organization  
14 for a substantial period of time to pursue advanced train-  
15 ing or research areas of study for which the Secretary de-  
16 termines a need exists.

17 “(b) SERVICE OBLIGATION.—An individual who par-  
18 ticipates in a program under subsection (a), where the  
19 educational costs are borne by the Service, shall incur an  
20 obligation to serve in an Indian Health Program or Urban  
21 Indian Organization for a period of obligated service equal  
22 to at least the period of time during which the individual  
23 participates in such program. In the event that the indi-  
24 vidual fails to complete such obligated service, the indi-  
25 vidual shall be liable to the United States for the period

1 of service remaining. In such event, with respect to indi-  
2 viduals entering the program after the date of enactment  
3 of the Indian Health Care Improvement Act Amendments  
4 of 2006, the United States shall be entitled to recover  
5 from such individual an amount to be determined in ac-  
6 cordance with the formula specified in subsection (l) of  
7 section 110 in the manner provided for in such subsection.

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

12 **“SEC. 115. QUENTIN N. BURDICK AMERICAN INDIANS INTO**  
13 **NURSING PROGRAM.**

14       “(a) GRANTS AUTHORIZED.—For the purpose of in-  
15 creasing the number of nurses, nurse midwives, and nurse  
16 practitioners who deliver health care services to Indians,  
17 the Secretary, acting through the Service, shall provide  
18 grants to the following:

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

20               “(2) Tribal colleges or universities.

21               “(3) Nurse midwife programs and advanced  
22 practice nurse programs that are provided by any  
23 tribal college or university accredited nursing pro-  
24 gram, or in the absence of such, any other public or  
25 private institutions.

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

3           “(1) To recruit individuals for programs which  
4 train individuals to be nurses, nurse midwives, or  
5 advanced practice nurses.

6           “(2) To provide scholarships to Indians enrolled  
7 in such programs that may pay the tuition charged  
8 for such program and other expenses incurred in  
9 connection with such program, including books, fees,  
10 room and board, and stipends for living expenses.

11          “(3) To provide a program that encourages  
12 nurses, nurse midwives, and advanced practice  
13 nurses to provide, or continue to provide, health care  
14 services to Indians.

15          “(4) To provide a program that increases the  
16 skills of, and provides continuing education to,  
17 nurses, nurse midwives, and advanced practice  
18 nurses.

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

21       “(c) APPLICATIONS.—Each application for funding  
22 under subsection (a) shall include such information as the  
23 Secretary may require to establish the connection between  
24 the program of the applicant and a health care facility  
25 that primarily serves Indians.



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

4           “(1) Programs that provide a preference to In-  
5 dians.

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

8           “(3) Programs that are interdisciplinary.

9           “(4) Programs that are conducted in coopera-  
10 tion with a program for gifted and talented Indian  
11 students.

12           “(5) Programs conducted by tribal colleges and  
13 universities.

14       “(e) QUENTIN N. BURDICK PROGRAM GRANT.—The  
15 Secretary shall provide 1 of the grants authorized under  
16 subsection (a) to establish and maintain a program at the  
17 University of North Dakota to be known as the ‘Quentin  
18 N. Burdick American Indians Into Nursing Program’.  
19 Such program shall, to the maximum extent feasible, co-  
20 ordinate with the Quentin N. Burdick Indian Health Pro-  
21 grams established under section 117(b) and the Quentin  
22 N. Burdick American Indians Into Psychology Program  
23 established under section 105(b).

24       “(f) ACTIVE DUTY SERVICE OBLIGATION.—The ac-  
25 tive duty service obligation prescribed under section 338C

1 of the Public Health Service Act (42 U.S.C. 254m) shall  
2 be met by each individual who receives training or assist-  
3 ance described in paragraph (1) or (2) of subsection (b)  
4 that is funded by a grant provided under subsection (a).

5 Such obligation shall be met by service—

6 “(1) in the Service;

7 “(2) in a program of an Indian Tribe or Tribal  
8 Organization conducted under the Indian Self-Deter-  
9 mination and Education Assistance Act (25 U.S.C.  
10 450 et seq.) (including programs under agreements  
11 with the Bureau of Indian Affairs);

12 “(3) in a program assisted under title V of this  
13 Act;

14 “(4) in the private practice of nursing if, as de-  
15 termined by the Secretary, in accordance with guide-  
16 lines promulgated by the Secretary, such practice is  
17 situated in a physician or other health shortage area  
18 and addresses the health care needs of a substantial  
19 number of Indians; or

20 “(5) in a teaching capacity in a tribal college or  
21 university nursing program (or a related health pro-  
22 fession program) if, as determined by the Secretary,  
23 health services provided to Indians would not de-  
24 crease.

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

2 “(a) CULTURAL EDUCATION OF EMPLOYEES.—The  
3 Secretary, acting through the Service, shall require that  
4 appropriate employees of the Service who serve Indian  
5 Tribes in each Service Area receive educational instruction  
6 in the history and culture of such Indian Tribes and their  
7 relationship to the Service.

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

11 “(1) be developed in consultation with the af-  
12 fected Indian Tribes, Tribal Organizations, and  
13 Urban Indian Organizations;

14 “(2) be carried out through tribal colleges or  
15 universities; and

16 “(3) include instruction in American Indian  
17 studies.

18 **“SEC. 117. INMED PROGRAM.**

19 “(a) GRANTS AUTHORIZED.—The Secretary, acting  
20 through the Service, is authorized to provide grants to col-  
21 leges and universities for the purpose of maintaining and  
22 expanding the Indian health careers recruitment program  
23 known as the ‘Indians Into Medicine Program’ (herein-  
24 after in this section referred to as ‘INMED’) as a means  
25 of encouraging Indians to enter the health professions.

1           “(b) QUENTIN N. BURDICK GRANT.—The Secretary  
2 shall provide 1 of the grants authorized under subsection  
3 (a) to maintain the INMED program at the University  
4 of North Dakota, to be known as the ‘Quentin N. Burdick  
5 Indian Health Programs’, unless the Secretary makes a  
6 determination, based upon program reviews, that the pro-  
7 gram is not meeting the purposes of this section. Such  
8 program shall, to the maximum extent feasible, coordinate  
9 with the Quentin N. Burdick American Indians Into Psy-  
10 chology Program established under section 105(b) and the  
11 Quentin N. Burdick American Indians Into Nursing Pro-  
12 gram established under section 115.

13           “(c) REGULATIONS.—The Secretary, pursuant to this  
14 Act, shall develop regulations to govern grants pursuant  
15 to this section.

16           “(d) REQUIREMENTS.—Applicants for grants pro-  
17 vided under this section shall agree to provide a program  
18 which—

19                 “(1) provides outreach and recruitment for  
20 health professions to Indian communities including  
21 elementary and secondary schools and community  
22 colleges located on reservations which will be served  
23 by the program;

24                 “(2) incorporates a program advisory board  
25 comprised of representatives from the Indian Tribes

1 and Indian communities which will be served by the  
2 program;

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

7 “(4) provides tutoring, counseling, and support  
8 to students who are enrolled in a health career pro-  
9 gram of study at the respective college or university;  
10 and

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

13 **“SEC. 118. HEALTH TRAINING PROGRAMS OF COMMUNITY**  
14 **COLLEGES.**

15 “(a) GRANTS TO ESTABLISH PROGRAMS.—

16 “(1) IN GENERAL.—The Secretary, acting  
17 through the Service, shall award grants to accredited  
18 and accessible community colleges for the purpose of  
19 assisting such community colleges in the establish-  
20 ment of programs which provide education in a  
21 health profession leading to a degree or diploma in  
22 a health profession for individuals who desire to  
23 practice such profession on or near a reservation or  
24 in an Indian Health Program.

1           “(2) AMOUNT OF GRANTS.—The amount of any  
2           grant awarded to a community college under para-  
3           graph (1) for the first year in which such a grant  
4           is provided to the community college shall not exceed  
5           \$250,000.

6           “(b) GRANTS FOR MAINTENANCE AND RECRUIT-  
7           ING.—

8           “(1) IN GENERAL.—The Secretary, acting  
9           through the Service, shall award grants to accredited  
10          and accessible community colleges that have estab-  
11          lished a program described in subsection (a)(1) for  
12          the purpose of maintaining the program and recruit-  
13          ing students for the program.

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

17                  “(A) is accredited;

18                  “(B) has a relationship with a hospital fa-  
19                  cility, Service facility, or hospital that could  
20                  provide training of nurses or health profes-  
21                  sionals;

22                  “(C) has entered into an agreement with  
23                  an accredited college or university medical  
24                  school, the terms of which—

1                   “(i) provide a program that enhances  
2                   the transition and recruitment of students  
3                   into advanced baccalaureate or graduate  
4                   programs that train health professionals;  
5                   and

6                   “(ii) stipulate certifications necessary  
7                   to approve internship and field placement  
8                   opportunities at Indian Health Programs;

9                   “(D) has a qualified staff which has the  
10                  appropriate certifications;

11                  “(E) is capable of obtaining State or re-  
12                  gional accreditation of the program described in  
13                  subsection (a)(1); and

14                  “(F) agrees to provide for Indian pref-  
15                  erence for applicants for programs under this  
16                  section.

17                  “(c) TECHNICAL ASSISTANCE.—The Secretary shall  
18                  encourage community colleges described in subsection  
19                  (b)(2) to establish and maintain programs described in  
20                  subsection (a)(1) by—

21                  “(1) entering into agreements with such col-  
22                  leges for the provision of qualified personnel of the  
23                  Service to teach courses of study in such programs;  
24                  and

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

3           “(d) **ADVANCED TRAINING.**—

4           “(1) **REQUIRED.**—Any program receiving as-  
5 sistance under this section that is conducted with re-  
6 spect to a health profession shall also offer courses  
7 of study which provide advanced training for any  
8 health professional who—

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

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

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

14 Such courses of study may be offered in conjunction  
15 with the college or university with which the commu-  
16 nity college has entered into the agreement required  
17 under subsection (b)(2)(C).

18           “(e) **FUNDING PRIORITY.**—Where the requirements  
19 of subsection (b) are met, funding priority shall be pro-  
20 vided to tribal colleges and universities in Service Areas  
21 where they exist.

22 **“SEC. 119. RETENTION BONUS.**

23           “(a) **BONUS AUTHORIZED.**—The Secretary may pay  
24 a retention bonus to any health professional employed by,  
25 or assigned to, and serving in, an Indian Health Program



1 or Urban Indian Organization either as a civilian employee  
2 or as a commissioned officer in the Regular or Reserve  
3 Corps of the Public Health Service who—

4 “(1) is assigned to, and serving in, a position  
5 for which recruitment or retention of personnel is  
6 difficult;

7 “(2) the Secretary determines is needed by In-  
8 dian Health Programs and Urban Indian Organiza-  
9 tions;

10 “(3) has—

11 “(A) completed 3 years of employment  
12 with an Indian Health Program or Urban In-  
13 dian Organization; or

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

16 “(i) any Federal scholarship program;

17 or

18 “(ii) any Federal education loan re-  
19 payment program; and

20 “(4) enters into an agreement with an Indian  
21 Health Program or Urban Indian Organization for  
22 continued employment for a period of not less than  
23 1 year.

24 “(b) RATES.—The Secretary may establish rates for  
25 the retention bonus which shall provide for a higher an-

1 nual rate for multiyear agreements than for single year  
2 agreements referred to in subsection (a)(4), but in no  
3 event shall the annual rate be more than \$25,000 per  
4 annum.

5 “(c) DEFAULT OF RETENTION AGREEMENT.—Any  
6 health professional failing to complete the agreed upon  
7 term of service, except where such failure is through no  
8 fault of the individual, shall be obligated to refund to the  
9 Government the full amount of the retention bonus for the  
10 period covered by the agreement, plus interest as deter-  
11 mined by the Secretary in accordance with section  
12 110(l)(2)(B).

13 “(d) OTHER RETENTION BONUS.—The Secretary  
14 may pay a retention bonus to any health professional em-  
15 ployed by a Tribal Health Program if such health profes-  
16 sional is serving in a position which the Secretary deter-  
17 mines is—

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

20 “(2) necessary for providing health care services  
21 to Indians.

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

23 “(a) ESTABLISHMENT OF PROGRAM.—The Sec-  
24 retary, acting through the Service, shall establish a pro-  
25 gram to enable Indians who are licensed practical nurses,

1 licensed vocational nurses, and registered nurses who are  
2 working in an Indian Health Program or Urban Indian  
3 Organization, and have done so for a period of not less  
4 than 1 year, to pursue advanced training. Such program  
5 shall include a combination of education and work study  
6 in an Indian Health Program or Urban Indian Organiza-  
7 tion leading to an associate or bachelor's degree (in the  
8 case of a licensed practical nurse or licensed vocational  
9 nurse), a bachelor's degree (in the case of a registered  
10 nurse), or advanced degrees or certifications in nursing  
11 and public health.

12       “(b) SERVICE OBLIGATION.—An individual who par-  
13 ticipates in a program under subsection (a), where the  
14 educational costs are paid by the Service, shall incur an  
15 obligation to serve in an Indian Health Program or Urban  
16 Indian Organization for a period of obligated service equal  
17 to the amount of time during which the individual partici-  
18 pates in such program. In the event that the individual  
19 fails to complete such obligated service, the United States  
20 shall be entitled to recover from such individual an amount  
21 determined in accordance with the formula specified in  
22 subsection (l) of section 110 in the manner provided for  
23 in such subsection.

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

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

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

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

14              “(3) provides for the establishment of tele-  
15 conferencing capacity in health clinics located in or  
16 near such villages for use by community health aides  
17 or community health practitioners.

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

21              “(1) using trainers accredited by the Program,  
22 provide a high standard of training to community  
23 health aides and community health practitioners to  
24 ensure that such aides and practitioners provide  
25 quality health care, health promotion, and disease

1 prevention services to the villages served by the Pro-  
2 gram;

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

5 “(A) combines education in the theory of  
6 health care with supervised practical experience  
7 in the provision of health care;

8 “(B) provides instruction and practical ex-  
9 perience in the provision of acute care, emer-  
10 gency care, health promotion, disease preven-  
11 tion, and the efficient and effective manage-  
12 ment of clinic pharmacies, supplies, equipment,  
13 and facilities; and

14 “(C) promotes the achievement of the  
15 health status objectives specified in section  
16 3(2);

17 “(3) establish and maintain a Community  
18 Health Aide Certification Board to certify as com-  
19 munity health aides or community health practi-  
20 tioners individuals who have successfully completed  
21 the training described in paragraph (1) or can dem-  
22 onstrate equivalent experience, provided that certifi-  
23 cation shall not be granted to a dental health aide  
24 therapist based on training received outside the

1 United States during any period in which equivalent  
2 training was available in the United States;

3 “(4) develop and maintain a system which iden-  
4 tifies the needs of community health aides and com-  
5 munity health practitioners for continuing education  
6 in the provision of health care, including the areas  
7 described in paragraph (2)(B), and develop pro-  
8 grams that meet the needs for such continuing edu-  
9 cation;

10 “(5) develop and maintain a system that pro-  
11 vides close supervision of community health aides  
12 and community health practitioners; and

13 “(6) develop a system under which the work of  
14 community health aides and community health prac-  
15 titioners is reviewed and evaluated to assure the pro-  
16 vision of quality health care, health promotion, and  
17 disease prevention services.

18 “(c) PROGRAM REVIEW.—

19 “(1) NEUTRAL PANEL.—

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

24 “(B) MEMBERSHIP.—Members of the neu-  
25 tral panel shall be appointed by the Secretary

1 from among clinicians, economists, community  
2 practitioners, oral epidemiologists, and Alaska  
3 Natives.

4 “(2) STUDY.—

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

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

16 “(C) INCLUSIONS.—The study shall in-  
17 clude a determination by the neutral panel with  
18 respect to—

19 “(i) the ability of the dental health  
20 aide therapist services under this section to  
21 address the dental care needs of Alaska  
22 Natives;

23 “(ii) the quality of care provided  
24 through those services, including any train-  
25 ing, improvement, or additional oversight

1 required to improve the quality of care;  
2 and

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

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

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

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

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

22 “(d) NATIONALIZATION OF PROGRAM.—

23 “(1) IN GENERAL.—Except as provided in para-  
24 graph (2), the Secretary, acting through the Service,  
25 may establish a national Community Health Aide



1 Program in accordance with the program under this  
2 section, as the Secretary determines to be appro-  
3 priate.

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

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

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

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

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

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

22 “(b) PURPOSES OF PROGRAMS.—The purposes of  
23 demonstration programs funded under subsection (a) shall  
24 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          “(a) NO REDUCTION IN SERVICES.—The Secretary  
18          shall not—

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

22                 “(2) withdraw funding used to support such  
23                 member, unless the Secretary, acting through the  
24                 Service, Indian Tribes, or Tribal Organizations, has  
25                 ensured that the Indians receiving services from

1 such member will experience no reduction in serv-  
2 ices.

3 “(b) EXEMPTION FROM LIMITATIONS.—National  
4 Health Service Corps scholars qualifying for the Commis-  
5 sioned Corps in the United States Public Health Service  
6 shall be exempt from the full-time equivalent limitations  
7 of the National Health Service Corps and the Service  
8 when serving as a commissioned corps officer in a Tribal  
9 Health Program or an Urban Indian Organization.

10 **“SEC. 125. SUBSTANCE ABUSE COUNSELOR EDUCATIONAL**  
11 **CURRICULA DEMONSTRATION PROGRAMS.**

12 “(a) GRANTS AND CONTRACTS.—The Secretary, act-  
13 ing through the Service, may enter into contracts with,  
14 or make grants to, accredited tribal colleges and univer-  
15 sities and eligible accredited and accessible community col-  
16 leges to establish demonstration programs to develop edu-  
17 cational curricula for substance abuse counseling.

18 “(b) USE OF FUNDS.—Funds provided under this  
19 section shall be used only for developing and providing  
20 educational curriculum for substance abuse counseling (in-  
21 cluding paying salaries for instructors). Such curricula  
22 may be provided through satellite campus programs.

23 “(c) TIME PERIOD OF ASSISTANCE; RENEWAL.—A  
24 contract entered into or a grant provided under this sec-  
25 tion shall be for a period of 3 years. Such contract or

1 grant may be renewed for an additional 2-year period  
2 upon the approval of the Secretary.

3       “(d) CRITERIA FOR REVIEW AND APPROVAL OF AP-  
4 PPLICATIONS.—Not later than 180 days after the date of  
5 enactment of the Indian Health Care Improvement Act  
6 Amendments of 2006, the Secretary, after consultation  
7 with Indian Tribes and administrators of tribal colleges  
8 and universities and eligible accredited and accessible com-  
9 munity colleges, shall develop and issue criteria for the  
10 review and approval of applications for funding (including  
11 applications for renewals of funding) under this section.  
12 Such criteria shall ensure that demonstration programs  
13 established under this section promote the development of  
14 the capacity of such entities to educate substance abuse  
15 counselors.

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

20       “(f) REPORT.—Each fiscal year, the Secretary shall  
21 submit to the President, for inclusion in the report which  
22 is required to be submitted under section 801 for that fis-  
23 cal year, a report on the findings and conclusions derived  
24 from the demonstration programs conducted under this  
25 section during that fiscal year.

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

4           “(1) Classroom education.

5           “(2) Clinical work experience.

6           “(3) Continuing education workshops.

7   **“SEC. 126. BEHAVIORAL HEALTH TRAINING AND COMMU-**  
8                           **NITY EDUCATION PROGRAMS.**

9           “(a) STUDY; LIST.—The Secretary, acting through  
10 the Service, and the Secretary of the Interior, in consulta-  
11 tion with Indian Tribes and Tribal Organizations, shall  
12 conduct a study and compile a list of the types of staff  
13 positions specified in subsection (b) whose qualifications  
14 include, or should include, training in the identification,  
15 prevention, education, referral, or treatment of mental ill-  
16 ness, or dysfunctional and self destructive behavior.

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

19           “(1) staff positions within the Bureau of Indian  
20 Affairs, including existing positions, in the fields  
21 of—

22                           “(A) elementary and secondary education;

23                           “(B) social services and family and child  
24                           welfare;

1           “(C) law enforcement and judicial services;

2           and

3           “(D) alcohol and substance abuse;

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

5           “(3) staff positions similar to those identified in  
6 paragraphs (1) and (2) established and maintained  
7 by Indian Tribes, Tribal Organizations (without re-  
8 gard to the funding source), and Urban Indian Or-  
9 ganizations.

10       “(c) TRAINING CRITERIA.—

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

1 included in the contract or compact, as the Sec-  
2 retary determines necessary.

3 “(2) POSITION SPECIFIC TRAINING CRITERIA.—  
4 Position specific training criteria shall be culturally  
5 relevant to Indians and Indian Tribes and shall en-  
6 sure that appropriate information regarding tradi-  
7 tional Indian healing and treatment practices is pro-  
8 vided.

9 “(d) COMMUNITY EDUCATION ON MENTAL ILL-  
10 NESS.—The Service shall develop and implement, on re-  
11 quest of an Indian Tribe, Tribal Organization, or Urban  
12 Indian Organization, or assist the Indian Tribe, Tribal Or-  
13 ganization, or Urban Indian Organization to develop and  
14 implement, a program of community education on mental  
15 illness. In carrying out this subsection, the Service shall,  
16 upon request of an Indian Tribe, Tribal Organization, or  
17 Urban Indian Organization, provide technical assistance  
18 to the Indian Tribe, Tribal Organization, or Urban Indian  
19 Organization to obtain and develop community edu-  
20 cational materials on the identification, prevention, refer-  
21 ral, and treatment of mental illness and dysfunctional and  
22 self-destructive behavior.

23 “(e) PLAN.—Not later than 90 days after the date  
24 of enactment of the Indian Health Care Improvement Act  
25 Amendments of 2006, the Secretary shall develop a plan

1 under which the Service will increase the health care staff  
2 providing behavioral health services by at least 500 posi-  
3 tions within 5 years after the date of enactment of this  
4 section, with at least 200 of such positions devoted to  
5 child, adolescent, and family services. The plan developed  
6 under this subsection shall be implemented under the Act  
7 of November 2, 1921 (25 U.S.C. 13) (commonly known  
8 as the ‘Snyder Act’).

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

10 “There are authorized to be appropriated such sums  
11 as may be necessary for each fiscal year through fiscal  
12 year 2015 to carry out this title.

13 **“TITLE II—HEALTH SERVICES**

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

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

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

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



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

4           “(4) eliminating inequities in funding for both  
5           direct care and contract health service programs;  
6           and

7           “(5) augmenting the ability of the Service to  
8           meet the following health service responsibilities with  
9           respect to those Indian Tribes with the highest levels  
10          of health status deficiencies and resource defi-  
11          ciencies:

12                 “(A) Clinical care, including inpatient care,  
13                 outpatient care (including audiology, clinical  
14                 eye, and vision care), primary care, secondary  
15                 and tertiary care, and long-term care.

16                 “(B) Preventive health, including mam-  
17                 mography and other cancer screening in accord-  
18                 ance with section 207.

19                 “(C) Dental care.

20                 “(D) Mental health, including community  
21                 mental health services, inpatient mental health  
22                 services, dormitory mental health services,  
23                 therapeutic and residential treatment centers,  
24                 and training of traditional Indian practitioners.

25                 “(E) Emergency medical services.

1           “(F) Treatment and control of, and reha-  
2           bilitative care related to, alcoholism and drug  
3           abuse (including fetal alcohol syndrome) among  
4           Indians.

5           “(G) Injury prevention programs.

6           “(H) Home health care.

7           “(I) Community health representatives.

8           “(J) Maintenance and improvement.

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

15          “(c) ALLOCATION; USE.—

16                 “(1) IN GENERAL.—Funds appropriated under  
17          the authority of this section shall be allocated to  
18          Service Units, Indian Tribes, or Tribal Organiza-  
19          tions. The funds allocated to each Indian Tribe,  
20          Tribal Organization, or Service Unit under this  
21          paragraph shall be used by the Indian Tribe, Tribal  
22          Organization, or Service Unit under this paragraph  
23          to improve the health status and reduce the resource  
24          deficiency of each Indian Tribe served by such Serv-  
25          ice Unit, Indian Tribe, or Tribal Organization.

1           “(2) APPORTIONMENT OF ALLOCATED  
2 FUNDS.—The apportionment of funds allocated to a  
3 Service Unit, Indian Tribe, or Tribal Organization  
4 under paragraph (1) among the health service re-  
5 sponsibilities described in subsection (a)(5) shall be  
6 determined by the Service in consultation with, and  
7 with the active participation of, the affected Indian  
8 Tribes and Tribal Organizations.

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

12           “(1) DEFINITION.—The term ‘health status  
13 and resource deficiency’ means the extent to  
14 which—

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

17           “(B) the Indian Tribe or Tribal Organiza-  
18 tion does not have available to it the health re-  
19 sources it needs, taking into account the actual  
20 cost of providing health care services given local  
21 geographic, climatic, rural, or other cir-  
22 cumstances.

23           “(2) AVAILABLE RESOURCES.—The health re-  
24 sources available to an Indian Tribe or Tribal Orga-  
25 nization include health resources provided by the

1 Service as well as health resources used by the In-  
2 dian Tribe or Tribal Organization, including services  
3 and financing systems provided by any Federal pro-  
4 grams, private insurance, and programs of State or  
5 local governments.

6 “(3) PROCESS FOR REVIEW OF DETERMINA-  
7 TIONS.—The Secretary shall establish procedures  
8 which allow any Indian Tribe or Tribal Organization  
9 to petition the Secretary for a review of any deter-  
10 mination of the extent of the health status and re-  
11 source deficiency of such Indian Tribe or Tribal Or-  
12 ganization.

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

17 “(f) REPORT.—By no later than the date that is 3  
18 years after the date of enactment of the Indian Health  
19 Care Improvement Act Amendments of 2006, the Sec-  
20 retary shall submit to Congress the current health status  
21 and resource deficiency report of the Service for each  
22 Service Unit, including newly recognized or acknowledged  
23 Indian Tribes. Such report shall set out—

24 “(1) the methodology then in use by the Service  
25 for determining Tribal health status and resource

1 deficiencies, as well as the most recent application of  
2 that methodology;

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

6 “(3) the amount of funds necessary to eliminate  
7 the health status and resource deficiencies of all In-  
8 dian Tribes served by the Service or a Tribal Health  
9 Program; and

10 “(4) an estimate of—

11 “(A) the amount of health service funds  
12 appropriated under the authority of this Act, or  
13 any other Act, including the amount of any  
14 funds transferred to the Service for the pre-  
15 ceeding fiscal year which is allocated to each  
16 Service Unit, Indian Tribe, or Tribal Organiza-  
17 tion;

18 “(B) the number of Indians eligible for  
19 health services in each Service Unit or Indian  
20 Tribe or Tribal Organization; and

21 “(C) the number of Indians using the  
22 Service resources made available to each Service  
23 Unit, Indian Tribe or Tribal Organization, and,  
24 to the extent available, information on the wait-

1           ing lists and number of Indians turned away for  
2           services due to lack of resources.

3           “(g) INCLUSION IN BASE BUDGET.—Funds appro-  
4           priated under this section for any fiscal year shall be in-  
5           cluded in the base budget of the Service for the purpose  
6           of determining appropriations under this section in subse-  
7           quent fiscal years.

8           “(h) CLARIFICATION.—Nothing in this section is in-  
9           tended to diminish the primary responsibility of the Serv-  
10          ice to eliminate existing backlogs in unmet health care  
11          needs, nor are the provisions of this section intended to  
12          discourage the Service from undertaking additional efforts  
13          to achieve equity among Indian Tribes and Tribal Organi-  
14          zations.

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

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

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

22                  “(1) the amounts deposited under subsection  
23                  (f); and

24                  “(2) the amounts appropriated to CHEF under  
25          this section.

1       “(b) ADMINISTRATION.—CHEF shall be adminis-  
2       tered by the Secretary, acting through the central office  
3       of the Service, solely for the purpose of meeting the ex-  
4       traordinary medical costs associated with the treatment of  
5       victims of disasters or catastrophic illnesses who are with-  
6       in the responsibility of the Service.

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

14      “(d) REGULATIONS.—The Secretary shall, through  
15      the negotiated rulemaking process under title VIII, pro-  
16      mulgate regulations consistent with the provisions of this  
17      section to—

18             “(1) establish a definition of disasters and cata-  
19             strophic illnesses for which the cost of the treatment  
20             provided under contract would qualify for payment  
21             from CHEF;

22             “(2) provide that a Service Unit shall not be el-  
23             igible for reimbursement for the cost of treatment  
24             from CHEF until its cost of treating any victim of  
25             such catastrophic illness or disaster has reached a

1 certain threshold cost which the Secretary shall es-  
2 tablish at—

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

4 “(B) for any subsequent year, not less  
5 than the threshold cost of the previous year in-  
6 creased by the percentage increase in the med-  
7 ical care expenditure category of the consumer  
8 price index for all urban consumers (United  
9 States city average) for the 12-month period  
10 ending with December of the previous year;

11 “(3) establish a procedure for the reimburse-  
12 ment of the portion of the costs that exceeds such  
13 threshold cost incurred by—

14 “(A) Service Units; or

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

17 “(4) establish a procedure for payment from  
18 CHEF in cases in which the exigencies of the med-  
19 ical circumstances warrant treatment prior to the  
20 authorization of such treatment by the Service; and

21 “(5) establish a procedure that will ensure that  
22 no payment shall be made from CHEF to any pro-  
23 vider of treatment to the extent that such provider  
24 is eligible to receive payment for the treatment from



1 any other Federal, State, local, or private source of  
2 reimbursement for which the patient is eligible.

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

9 “(f) DEPOSIT OF REIMBURSEMENT FUNDS.—There  
10 shall be deposited into CHEF all reimbursements to which  
11 the Service is entitled from any Federal, State, local, or  
12 private source (including third party insurance) by reason  
13 of treatment rendered to any victim of a disaster or cata-  
14 strophic illness the cost of which was paid from CHEF.

15 **“SEC. 203. HEALTH PROMOTION AND DISEASE PREVENTION**  
16 **SERVICES.**

17 “(a) FINDINGS.—Congress finds that health pro-  
18 motion and disease prevention activities—

19 “(1) improve the health and well-being of Indi-  
20 ans; and

21 “(2) reduce the expenses for health care of In-  
22 dians.

23 “(b) PROVISION OF SERVICES.—The Secretary, act-  
24 ing through the Service and Tribal Health Programs, shall  
25 provide health promotion and disease prevention services

1 to Indians to achieve the health status objectives set forth  
2 in section 3(2).

3 “(c) EVALUATION.—The Secretary, after obtaining  
4 input from the affected Tribal Health Programs, shall  
5 submit to the President for inclusion in the report which  
6 is required to be submitted to Congress under section 801  
7 an evaluation of—

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

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

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

14 “(4) the resources which would be required to  
15 enable the Service and Tribal Health Programs to  
16 undertake the health promotion and disease preven-  
17 tion activities necessary to meet such needs.

18 **“SEC. 204. DIABETES PREVENTION, TREATMENT, AND CON-**

19 **TROL.**

20 “(a) DETERMINATIONS REGARDING DIABETES.—

21 The Secretary, acting through the Service, and in con-  
22 sultation with Indian Tribes and Tribal Organizations,  
23 shall determine—

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

4           “(2) based on the determinations made pursu-  
5           ant to paragraph (1), the measures (including pa-  
6           tient education and effective ongoing monitoring of  
7           disease indicators) each Service Unit should take to  
8           reduce the incidence of, and prevent, treat, and con-  
9           trol the complications resulting from, diabetes  
10          among Indian Tribes within that Service Unit.

11          “(b) DIABETES SCREENING.—To the extent medi-  
12          cally indicated and with informed consent, the Secretary  
13          shall screen each Indian who receives services from the  
14          Service for diabetes and for conditions which indicate a  
15          high risk that the individual will become diabetic and, in  
16          consultation with Indian Tribes, Urban Indian Organiza-  
17          tions, and appropriate health care providers, establish a  
18          cost-effective approach to ensure ongoing monitoring of  
19          disease indicators. Such screening and monitoring may be  
20          conducted by a Tribal Health Program and may be con-  
21          ducted through appropriate Internet-based health care  
22          management programs.

23          “(c) FUNDING FOR DIABETES.—The Secretary shall  
24          continue to maintain each model diabetes project in exist-  
25          ence on the date of enactment of the Indian Health Care

1 Improvement Act Amendments of 2006, any such other  
2 diabetes programs operated by the Service or Tribal  
3 Health Programs, and any additional diabetes projects,  
4 such as the Medical Vanguard program provided for in  
5 title IV of Public Law 108–87, as implemented to serve  
6 Indian Tribes. Tribal Health Programs shall receive recur-  
7 ring funding for the diabetes projects that they operate  
8 pursuant to this section, both at the date of enactment  
9 of the Indian Health Care Improvement Act Amendments  
10 of 2006 and for projects which are added and funded  
11 thereafter.

12       “(d) FUNDING FOR DIALYSIS PROGRAMS.—The Sec-  
13 retary is authorized to provide funding through the Serv-  
14 ice, Indian Tribes, and Tribal Organizations to establish  
15 dialysis programs, including funding to purchase dialysis  
16 equipment and provide necessary staffing.

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

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

20                       “(A) in each Area Office, consult with In-  
21 dian Tribes and Tribal Organizations regarding  
22 programs for the prevention, treatment, and  
23 control of diabetes;

24                       “(B) establish in each Area Office a reg-  
25 istry of patients with diabetes to track the inci-

1           dence of diabetes and the complications from  
2           diabetes in that area; and

3           “(C) ensure that data collected in each  
4           Area Office regarding diabetes and related com-  
5           plications among Indians are disseminated to  
6           all other Area Offices, subject to applicable pa-  
7           tient privacy laws.

8           “(2) DIABETES CONTROL OFFICERS.—

9           “(A) IN GENERAL.—The Secretary may es-  
10          tablish and maintain in each Area Office a posi-  
11          tion of diabetes control officer to coordinate and  
12          manage any activity of that Area Office relating  
13          to the prevention, treatment, or control of dia-  
14          betes to assist the Secretary in carrying out a  
15          program under this section or section 330C of  
16          the Public Health Service Act (42 U.S.C. 254c-  
17          3).

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

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

2       “(a) LONG-TERM CARE.—Notwithstanding any other  
3 provision of law, the Secretary, acting through the Service,  
4 is authorized to provide directly, or enter into contracts  
5 or compacts under the Indian Self-Determination and  
6 Education Assistance Act (25 U.S.C. 450 et seq.) with  
7 Indian Tribes or Tribal Organizations for, the delivery of  
8 long-term care and similar services to Indians. Such agree-  
9 ments shall provide for the sharing of staff or other serv-  
10 ices between the Service or a Tribal Health Program and  
11 a long-term care or other similar facility owned and oper-  
12 ated (directly or through a contract or compact under the  
13 Indian Self-Determination and Education Assistance Act  
14 (25 U.S.C. 450 et seq.)) by such Indian Tribe or Tribal  
15 Organization.

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

18               “(1) may, at the request of the Indian Tribe or  
19 Tribal Organization, delegate to such Indian Tribe  
20 or Tribal Organization such powers of supervision  
21 and control over Service employees as the Secretary  
22 deems necessary to carry out the purposes of this  
23 section;

24               “(2) shall provide that expenses (including sala-  
25 ries) relating to services that are shared between the  
26 Service and the Tribal Health Program be allocated

1 proportionately between the Service and the Indian  
2 Tribe or Tribal Organization; and

3 “(3) may authorize such Indian Tribe or Tribal  
4 Organization to construct, renovate, or expand a  
5 long-term care or other similar facility (including the  
6 construction of a facility attached to a Service facil-  
7 ity).

8 “(c) MINIMUM REQUIREMENT.—Any nursing facility  
9 provided for under this section shall meet the require-  
10 ments for nursing facilities under section 1919 of the So-  
11 cial Security Act.

12 “(d) OTHER ASSISTANCE.—The Secretary shall pro-  
13 vide such technical and other assistance as may be nec-  
14 essary to enable applicants to comply with the provisions  
15 of this section.

16 “(e) USE OF EXISTING OR UNDERUSED FACILI-  
17 TIES.—The Secretary shall encourage the use of existing  
18 facilities that are underused or allow the use of swing beds  
19 for long-term or similar care.

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

21 “The Secretary, acting through the Service, shall  
22 make funding available for research to further the per-  
23 formance of the health service responsibilities of Indian  
24 Health Programs. The Secretary shall also, to the max-  
25 imum extent practicable, coordinate departmental re-

1 search resources and activities to address relevant Indian  
2 Health Program research needs. Tribal Health Programs  
3 shall be given an equal opportunity to compete for, and  
4 receive, research funds under this section. This funding  
5 may be used for both clinical and nonclinical research.

6 **“SEC. 207. MAMMOGRAPHY AND OTHER CANCER SCREEN-**  
7 **ING.**

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

10 “(1) Screening mammography (as defined in  
11 section 1861(jj) of the Social Security Act) for In-  
12 dian women at a frequency appropriate to such  
13 women under accepted and appropriate national  
14 standards, and under such terms and conditions as  
15 are consistent with standards established by the Sec-  
16 retary to ensure the safety and accuracy of screen-  
17 ing mammography under part B of title XVIII of  
18 such Act.

19 “(2) Other cancer screening meeting accepted  
20 and appropriate national standards.

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

22 “The Secretary, acting through the Service and Trib-  
23 al Health Programs, is authorized to provide funds for the  
24 following patient travel costs, including appropriate and  
25 necessary qualified escorts, associated with receiving



1 health care services provided (either through direct or con-  
2 tract care or through a contract or compact under the In-  
3 dian Self-Determination and Education Assistance Act  
4 (25 U.S.C. 450 et seq.)) under this Act—

5 “(1) emergency air transportation and non-  
6 emergency air transportation where ground trans-  
7 portation is infeasible;

8 “(2) transportation by private vehicle (where no  
9 other means of transportation is available), specially  
10 equipped vehicle, and ambulance; and

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

14 **“SEC. 209. EPIDEMIOLOGY CENTERS.**

15 “(a) **ADDITIONAL CENTERS.**—In addition to those  
16 epidemiology centers already established as of the date of  
17 enactment of this Act, and without reducing the funding  
18 levels for such centers, not later than 180 days after the  
19 date of enactment of the Indian Health Care Improvement  
20 Act Amendments of 2006, the Secretary, acting through  
21 the Service, shall establish an epidemiology center in each  
22 Service Area which does not yet have one to carry out the  
23 functions described in subsection (b). Any new centers so  
24 established may be operated by Tribal Health Programs,  
25 but such funding shall not be divisible.

1       “(b) FUNCTIONS OF CENTERS.—In consultation with  
2 and upon the request of Indian Tribes, Tribal Organiza-  
3 tions, and Urban Indian Organizations, each Service Area  
4 epidemiology center established under this subsection  
5 shall, with respect to such Service Area—

6           “(1) collect data relating to, and monitor  
7 progress made toward meeting, each of the health  
8 status objectives of the Service, the Indian Tribes,  
9 Tribal Organizations, and Urban Indian Organiza-  
10 tions in the Service Area;

11           “(2) evaluate existing delivery systems, data  
12 systems, and other systems that impact the improve-  
13 ment of Indian health;

14           “(3) assist Indian Tribes, Tribal Organizations,  
15 and Urban Indian Organizations in identifying their  
16 highest priority health status objectives and the  
17 services needed to achieve such objectives, based on  
18 epidemiological data;

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

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

24           “(6) provide requested technical assistance to  
25 Indian Tribes, Tribal Organizations, and Urban In-



1 grade 12 in schools for the benefit of Indian and Urban  
2 Indian children.

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

6 “(1) Developing and implementing health edu-  
7 cation curricula both for regular school programs  
8 and afterschool programs.

9 “(2) Training teachers in comprehensive school  
10 health education curricula.

11 “(3) Integrating school-based, community-  
12 based, and other public and private health promotion  
13 efforts.

14 “(4) Encouraging healthy, tobacco-free school  
15 environments.

16 “(5) Coordinating school-based health programs  
17 with existing services and programs available in the  
18 community.

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

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

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

1           “(9) Developing substance abuse prevention  
2 programs.

3           “(10) Developing injury prevention and safety  
4 education programs.

5           “(11) Developing activities for the prevention  
6 and control of communicable diseases.

7           “(12) Developing community and environmental  
8 health education programs.

9           “(13) Violence prevention.

10          “(14) Such other health issues as are appro-  
11 priate.

12          “(c) TECHNICAL ASSISTANCE.—Upon request, the  
13 Secretary, acting through the Service, shall provide tech-  
14 nical assistance to Indian Tribes, Tribal Organizations,  
15 and Urban Indian Organizations in the development of  
16 comprehensive health education plans and the dissemina-  
17 tion of comprehensive health education materials and in-  
18 formation on existing health programs and resources.

19          “(d) CRITERIA FOR REVIEW AND APPROVAL OF AP-  
20 PPLICATIONS.—The Secretary, acting through the Service,  
21 and in consultation with Indian Tribes, Tribal Organiza-  
22 tions, and Urban Indian Organizations, shall establish cri-  
23 teria for the review and approval of applications for grants  
24 awarded under this section.

1       “(e) DEVELOPMENT OF PROGRAM FOR BIA FUNDED  
2 SCHOOLS.—

3           “(1) IN GENERAL.—The Secretary of the Inte-  
4       rior, acting through the Bureau of Indian Affairs  
5       and in cooperation with the Secretary, acting  
6       through the Service, and affected Indian Tribes and  
7       Tribal Organizations, shall develop a comprehensive  
8       school health education program for children from  
9       preschool through grade 12 in schools for which sup-  
10      port is provided by the Bureau of Indian Affairs.

11          “(2) REQUIREMENTS FOR PROGRAMS.—Such  
12      programs shall include—

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

15           “(B) behavioral health wellness programs;

16           “(C) chronic disease prevention programs;

17           “(D) substance abuse prevention pro-  
18      grams;

19           “(E) injury prevention and safety edu-  
20      cation programs; and

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

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

1           “(A) provide training to teachers in com-  
2           prehensive school health education curricula;

3           “(B) ensure the integration and coordina-  
4           tion of school-based programs with existing  
5           services and health programs available in the  
6           community; and

7           “(C) encourage healthy, tobacco-free school  
8           environments.

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

10       “(a) PROGRAM AUTHORIZED.—The Secretary, acting  
11       through the Service, is authorized to establish and admin-  
12       ister a program to provide grants to Indian Tribes, Tribal  
13       Organizations, and Urban Indian Organizations for inno-  
14       vative mental and physical disease prevention and health  
15       promotion and treatment programs for Indian and Urban  
16       Indian preadolescent and adolescent youths.

17       “(b) USE OF FUNDS.—

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

20           “(A) develop prevention and treatment  
21           programs for Indian youth which promote men-  
22           tal and physical health and incorporate cultural  
23           values, community and family involvement, and  
24           traditional healers; and

1           “(B) develop and provide community train-  
2           ing and education.

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

6           “(c) DUTIES OF THE SECRETARY.—The Secretary  
7           shall—

8           “(1) disseminate to Indian Tribes, Tribal Orga-  
9           nizations, and Urban Indian Organizations informa-  
10          tion regarding models for the delivery of comprehen-  
11          sive health care services to Indian and Urban Indian  
12          adolescents;

13          “(2) encourage the implementation of such  
14          models; and

15          “(3) at the request of an Indian Tribe, Tribal  
16          Organization, or Urban Indian Organization, provide  
17          technical assistance in the implementation of such  
18          models.

19          “(d) CRITERIA FOR REVIEW AND APPROVAL OF AP-  
20          PLICATIONS.—The Secretary, in consultation with Indian  
21          Tribes, Tribal Organizations, and Urban Indian Organiza-  
22          tions, shall establish criteria for the review and approval  
23          of applications or proposals under this section.



1 **“SEC. 212. PREVENTION, CONTROL, AND ELIMINATION OF**  
2 **COMMUNICABLE AND INFECTIOUS DISEASES.**

3 “(a) FUNDING AUTHORIZED.—The Secretary, acting  
4 through the Service, and after consultation with Indian  
5 Tribes, Tribal Organizations, Urban Indian Organiza-  
6 tions, and the Centers for Disease Control and Prevention,  
7 may make funding available to Indian Tribes, Tribal Or-  
8 ganizations, and Urban Indian Organizations for the fol-  
9 lowing:

10 “(1) Projects for the prevention, control, and  
11 elimination of communicable and infectious diseases,  
12 including tuberculosis, hepatitis, HIV, respiratory  
13 syncytial virus, hanta virus, sexually transmitted dis-  
14 eases, and H. Pylori.

15 “(2) Public information and education pro-  
16 grams for the prevention, control, and elimination of  
17 communicable and infectious diseases.

18 “(3) Education, training, and clinical skills im-  
19 provement activities in the prevention, control, and  
20 elimination of communicable and infectious diseases  
21 for health professionals, including allied health pro-  
22 fessionals.

23 “(4) Demonstration projects for the screening,  
24 treatment, and prevention of hepatitis C virus  
25 (HCV).

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

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

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

12               “(1) may, at the request of an Indian Tribe,  
13 Tribal Organization, or Urban Indian Organization,  
14 provide technical assistance; and

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

21 **“SEC. 213. AUTHORITY FOR PROVISION OF OTHER SERV-**  
22 **ICES.**

23       “(a) FUNDING AUTHORIZED.—The Secretary, acting  
24 through the Service, Indian Tribes, and Tribal Organiza-  
25 tions, may provide funding under this Act to meet the ob-

1 jectives set forth in section 3 through health care-related  
2 services and programs not otherwise described in this Act,  
3 including—

4           “(1) hospice care;

5           “(2) assisted living;

6           “(3) long-term health care;

7           “(4) home- and community-based services, in  
8 accordance with subsection (d); and

9           “(5) public health functions.

10       “(b) SERVICES TO OTHERWISE INELIGIBLE PER-  
11 SONS.—Subject to section 807, at the discretion of the  
12 Service, Indian Tribes, or Tribal Organizations, services  
13 provided for hospice care, home- and community-based  
14 care, assisted living, and long-term care may be provided  
15 (subject to reimbursement) to persons otherwise ineligible  
16 for the health care benefits of the Service. Any funds re-  
17 ceived under this subsection shall not be used to offset  
18 or limit the funding allocated to the Service or an Indian  
19 Tribe or Tribal Organization.

20       “(c) TERMS AND CONDITIONS.—Any service provided  
21 under this section shall be consistent with accepted and  
22 appropriate standards relating to the service, including  
23 any licensing term or condition under this Act.

24       “(d) DEFINITIONS.—For the purposes of this section,  
25 the following definitions shall apply:

1           “(1)(A) The term ‘home- and community-based  
2 services’ means 1 or more of the following:

3                   “(i) Home health aide services.

4                   “(ii) Personal care services.

5                   “(iii) Nursing care services provided out-  
6 side of a nursing facility by, or under the super-  
7 vision of, a registered nurse.

8                   “(iv) Respite care.

9                   “(v) Training for family members.

10                  “(vi) Adult day care.

11                  “(vii) Such other home- and community-  
12 based services as the Secretary, an Indian  
13 Tribe, or a Tribal Organization may approve.

14           “(B) The term ‘home- and community-based  
15 services’ does not include a service provided by an  
16 immediate relative who is legally responsible for pro-  
17 viding the service.

18           “(2) The term ‘hospice care’ means the items  
19 and services specified in subparagraphs (A) through  
20 (H) of section 1861(dd)(1) of the Social Security  
21 Act (42 U.S.C. 1395x(dd)(1)), and such other serv-  
22 ices which an Indian Tribe or Tribal Organization  
23 determines are necessary and appropriate to provide  
24 in furtherance of this care.

1           “(3)(A) The term ‘personal care services’  
2 means services relating to assistance in carrying out  
3 activities of daily living.

4           “(B) The term ‘personal care services’ does not  
5 include a service solely relating to assistance in car-  
6 rying out an ancillary activity, such as housekeeping  
7 or household chores, as determined by the Secretary.

8           “(4) The term ‘public health functions’ means  
9 the provision of public health-related programs,  
10 functions, and services, including assessment, assur-  
11 ance, and policy development which Indian Tribes  
12 and Tribal Organizations are authorized and encour-  
13 aged, in those circumstances where it meets their  
14 needs, to do by forming collaborative relationships  
15 with all levels of local, State, and Federal Govern-  
16 ment.

17 **“SEC. 214. INDIAN WOMEN’S HEALTH CARE.**

18           “The Secretary, acting through the Service and In-  
19 dian Tribes, Tribal Organizations, and Urban Indian Or-  
20 ganizations, shall monitor and improve the quality of  
21 health care for Indian women of all ages through the plan-  
22 ning and delivery of programs administered by the Service,  
23 in order to improve and enhance the treatment models of  
24 care for Indian women.

1 **“SEC. 215. ENVIRONMENTAL AND NUCLEAR HEALTH HAZ-**  
2 **ARDS.**

3       “(a) STUDIES AND MONITORING.—The Secretary  
4 and the Service shall conduct, in conjunction with other  
5 appropriate Federal agencies and in consultation with con-  
6 cerned Indian Tribes and Tribal Organizations, studies  
7 and ongoing monitoring programs to determine trends in  
8 the health hazards to Indian miners and to Indians on  
9 or near reservations and Indian communities as a result  
10 of environmental hazards which may result in chronic or  
11 life threatening health problems, such as nuclear resource  
12 development, petroleum contamination, and contamination  
13 of water source and of the food chain. Such studies shall  
14 include—

15               “(1) an evaluation of the nature and extent of  
16 health problems caused by environmental hazards  
17 currently exhibited among Indians and the causes of  
18 such health problems;

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

23               “(3) an evaluation of the types and nature of  
24 activities, practices, and conditions causing or affect-  
25 ing such health problems, including uranium mining  
26 and milling, uranium mine tailing deposits, nuclear

1 power plant operation and construction, and nuclear  
2 waste disposal; oil and gas production or transpor-  
3 tation on or near reservations or Indian commu-  
4 nities; and other development that could affect the  
5 health of Indians and their water supply and food  
6 chain;

7 “(4) a summary of any findings and rec-  
8 ommendations provided in Federal and State stud-  
9 ies, reports, investigations, and inspections during  
10 the 5 years prior to the date of enactment of the In-  
11 dian Health Care Improvement Act Amendments of  
12 2006 that directly or indirectly relate to the activi-  
13 ties, practices, and conditions affecting the health or  
14 safety of such Indians; and

15 “(5) the efforts that have been made by Federal  
16 and State agencies and resource and economic devel-  
17 opment companies to effectively carry out an edu-  
18 cation program for such Indians regarding the  
19 health and safety hazards of such development.

20 “(b) HEALTH CARE PLANS.—Upon completion of  
21 such studies, the Secretary and the Service shall take into  
22 account the results of such studies and, in consultation  
23 with Indian Tribes and Tribal Organizations, develop  
24 health care plans to address the health problems studied  
25 under subsection (a). The plans shall include—

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

3           “(2) preventive care and testing for Indians  
4           who may be exposed to such health hazards, includ-  
5           ing the monitoring of the health of individuals who  
6           have or may have been exposed to excessive amounts  
7           of radiation or affected by other activities that have  
8           had or could have a serious impact upon the health  
9           of such individuals; and

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

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



1 “(d) INTERGOVERNMENTAL TASK FORCE.—

2 “(1) ESTABLISHMENT; MEMBERS.—There is es-  
3 tablished an Intergovernmental Task Force to be  
4 composed of the following individuals (or their des-  
5 ignees):

6 “(A) The Secretary of Energy.

7 “(B) The Secretary of the Environmental  
8 Protection Agency.

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

10 “(D) The Assistant Secretary for Occupa-  
11 tional Safety and Health.

12 “(E) The Secretary of the Interior.

13 “(F) The Secretary of Health and Human  
14 Services.

15 “(G) The Director of the Indian Health  
16 Service.

17 “(2) DUTIES.—The Task Force shall—

18 “(A) identify existing and potential oper-  
19 ations related to nuclear resource development  
20 or other environmental hazards that affect or  
21 may affect the health of Indians on or near a  
22 reservation or in an Indian community; and

23 “(B) enter into activities to correct exist-  
24 ing health hazards and ensure that current and  
25 future health problems resulting from nuclear

1 resource or other development activities are  
2 minimized or reduced.

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

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

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

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

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

1 such amounts paid to the Indian Health Program  
2 from the employer for providing medical care for  
3 such illness or condition.

4 **“SEC. 216. ARIZONA AS A CONTRACT HEALTH SERVICE DE-**  
5 **LIVERY AREA.**

6 “(a) IN GENERAL.—For fiscal years beginning with  
7 the fiscal year ending September 30, 1983, and ending  
8 with the fiscal year ending September 30, 2015, the State  
9 of Arizona shall be designated as a contract health service  
10 delivery area by the Service for the purpose of providing  
11 contract health care services to members of federally rec-  
12 ognized Indian Tribes of Arizona.

13 “(b) MAINTENANCE OF SERVICES.—The Service  
14 shall not curtail any health care services provided to Indi-  
15 ans residing on reservations in the State of Arizona if such  
16 curtailment is due to the provision of contract services in  
17 such State pursuant to the designation of such State as  
18 a contract health service delivery area pursuant to sub-  
19 section (a).

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

22 “(a) IN GENERAL.—Beginning in fiscal year 2003,  
23 the States of North Dakota and South Dakota shall be  
24 designated as a contract health service delivery area by  
25 the Service for the purpose of providing contract health

1 care services to members of federally recognized Indian  
2 Tribes of North Dakota and South Dakota.

3 “(b) LIMITATION.—The Service shall not curtail any  
4 health care services provided to Indians residing on any  
5 reservation, or in any county that has a common boundary  
6 with any reservation, in the State of North Dakota or  
7 South Dakota if such curtailment is due to the provision  
8 of contract services in such States pursuant to the des-  
9 ignation of such States as a contract health service deliv-  
10 ery area pursuant to subsection (a).

11 **“SEC. 217. CALIFORNIA CONTRACT HEALTH SERVICES PRO-**  
12 **GRAM.**

13 “(a) FUNDING AUTHORIZED.—The Secretary is au-  
14 thorized to fund a program using the California Rural In-  
15 dian Health Board (hereafter in this section referred to  
16 as the ‘CRIHB’) as a contract care intermediary to im-  
17 prove the accessibility of health services to California Indi-  
18 ans.

19 “(b) REIMBURSEMENT CONTRACT.—The Secretary  
20 shall enter into an agreement with the CRIHB to reim-  
21 burse the CRIHB for costs (including reasonable adminis-  
22 trative costs) incurred pursuant to this section, in pro-  
23 viding medical treatment under contract to California In-  
24 dians described in section 806(a) throughout the Cali-

1    ornia contract health services delivery area described in  
2    section 218 with respect to high cost contract care cases.

3           “(c) ADMINISTRATIVE EXPENSES.—Not more than 5  
4    percent of the amounts provided to the CRIHB under this  
5    section for any fiscal year may be for reimbursement for  
6    administrative expenses incurred by the CRIHB during  
7    such fiscal year.

8           “(d) LIMITATION ON PAYMENT.—No payment may  
9    be made for treatment provided hereunder to the extent  
10   payment may be made for such treatment under the In-  
11   dian Catastrophic Health Emergency Fund described in  
12   section 202 or from amounts appropriated or otherwise  
13   made available to the California contract health service de-  
14   livery area for a fiscal year.

15          “(e) ADVISORY BOARD.—There is established an ad-  
16   visory board which shall advise the CRIHB in carrying  
17   out this section. The advisory board shall be composed of  
18   representatives, selected by the CRIHB, from not less  
19   than 8 Tribal Health Programs serving California Indians  
20   covered under this section at least one half of whom of  
21   whom are not affiliated with the CRIHB.

22   **“SEC. 218. CALIFORNIA AS A CONTRACT HEALTH SERVICE**  
23                           **DELIVERY AREA.**

24          “The State of California, excluding the counties of  
25   Alameda, Contra Costa, Los Angeles, Marin, Orange, Sac-

1 ramento, San Francisco, San Mateo, Santa Clara, Kern,  
 2 Merced, Monterey, Napa, San Benito, San Joaquin, San  
 3 Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ven-  
 4 tura, shall be designated as a contract health service deliv-  
 5 ery area by the Service for the purpose of providing con-  
 6 tract health services to California Indians. However, any  
 7 of the counties listed herein may only be included in the  
 8 contract health services delivery area if funding is specifi-  
 9 cally provided by the Service for such services in those  
 10 counties.

11 **“SEC. 219. CONTRACT HEALTH SERVICES FOR THE TREN-**  
 12 **TON SERVICE AREA.**

13       “(a) **AUTHORIZATION FOR SERVICES.**—The Sec-  
 14 retary, acting through the Service, is directed to provide  
 15 contract health services to members of the Turtle Moun-  
 16 tain Band of Chippewa Indians that reside in the Trenton  
 17 Service Area of Divide, McKenzie, and Williams counties  
 18 in the State of North Dakota and the adjoining counties  
 19 of Richland, Roosevelt, and Sheridan in the State of Mon-  
 20 tana.

21       “(b) **NO EXPANSION OF ELIGIBILITY.**—Nothing in  
 22 this section may be construed as expanding the eligibility  
 23 of members of the Turtle Mountain Band of Chippewa In-  
 24 dians for health services provided by the Service beyond

1 the scope of eligibility for such health services that applied  
2 on May 1, 1986.

3 **“SEC. 220. PROGRAMS OPERATED BY INDIAN TRIBES AND**  
4 **TRIBAL ORGANIZATIONS.**

5 “The Service shall provide funds for health care pro-  
6 grams and facilities operated by Tribal Health Programs  
7 on the same basis as such funds are provided to programs  
8 and facilities operated directly by the Service.

9 **“SEC. 221. LICENSING.**

10 “Health care professionals employed by a Tribal  
11 Health Program shall, if licensed in any State, be exempt  
12 from the licensing requirements of the State in which the  
13 Tribal Health Program performs the services described in  
14 its contract or compact under the Indian Self-Determina-  
15 tion and Education Assistance Act (25 U.S.C. 450 et  
16 seq.).

17 **“SEC. 222. NOTIFICATION OF PROVISION OF EMERGENCY**  
18 **CONTRACT HEALTH SERVICES.**

19 “With respect to an elderly Indian or an Indian with  
20 a disability receiving emergency medical care or services  
21 from a non-Service provider or in a non-Service facility  
22 under the authority of this Act, the time limitation (as  
23 a condition of payment) for notifying the Service of such  
24 treatment or admission shall be 30 days.

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

2 “(a) DEADLINE FOR RESPONSE.—The Service shall  
3 respond to a notification of a claim by a provider of a  
4 contract care service with either an individual purchase  
5 order or a denial of the claim within 5 working days after  
6 the receipt of such notification.

7 “(b) EFFECT OF UNTIMELY RESPONSE.—If the  
8 Service fails to respond to a notification of a claim in ac-  
9 cordance with subsection (a), the Service shall accept as  
10 valid the claim submitted by the provider of a contract  
11 care service.

12 “(c) DEADLINE FOR PAYMENT OF VALID CLAIM.—  
13 The Service shall pay a valid contract care service claim  
14 within 30 days after the completion of the claim.

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

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

21 “(b) NOTIFICATION.—The Secretary shall notify a  
22 contract care provider and any patient who receives con-  
23 tract health care services authorized by the Service that  
24 such patient is not liable for the payment of any charges  
25 or costs associated with the provision of such services not



1 later than 5 business days after receipt of a notification  
2 of a claim by a provider of contract care services.

3 “(c) NO RECOURSE.—Following receipt of the notice  
4 provided under subsection (b), or, if a claim has been  
5 deemed accepted under section 223(b), the provider shall  
6 have no further recourse against the patient who received  
7 the services.

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

9 “(a) ESTABLISHMENT.—The Secretary shall estab-  
10 lish within the Service an office to be known as the ‘Office  
11 of Indian Men’s Health’ (referred to in this section as the  
12 ‘Office’).

13 “(b) DIRECTOR.—

14 “(1) IN GENERAL.—The Office shall be headed  
15 by a Director, to be appointed by the Secretary.

16 “(2) DUTIES.—The Director shall coordinate  
17 and promote the status of the health of Indian men  
18 in the United States.

19 “(c) REPORT.—Not later than 2 years after the date  
20 of enactment of the Indian Health Care Improvement Act  
21 Amendments of 2006, the Secretary, acting through the  
22 Director of the Office, shall submit to Congress a report  
23 describing—

24 “(1) any activity carried out by the Director as  
25 of the date on which the report is prepared; and

1           “(2) any finding of the Director with respect to  
2           the health of Indian men.

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

4           “There are authorized to be appropriated such sums  
5 as may be necessary for each fiscal year through fiscal  
6 year 2015 to carry out this title.

7           **“TITLE III—FACILITIES**

8   **“SEC. 301. CONSULTATION; CONSTRUCTION AND RENOVA-**  
9           **TION OF FACILITIES; REPORTS.**

10          “(a) PREREQUISITES FOR EXPENDITURE OF  
11 FUNDS.—Prior to the expenditure of, or the making of  
12 any binding commitment to expend, any funds appro-  
13 priated for the planning, design, construction, or renova-  
14 tion of facilities pursuant to the Act of November 2, 1921  
15 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’),  
16 the Secretary, acting through the Service, shall—

17           “(1) consult with any Indian Tribe that would  
18           be significantly affected by such expenditure for the  
19           purpose of determining and, whenever practicable,  
20           honoring tribal preferences concerning size, location,  
21           type, and other characteristics of any facility on  
22           which such expenditure is to be made; and

23           “(2) ensure, whenever practicable and applica-  
24           ble, that such facility meets the construction stand-  
25           ards of any accrediting body recognized by the Sec-

1       retary for the purposes of the medicare, medicaid,  
2       and SCHIP programs under titles XVIII, XIX, and  
3       XXI of the Social Security Act by not later than 1  
4       year after the date on which the construction or ren-  
5       ovation of such facility is completed.

6       “(b) CLOSURES.—

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

14                   “(A) the accessibility of alternative health  
15                   care resources for the population served by such  
16                   facility;

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

18                   “(C) the quality of health care to be pro-  
19                   vided to the population served by such facility  
20                   after such closure;

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

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

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

3           “(G) the distance between such facility and  
4 the nearest operating Service hospital.

5           “(2) EXCEPTION FOR CERTAIN TEMPORARY  
6 CLOSURES.—Paragraph (1) shall not apply to any  
7 temporary closure of a facility or any portion of a  
8 facility if such closure is necessary for medical, envi-  
9 ronmental, or construction safety reasons.

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

11           “(1) IN GENERAL.—

12           “(A) ESTABLISHMENT.—The Secretary,  
13 acting through the Service, shall establish a  
14 health care facility priority system, which  
15 shall—

16           “(i) be developed with Indian Tribes  
17 and Tribal Organizations through nego-  
18 tiated rulemaking under section 802;

19           “(ii) give Indian Tribes’ needs the  
20 highest priority; and

21           “(iii) at a minimum, include the lists  
22 required in paragraph (2)(B) and the  
23 methodology required in paragraph (2)(E).

24           “(B) 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 the Indian Health Care  
3 Improvement Act Amendments of 2006 shall  
4 not be affected by any change in the construc-  
5 tion priority system taking place thereafter if  
6 the project was identified as 1 of the 10 top-  
7 priority inpatient projects, 1 of the 10 top-pri-  
8 ority outpatient projects, 1 of the 10 top-pri-  
9 ority staff quarters developments, or 1 of the  
10 10 top-priority Youth Regional Treatment Cen-  
11 ters in the fiscal year 2006 Indian Health Serv-  
12 ice budget justification, or if the project had  
13 completed both Phase I and Phase II of the  
14 construction priority system in effect on the  
15 date of enactment of such Act.

16 “(2) REPORT; CONTENTS.—The Secretary shall  
17 submit to the President, for inclusion in the report  
18 required to be transmitted to Congress under section  
19 801, a report which sets forth the following:

20 “(A) A description of the health care facil-  
21 ity priority system of the Service, established  
22 under paragraph (1).

23 “(B) Health care facilities lists, includ-  
24 ing—

1                   “(i) the 10 top-priority inpatient  
2 health care facilities;

3                   “(ii) the 10 top-priority outpatient  
4 health care facilities;

5                   “(iii) the 10 top-priority specialized  
6 health care facilities (such as long-term  
7 care and alcohol and drug abuse treat-  
8 ment);

9                   “(iv) the 10 top-priority staff quarters  
10 developments associated with health care  
11 facilities; and

12                   “(v) the 10 top-priority hostels associ-  
13 ated with health care facilities.

14                   “(C) The justification for such order of  
15 priority.

16                   “(D) The projected cost of such projects.

17                   “(E) The methodology adopted by the  
18 Service in establishing priorities under its  
19 health care facility priority system.

20                   “(3) REQUIREMENTS FOR PREPARATION OF RE-  
21 PORTS.—In preparing each report required under  
22 paragraph (2) (other than the initial report), the  
23 Secretary shall annually—

24                   “(A) consult with and obtain information  
25 on all health care facilities needs from Indian

1 Tribes, Tribal Organizations, and Urban Indian  
2 Organizations; and

3 “(B) review the total unmet needs of all  
4 Indian Tribes, Tribal Organizations, and Urban  
5 Indian Organizations for health care facilities  
6 (including hostels and staff quarters), including  
7 needs for renovation and expansion of existing  
8 facilities.

9 “(4) CRITERIA FOR EVALUATING NEEDS.—For  
10 purposes of this subsection, the Secretary shall, in  
11 evaluating the needs of facilities operated under any  
12 contract or compact under the Indian Self-Deter-  
13 mination and Education Assistance Act (25 U.S.C.  
14 450 et seq.) use the same criteria that the Secretary  
15 uses in evaluating the needs of facilities operated di-  
16 rectly by the Service.

17 “(5) NEEDS OF FACILITIES UNDER ISDEAA  
18 AGREEMENTS.—The Secretary shall ensure that the  
19 planning, design, construction, and renovation needs  
20 of Service and non-Service facilities operated under  
21 contracts or compacts in accordance with the Indian  
22 Self-Determination and Education Assistance Act  
23 (25 U.S.C. 450 et seq.) are fully and equitably inte-  
24 grated into the health care facility priority system.

25 “(d) REVIEW OF NEED FOR FACILITIES.—

1           “(1) INITIAL REPORT.—In the year 2006, the  
2           Government Accountability Office shall prepare and  
3           finalize a report which sets forth the needs of the  
4           Service, Indian Tribes, Tribal Organizations, and  
5           Urban Indian Organizations, for the types of facili-  
6           ties listed under subsection (c)(2)(B), including the  
7           needs for renovation and expansion of existing facili-  
8           ties. The Government Accountability Office shall  
9           submit the report to the appropriate authorizing and  
10          appropriations committees of Congress and to the  
11          Secretary.

12          “(2) Beginning in the year 2006, the Secretary  
13          shall update the report required under paragraph  
14          (1) every 5 years.

15          “(3) In preparing an updated report under  
16          paragraph (2), the Secretary shall consult with In-  
17          dian Tribes, Tribal Organizations, and Urban Indian  
18          Organizations. The Secretary shall submit the report  
19          under paragraph (2) for inclusion in the report re-  
20          quired to be transmitted to Congress under section  
21          801.

22          “(4) For purposes of this subsection, the re-  
23          ports shall, regarding the needs of facilities operated  
24          under any contract or compact under the Indian  
25          Self-Determination and Education Assistance Act



1 (25 U.S.C. 450 et seq.), be based on the same cri-  
2 teria that the Secretary uses in evaluating the needs  
3 of facilities operated directly by the Service.

4 “(5) The planning, design, construction, and  
5 renovation needs of facilities operated under con-  
6 tracts or compacts under the Indian Self-Determina-  
7 tion and Education Assistance Act (25 U.S.C. 450  
8 et seq.) shall be fully and equitably integrated into  
9 the development of the health facility priority sys-  
10 tem.

11 “(6) Beginning in 2007 and each fiscal year  
12 thereafter, the Secretary shall provide an oppor-  
13 tunity for nomination of planning, design, and con-  
14 struction projects by the Service, Indian Tribes,  
15 Tribal Organizations, and Urban Indian Organiza-  
16 tions for consideration under the health care facility  
17 priority system.

18 “(e) FUNDING CONDITION.—All funds appropriated  
19 under the Act of November 2, 1921 (25 U.S.C. 13) (com-  
20 monly known as the ‘Snyder Act’), for the planning, de-  
21 sign, construction, or renovation of health facilities for the  
22 benefit of 1 or more Indian Tribes shall be subject to the  
23 provisions of the Indian Self-Determination and Edu-  
24 cation Assistance Act (25 U.S.C. 450 et seq.).

1       “(f) DEVELOPMENT OF INNOVATIVE APPROACHES.—  
2 The Secretary shall consult and cooperate with Indian  
3 Tribes, Tribal Organizations, and Urban Indian Organiza-  
4 tions in developing innovative approaches to address all  
5 or part of the total unmet need for construction of health  
6 facilities, including those provided for in other sections of  
7 this title and other approaches.

8 **“SEC. 302. SANITATION FACILITIES.**

9       “(a) FINDINGS.—Congress finds the following:

10           “(1) The provision of sanitation facilities is pri-  
11 marily a health consideration and function.

12           “(2) Indian people suffer an inordinately high  
13 incidence of disease, injury, and illness directly at-  
14 tributable to the absence or inadequacy of sanitation  
15 facilities.

16           “(3) The long-term cost to the United States of  
17 treating and curing such disease, injury, and illness  
18 is substantially greater than the short-term cost of  
19 providing sanitation facilities and other preventive  
20 health measures.

21           “(4) Many Indian homes and Indian commu-  
22 nities still lack sanitation facilities.

23           “(5) It is in the interest of the United States,  
24 and it is the policy of the United States, that all In-

1       dian communities and Indian homes, new and exist-  
2       ing, be provided with sanitation facilities.

3       “(b) FACILITIES AND SERVICES.—In furtherance of  
4 the findings made in subsection (a), Congress reaffirms  
5 the primary responsibility and authority of the Service to  
6 provide the necessary sanitation facilities and services as  
7 provided in section 7 of the Act of August 5, 1954 (42  
8 U.S.C. 2004a). Under such authority, the Secretary, act-  
9 ing through the Service, is authorized to provide the fol-  
10 lowing:

11           “(1) Financial and technical assistance to In-  
12 dian Tribes, Tribal Organizations, and Indian com-  
13 munities in the establishment, training, and equip-  
14 ping of utility organizations to operate and maintain  
15 sanitation facilities, including the provision of exist-  
16 ing plans, standard details, and specifications avail-  
17 able in the Department, to be used at the option of  
18 the Indian Tribe, Tribal Organization, or Indian  
19 community.

20           “(2) Ongoing technical assistance and training  
21 to Indian Tribes, Tribal Organizations, and Indian  
22 communities in the management of utility organiza-  
23 tions which operate and maintain sanitation facili-  
24 ties.

1           “(3) Priority funding for operation and mainte-  
2 nance assistance for, and emergency repairs to, sani-  
3 tation facilities operated by an Indian Tribe, Tribal  
4 Organization or Indian community when necessary  
5 to avoid an imminent health threat or to protect the  
6 investment in sanitation facilities and the investment  
7 in the health benefits gained through the provision  
8 of sanitation facilities.

9           “(c) FUNDING.—Notwithstanding any other provi-  
10 sion of law—

11           “(1) the Secretary of Housing and Urban De-  
12 velopment is authorized to transfer funds appro-  
13 priated under the Native American Housing Assist-  
14 ance and Self-Determination Act of 1996 to the Sec-  
15 retary of Health and Human Services;

16           “(2) the Secretary of Health and Human Serv-  
17 ices is authorized to accept and use such funds for  
18 the purpose of providing sanitation facilities and  
19 services for Indians under section 7 of the Act of  
20 August 5, 1954 (42 U.S.C. 2004a);

21           “(3) unless specifically authorized when funds  
22 are appropriated, the Secretary shall not use funds  
23 appropriated under section 7 of the Act of August  
24 5, 1954 (42 U.S.C. 2004a), to provide sanitation fa-  
25 cilities to new homes constructed using funds pro-

1       vided by the Department of Housing and Urban De-  
2       velopment;

3               “(4) the Secretary of Health and Human Serv-  
4       ices is authorized to accept from any source, includ-  
5       ing Federal and State agencies, funds for the pur-  
6       pose of providing sanitation facilities and services  
7       and place these funds into contracts or compacts  
8       under the Indian Self-Determination and Education  
9       Assistance Act (25 U.S.C. 450 et seq.);

10              “(5) except as otherwise prohibited by this sec-  
11       tion, the Secretary may use funds appropriated  
12       under the authority of section 7 of the Act of Au-  
13       gust 5, 1954 (42 U.S.C. 2004a) to fund up to 100  
14       percent of the amount of an Indian Tribe’s loan ob-  
15       tained under any Federal program for new projects  
16       to construct eligible sanitation facilities to serve In-  
17       dian homes;

18              “(6) except as otherwise prohibited by this sec-  
19       tion, the Secretary may use funds appropriated  
20       under the authority of section 7 of the Act of Au-  
21       gust 5, 1954 (42 U.S.C. 2004a) to meet matching  
22       or cost participation requirements under other Fed-  
23       eral and non-Federal programs for new projects to  
24       construct eligible sanitation facilities;

1           “(7) all Federal agencies are authorized to  
2 transfer to the Secretary funds identified, granted,  
3 loaned, or appropriated whereby the Department’s  
4 applicable policies, rules, and regulations shall apply  
5 in the implementation of such projects;

6           “(8) the Secretary of Health and Human Serv-  
7 ices shall enter into interagency agreements with  
8 Federal and State agencies for the purpose of pro-  
9 viding financial assistance for sanitation facilities  
10 and services under this Act; and

11           “(9) the Secretary of Health and Human Serv-  
12 ices shall, by regulation developed through rule-  
13 making under section 802, establish standards appli-  
14 cable to the planning, design, and construction of  
15 sanitation facilities funded under this Act.

16           “(d) CERTAIN CAPABILITIES NOT PREREQUISITE.—  
17 The financial and technical capability of an Indian Tribe,  
18 Tribal Organization, or Indian community to safely oper-  
19 ate, manage, and maintain a sanitation facility shall not  
20 be a prerequisite to the provision or construction of sanita-  
21 tion facilities by the Secretary.

22           “(e) FINANCIAL ASSISTANCE.—The Secretary is au-  
23 thorized to provide financial assistance to Indian Tribes,  
24 Tribal Organizations, and Indian communities for oper-

1 ation, management, and maintenance of their sanitation  
2 facilities.

3       “(f) OPERATION, MANAGEMENT, AND MAINTENANCE  
4 OF FACILITIES.—The Indian Tribe has the primary re-  
5 sponsibility to establish, collect, and use reasonable user  
6 fees, or otherwise set aside funding, for the purpose of  
7 operating, managing, and maintaining sanitation facilities.  
8 If a sanitation facility serving a community that is oper-  
9 ated by an Indian Tribe or Tribal Organization is threat-  
10 ened with imminent failure and such operator lacks capac-  
11 ity to maintain the integrity or the health benefits of the  
12 sanitation facility, then the Secretary is authorized to as-  
13 sist the Indian Tribe, Tribal Organization, or Indian com-  
14 munity in the resolution of the problem on a short-term  
15 basis through cooperation with the emergency coordinator  
16 or by providing operation, management, and maintenance  
17 service.

18       “(g) ISDEEAA PROGRAM FUNDED ON EQUAL  
19 BASIS.—Tribal Health Programs shall be eligible (on an  
20 equal basis with programs that are administered directly  
21 by the Service) for—

22               “(1) any funds appropriated pursuant to this  
23 section; and

24               “(2) any funds appropriated for the purpose of  
25 providing sanitation facilities.

1 “(h) REPORT.—

2 “(1) REQUIRED; CONTENTS.—The Secretary, in  
3 consultation with the Secretary of Housing and  
4 Urban Development, Indian Tribes, Tribal Organiza-  
5 tions, and tribally designated housing entities (as de-  
6 fined in section 4 of the Native American Housing  
7 Assistance and Self-Determination Act of 1996 (25  
8 U.S.C. 4103)) shall submit to the President, for in-  
9 clusion in the report required to be transmitted to  
10 Congress under section 801, a report which sets  
11 forth—

12 “(A) the current Indian sanitation facility  
13 priority system of the Service;

14 “(B) the methodology for determining  
15 sanitation deficiencies and needs;

16 “(C) the level of initial and final sanitation  
17 deficiency for each type of sanitation facility for  
18 each project of each Indian Tribe or Indian  
19 community;

20 “(D) the amount and most effective use of  
21 funds, derived from whatever source, necessary  
22 to accommodate the sanitation facilities needs  
23 of new homes assisted with funds under the  
24 Native American Housing Assistance and Self-  
25 Determination Act, and to reduce the identified



1 sanitation deficiency levels of all Indian Tribes  
2 and Indian communities to level I sanitation de-  
3 ficiency as defined in paragraph (4)(A); and

4 “(E) a 10-year plan to provide sanitation  
5 facilities to serve existing Indian homes and In-  
6 dian communities and new and renovated In-  
7 dian homes.

8 “(2) CRITERIA.—The criteria on which the defi-  
9 ciencies and needs will be evaluated shall be devel-  
10 oped through negotiated rulemaking pursuant to  
11 section 802.

12 “(3) UNIFORM METHODOLOGY.—The method-  
13 ology used by the Secretary in determining, pre-  
14 paring cost estimates for, and reporting sanitation  
15 deficiencies for purposes of paragraph (1) shall be  
16 applied uniformly to all Indian Tribes and Indian  
17 communities.

18 “(4) SANITATION DEFICIENCY LEVELS.—For  
19 purposes of this subsection, the sanitation deficiency  
20 levels for an individual, Indian Tribe, or Indian com-  
21 munity sanitation facility to serve Indian homes are  
22 determined as follows:

23 “(A) A level I deficiency exists if a sanita-  
24 tion facility serving an individual, Indian Tribe,  
25 or Indian community—

1           “(i) complies with all applicable water  
2           supply, pollution control, and solid waste  
3           disposal laws; and

4           “(ii) deficiencies relate to routine re-  
5           placement, repair, or maintenance needs.

6           “(B) A level II deficiency exists if a sanita-  
7           tion facility serving an individual, Indian Tribe,  
8           or Indian community substantially or recently  
9           complied with all applicable water supply, pollu-  
10          tion control, and solid waste laws and any defi-  
11          ciencies relate to—

12           “(i) small or minor capital improve-  
13           ments needed to bring the facility back  
14           into compliance;

15           “(ii) capital improvements that are  
16           necessary to enlarge or improve the facili-  
17           ties in order to meet the current needs for  
18           domestic sanitation facilities; or

19           “(iii) the lack of equipment or train-  
20           ing by an Indian Tribe, Tribal Organiza-  
21           tion, or an Indian community to properly  
22           operate and maintain the sanitation facili-  
23           ties.

24           “(C) A level III deficiency exists if a sani-  
25          tation facility serving an individual, Indian

1 Tribe or Indian community meets 1 or more of  
2 the following conditions—

3 “(i) water or sewer service in the  
4 home is provided by a haul system with  
5 holding tanks and interior plumbing;

6 “(ii) major significant interruptions to  
7 water supply or sewage disposal occur fre-  
8 quently, requiring major capital improve-  
9 ments to correct the deficiencies; or

10 “(iii) there is no access to or no ap-  
11 proved or permitted solid waste facility  
12 available.

13 “(D) A level IV deficiency exists—

14 “(i) if a sanitation facility for an indi-  
15 vidual home, an Indian Tribe, or an Indian  
16 community exists but—

17 “(I) lacks—

18 “(aa) a safe water supply  
19 system; or

20 “(bb) a waste disposal sys-  
21 tem;

22 “(II) contains no piped water or  
23 sewer facilities; or

24 “(III) has become inoperable due  
25 to a major component failure; or

1                   “(ii) if only a washeteria or central fa-  
2                   cility exists in the community.

3                   “(E) A level V deficiency exists in the ab-  
4                   sence of a sanitation facility, where individual  
5                   homes do not have access to safe drinking  
6                   water or adequate wastewater (including sew-  
7                   age) disposal.

8                   “(i) DEFINITIONS.—For purposes of this section, the  
9                   following terms apply:

10                  “(1) INDIAN COMMUNITY.—The term ‘Indian  
11                  community’ means a geographic area, a significant  
12                  proportion of whose inhabitants are Indians and  
13                  which is served by or capable of being served by a  
14                  facility described in this section.

15                  “(2) SANITATION FACILITIES.—The terms  
16                  ‘sanitation facility’ and ‘sanitation facilities’ mean  
17                  safe and adequate water supply systems, sanitary  
18                  sewage disposal systems, and sanitary solid waste  
19                  systems (and all related equipment and support in-  
20                  frastructure).

21                  **“SEC. 303. PREFERENCE TO INDIANS AND INDIAN FIRMS.**

22                  “(a) BUY INDIAN ACT.—The Secretary, acting  
23                  through the Service, may use the negotiating authority of  
24                  section 23 of the Act of June 25, 1910 (25 U.S.C. 47,  
25                  commonly known as the ‘Buy Indian Act’), to give pref-

1 erence to any Indian or any enterprise, partnership, cor-  
2 poration, or other type of business organization owned and  
3 controlled by an Indian or Indians including former or  
4 currently federally recognized Indian Tribes in the State  
5 of New York (hereinafter referred to as an ‘Indian firm’)  
6 in the construction and renovation of Service facilities pur-  
7 suant to section 301 and in the construction of sanitation  
8 facilities pursuant to section 302. Such preference may be  
9 accorded by the Secretary unless the Secretary finds, pur-  
10 suant to regulations adopted pursuant to section 802, that  
11 the project or function to be contracted for will not be  
12 satisfactory or such project or function cannot be properly  
13 completed or maintained under the proposed contract. The  
14 Secretary, in arriving at such a finding, shall consider  
15 whether the Indian or Indian firm will be deficient with  
16 respect to—

17           “(1) ownership and control by Indians;

18           “(2) equipment;

19           “(3) bookkeeping and accounting procedures;

20           “(4) substantive knowledge of the project or  
21 function to be contracted for;

22           “(5) adequately trained personnel; or

23           “(6) other necessary components of contract  
24 performance.

25           “(b) LABOR STANDARDS.—

1           “(1) IN GENERAL.—For the purposes of imple-  
2           menting the provisions of this title, contracts for the  
3           construction or renovation of health care facilities,  
4           staff quarters, and sanitation facilities, and related  
5           support infrastructure, funded in whole or in part  
6           with funds made available pursuant to this title,  
7           shall contain a provision requiring compliance with  
8           subchapter IV of chapter 31 of title 40, United  
9           States Code (commonly known as the ‘Davis-Bacon  
10          Act’), unless such construction or renovation—

11                   “(A) is performed by a contractor pursu-  
12                   ant to a contract with an Indian Tribe or Trib-  
13                   al Organization with funds supplied through a  
14                   contract or compact authorized by the Indian  
15                   Self-Determination and Education Assistance  
16                   Act (25 U.S.C. 450 et seq.), or other statutory  
17                   authority; and

18                   “(B) is subject to prevailing wage rates for  
19                   similar construction or renovation in the locality  
20                   as determined by the Indian Tribes or Tribal  
21                   Organizations to be served by the construction  
22                   or renovation.

23           “(2) EXCEPTION.—This subsection shall not  
24           apply to construction or renovation carried out by an

1 Indian Tribe or Tribal Organization with its own  
2 employees.

3 **“SEC. 304. EXPENDITURE OF NONSERVICE FUNDS FOR REN-**  
4 **OVATION.**

5 “(a) IN GENERAL.—Notwithstanding any other pro-  
6 vision of law, if the requirements of subsection (c) are met,  
7 the Secretary, acting through the Service, is authorized  
8 to accept any major expansion, renovation, or moderniza-  
9 tion by any Indian Tribe or Tribal Organization of any  
10 Service facility or of any other Indian health facility oper-  
11 ated pursuant to a contract or compact under the Indian  
12 Self-Determination and Education Assistance Act (25  
13 U.S.C. 450 et seq.), including—

14 “(1) any plans or designs for such expansion,  
15 renovation, or modernization; and

16 “(2) any expansion, renovation, or moderniza-  
17 tion for which funds appropriated under any Federal  
18 law were lawfully expended.

19 “(b) PRIORITY LIST.—

20 “(1) IN GENERAL.—The Secretary shall main-  
21 tain a separate priority list to address the needs for  
22 increased operating expenses, personnel, or equip-  
23 ment for such facilities. The methodology for estab-  
24 lishing priorities shall be developed through nego-  
25 tiated rulemaking under section 802. The list of pri-

1 ority facilities will be revised annually in consulta-  
2 tion with Indian Tribes and Tribal Organizations.

3 “(2) REPORT.—The Secretary shall submit to  
4 the President, for inclusion in the report required to  
5 be transmitted to Congress under section 801, the  
6 priority list maintained pursuant to paragraph (1).

7 “(c) REQUIREMENTS.—The requirements of this sub-  
8 section are met with respect to any expansion, renovation,  
9 or modernization if—

10 “(1) the Indian Tribe or Tribal Organization—

11 “(A) provides notice to the Secretary of its  
12 intent to expand, renovate, or modernize; and

13 “(B) applies to the Secretary to be placed  
14 on a separate priority list to address the needs  
15 of such new facilities for increased operating ex-  
16 penses, personnel, or equipment; and

17 “(2) the expansion, renovation, or moderniza-  
18 tion—

19 “(A) is approved by the appropriate area  
20 director of the Service for Federal facilities; and

21 “(B) is administered by the Indian Tribe  
22 or Tribal Organization in accordance with any  
23 applicable regulations prescribed by the Sec-  
24 retary with respect to construction or renova-  
25 tion of Service facilities.



1       “(d) ADDITIONAL REQUIREMENT FOR EXPANSION.—  
2 In addition to the requirements under subsection (c), for  
3 any expansion, the Indian Tribe or Tribal Organization  
4 shall provide to the Secretary additional information devel-  
5 oped through negotiated rulemaking under section 802,  
6 including additional staffing, equipment, and other costs  
7 associated with the expansion.

8       “(e) CLOSURE OR CONVERSION OF FACILITIES.—If  
9 any Service facility which has been expanded, renovated,  
10 or modernized by an Indian Tribe or Tribal Organization  
11 under this section ceases to be used as a Service facility  
12 during the 20-year period beginning on the date such ex-  
13 pansion, renovation, or modernization is completed, such  
14 Indian Tribe or Tribal Organization shall be entitled to  
15 recover from the United States an amount which bears  
16 the same ratio to the value of such facility at the time  
17 of such cessation as the value of such expansion, renova-  
18 tion, or modernization (less the total amount of any funds  
19 provided specifically for such facility under any Federal  
20 program that were expended for such expansion, renova-  
21 tion, or modernization) bore to the value of such facility  
22 at the time of the completion of such expansion, renova-  
23 tion, or modernization.

1 **“SEC. 305. FUNDING FOR THE CONSTRUCTION, EXPANSION,**  
2 **AND MODERNIZATION OF SMALL AMBULA-**  
3 **TORY CARE FACILITIES.**

4 “(a) FUNDING.—

5 “(1) IN GENERAL.—The Secretary, acting  
6 through the Service, shall make grants to Indian  
7 Tribes and Tribal Organizations for the construc-  
8 tion, expansion, or modernization of facilities for the  
9 provision of ambulatory care services to eligible Indi-  
10 ans (and noneligible persons pursuant to subsections  
11 (b)(2) and (c)(1)(C)). A grant made under this sec-  
12 tion may cover up to 100 percent of the costs of  
13 such construction, expansion, or modernization. For  
14 the purposes of this section, the term ‘construction’  
15 includes the replacement of an existing facility.

16 “(2) GRANT AGREEMENT REQUIRED.—A grant  
17 under paragraph (1) may only be made available to  
18 a Tribal Health Program operating an Indian health  
19 facility (other than a facility owned or constructed  
20 by the Service, including a facility originally owned  
21 or constructed by the Service and transferred to an  
22 Indian Tribe or Tribal Organization).

23 “(b) USE OF GRANT FUNDS.—

24 “(1) ALLOWABLE USES.—A grant awarded  
25 under this section may be used for the construction,  
26 expansion, or modernization (including the planning

1 and design of such construction, expansion, or mod-  
2 ernization) of an ambulatory care facility—

3 “(A) located apart from a hospital;

4 “(B) not funded under section 301 or sec-  
5 tion 307; and

6 “(C) which, upon completion of such con-  
7 struction or modernization will—

8 “(i) have a total capacity appropriate  
9 to its projected service population;

10 “(ii) provide annually no fewer than  
11 150 patient visits by eligible Indians and  
12 other users who are eligible for services in  
13 such facility in accordance with section  
14 807(e)(2); and

15 “(iii) provide ambulatory care in a  
16 Service Area (specified in the contract or  
17 compact under the Indian Self-Determina-  
18 tion and Education Assistance Act (25  
19 U.S.C. 450 et seq.)) with a population of  
20 no fewer than 1,500 eligible Indians and  
21 other users who are eligible for services in  
22 such facility in accordance with section  
23 807(e)(2).

24 “(2) ADDITIONAL ALLOWABLE USE.—The Sec-  
25 retary may also reserve a portion of the funding pro-

1 vided under this section and use those reserved  
2 funds to reduce an outstanding debt incurred by In-  
3 dian Tribes or Tribal Organizations for the con-  
4 struction, expansion, or modernization of an ambula-  
5 tory care facility that meets the requirements under  
6 paragraph (1). The provisions of this section shall  
7 apply, except that such applications for funding  
8 under this paragraph shall be considered separately  
9 from applications for funding under paragraph (1).

10 “(3) USE ONLY FOR CERTAIN PORTION OF  
11 COSTS.—A grant provided under this section may be  
12 used only for the cost of that portion of a construc-  
13 tion, expansion, or modernization project that bene-  
14 fits the Service population identified above in sub-  
15 section (b)(1)(C) (ii) and (iii). The requirements of  
16 clauses (ii) and (iii) of paragraph (1)(C) shall not  
17 apply to an Indian Tribe or Tribal Organization ap-  
18 plying for a grant under this section for a health  
19 care facility located or to be constructed on an is-  
20 land or when such facility is not located on a road  
21 system providing direct access to an inpatient hos-  
22 pital where care is available to the Service popu-  
23 lation.

24 “(c) GRANTS.—

1           “(1) APPLICATION.—No grant may be made  
2 under this section unless an application or proposal  
3 for the grant has been approved by the Secretary in  
4 accordance with applicable regulations and has forth  
5 reasonable assurance by the applicant that, at all  
6 times after the construction, expansion, or mod-  
7 ernization of a facility carried out using a grant re-  
8 ceived under this section—

9           “(A) adequate financial support will be  
10 available for the provision of services at such  
11 facility;

12           “(B) such facility will be available to eligi-  
13 ble Indians without regard to ability to pay or  
14 source of payment; and

15           “(C) such facility will, as feasible without  
16 diminishing the quality or quantity of services  
17 provided to eligible Indians, serve noneligible  
18 persons on a cost basis.

19           “(2) PRIORITY.—In awarding grants under this  
20 section, the Secretary shall give priority to Indian  
21 Tribes and Tribal Organizations that demonstrate—

22           “(A) a need for increased ambulatory care  
23 services; and

24           “(B) insufficient capacity to deliver such  
25 services.

1           “(3) PEER REVIEW PANELS.—The Secretary  
2           may provide for the establishment of peer review  
3           panels, as necessary, to review and evaluate applica-  
4           tions and proposals and to advise the Secretary re-  
5           garding such applications using the criteria devel-  
6           oped pursuant to subsection (a)(1).

7           “(d) REVERSION OF FACILITIES.—If any facility (or  
8           portion thereof) with respect to which funds have been  
9           paid under this section, ceases, within 5 years after com-  
10          pletion of the construction, expansion, or modernization  
11          carried out with such funds, to be used for the purposes  
12          of providing health care services to eligible Indians, all of  
13          the right, title, and interest in and to such facility (or por-  
14          tion thereof) shall transfer to the United States unless  
15          otherwise negotiated by the Service and the Indian Tribe  
16          or Tribal Organization.

17          “(e) FUNDING NONRECURRING.—Funding provided  
18          under this section shall be nonrecurring and shall not be  
19          available for inclusion in any individual Indian Tribe’s  
20          tribal share for an award under the Indian Self-Deter-  
21          mination and Education Assistance Act (25 U.S.C. 450  
22          et seq.) or for reallocation or redesign thereunder.

1 **“SEC. 306. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECT.**  
2 **TION PROJECT.**

3 “(a) HEALTH CARE DEMONSTRATION PROJECTS.—  
4 The Secretary, acting through the Service, and in con-  
5 sultation with Indian Tribes and Tribal Organizations, is  
6 authorized to enter into construction agreements under  
7 the Indian Self-Determination and Education Assistance  
8 Act (25 U.S.C. 450 et seq.) with Indian Tribes or Tribal  
9 Organizations for the purpose of carrying out a health  
10 care delivery demonstration project to test alternative  
11 means of delivering health care and services to Indians  
12 through facilities.

13 “(b) USE OF FUNDS.—The Secretary, in approving  
14 projects pursuant to this section, may authorize funding  
15 for the construction and renovation of hospitals, health  
16 centers, health stations, and other facilities to deliver  
17 health care services and is authorized to—

18 “(1) waive any leasing prohibition;

19 “(2) permit carryover of funds appropriated for  
20 the provision of health care services;

21 “(3) permit the use of other available funds;

22 “(4) permit the use of funds or property do-  
23 nated from any source for project purposes;

24 “(5) provide for the reversion of donated real or  
25 personal property to the donor; and

1           “(6) permit the use of Service funds to match  
2           other funds, including Federal funds.

3           “(c) REGULATIONS.—The Secretary shall develop  
4 and promulgate regulations not later than 1 year after the  
5 date of enactment of the Indian Health Care Improvement  
6 Act Amendments of 2006. If the Secretary has not pro-  
7 mulgated regulations by that date, the Secretary shall de-  
8 velop and publish regulations, through rulemaking under  
9 section 802, for the review and approval of applications  
10 submitted under this section.

11          “(d) CRITERIA.—The Secretary may approve projects  
12 that meet the following criteria:

13           “(1) There is a need for a new facility or pro-  
14 gram or the reorientation of an existing facility or  
15 program.

16           “(2) A significant number of Indians, including  
17 those with low health status, will be served by the  
18 project.

19           “(3) The project has the potential to deliver  
20 services in an efficient and effective manner.

21           “(4) The project is economically viable.

22           “(5) The Indian Tribe or Tribal Organization  
23 has the administrative and financial capability to ad-  
24 minister the project.



1           “(6) The project is integrated with providers of  
2           related health and social services and is coordinated  
3           with, and avoids duplication of, existing services.

4           “(e) PEER REVIEW PANELS.—The Secretary may  
5           provide for the establishment of peer review panels, as nec-  
6           essary, to review and evaluate applications using the cri-  
7           teria developed pursuant to subsection (d).

8           “(f) PRIORITY.—The Secretary shall give priority to  
9           applications for demonstration projects in each of the fol-  
10          lowing Service Units to the extent that such applications  
11          are timely filed and meet the criteria specified in sub-  
12          section (d):

13                 “(1) Cass Lake, Minnesota.

14                 “(2) Clinton, Oklahoma.

15                 “(3) Harlem, Montana.

16                 “(4) Mescalero, New Mexico.

17                 “(5) Owyhee, Nevada.

18                 “(6) Parker, Arizona.

19                 “(7) Schurz, Nevada.

20                 “(8) Winnebago, Nebraska.

21                 “(9) Ft. Yuma, California.

22           “(g) TECHNICAL ASSISTANCE.—The Secretary shall  
23           provide such technical and other assistance as may be nec-  
24           essary to enable applicants to comply with the provisions  
25           of this section.

1           “(h) SERVICE TO INELIGIBLE PERSONS.—Subject to  
2 section 807, the authority to provide services to persons  
3 otherwise ineligible for the health care benefits of the  
4 Service and the authority to extend hospital privileges in  
5 Service facilities to non-Service health practitioners as  
6 provided in section 807 may be included, subject to the  
7 terms of such section, in any demonstration project ap-  
8 proved pursuant to this section.

9           “(i) EQUITABLE TREATMENT.—For purposes of sub-  
10 section (d)(1), the Secretary shall, in evaluating facilities  
11 operated under any contract or compact under the Indian  
12 Self-Determination and Education Assistance Act (25  
13 U.S.C. 450 et seq.), use the same criteria that the Sec-  
14 retary uses in evaluating facilities operated directly by the  
15 Service.

16           “(j) EQUITABLE INTEGRATION OF FACILITIES.—The  
17 Secretary shall ensure that the planning, design, construc-  
18 tion, renovation, and expansion needs of Service and non-  
19 Service facilities which are the subject of a contract or  
20 compact under the Indian Self-Determination and Edu-  
21 cation Assistance Act (25 U.S.C. 450 et seq.) for health  
22 services are fully and equitably integrated into the imple-  
23 mentation of the health care delivery demonstration  
24 projects under this section.

1 **“SEC. 307. LAND TRANSFER.**

2 “Notwithstanding any other provision of law, the Bu-  
3 reau of Indian Affairs and all other agencies and depart-  
4 ments of the United States are authorized to transfer, at  
5 no cost, land and improvements to the Service for the pro-  
6 vision of health care services. The Secretary is authorized  
7 to accept such land and improvements for such purposes.

8 **“SEC. 308. LEASES, CONTRACTS, AND OTHER AGREEMENTS.**

9 “The Secretary, acting through the Service, may  
10 enter into leases, contracts, and other agreements with In-  
11 dian Tribes and Tribal Organizations which hold (1) title  
12 to, (2) a leasehold interest in, or (3) a beneficial interest  
13 in (when title is held by the United States in trust for  
14 the benefit of an Indian Tribe) facilities used or to be used  
15 for the administration and delivery of health services by  
16 an Indian Health Program. Such leases, contracts, or  
17 agreements may include provisions for construction or ren-  
18 ovation and provide for compensation to the Indian Tribe  
19 or Tribal Organization of rental and other costs consistent  
20 with section 105(l) of the Indian Self-Determination and  
21 Education Assistance Act (25 U.S.C. 450j(l)) and regula-  
22 tions thereunder.

23 **“SEC. 309. STUDY ON LOANS, LOAN GUARANTEES, AND**  
24 **LOAN REPAYMENT.**

25 “(a) IN GENERAL.—The Secretary, in consultation  
26 with the Secretary of the Treasury, Indian Tribes, and

1 Tribal Organizations, shall carry out a study to determine  
2 the feasibility of establishing a loan fund to provide to In-  
3 dian Tribes and Tribal Organizations direct loans or guar-  
4 antees for loans for the construction of health care facili-  
5 ties, including—

6 “(1) inpatient facilities;

7 “(2) outpatient facilities;

8 “(3) staff quarters;

9 “(4) hostels; and

10 “(5) specialized care facilities, such as behav-  
11 ioral health and elder care facilities.

12 “(b) DETERMINATIONS.—In carrying out the study  
13 under subsection (a), the Secretary shall determine—

14 “(1) the maximum principal amount of a loan  
15 or loan guarantee that should be offered to a recipi-  
16 ent from the loan fund;

17 “(2) the percentage of eligible costs, not to ex-  
18 ceed 100 percent, that may be covered by a loan or  
19 loan guarantee from the loan fund (including costs  
20 relating to planning, design, financing, site land de-  
21 velopment, construction, rehabilitation, renovation,  
22 conversion, improvements, medical equipment and  
23 furnishings, and other facility-related costs and cap-  
24 ital purchase (but excluding staffing));

1           “(3) the cumulative total of the principal of di-  
2           rect loans and loan guarantees, respectively, that  
3           may be outstanding at any 1 time;

4           “(4) the maximum term of a loan or loan guar-  
5           antee that may be made for a facility from the loan  
6           fund;

7           “(5) the maximum percentage of funds from  
8           the loan fund that should be allocated for payment  
9           of costs associated with planning and applying for a  
10          loan or loan guarantee;

11          “(6) whether acceptance by the Secretary of an  
12          assignment of the revenue of an Indian Tribe or  
13          Tribal Organization as security for any direct loan  
14          or loan guarantee from the loan fund would be ap-  
15          propriate;

16          “(7) whether, in the planning and design of  
17          health facilities under this section, users eligible  
18          under section 807(c) may be included in any projec-  
19          tion of patient population;

20          “(8) whether funds of the Service provided  
21          through loans or loan guarantees from the loan fund  
22          should be eligible for use in matching other Federal  
23          funds under other programs;



1 onstration projects under which an Indian Tribe or Tribal  
2 Organization shall expend tribal, private, or other avail-  
3 able funds, for the acquisition or construction of a health  
4 facility for a minimum of 10 years, under a no-cost lease,  
5 in exchange for agreement by the Service to provide the  
6 equipment, supplies, and staffing for the operation and  
7 maintenance of such a health facility. An Indian Tribe or  
8 Tribal Organization may use tribal funds, private sector,  
9 or other available resources, including loan guarantees, to  
10 fulfill its commitment under a joint venture entered into  
11 under this subsection. An Indian Tribe or Tribal Organi-  
12 zation shall be eligible to establish a joint venture project  
13 if, when it submits a letter of intent, it—

14           “(1) has begun but not completed the process  
15           of acquisition or construction of a health facility to  
16           be used in the joint venture project; or

17           “(2) has not begun the process of acquisition or  
18           construction of a health facility for use in the joint  
19           venture project.

20           “(b) REQUIREMENTS.—The Secretary shall make  
21           such an arrangement with an Indian Tribe or Tribal Orga-  
22           nization only if—

23           “(1) the Secretary first determines that the In-  
24           dian Tribe or Tribal Organization has the adminis-  
25           trative and financial capabilities necessary to com-

1       plete the timely acquisition or construction of the  
2       relevant health facility; and

3               “(2) the Indian Tribe or Tribal Organization  
4       meets the need criteria which shall be developed  
5       through the negotiated rulemaking process provided  
6       for under section 802.

7       “(c) CONTINUED OPERATION.—The Secretary shall  
8       negotiate an agreement with the Indian Tribe or Tribal  
9       Organization regarding the continued operation of the fa-  
10      cility at the end of the initial 10 year no-cost lease period.

11       “(d) BREACH OF AGREEMENT.—An Indian Tribe or  
12      Tribal Organization that has entered into a written agree-  
13      ment with the Secretary under this section, and that  
14      breaches or terminates without cause such agreement,  
15      shall be liable to the United States for the amount that  
16      has been paid to the Indian Tribe or Tribal Organization,  
17      or paid to a third party on the Indian Tribe’s or Tribal  
18      Organization’s behalf, under the agreement. The Sec-  
19      retary has the right to recover tangible property (including  
20      supplies) and equipment, less depreciation, and any funds  
21      expended for operations and maintenance under this sec-  
22      tion. The preceding sentence does not apply to any funds  
23      expended for the delivery of health care services, per-  
24      sonnel, or staffing.



1           “(e) RECOVERY FOR NONUSE.—An Indian Tribe or  
2 Tribal Organization that has entered into a written agree-  
3 ment with the Secretary under this subsection shall be en-  
4 titled to recover from the United States an amount that  
5 is proportional to the value of such facility if, at any time  
6 within the 10-year term of the agreement, the Service  
7 ceases to use the facility or otherwise breaches the agree-  
8 ment.

9           “(f) DEFINITION.—For the purposes of this section,  
10 the term ‘health facility’ or ‘health facilities’ includes  
11 quarters needed to provide housing for staff of the rel-  
12 evant Tribal Health Program.

13 **“SEC. 312. LOCATION OF FACILITIES.**

14           “(a) IN GENERAL.—In all matters involving the reor-  
15 ganization or development of Service facilities or in the  
16 establishment of related employment projects to address  
17 unemployment conditions in economically depressed areas,  
18 the Bureau of Indian Affairs and the Service shall give  
19 priority to locating such facilities and projects on Indian  
20 lands, or lands in Alaska owned by any Alaska Native vil-  
21 lage, or village or regional corporation under the Alaska  
22 Native Claims Settlement Act, or any land allotted to any  
23 Alaska Native, if requested by the Indian owner and the  
24 Indian Tribe with jurisdiction over such lands or other  
25 lands owned or leased by the Indian Tribe or Tribal Orga-

1 nization. Top priority shall be given to Indian land owned  
2 by 1 or more Indian Tribes.

3 “(b) DEFINITION.—For purposes of this section, the  
4 term ‘Indian lands’ means—

5 “(1) all lands within the exterior boundaries of  
6 any reservation; and

7 “(2) any lands title to which is held in trust by  
8 the United States for the benefit of any Indian  
9 Tribe or individual Indian or held by any Indian  
10 Tribe or individual Indian subject to restriction by  
11 the United States against alienation.

12 **“SEC. 313. MAINTENANCE AND IMPROVEMENT OF HEALTH**  
13 **CARE FACILITIES.**

14 “(a) REPORT.—The Secretary shall submit to the  
15 President, for inclusion in the report required to be trans-  
16 mitted to Congress under section 801, a report which iden-  
17 tifies the backlog of maintenance and repair work required  
18 at both Service and tribal health care facilities, including  
19 new health care facilities expected to be in operation in  
20 the next fiscal year. The report shall also identify the need  
21 for renovation and expansion of existing facilities to sup-  
22 port the growth of health care programs.

23 “(b) MAINTENANCE OF NEWLY CONSTRUCTED  
24 SPACE.—The Secretary, acting through the Service, is au-  
25 thorized to expend maintenance and improvement funds

1 to support maintenance of newly constructed space only  
2 if such space falls within the approved supportable space  
3 allocation for the Indian Tribe or Tribal Organization.  
4 Supportable space allocation shall be defined through the  
5 negotiated rulemaking process provided for under section  
6 802.

7       “(c) REPLACEMENT FACILITIES.—In addition to  
8 using maintenance and improvement funds for renovation,  
9 modernization, and expansion of facilities, an Indian Tribe  
10 or Tribal Organization may use maintenance and improve-  
11 ment funds for construction of a replacement facility if  
12 the costs of renovation of such facility would exceed a  
13 maximum renovation cost threshold. The maximum ren-  
14 ovation cost threshold shall be determined through the ne-  
15 gotiated rulemaking process provided for under section  
16 802.

17 **“SEC. 314. TRIBAL MANAGEMENT OF FEDERALLY OWNED**  
18 **QUARTERS.**

19       “(a) RENTAL RATES.—

20               “(1) ESTABLISHMENT.—Notwithstanding any  
21 other provision of law, a Tribal Health Program  
22 which operates a hospital or other health facility and  
23 the federally owned quarters associated therewith  
24 pursuant to a contract or compact under the Indian  
25 Self-Determination and Education Assistance Act

1 (25 U.S.C. 450 et seq.) shall have the authority to  
2 establish the rental rates charged to the occupants  
3 of such quarters by providing notice to the Secretary  
4 of its election to exercise such authority.

5 “(2) OBJECTIVES.—In establishing rental rates  
6 pursuant to authority of this subsection, a Tribal  
7 Health Program shall endeavor to achieve the fol-  
8 lowing objectives:

9 “(A) To base such rental rates on the rea-  
10 sonable value of the quarters to the occupants  
11 thereof.

12 “(B) To generate sufficient funds to pru-  
13 dently provide for the operation and mainte-  
14 nance of the quarters, and subject to the discre-  
15 tion of the Tribal Health Program, to supply  
16 reserve funds for capital repairs and replace-  
17 ment of the quarters.

18 “(3) EQUITABLE FUNDING.—Any quarters  
19 whose rental rates are established by a Tribal  
20 Health Program pursuant to this subsection shall  
21 remain eligible for quarters improvement and repair  
22 funds to the same extent as all federally owned  
23 quarters used to house personnel in Services-sup-  
24 ported programs.

1           “(4) NOTICE OF RATE CHANGE.—A Tribal  
2           Health Program which exercises the authority pro-  
3           vided under this subsection shall provide occupants  
4           with no less than 60 days notice of any change in  
5           rental rates.

6           “(b) DIRECT COLLECTION OF RENT.—

7           “(1) IN GENERAL.—Notwithstanding any other  
8           provision of law, and subject to paragraph (2), a  
9           Tribal Health Program shall have the authority to  
10          collect rents directly from Federal employees who oc-  
11          cupy such quarters in accordance with the following:

12                   “(A) The Tribal Health Program shall no-  
13                   tify the Secretary and the subject Federal em-  
14                   ployees of its election to exercise its authority  
15                   to collect rents directly from such Federal em-  
16                   ployees.

17                   “(B) Upon receipt of a notice described in  
18                   subparagraph (A), the Federal employees shall  
19                   pay rents for occupancy of such quarters di-  
20                   rectly to the Tribal Health Program and the  
21                   Secretary shall have no further authority to col-  
22                   lect rents from such employees through payroll  
23                   deduction or otherwise.

24                   “(C) Such rent payments shall be retained  
25                   by the Tribal Health Program and shall not be

1           made payable to or otherwise be deposited with  
2           the United States.

3           “(D) Such rent payments shall be depos-  
4           ited into a separate account which shall be used  
5           by the Tribal Health Program for the mainte-  
6           nance (including capital repairs and replace-  
7           ment) and operation of the quarters and facili-  
8           ties as the Tribal Health Program shall deter-  
9           mine.

10          “(2) RETROCESSION OF AUTHORITY.—If a  
11          Tribal Health Program which has made an election  
12          under paragraph (1) requests retrocession of its au-  
13          thority to directly collect rents from Federal employ-  
14          ees occupying federally owned quarters, such ret-  
15          rocession shall become effective on the earlier of—

16                 “(A) the first day of the month that begins  
17                 no less than 180 days after the Tribal Health  
18                 Program notifies the Secretary of its desire to  
19                 retrocede; or

20                 “(B) such other date as may be mutually  
21                 agreed by the Secretary and the Tribal Health  
22                 Program.

23          “(c) RATES IN ALASKA.—To the extent that a Tribal  
24          Health Program, pursuant to authority granted in sub-  
25          section (a), establishes rental rates for federally owned

1 quarters provided to a Federal employee in Alaska, such  
2 rents may be based on the cost of comparable private rent-  
3 al housing in the nearest established community with a  
4 year-round population of 1,500 or more individuals.

5 **“SEC. 315. APPLICABILITY OF BUY AMERICAN ACT RE-**  
6 **QUIREMENT.**

7 “(a) **APPLICABILITY.**—The Secretary shall ensure  
8 that the requirements of the Buy American Act apply to  
9 all procurements made with funds provided pursuant to  
10 section 317. Indian Tribes and Tribal Organizations shall  
11 be exempt from these requirements.

12 “(b) **EFFECT OF VIOLATION.**—If it has been finally  
13 determined by a court or Federal agency that any person  
14 intentionally affixed a label bearing a ‘Made in America’  
15 inscription or any inscription with the same meaning, to  
16 any product sold in or shipped to the United States that  
17 is not made in the United States, such person shall be  
18 ineligible to receive any contract or subcontract made with  
19 funds provided pursuant to section 317, pursuant to the  
20 debarment, suspension, and ineligibility procedures de-  
21 scribed in sections 9.400 through 9.409 of title 48, Code  
22 of Federal Regulations.

23 “(c) **DEFINITIONS.**—For purposes of this section, the  
24 term ‘Buy American Act’ means title III of the Act enti-  
25 tled ‘An Act making appropriations for the Treasury and

1 Post Office Departments for the fiscal year ending June  
2 30, 1934, and for other purposes', approved March 3,  
3 1933 (41 U.S.C. 10a et seq.).

4 **“SEC. 316. OTHER FUNDING FOR FACILITIES.**

5       “(a) AUTHORITY TO ACCEPT FUNDS.—The Sec-  
6 retary is authorized to accept from any source, including  
7 Federal and State agencies, funds that are available for  
8 the construction of health care facilities and use such  
9 funds to plan, design, and construct health care facilities  
10 for Indians and to place such funds into a contract or com-  
11 pact under the Indian Self-Determination and Education  
12 Assistance Act (25 U.S.C. 450 et seq.). Receipt of such  
13 funds shall have no effect on the priorities established pur-  
14 suant to section 301.

15       “(b) INTERAGENCY AGREEMENTS.—The Secretary is  
16 authorized to enter into interagency agreements with  
17 other Federal agencies or State agencies and other entities  
18 and to accept funds from such Federal or State agencies  
19 or other sources to provide for the planning, design, and  
20 construction of health care facilities to be administered by  
21 Indian Health Programs in order to carry out the pur-  
22 poses of this Act and the purposes for which the funds  
23 were appropriated or for which the funds were otherwise  
24 provided.



1       “(c) TRANSFERRED FUNDS.—Any Federal agency to  
 2 which funds for the construction of health care facilities  
 3 are appropriated is authorized to transfer such funds to  
 4 the Secretary for the construction of health care facilities  
 5 to carry out the purposes of this Act as well as the pur-  
 6 poses for which such funds are appropriated to such other  
 7 Federal agency.

8       “(d) ESTABLISHMENT OF STANDARDS.—The Sec-  
 9 retary, through the Service, shall establish standards by  
 10 regulation, developed by rulemaking under section 802, for  
 11 the planning, design, and construction of health care fa-  
 12 cilities serving Indians under this Act.

13 **“SEC. 317. AUTHORIZATION OF APPROPRIATIONS.**

14       “There are authorized to be appropriated such sums  
 15 as may be necessary for each fiscal year through fiscal  
 16 year 2015 to carry out this title.

17 **“TITLE IV—ACCESS TO HEALTH**  
 18 **SERVICES**

19 **“SEC. 401. TREATMENT OF PAYMENTS UNDER SOCIAL SE-**  
 20 **CURITY ACT HEALTH CARE PROGRAMS.**

21       “(a) DISREGARD OF MEDICARE, MEDICAID, AND  
 22 SCHIP PAYMENTS IN DETERMINING APPROPRIATIONS.—  
 23 Any payments received by an Indian Health Program or  
 24 by an Urban Indian Organization made under title XVIII,  
 25 XIX, or XXI of the Social Security Act for services pro-

1 vided to Indians eligible for benefits under such respective  
2 titles shall not be considered in determining appropria-  
3 tions for the provision of health care and services to Indi-  
4 ans.

5 “(b) NONPREFERENTIAL TREATMENT.—Nothing in  
6 this Act authorizes the Secretary to provide services to an  
7 Indian with coverage under title XVIII, XIX, or XXI of  
8 the Social Security Act in preference to an Indian without  
9 such coverage.

10 “(c) USE OF FUNDS.—

11 “(1) SPECIAL FUND.—Notwithstanding any  
12 other provision of law, but subject to paragraph (2),  
13 payments to which a facility of the Service is enti-  
14 tled by reason of a provision of the Social Security  
15 Act shall be placed in a special fund to be held by  
16 the Secretary and first used (to such extent or in  
17 such amounts as are provided in appropriation Acts)  
18 for the purpose of making any improvements in the  
19 programs of the Service which may be necessary to  
20 achieve or maintain compliance with the applicable  
21 conditions and requirements of titles XVIII, XIX,  
22 and XXI of the Social Security Act. Any amounts to  
23 be reimbursed that are in excess of the amount nec-  
24 essary to achieve or maintain such conditions and  
25 requirements shall, subject to the consultation with

1 Indian Tribes being served by the Service Unit, be  
2 used for reducing the health resource deficiencies of  
3 the Indian Tribes. In making payments from such  
4 fund, the Secretary shall ensure that each Service  
5 Unit of the Service receives 100 percent of the  
6 amount to which the facilities of the Service, for  
7 which such Service Unit makes collections, are enti-  
8 tled by reason of a provision of the Social Security  
9 Act.

10 “(2) DIRECT PAYMENT OPTION.—Paragraph  
11 (1) shall not apply upon the election of a Tribal  
12 Health Program under subsection (d) to receive pay-  
13 ments directly. No payment may be made out of the  
14 special fund described in such paragraph with re-  
15 spect to reimbursement made for services provided  
16 during the period of such election.

17 “(d) DIRECT BILLING.—

18 “(1) IN GENERAL.—A Tribal Health Program  
19 may directly bill for, and receive payment for, health  
20 care items and services provided by such Indian  
21 Tribe or Tribal Organization for which payment is  
22 made under title XVIII, XIX, or XXI of the Social  
23 Security Act or from any other third party payor.

24 “(2) DIRECT REIMBURSEMENT.—

1           “(A) USE OF FUNDS.—Each Tribal Health  
2 Program exercising the option described in  
3 paragraph (1) with respect to a program under  
4 a title of the Social Security Act shall be reim-  
5 bursed directly by that program for items and  
6 services furnished without regard to section  
7 401(c), but all amounts so reimbursed shall be  
8 used by the Tribal Health Program for the pur-  
9 pose of making any improvements in Tribal fa-  
10 cilities or Tribal Health Programs that may be  
11 necessary to achieve or maintain compliance  
12 with the conditions and requirements applicable  
13 generally to such items and services under the  
14 program under such title and to provide addi-  
15 tional health care services, improvements in  
16 health care facilities and Tribal Health Pro-  
17 grams, any health care-related purpose, or oth-  
18 erwise to achieve the objectives provided in sec-  
19 tion 3 of this Act.

20           “(B) AUDITS.—The amounts paid to an  
21 Indian Tribe or Tribal Organization exercising  
22 the option described in paragraph (1) with re-  
23 spect to a program under a title of the Social  
24 Security Act shall be subject to all auditing re-

1            requirements applicable to programs administered  
2            by an Indian Health Program.

3            “(C) IDENTIFICATION OF SOURCE OF PAY-  
4            MENTS.—If an Indian Tribe or Tribal Organi-  
5            zation receives funding from the Service under  
6            the Indian Self-Determination and Education  
7            Assistance Act (25 U.S.C. 450 et seq.) or an  
8            Urban Indian Organization receives funding  
9            from the Service under title V of this Act and  
10           receives reimbursements or payments under  
11           title XVIII, XIX, or XXI of the Social Security  
12           Act, such Indian Tribe or Tribal Organization,  
13           or Urban Indian Organization, shall provide to  
14           the Service a list of each provider enrollment  
15           number (or other identifier) under which it re-  
16           ceives such reimbursements or payments.

17           “(3) EXAMINATION AND IMPLEMENTATION OF  
18           CHANGES.—The Secretary, acting through the Serv-  
19           ice and with the assistance of the Administrator of  
20           the Centers for Medicare & Medicaid Services, shall  
21           examine on an ongoing basis and implement any ad-  
22           ministrative changes that may be necessary to facili-  
23           tate direct billing and reimbursement under the pro-  
24           gram established under this subsection, including  
25           any agreements with States that may be necessary

1 to provide for direct billing under a program under  
2 a title of the Social Security Act.

3 “(4) WITHDRAWAL FROM PROGRAM.—A Tribal  
4 Health Program that bills directly under the pro-  
5 gram established under this subsection may with-  
6 draw from participation in the same manner and  
7 under the same conditions that an Indian Tribe or  
8 Tribal Organization may retrocede a contracted pro-  
9 gram to the Secretary under the authority of the In-  
10 dian Self-Determination and Education Assistance  
11 Act (25 U.S.C. 450 et seq.). All cost accounting and  
12 billing authority under the program established  
13 under this subsection shall be returned to the Sec-  
14 retary upon the Secretary’s acceptance of the with-  
15 drawal of participation in this program.

16 **“SEC. 402. GRANTS TO AND CONTRACTS WITH THE SERV-**  
17 **ICE, INDIAN TRIBES, TRIBAL ORGANIZA-**  
18 **TIONS, AND URBAN INDIAN ORGANIZATIONS.**

19 “(a) INDIAN TRIBES AND TRIBAL ORGANIZA-  
20 TIONS.—The Secretary, acting through the Service, shall  
21 make grants to or enter into contracts with Indian Tribes  
22 and Tribal Organizations to assist such Tribes and Tribal  
23 Organizations in establishing and administering programs  
24 on or near reservations and trust lands to assist individual  
25 Indians—

1           “(1) to enroll for benefits under title XVIII,  
2           XIX, or XXI of the Social Security Act and other  
3           health benefits programs; and

4           “(2) to pay premiums for coverage for such  
5           benefits, which may be based on financial need (as  
6           determined by the Indian Tribe or Tribes being  
7           served based on a schedule of income levels devel-  
8           oped or implemented by such Tribe or Tribes).

9           “(b) CONDITIONS.—The Secretary, acting through  
10          the Service, shall place conditions as deemed necessary to  
11          effect the purpose of this section in any grant or contract  
12          which the Secretary makes with any Indian Tribe or Trib-  
13          al Organization pursuant to this section. Such conditions  
14          shall include requirements that the Indian Tribe or Tribal  
15          Organization successfully undertake—

16                 “(1) to determine the population of Indians eli-  
17                 gible for the benefits described in subsection (a);

18                 “(2) to educate Indians with respect to the ben-  
19                 efits available under the respective programs;

20                 “(3) to provide transportation for such indi-  
21                 vidual Indians to the appropriate offices for enroll-  
22                 ment or applications for such benefits; and

23                 “(4) to develop and implement methods of im-  
24                 proving the participation of Indians in receiving the

1 benefits provided under titles XVIII, XIX, and XXI  
2 of the Social Security Act.

3 “(c) AGREEMENTS RELATING TO IMPROVING EN-  
4 ROLLMENT OF INDIANS UNDER SOCIAL SECURITY ACT  
5 PROGRAMS.—

6 “(1) AGREEMENTS WITH SECRETARY TO IM-  
7 PROVE RECEIPT AND PROCESSING OF APPLICA-  
8 TIONS.—

9 “(A) AUTHORIZATION.—The Secretary,  
10 acting through the Service, may enter into an  
11 agreement with an Indian Tribe, Tribal Organi-  
12 zation, or Urban Indian Organization which  
13 provides for the receipt and processing of appli-  
14 cations by Indians for assistance under titles  
15 XIX and XXI of the Social Security Act, and  
16 benefits under title XVIII of such Act, by an  
17 Indian Health Program or Urban Indian Orga-  
18 nization.

19 “(B) REIMBURSEMENT OF COSTS.—Such  
20 agreements may provide for reimbursement of  
21 costs of outreach, education regarding eligibility  
22 and benefits, and translation when such services  
23 are provided. The reimbursement may, as ap-  
24 propriate, be added to the applicable rate per  
25 encounter or be provided as a separate fee-for-



1 service payment to the Indian Tribe or Tribal  
2 Organization.

3 “(C) PROCESSING CLARIFIED.—In this  
4 paragraph, the term ‘processing’ does not in-  
5 clude a final determination of eligibility.

6 “(2) AGREEMENTS WITH STATES FOR OUT-  
7 REACH ON OR NEAR RESERVATION.—

8 “(A) IN GENERAL.—In order to improve  
9 the access of Indians residing on or near a res-  
10 ervation to obtain benefits under title XIX or  
11 XXI of the Social Security Act, the Secretary  
12 shall encourage the State to take steps to pro-  
13 vide for enrollment on or near the reservation.  
14 Such steps may include outreach efforts such as  
15 the outstationing of eligibility workers, entering  
16 into agreements with Indian Tribes and Tribal  
17 Organizations to provide outreach, education re-  
18 garding eligibility and benefits, enrollment, and  
19 translation services when such services are pro-  
20 vided.

21 “(B) CONSTRUCTION.—Nothing in sub-  
22 paragraph (A) shall be construed as affecting  
23 arrangements entered into between States and  
24 Indian Tribes and Tribal Organizations for  
25 such Indian Tribes and Tribal Organizations to

1           conduct administrative activities under such ti-  
2           tles.

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.

9           “(e) 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   **“SEC. 403. REIMBURSEMENT FROM CERTAIN THIRD PAR-**  
4                   **TIES OF COSTS OF HEALTH SERVICES.**

5           “(a) RIGHT OF RECOVERY.—Except as provided in  
6 subsection (f), the United States, an Indian Tribe, or  
7 Tribal Organization shall have the right to recover from  
8 an insurance company, health maintenance organization,  
9 employee benefit plan, third-party tortfeasor, or any other  
10 responsible or liable third party (including a political sub-  
11 division or local governmental entity of a State) the rea-  
12 sonable charges billed by the Secretary, an Indian Tribe,  
13 or Tribal Organization, in providing health services,  
14 through the Service, an Indian Tribe, or Tribal Organiza-  
15 tion to any individual to the same extent that such indi-  
16 vidual, or any nongovernmental provider of such services,  
17 would be eligible to receive damages, reimbursement, or  
18 indemnification for such charges or expenses if—

19                   “(1) such services had been provided by a non-  
20                   governmental provider; and

21                   “(2) such individual had been required to pay  
22                   such charges or expenses and did pay such charges  
23                   or expenses.

24           “(b) LIMITATIONS ON RECOVERIES FROM STATES.—  
25 Subsection (a) shall provide a right of recovery against

1 any State, only if the injury, illness, or disability for which  
2 health services were provided is covered under—

3 “(1) workers’ compensation laws; or

4 “(2) a no-fault automobile accident insurance  
5 plan or program.

6 “(c) NONAPPLICATION OF OTHER LAWS.—No law of  
7 any State, or of any political subdivision of a State and  
8 no provision of any contract, insurance or health mainte-  
9 nance organization policy, employee benefit plan, self-in-  
10 surance plan, managed care plan, or other health care plan  
11 or program entered into or renewed after the date of the  
12 enactment of the Indian Health Care Amendments of  
13 1988, shall prevent or hinder the right of recovery of the  
14 United States, an Indian Tribe, or Tribal Organization  
15 under subsection (a).

16 “(d) NO EFFECT ON PRIVATE RIGHTS OF ACTION.—  
17 No action taken by the United States, an Indian Tribe,  
18 or Tribal Organization to enforce the right of recovery  
19 provided under this section shall operate to deny to the  
20 injured person the recovery for that portion of the person’s  
21 damage not covered hereunder.

22 “(e) ENFORCEMENT.—

23 “(1) IN GENERAL.—The United States, an In-  
24 dian Tribe, or Tribal Organization may enforce the  
25 right of recovery provided under subsection (a) by—

1           “(A) intervening or joining in any civil ac-  
2           tion or proceeding brought—

3                   “(i) by the individual for whom health  
4                   services were provided by the Secretary, an  
5                   Indian Tribe, or Tribal Organization; or

6                   “(ii) by any representative or heirs of  
7                   such individual, or

8           “(B) instituting a civil action, including a  
9           civil action for injunctive relief and other relief,  
10          including an action under the Federal Medical  
11          Cost Recovery Act (42 U.S.C. 2651–2653), and  
12          including, with respect to a political subdivision  
13          or local governmental entity of a State, such an  
14          action against an official thereof.

15          “(2) NOTICE.—All reasonable efforts shall be  
16          made to provide notice of action instituted under  
17          paragraph (1)(B) to the individual to whom health  
18          services were provided, either before or during the  
19          pendency of such action.

20          “(f) LIMITATION.—Absent specific written authoriza-  
21          tion by the governing body of an Indian Tribe for the pe-  
22          riod of such authorization (which may not be for a period  
23          of more than 1 year and which may be revoked at any  
24          time upon written notice by the governing body to the  
25          Service), the United States shall not have a right of recov-

1 ery under this section if the injury, illness, or disability  
2 for which health services were provided is covered under  
3 a self-insurance plan funded by an Indian Tribe, Tribal  
4 Organization, or Urban Indian Organization. Where such  
5 authorization is provided, the Service may receive and ex-  
6 pend such amounts for the provision of additional health  
7 services consistent with such authorization.

8       “(g) COSTS AND ATTORNEYS’ FEES.—In any action  
9 brought to enforce the provisions of this section, a pre-  
10 vailing plaintiff shall be awarded its reasonable attorneys’  
11 fees and costs of litigation.

12       “(h) NONAPPLICATION OF CLAIMS FILING REQUIRE-  
13 MENTS.—An insurance company, health maintenance or-  
14 ganization, self-insurance plan, managed care plan, or  
15 other health care plan or program (under the Social Secu-  
16 rity Act or otherwise) may not deny a claim for benefits  
17 submitted by the Service or by an Indian Tribe or Tribal  
18 Organization based on the format in which the claim is  
19 submitted if such format complies with the format re-  
20 quired for submission of claims under title XVIII of the  
21 Social Security Act or recognized under section 1175 of  
22 such Act.

23       “(i) APPLICATION TO URBAN INDIAN ORGANIZA-  
24 TIONS.—The previous provisions of this section shall apply  
25 to Urban Indian Organizations with respect to populations

1 served by such Organizations in the same manner they  
2 apply to Indian Tribes and Tribal Organizations with re-  
3 spect to populations served by such Indian Tribes and  
4 Tribal Organizations.

5 “(j) STATUTE OF LIMITATIONS.—The provisions of  
6 section 2415 of title 28, United States Code, shall apply  
7 to all actions commenced under this section, and the ref-  
8 erences therein to the United States are deemed to include  
9 Indian Tribes, Tribal Organizations, and Urban Indian  
10 Organizations.

11 “(k) SAVINGS.—Nothing in this section shall be con-  
12 strued to limit any right of recovery available to the  
13 United States, an Indian Tribe, or Tribal Organization  
14 under the provisions of any applicable, Federal, State, or  
15 Tribal law, including medical lien laws and the Federal  
16 Medical Care Recovery Act (42 U.S.C. 2651 et seq.).

17 **“SEC. 404. CREDITING OF REIMBURSEMENTS.**

18 “(a) USE OF AMOUNTS.—

19 “(1) RETENTION BY PROGRAM.—Except as pro-  
20 vided in section 202(g) (relating to the Catastrophic  
21 Health Emergency Fund) and section 807 (relating  
22 to health services for ineligible persons), all reim-  
23 bursements received or recovered under any of the  
24 programs described in paragraph (2), including  
25 under section 807, by reason of the provision of

1 health services by the Service, by an Indian Tribe or  
2 Tribal Organization, or by an Urban Indian Organi-  
3 zation, shall be credited to the Service, such Indian  
4 Tribe or Tribal Organization, or such Urban Indian  
5 Organization, respectively, and may be used as pro-  
6 vided in section 401. In the case of such a service  
7 provided by or through a Service Unit, such  
8 amounts shall be credited to such unit and used for  
9 such purposes.

10 “(2) PROGRAMS COVERED.—The programs re-  
11 ferred to in paragraph (1) are the following:

12 “(A) Titles XVIII, XIX, and XXI of the  
13 Social Security Act.

14 “(B) This Act, including section 807.

15 “(C) Public Law 87–693.

16 “(D) Any other provision of law, including  
17 the Federal Medical Cost Recovery Act (42  
18 U.S.C. 2651–2653).

19 “(b) NO OFFSET OF AMOUNTS.—The Service may  
20 not offset or limit any amount obligated to any Service  
21 Unit or entity receiving funding from the Service because  
22 of the receipt of reimbursements under subsection (a).

23 **“SEC. 405. PURCHASING HEALTH CARE COVERAGE.**

24 “(a) IN GENERAL.—Insofar as amounts are made  
25 available under law (including a provision of the Social



1 Security Act, the Indian Self-Determination and Edu-  
2 cation Assistance Act (25 U.S.C. 450 et seq.), or other  
3 law, other than under section 402) to Indian Tribes, Trib-  
4 al Organizations, and Urban Indian Organizations for  
5 health benefits for Service beneficiaries, Indian Tribes,  
6 Tribal Organizations, and Urban Indian Organizations  
7 may use such amounts to purchase health benefits cov-  
8 erage for such beneficiaries in any manner, including  
9 through—

10           “(1) a tribally owned and operated health care  
11        plan;

12           “(2) a State or locally authorized or licensed  
13        health care plan;

14           “(3) a health insurance provider or managed  
15        care organization; or

16           “(4) a self-insured plan.

17 The purchase of such coverage by an Indian Tribe, Tribal  
18 Organization, or Urban Indian Organization may be based  
19 on the financial needs of such beneficiaries (as determined  
20 by the Indian Tribe or Tribes being served based on a  
21 schedule of income levels developed or implemented by  
22 such Indian Tribe or Tribes).

23       “(b) EXPENSES FOR SELF-INSURED PLAN.—In the  
24 case of a self-insured plan under subsection (a)(4), the  
25 amounts may be used for expenses of operating the plan,

1 including administration and insurance to limit the finan-  
2 cial risks to the entity offering the plan.

3 “(c) CONSTRUCTION.—Nothing in this section shall  
4 be construed as affecting the use of any amounts not re-  
5 ferred to in subsection (a).

6 **“SEC. 406. SHARING ARRANGEMENTS WITH FEDERAL AGEN-**  
7 **CIES.**

8 “(a) AUTHORITY.—

9 “(1) IN GENERAL.—The Secretary may enter  
10 into (or expand) arrangements for the sharing of  
11 medical facilities and services between the Service,  
12 Indian Tribes, and Tribal Organizations and the De-  
13 partment of Veterans Affairs and the Department of  
14 Defense.

15 “(2) CONSULTATION BY SECRETARY RE-  
16 QUIRED.—The Secretary may not finalize any ar-  
17 rangement between the Service and a Department  
18 described in paragraph (1) without first consulting  
19 with the Indian Tribes which will be significantly af-  
20 fected by the arrangement.

21 “(b) LIMITATIONS.—The Secretary shall not take  
22 any action under this section or under subchapter IV of  
23 chapter 81 of title 38, United States Code, which would  
24 impair—

1           “(1) the priority access of any Indian to health  
2           care services provided through the Service and the  
3           eligibility of any Indian to receive health services  
4           through the Service;

5           “(2) the quality of health care services provided  
6           to any Indian through the Service;

7           “(3) the priority access of any veteran to health  
8           care services provided by the Department of Vet-  
9           erans Affairs;

10          “(4) the quality of health care services provided  
11          by the Department of Veterans Affairs or the De-  
12          partment of Defense; or

13          “(5) the eligibility of any Indian who is a vet-  
14          eran to receive health services through the Depart-  
15          ment of Veterans Affairs.

16          “(c) REIMBURSEMENT.—The Service, Indian Tribe,  
17          or Tribal Organization shall be reimbursed by the Depart-  
18          ment of Veterans Affairs or the Department of Defense  
19          (as the case may be) where services are provided through  
20          the Service, an Indian Tribe, or a Tribal Organization to  
21          beneficiaries eligible for services from either such Depart-  
22          ment, notwithstanding any other provision of law.

23          “(d) CONSTRUCTION.—Nothing in this section may  
24          be construed as creating any right of a non-Indian veteran  
25          to obtain health services from the Service.

1 **“SEC. 407. PAYOR OF LAST RESORT.**

2 “Indian Health Programs and health care programs  
3 operated by Urban Indian Organizations shall be the  
4 payor of last resort for services provided to persons eligible  
5 for services from Indian Health Programs and Urban In-  
6 dian Organizations, notwithstanding any Federal, State,  
7 or local law to the contrary.

8 **“SEC. 408. NONDISCRIMINATION IN QUALIFICATIONS FOR**  
9 **REIMBURSEMENT FOR SERVICES.**

10 “For purposes of determining the eligibility of an en-  
11 tity that is operated by the Service, an Indian Tribe, Trib-  
12 al Organization, or Urban Indian Organization to receive  
13 payment or reimbursement from any federally funded  
14 health care program for health care services the entity fur-  
15 nishes such program must provide that such entity, meet-  
16 ing generally applicable State or other requirements appli-  
17 cable for participation, must be accepted as a provider on  
18 the same basis as any other qualified provider, except that  
19 any requirement that the entity be licensed or recognized  
20 under State or local law to furnish such services shall be  
21 deemed to have been met if the entity meets all the appli-  
22 cable standards for such licensure, but the entity need not  
23 obtain a license or other documentation. In determining  
24 whether the entity meets such standards, the absence of  
25 licensure issued by the state in which the entity is located  
26 of any staff member of the entity may not be taken into

1 account, so long as such staff member holds a valid license  
2 in any state.

3 **“SEC. 409. CONSULTATION.**

4       “(a) TRIBAL TECHNICAL ADVISORY GROUP  
5 (TTAG).—The Secretary shall maintain within the Cen-  
6 ters for Medicaid & Medicare Services (CMS) a Tribal  
7 Technical Advisory Group, established in accordance with  
8 requirements of the charter dated September 30, 2003,  
9 and in such group shall include a representative of the  
10 Urban Indian Organizations and the Service. The rep-  
11 resentative of the Urban Indian Organization shall be  
12 deemed to be an elected officer of a tribal government for  
13 purposes of applying section 204(b) of the Unfunded Man-  
14 dates Reform Act of 1995 (2 U.S.C. 1534(b)).

15       “(b) SOLICITATION OF MEDICAID ADVICE.—

16               “(1) IN GENERAL.—As part of its plan under  
17 title XIX of the Social Security Act, a State in  
18 which the Service operates or funds health care pro-  
19 grams, or in which 1 or more Indian Health Pro-  
20 grams or Urban Indian Organizations provide health  
21 care in the State for which medical assistance is  
22 available under such title, may establish a process  
23 under which the State seeks advice on a regular, on-  
24 going basis from designees of such Indian Health  
25 Programs and Urban Indian Organizations on mat-

1       ters relating to the application of such title to and  
2       likely to have a direct effect on such Indian Health  
3       Programs and Urban Indian Organizations.

4           “(2) MANNER OF ADVICE.—The process de-  
5       scribed in paragraph (1) should include solicitation  
6       of advice prior to submission of any plan amend-  
7       ments, waiver requests, and proposals for dem-  
8       onstration projects likely to have a direct effect on  
9       Indians, Indian Health Programs, or Urban Indian  
10      Organizations. Such process may include appoint-  
11      ment of an advisory committee and of a designee of  
12      such Indian Health Programs and Urban Indian Or-  
13      ganizations to the medical care advisory committee  
14      advising the State on its medicaid plan.

15          “(3) PAYMENT OF EXPENSES.—The reasonable  
16      expenses of carrying out this subsection shall be eli-  
17      gible for reimbursement under section 1903(a) of  
18      the Social Security Act.

19          “(c) CONSTRUCTION.—Nothing in this section shall  
20      be construed as superseding existing advisory committees,  
21      working groups, or other advisory procedures established  
22      by the Secretary or by any State.

1 **“SEC. 410. STATE CHILDREN’S HEALTH INSURANCE PRO-**  
2 **GRAM (SCHIP).**

3 “(a) **OPTIONAL USE OF FUNDS FOR INDIAN HEALTH**  
4 **PROGRAM PAYMENTS.**—Subject to the succeeding provi-  
5 sions of this section, a State may provide under its State  
6 child health plan under title XXI of the Social Security  
7 Act (regardless of whether such plan is implemented under  
8 such title, title XIX of such Act, or both) for payments  
9 under this section to Indian Health Programs and Urban  
10 Indian Organizations operating in the State. Such pay-  
11 ments shall be treated under title XXI of the Social Secu-  
12 rity Act as expenditures described in section  
13 2105(a)(1)(A) of such Act.

14 “(b) **USE OF FUNDS.**—Payments under this section  
15 may be used only for expenditures described in clauses (i)  
16 through (iii) of section 2105(a)(1)(D) of the Social Secu-  
17 rity Act for targeted low-income children or other low-in-  
18 come children (as defined in 2110 of such Act) who are—

19 “(1) Indians; or

20 “(2) otherwise eligible for health services from  
21 the Indian Health Program involved.

22 “(c) **SPECIAL RESTRICTIONS.**—The following condi-  
23 tions apply to a State electing to provide payments under  
24 this section:

25 “(1) **NO LIMITATION ON OTHER SCHIP PARTICI-**  
26 **PATION OF, OR PROVIDER PAYMENTS TO, INDIAN**

1 HEALTH PROGRAMS.—The State may not exclude or  
2 limit participation of otherwise eligible Indian  
3 Health Programs in its State child health program  
4 under title XXI of the Social Security Act or its  
5 medicaid program under title XIX of such Act or  
6 pay such Programs less than they otherwise would  
7 as participating providers on the basis that pay-  
8 ments are made to such Programs under this sec-  
9 tion.

10 “(2) NO LIMITATION ON OTHER SCHIP ELIGI-  
11 BILITY OF INDIANS.—The State may not exclude or  
12 limit participation of otherwise eligible Indian chil-  
13 dren in such State child health or medicaid program  
14 on the basis that payments are made for assistance  
15 for such children under this section.

16 “(3) LIMITATION ON ACCEPTANCE OF CON-  
17 TRIBUTIONS.—

18 “(A) IN GENERAL.—The State may not ac-  
19 cept contributions or condition making of pay-  
20 ments under this section upon contribution of  
21 funds from any Indian Health Program to meet  
22 the State’s non-Federal matching fund require-  
23 ments under titles XIX and XXI of the Social  
24 Security Act.



1           “(B) CONTRIBUTION DEFINED.—For pur-  
2           poses of subparagraph (A), the term ‘contribu-  
3           tion’ includes any tax, donation, fee, or other  
4           payment made, whether made voluntarily or in-  
5           voluntarily.

6           “(d) APPLICATION OF SEPARATE 10 PERCENT LIM-  
7           TATION.—Payment may be made under section 2105(a)  
8           of the Social Security Act to a State for a fiscal year for  
9           payments under this section up to an amount equal to 10  
10          percent of the total amount available under title XXI of  
11          such Act (including allotments and reallocations available  
12          from previous fiscal years) to the State with respect to  
13          the fiscal year.

14          “(e) GENERAL TERMS.—A payment under this sec-  
15          tion shall only be made upon application to the State from  
16          the Indian Health Program involved and under such terms  
17          and conditions, and in a form and manner, as the Sec-  
18          retary determines appropriate.

19          **“SEC. 411. SOCIAL SECURITY ACT SANCTIONS.**

20          “(a) REQUESTS FOR WAIVER OF SANCTIONS.—

21                  “(1) IN GENERAL.—For purposes of applying  
22                  any authority under a provision of title XI, XVIII,  
23                  XIX, or XXI of the Social Security Act to seek a  
24                  waiver of a sanction imposed against a health care  
25                  provider insofar as that provider provides services to

1 individuals through an Indian Health Program, the  
2 Indian Health Program shall request the State to  
3 seek such waiver, and if such State has not sought  
4 the waiver within 60 days of the Indian Health Pro-  
5 gram request, the Indian Health Program itself may  
6 petition the Secretary for such waiver.

7 “(2) PROCEDURE.—In seeking a waiver under  
8 paragraph (1), the Indian Health Program must  
9 provide notice and a copy of the request, including  
10 the reasons for the waiver sought, to the State. The  
11 Secretary may consider the State’s views in the de-  
12 termination of the waiver request, but may not with-  
13 hold or delay a determination based on the lack of  
14 the State’s views.

15 “(b) SAFE HARBOR FOR TRANSACTIONS BETWEEN  
16 AND AMONG INDIAN HEALTH CARE PROGRAMS.—For  
17 purposes of applying section 1128B(b) of the Social Secu-  
18 rity Act, the exchange of anything of value between or  
19 among the following shall not be treated as remuneration  
20 if the exchange arises from or relates to any of the fol-  
21 lowing health programs:

22 “(1) An exchange between or among the fol-  
23 lowing:

24 “(A) Any Indian Health Program.

25 “(B) Any Urban Indian Organization.

1           “(2) An exchange between an Indian Tribe,  
2           Tribal Organization, or an Urban Indian Organiza-  
3           tion and any patient served or eligible for service  
4           from an Indian Tribe, Tribal Organization, or  
5           Urban Indian Organization, including patients  
6           served or eligible for service pursuant to section 807,  
7           but only if such exchange—

8                   “(A) is for the purpose of transporting the  
9                   patient for the provision of health care items or  
10                  services;

11                  “(B) is for the purpose of providing hous-  
12                  ing to the patient (including a pregnant pa-  
13                  tient) and immediate family members or an es-  
14                  cort incidental to assuring the timely provision  
15                  of health care items and services to the patient;

16                  “(C) is for the purpose of paying pre-  
17                  miums, copayments, deductibles, or other cost-  
18                  sharing on behalf of patients; or

19                  “(D) consists of an item or service of small  
20                  value that is provided as a reasonable incentive  
21                  to secure timely and necessary preventive and  
22                  other items and services.

23           “(3) Other exchanges involving an Indian  
24           Health Program, an Urban Indian Organization, or  
25           an Indian Tribe or Tribal Organization that meet

1 such standards as the Secretary of Health and  
2 Human Services, in consultation with the Attorney  
3 General, determines is appropriate, taking into ac-  
4 count the special circumstances of such Indian  
5 Health Programs, Urban Indian Organizations, In-  
6 dian Tribes, and Tribal Organizations and of pa-  
7 tients served by Indian Health Programs, Urban In-  
8 dian Organizations, Indian Tribes, and Tribal Orga-  
9 nizations.

10 **“SEC. 412. COST SHARING.**

11 “(a) COINSURANCE, COPAYMENTS, AND  
12 DEDUCTIBLES.—Notwithstanding any other provision of  
13 Federal or State law—

14 “(1) PROTECTION FOR ELIGIBLE INDIANS  
15 UNDER SOCIAL SECURITY ACT HEALTH PRO-  
16 GRAMS.—No Indian who is furnished an item or  
17 service for which payment may be made under title  
18 XIX or XXI of the Social Security Act may be  
19 charged a deductible, copayment, or coinsurance if  
20 the item or service is furnished by, or upon referral  
21 made by, the Service, and Indian Tribe, Tribal Or-  
22 ganization, or Urban Indian Organization.

23 “(2) PROTECTION FOR INDIANS.—No Indian  
24 who is furnished an item or service by the Service

1       may be charged a deductible, copayment, or coinsur-  
2       ance.

3           “(3) NO REDUCTION IN AMOUNT OF PAYMENT  
4       TO INDIAN HEALTH PROVIDERS.—The payment or  
5       reimbursement due to the Service, Indian Tribe,  
6       Tribal Organization, or Urban Indian Organization  
7       under title XIX or XXI of the Social Security Act  
8       may not be reduced by the amount of the deductible,  
9       copayment, or coinsurance that would be due from  
10      the Indian but for the operation of this section.

11       “(b) EXEMPTION FROM MEDICAID AND SCHIP PRE-  
12      MIUMS.—Notwithstanding any other provision of Federal  
13      or State law, no Indian who is otherwise eligible for serv-  
14      ices under title XIX of the Social Security Act (relating  
15      to the medicaid program) or title XXI of such Act (relat-  
16      ing to the State children’s health insurance program) may  
17      be charged a premium, enrollment fee, or similar charge  
18      as a condition of receiving benefits under the program  
19      under the respective title.

20       “(c) TREATMENT OF CERTAIN PROPERTY FOR MED-  
21      ICAID ELIGIBILITY.—Notwithstanding any other provision  
22      of Federal or State law, the following property may not  
23      be included when determining eligibility for services under  
24      title XIX of the Social Security Act:

1           “(1) Property, including real property and im-  
2           provements, located on a reservation, including any  
3           federally recognized Indian Tribe’s reservation,  
4           Pueblo, or Colony, including former reservations in  
5           Oklahoma, Alaska Native regions established by the  
6           Alaska Native Claims Settlement Act and Indian al-  
7           lotments on or near a reservation as designated and  
8           approved by the Bureau of Indian Affairs of the De-  
9           partment of the Interior.

10           “(2) For any federally recognized Tribe not de-  
11           scribed in paragraph (1), property located within the  
12           most recent boundaries of a prior Federal reserva-  
13           tion.

14           “(3) Ownership interests in rents, leases, royal-  
15           ties, or usage rights related to natural resources (in-  
16           cluding extraction of natural resources or harvesting  
17           of timber, other plants and plant products, animals,  
18           fish, and shellfish) resulting from the exercise of fed-  
19           erally protected rights.

20           “(4) Ownership interests in or usage rights to  
21           items not covered by paragraphs (1) through (3)  
22           that have unique religious, spiritual, traditional, or  
23           cultural significance or rights that support subsist-  
24           ence or a traditional life style according to applicable  
25           tribal law or custom.

1       “(d) CONTINUATION OF CURRENT LAW PROTEC-  
2 TIONS OF CERTAIN INDIAN PROPERTY FROM MEDICAID  
3 ESTATE RECOVERY.—Income, resources, and property  
4 that are exempt from medicaid estate recovery under title  
5 XIX of the Social Security Act as of April 1, 2003, under  
6 manual instructions issued to carry out section 1917(b)(3)  
7 of such Act because of Federal responsibility for Indian  
8 Tribes and Alaska Native Villages shall remain so exempt.  
9 Nothing in this subsection shall be construed as pre-  
10 venting the Secretary from providing additional medicaid  
11 estate recovery exemptions for Indians.

12 **“SEC. 413. TREATMENT UNDER MEDICAID MANAGED CARE.**

13       “(a) PROVISION OF SERVICES, TO ENROLLEES WITH  
14 NON-INDIAN MEDICAID MANAGED CARE ENTITIES, BY  
15 INDIAN HEALTH PROGRAMS AND URBAN INDIAN ORGANI-  
16 ZATIONS.—

17               “(1) PAYMENT RULES.—

18                       “(A) IN GENERAL.—Subject to subpara-  
19 graph (B), in the case of an Indian who is en-  
20 rolled with a non-Indian medicaid managed care  
21 entity (as defined in subsection (c)) and who re-  
22 ceives covered medicaid managed care services  
23 from an Indian Health Program or an Urban  
24 Indian Organization, whether or not it is a par-

1           ticipating provider with respect to such entity,  
2           the following rules apply:

3                   “(i) DIRECT PAYMENT.—The entity  
4                   shall make prompt payment (in accordance  
5                   with rules applicable to medicaid managed  
6                   care entities under title XIX of the Social  
7                   Security Act) to the Indian Health Pro-  
8                   gram or Urban Indian Organization at a  
9                   rate established by the entity for such serv-  
10                  ices that is equal to the rate negotiated be-  
11                  tween such entity and the Program or Or-  
12                  ganization involved or, if such a rate has  
13                  not been negotiated, a rate that is not less  
14                  than the level and amount of payment  
15                  which the entity would make for the serv-  
16                  ices if the services were furnished by a pro-  
17                  vider which is not such a Program or Or-  
18                  ganization.

19                  “(ii) PAYMENT THROUGH STATE.—If  
20                  there is no arrangement for direct payment  
21                  under clause (i) or if a State provides for  
22                  this clause to apply in lieu of clause (i),  
23                  the State shall provide for payment to the  
24                  Indian Health Program or Urban Indian  
25                  Organization under its State program



1 under title XIX of such Act at the rate  
2 that would be otherwise applicable for such  
3 services under such program and shall pro-  
4 vide for an appropriate adjustment of the  
5 capitation payment made to the entity to  
6 take into account such payment.

7 “(B) COMPLIANCE WITH GENERALLY AP-  
8 PLICABLE REQUIREMENTS.—

9 “(i) IN GENERAL.—Except as other-  
10 wise provided, as a condition of payment  
11 under subparagraph (A), the Indian  
12 Health Program or Urban Indian Organi-  
13 zation shall comply with the generally ap-  
14 plicable requirements of title XIX of the  
15 Social Security Act with respect to covered  
16 services.

17 “(ii) SATISFACTION OF CLAIM RE-  
18 QUIREMENT.—Any requirement for the  
19 submission of a claim or other documenta-  
20 tion for services covered under subpara-  
21 graph (A) by the enrollee is deemed to be  
22 satisfied through the submission of a claim  
23 or other documentation by the Indian  
24 Health Program or Urban Indian Organi-  
25 zation consistent with section 403(h).

1           “(C) CONSTRUCTION.—Nothing in this  
2 subsection shall be construed as waiving the ap-  
3 plication of section 1902(a)(30)(A) of the Social  
4 Security Act (relating to application of stand-  
5 ards to assure that payments are consistent  
6 with efficiency, economy, and quality of care).

7           “(2) ENROLLEE OPTION TO SELECT AN INDIAN  
8 HEALTH PROGRAM OR URBAN INDIAN ORGANIZATION  
9 AS PRIMARY CARE PROVIDER.—In the case of a non-  
10 Indian medicaid managed care entity that—

11           “(A) has an Indian enrolled with the enti-  
12 ty; and

13           “(B) has an Indian Health Program or  
14 Urban Indian Organization that is participating  
15 as a primary care provider within the network  
16 of the entity,

17 insofar as the Indian is otherwise eligible to receive  
18 services from such Program or Organization and the  
19 Program or Organization has the capacity to provide  
20 primary care services to such Indian, the Indian  
21 shall be allowed to choose such Program or Organi-  
22 zation as the Indian’s primary care provider under  
23 the entity.

24           “(b) OFFERING OF MANAGED CARE THROUGH IN-  
25 DIAN MEDICAID MANAGED CARE ENTITIES.—If—

1           “(1) a State elects to provide services through  
2           medicaid managed care entities under its medicaid  
3           managed care program; and

4           “(2) an Indian Health Program or Urban In-  
5           dian Organization that is funded in whole or in part  
6           by the Service, or a consortium thereof, has estab-  
7           lished an Indian medicaid managed care entity in  
8           the State that meets generally applicable standards  
9           required of such an entity under such medicaid man-  
10          aged care program,

11 the State shall offer to enter into an agreement with the  
12 entity to serve as a medicaid managed care entity with  
13 respect to eligible Indians served by such entity under  
14 such program.

15          “(c) SPECIAL RULES FOR INDIAN MANAGED CARE  
16 ENTITIES.—The following are special rules regarding the  
17 application of a medicaid managed care program to Indian  
18 medicaid managed care entities:

19           “(1) ENROLLMENT.—

20           “(A) LIMITATION TO INDIANS.—An Indian  
21           medicaid managed care entity may restrict en-  
22           rollment under such program to Indians and to  
23           members of specific Tribes in the same manner  
24           as Indian Health Programs may restrict the de-

1 livery of services to such Indians and tribal  
2 members.

3 “(B) NO LESS CHOICE OF PLANS.—Under  
4 such program the State may not limit the  
5 choice of an Indian among medicaid managed  
6 care entities only to Indian medicaid managed  
7 care entities or to be more restrictive than the  
8 choice of managed care entities offered to indi-  
9 viduals who are not Indians.

10 “(C) DEFAULT ENROLLMENT.—

11 “(i) IN GENERAL.—If such program  
12 of a State requires the enrollment of Indi-  
13 ans in a medicaid managed care entity in  
14 order to receive benefits, the State shall  
15 provide for the enrollment of Indians de-  
16 scribed in clause (ii) who are not otherwise  
17 enrolled with such an entity in an Indian  
18 medicaid managed care entity described in  
19 such clause.

20 “(ii) INDIAN DESCRIBED.—An Indian  
21 described in this clause, with respect to an  
22 Indian medicaid managed care entity, is an  
23 Indian who, based upon the service area  
24 and capacity of the entity, is eligible to be

1           enrolled with the entity consistent with  
2           subparagraph (A).

3           “(D) EXCEPTION TO STATE LOCK-IN.—A  
4           request by an Indian who is enrolled under such  
5           program with a non-Indian medicaid managed  
6           care entity to change enrollment with that enti-  
7           ty to enrollment with an Indian medicaid man-  
8           aged care entity shall be considered cause for  
9           granting such request under procedures speci-  
10          fied by the Secretary.

11          “(2) FLEXIBILITY IN APPLICATION OF SOL-  
12          VENCY.—In applying section 1903(m)(1) of the So-  
13          cial Security Act to an Indian medicaid managed  
14          care entity—

15                 “(A) any reference to a ‘State’ in subpara-  
16                 graph (A)(ii) of that section shall be deemed to  
17                 be a reference to the ‘Secretary’; and

18                 “(B) the entity shall be deemed to be a  
19                 public entity described in subparagraph (C)(ii)  
20                 of that section.

21          “(3) EXCEPTIONS TO ADVANCE DIRECTIVES.—  
22          The Secretary may modify or waive the require-  
23          ments of section 1902(w) of the Social Security Act  
24          (relating to provision of written materials on ad-  
25          vance directives) insofar as the Secretary finds that

1 the requirements otherwise imposed are not an ap-  
2 propriate or effective way of communicating the in-  
3 formation to Indians.

4 “(4) FLEXIBILITY IN INFORMATION AND MAR-  
5 KETING.—

6 “(A) MATERIALS.—The Secretary may  
7 modify requirements under section 1932(a)(5)  
8 of the Social Security Act in a manner that im-  
9 proves the materials to take into account the  
10 special circumstances of such entities and their  
11 enrollees while maintaining and clearly commu-  
12 nicating to potential enrollees their rights, pro-  
13 tections, and benefits.

14 “(B) DISTRIBUTION OF MARKETING MATE-  
15 RIALS.—The provisions of section  
16 1932(d)(2)(B) of the Social Security Act re-  
17 quiring the distribution of marketing materials  
18 to an entire service area shall be deemed satis-  
19 fied in the case of an Indian medicaid managed  
20 care entity that distributes appropriate mate-  
21 rials only to those Indians who are potentially  
22 eligible to enroll with the entity in the service  
23 area.

24 “(d) MALPRACTICE INSURANCE.—Insofar as, under  
25 a medicaid managed care program, a health care provider

1 is required to have medical malpractice insurance coverage  
2 as a condition of contracting as a provider with a medicaid  
3 managed care entity, an Indian Health Program, or an  
4 Urban Indian Organization that is a Federally-qualified  
5 health center under title XIX of the Social Security Act,  
6 that is covered under the Federal Tort Claims Act (28  
7 U.S.C. 1346(b), 2671 et seq.) is deemed to satisfy such  
8 requirement.

9 “(e) DEFINITIONS.—For purposes of this section:

10 “(1) MEDICAID MANAGED CARE ENTITY.—The  
11 term ‘medicaid managed care entity’ means a man-  
12 aged care entity (whether a managed care organiza-  
13 tion or a primary care case manager) under title  
14 XIX of the Social Security Act, whether pursuant to  
15 section 1903(m) or section 1932 of such Act, a waiv-  
16 er under section 1115 or 1915(b) of such Act, or  
17 otherwise.

18 “(2) INDIAN MEDICAID MANAGED CARE ENTI-  
19 TY.—The term ‘Indian medicaid managed care enti-  
20 ty’ means a managed care entity that is controlled  
21 (within the meaning of the last sentence of section  
22 1903(m)(1)(C) of the Social Security Act) by the In-  
23 dian Health Service, a Tribe, Tribal Organization, or  
24 Urban Indian Organization (as such terms are de-  
25 fined in section 4), or a consortium, which may be

1 composed of 1 or more Tribes, Tribal Organizations,  
2 or Urban Indian Organizations, and which also may  
3 include the Service.

4 “(3) NON-INDIAN MEDICAID MANAGED CARE  
5 ENTITY.—The term ‘non-Indian medicaid managed  
6 care entity’ means a medicaid managed care entity  
7 that is not an Indian medicaid managed care entity.

8 “(4) COVERED MEDICAID MANAGED CARE  
9 SERVICES.—The term ‘covered medicaid managed  
10 care services’ means, with respect to an individual  
11 enrolled with a medicaid managed care entity, items  
12 and services that are within the scope of items and  
13 services for which benefits are available with respect  
14 to the individual under the contract between the en-  
15 tity and the State involved.

16 “(5) MEDICAID MANAGED CARE PROGRAM.—  
17 The term ‘medicaid managed care program’ means  
18 a program under sections 1903(m) and 1932 of the  
19 Social Security Act and includes a managed care  
20 program operating under a waiver under section  
21 1915(b) or 1115 of such Act or otherwise.

22 **“SEC. 414. NAVAJO NATION MEDICAID AGENCY FEASI-**  
23 **BILITY STUDY.**

24 “(a) STUDY.—The Secretary shall conduct a study  
25 to determine the feasibility of treating the Navajo Nation



1 as a State for the purposes of title XIX of the Social Secu-  
2 rity Act, to provide services to Indians living within the  
3 boundaries of the Navajo Nation through an entity estab-  
4 lished having the same authority and performing the same  
5 functions as single-State medicaid agencies responsible for  
6 the administration of the State plan under title XIX of  
7 the Social Security Act.

8 “(b) CONSIDERATIONS.—In conducting the study,  
9 the Secretary shall consider the feasibility of—

10 “(1) assigning and paying all expenditures for  
11 the provision of services and related administration  
12 funds, under title XIX of the Social Security Act, to  
13 Indians living within the boundaries of the Navajo  
14 Nation that are currently paid to or would otherwise  
15 be paid to the State of Arizona, New Mexico, or  
16 Utah;

17 “(2) providing assistance to the Navajo Nation  
18 in the development and implementation of such enti-  
19 ty for the administration, eligibility, payment, and  
20 delivery of medical assistance under title XIX of the  
21 Social Security Act;

22 “(3) providing an appropriate level of matching  
23 funds for Federal medical assistance with respect to  
24 amounts such entity expends for medical assistance  
25 for services and related administrative costs; and

1           “(4) authorizing the Secretary, at the option of  
2           the Navajo Nation, to treat the Navajo Nation as a  
3           State for the purposes of title XIX of the Social Se-  
4           curity Act (relating to the State children’s health in-  
5           surance program) under terms equivalent to those  
6           described in paragraphs (2) through (4).

7           “(c) REPORT.—Not later than 3 years after the date  
8           of enactment of the Indian Health Act Improvement Act  
9           Amendments of 2006, the Secretary shall submit to the  
10          Committee on Indian Affairs and Committee on Finance  
11          of the Senate and the Committee on Resources and Com-  
12          mittee on Energy and Commerce of the House of Rep-  
13          resentatives a report that includes—

14                 “(1) the results of the study under this section;

15                 “(2) a summary of any consultation that oc-  
16                 curred between the Secretary and the Navajo Na-  
17                 tion, other Indian Tribes, the States of Arizona,  
18                 New Mexico, and Utah, counties which include Nav-  
19                 ajo Lands, and other interested parties, in con-  
20                 ducting this study;

21                 “(3) projected costs or savings associated with  
22                 establishment of such entity, and any estimated im-  
23                 pact on services provided as described in this section  
24                 in relation to probable costs or savings; and

1           “(4) legislative actions that would be required  
2           to authorize the establishment of such entity if such  
3           entity is determined by the Secretary to be feasible.

4   **“SEC. 415. AUTHORIZATION OF APPROPRIATIONS.**

5           “‘There are authorized to be appropriated such sums  
6           as may be necessary for each fiscal year through fiscal  
7           year 2015 to carry out this title.

8           **“TITLE V—HEALTH SERVICES**  
9           **FOR URBAN INDIANS**

10   **“SEC. 501. PURPOSE.**

11           “‘The purpose of this title is to establish and maintain  
12           programs in Urban Centers to make health services more  
13           accessible and available to Urban Indians.

14   **“SEC. 502. CONTRACTS WITH, AND GRANTS TO, URBAN IN-**  
15           **DIAN ORGANIZATIONS.**

16           “‘Under authority of the Act of November 2, 1921  
17           (25 U.S.C. 13) (commonly known as the ‘Snyder Act’),  
18           the Secretary, acting through the Service, shall enter into  
19           contracts with, or make grants to, Urban Indian Organi-  
20           zations to assist such organizations in the establishment  
21           and administration, within Urban Centers, of programs  
22           which meet the requirements set forth in this title. Subject  
23           to section 506, the Secretary, acting through the Service,  
24           shall include such conditions as the Secretary considers  
25           necessary to effect the purpose of this title in any contract

1 into which the Secretary enters with, or in any grant the  
2 Secretary makes to, any Urban Indian Organization pur-  
3 suant to this title.

4 **“SEC. 503. CONTRACTS AND GRANTS FOR THE PROVISION**  
5 **OF HEALTH CARE AND REFERRAL SERVICES.**

6 “(a) REQUIREMENTS FOR GRANTS AND CON-  
7 TRACTS.—Under authority of the Act of November 2,  
8 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder  
9 Act’), the Secretary, acting through the Service, shall  
10 enter into contracts with, and make grants to, Urban In-  
11 dian Organizations for the provision of health care and  
12 referral services for Urban Indians. Any such contract or  
13 grant shall include requirements that the Urban Indian  
14 Organization successfully undertake to—

15 “(1) estimate the population of Urban Indians  
16 residing in the Urban Center or centers that the or-  
17 ganization proposes to serve who are or could be re-  
18 cipients of health care or referral services;

19 “(2) estimate the current health status of  
20 Urban Indians residing in such Urban Center or  
21 centers;

22 “(3) estimate the current health care needs of  
23 Urban Indians residing in such Urban Center or  
24 centers;

1           “(4) provide basic health education, including  
2 health promotion and disease prevention education,  
3 to Urban Indians;

4           “(5) make recommendations to the Secretary  
5 and Federal, State, local, and other resource agen-  
6 cies on methods of improving health service pro-  
7 grams to meet the needs of Urban Indians; and

8           “(6) where necessary, provide, or enter into  
9 contracts for the provision of, health care services  
10 for Urban Indians.

11       “(b) CRITERIA.—The Secretary, acting through the  
12 Service, shall, by regulation, prescribe the criteria for se-  
13 lecting Urban Indian Organizations to enter into contracts  
14 or receive grants under this section. Such criteria shall,  
15 among other factors, include—

16           “(1) the extent of unmet health care needs of  
17 Urban Indians in the Urban Center or centers in-  
18 volved;

19           “(2) the size of the Urban Indian population in  
20 the Urban Center or centers involved;

21           “(3) the extent, if any, to which the activities  
22 set forth in subsection (a) would duplicate any  
23 project funded under this title;

24           “(4) the capability of an Urban Indian Organi-  
25 zation to perform the activities set forth in sub-

1 section (a) and to enter into a contract with the Sec-  
2 retary or to meet the requirements for receiving a  
3 grant under this section;

4 “(5) the satisfactory performance and success-  
5 ful completion by an Urban Indian Organization of  
6 other contracts with the Secretary under this title;

7 “(6) the appropriateness and likely effectiveness  
8 of conducting the activities set forth in subsection  
9 (a) in an Urban Center or centers; and

10 “(7) the extent of existing or likely future par-  
11 ticipation in the activities set forth in subsection (a)  
12 by appropriate health and health-related Federal,  
13 State, local, and other agencies.

14 “(c) ACCESS TO HEALTH PROMOTION AND DISEASE  
15 PREVENTION PROGRAMS.—The Secretary, acting through  
16 the Service, shall facilitate access to or provide health pro-  
17 motion and disease prevention services for Urban Indians  
18 through grants made to Urban Indian Organizations ad-  
19 ministering contracts entered into or receiving grants  
20 under subsection (a).

21 “(d) IMMUNIZATION SERVICES.—

22 “(1) ACCESS OR SERVICES PROVIDED.—The  
23 Secretary, acting through the Service, shall facilitate  
24 access to, or provide, immunization services for  
25 Urban Indians through grants made to Urban In-

1       dian Organizations administering contracts entered  
2       into or receiving grants under this section.

3               “(2) DEFINITION.—For purposes of this sub-  
4       section, the term ‘immunization services’ means  
5       services to provide without charge immunizations  
6       against vaccine-preventable diseases.

7       “(e) BEHAVIORAL HEALTH SERVICES.—

8               “(1) ACCESS OR SERVICES PROVIDED.—The  
9       Secretary, acting through the Service, shall facilitate  
10       access to, or provide, behavioral health services for  
11       Urban Indians through grants made to Urban In-  
12       dian Organizations administering contracts entered  
13       into or receiving grants under subsection (a).

14               “(2) ASSESSMENT REQUIRED.—Except as pro-  
15       vided by paragraph (3)(A), a grant may not be made  
16       under this subsection to an Urban Indian Organiza-  
17       tion until that organization has prepared, and the  
18       Service has approved, an assessment of the fol-  
19       lowing:

20                       “(A) The behavioral health needs of the  
21                       Urban Indian population concerned.

22                       “(B) The behavioral health services and  
23                       other related resources available to that popu-  
24                       lation.

1           “(C) The barriers to obtaining those serv-  
2           ices and resources.

3           “(D) The needs that are unmet by such  
4           services and resources.

5           “(3) PURPOSES OF GRANTS.—Grants may be  
6           made under this subsection for the following:

7           “(A) To prepare assessments required  
8           under paragraph (2).

9           “(B) To provide outreach, educational, and  
10          referral services to Urban Indians regarding the  
11          availability of direct behavioral health services,  
12          to educate Urban Indians about behavioral  
13          health issues and services, and effect coordina-  
14          tion with existing behavioral health providers in  
15          order to improve services to Urban Indians.

16          “(C) To provide outpatient behavioral  
17          health services to Urban Indians, including the  
18          identification and assessment of illness, thera-  
19          peutic treatments, case management, support  
20          groups, family treatment, and other treatment.

21          “(D) To develop innovative behavioral  
22          health service delivery models which incorporate  
23          Indian cultural support systems and resources.

24          “(f) PREVENTION OF CHILD ABUSE.—



1           “(1) ACCESS OR SERVICES PROVIDED.—The  
2           Secretary, acting through the Service, shall facilitate  
3           access to or provide services for Urban Indians  
4           through grants to Urban Indian Organizations ad-  
5           ministering contracts entered into or receiving  
6           grants under subsection (a) to prevent and treat  
7           child abuse (including sexual abuse) among Urban  
8           Indians.

9           “(2) EVALUATION REQUIRED.—Except as pro-  
10          vided by paragraph (3)(A), a grant may not be made  
11          under this subsection to an Urban Indian Organiza-  
12          tion until that organization has prepared, and the  
13          Service has approved, an assessment that documents  
14          the prevalence of child abuse in the Urban Indian  
15          population concerned and specifies the services and  
16          programs (which may not duplicate existing services  
17          and programs) for which the grant is requested.

18          “(3) PURPOSES OF GRANTS.—Grants may be  
19          made under this subsection for the following:

20                 “(A) To prepare assessments required  
21                 under paragraph (2).

22                 “(B) For the development of prevention,  
23                 training, and education programs for Urban In-  
24                 dians, including child education, parent edu-  
25                 cation, provider training on identification and

1 intervention, education on reporting require-  
2 ments, prevention campaigns, and establishing  
3 service networks of all those involved in Indian  
4 child protection.

5 “(C) To provide direct outpatient treat-  
6 ment services (including individual treatment,  
7 family treatment, group therapy, and support  
8 groups) to Urban Indians who are child victims  
9 of abuse (including sexual abuse) or adult sur-  
10 vivors of child sexual abuse, to the families of  
11 such child victims, and to Urban Indian per-  
12 petrators of child abuse (including sexual  
13 abuse).

14 “(4) CONSIDERATIONS WHEN MAKING  
15 GRANTS.—In making grants to carry out this sub-  
16 section, the Secretary shall take into consideration—

17 “(A) the support for the Urban Indian Or-  
18 ganization demonstrated by the child protection  
19 authorities in the area, including committees or  
20 other services funded under the Indian Child  
21 Welfare Act of 1978 (25 U.S.C. 1901 et seq.),  
22 if any;

23 “(B) the capability and expertise dem-  
24 onstrated by the Urban Indian Organization to

1 address the complex problem of child sexual  
2 abuse in the community; and

3 “(C) the assessment required under para-  
4 graph (2).

5 “(g) OTHER GRANTS.—The Secretary, acting  
6 through the Service, may enter into a contract with or  
7 make grants to an Urban Indian Organization that pro-  
8 vides or arranges for the provision of health care services  
9 (through satellite facilities, provider networks, or other-  
10 wise) to Urban Indians in more than 1 Urban Center.

11 **“SEC. 504. CONTRACTS AND GRANTS FOR THE DETERMINA-  
12 TION OF UNMET HEALTH CARE NEEDS.**

13 “(a) GRANTS AND CONTRACTS AUTHORIZED.—  
14 Under authority of the Act of November 2, 1921 (25  
15 U.S.C. 13) (commonly known as the ‘Snyder Act’), the  
16 Secretary, acting through the Service, may enter into con-  
17 tracts with or make grants to Urban Indian Organizations  
18 situated in Urban Centers for which contracts have not  
19 been entered into or grants have not been made under sec-  
20 tion 503.

21 “(b) PURPOSE.—The purpose of a contract or grant  
22 made under this section shall be the determination of the  
23 matters described in subsection (c)(1) in order to assist  
24 the Secretary in assessing the health status and health  
25 care needs of Urban Indians in the Urban Center involved

1 and determining whether the Secretary should enter into  
2 a contract or make a grant under section 503 with respect  
3 to the Urban Indian Organization which the Secretary has  
4 entered into a contract with, or made a grant to, under  
5 this section.

6 “(c) GRANT AND CONTRACT REQUIREMENTS.—Any  
7 contract entered into, or grant made, by the Secretary  
8 under this section shall include requirements that—

9 “(1) the Urban Indian Organization success-  
10 fully undertakes to—

11 “(A) document the health care status and  
12 unmet health care needs of Urban Indians in  
13 the Urban Center involved; and

14 “(B) with respect to Urban Indians in the  
15 Urban Center involved, determine the matters  
16 described in paragraphs (2), (3), (4), and (7) of  
17 section 503(b); and

18 “(2) the Urban Indian Organization complete  
19 performance of the contract, or carry out the re-  
20 quirements of the grant, within 1 year after the date  
21 on which the Secretary and such organization enter  
22 into such contract, or within 1 year after such orga-  
23 nization receives such grant, whichever is applicable.

1       “(d) NO RENEWALS.—The Secretary may not renew  
2 any contract entered into or grant made under this sec-  
3 tion.

4       **“SEC. 505. EVALUATIONS; RENEWALS.**

5       “(a) PROCEDURES FOR EVALUATIONS.—The Sec-  
6 retary, acting through the Service, shall develop proce-  
7 dures to evaluate compliance with grant requirements and  
8 compliance with and performance of contracts entered into  
9 by Urban Indian Organizations under this title. Such pro-  
10 cedures shall include provisions for carrying out the re-  
11 quirements of this section.

12       “(b) EVALUATIONS.—The Secretary, acting through  
13 the Service, shall evaluate the compliance of each Urban  
14 Indian Organization which has entered into a contract or  
15 received a grant under section 503 with the terms of such  
16 contract or grant. For purposes of this evaluation, in de-  
17 termining the capacity of an Urban Indian Organization  
18 to deliver quality patient care the Secretary shall—

19               “(1) acting through the Service, conduct an an-  
20 nual onsite evaluation of the organization; or

21               “(2) accept in lieu of such onsite evaluation evi-  
22 dence of the organization’s provisional or full accred-  
23 itation by a private independent entity recognized by  
24 the Secretary for purposes of conducting quality re-

1 views of providers participating in the Medicare pro-  
2 gram under title XVIII of the Social Security Act.

3 “(c) NONCOMPLIANCE; UNSATISFACTORY PERFORM-  
4 ANCE.—If, as a result of the evaluations conducted under  
5 this section, the Secretary determines that an Urban In-  
6 dian Organization has not complied with the requirements  
7 of a grant or complied with or satisfactorily performed a  
8 contract under section 503, the Secretary shall, prior to  
9 renewing such contract or grant, attempt to resolve with  
10 the organization the areas of noncompliance or unsatisfac-  
11 tory performance and modify the contract or grant to pre-  
12 vent future occurrences of noncompliance or unsatisfac-  
13 tory performance. If the Secretary determines that the  
14 noncompliance or unsatisfactory performance cannot be  
15 resolved and prevented in the future, the Secretary shall  
16 not renew the contract or grant with the organization and  
17 is authorized to enter into a contract or make a grant  
18 under section 503 with another Urban Indian Organiza-  
19 tion which is situated in the same Urban Center as the  
20 Urban Indian Organization whose contract or grant is not  
21 renewed under this section.

22 “(d) CONSIDERATIONS FOR RENEWALS.—In deter-  
23 mining whether to renew a contract or grant with an  
24 Urban Indian Organization under section 503 which has  
25 completed performance of a contract or grant under sec-

1 tion 504, the Secretary shall review the records of the  
2 Urban Indian Organization, the reports submitted under  
3 section 507, and shall consider the results of the onsite  
4 evaluations or accreditations under subsection (b).

5 **“SEC. 506. OTHER CONTRACT AND GRANT REQUIREMENTS.**

6       “(a) **PROCUREMENT.**—Contracts with Urban Indian  
7 Organizations entered into pursuant to this title shall be  
8 in accordance with all Federal contracting laws and regu-  
9 lations relating to procurement except that in the discre-  
10 tion of the Secretary, such contracts may be negotiated  
11 without advertising and need not conform to the provisions  
12 of sections 1304 and 3131 through 3133 of title 40,  
13 United States Code.

14       “(b) **PAYMENTS UNDER CONTRACTS OR GRANTS.**—  
15 Payments under any contracts or grants pursuant to this  
16 title shall, notwithstanding any term or condition of such  
17 contract or grant—

18               “(1) be made in their entirety by the Secretary  
19 to the Urban Indian Organization by no later than  
20 the end of the first 30 days of the funding period  
21 with respect to which the payments apply, unless the  
22 Secretary determines through an evaluation under  
23 section 505 that the organization is not capable of  
24 administering such payments in their entirety; and

1           “(2) if any portion thereof is unexpended by the  
2           Urban Indian Organization during the funding pe-  
3           riod with respect to which the payments initially  
4           apply, shall be carried forward for expenditure with  
5           respect to allowable or reimbursable costs incurred  
6           by the organization during 1 or more subsequent  
7           funding periods without additional justification or  
8           documentation by the organization as a condition of  
9           carrying forward the availability for expenditure of  
10          such funds.

11          “(c) REVISION OR AMENDMENT OF CONTRACTS.—  
12          Notwithstanding any provision of law to the contrary, the  
13          Secretary may, at the request and consent of an Urban  
14          Indian Organization, revise or amend any contract entered  
15          into by the Secretary with such organization under this  
16          title as necessary to carry out the purposes of this title.

17          “(d) FAIR AND UNIFORM SERVICES AND ASSIST-  
18          ANCE.—Contracts with or grants to Urban Indian Organi-  
19          zations and regulations adopted pursuant to this title shall  
20          include provisions to assure the fair and uniform provision  
21          to Urban Indians of services and assistance under such  
22          contracts or grants by such organizations.

23          **“SEC. 507. REPORTS AND RECORDS.**

24          “(a) REPORTS.—For each fiscal year during which  
25          an Urban Indian Organization receives or expends funds



1 pursuant to a contract entered into or a grant received  
2 pursuant to this title, such Urban Indian Organization  
3 shall submit to the Secretary not more frequently than  
4 every 6 months, a report that includes the following:

5           “(1) In the case of a contract or grant under  
6           section 503, recommendations pursuant to section  
7           503(a)(5).

8           “(2) Information on activities conducted by the  
9           organization pursuant to the contract or grant.

10           “(3) An accounting of the amounts and purpose  
11           for which Federal funds were expended.

12           “(4) A minimum set of data, using uniformly  
13           defined elements, as specified by the Secretary after  
14           consultation with Urban Indian Organizations.

15           “(b) AUDIT.—The reports and records of the Urban  
16           Indian Organization with respect to a contract or grant  
17           under this title shall be subject to audit by the Secretary  
18           and the Comptroller General of the United States.

19           “(c) COSTS OF AUDITS.—The Secretary shall allow  
20           as a cost of any contract or grant entered into or awarded  
21           under section 502 or 503 the cost of an annual inde-  
22           pendent financial audit conducted by—

23                   “(1) a certified public accountant; or

24                   “(2) a certified public accounting firm qualified  
25           to conduct Federal compliance audits.

1 **“SEC. 508. LIMITATION ON CONTRACT AUTHORITY.**

2 “The authority of the Secretary to enter into con-  
3 tracts or to award grants under this title shall be to the  
4 extent, and in an amount, provided for in appropriation  
5 Acts.

6 **“SEC. 509. FACILITIES.**

7 “(a) GRANTS.—The Secretary, acting through the  
8 Service, may make grants to contractors or grant recipi-  
9 ents under this title for the lease, purchase, renovation,  
10 construction, or expansion of facilities, including leased fa-  
11 cilities, in order to assist such contractors or grant recipi-  
12 ents in complying with applicable licensure or certification  
13 requirements.

14 “(b) LOAN FUND STUDY.—The Secretary, acting  
15 through the Services, may carry out a study to determine  
16 the feasibility of establishing a loan fund to provide to  
17 Urban Indian Organizations direct loans or guarantees for  
18 loans for the construction of health care facilities in a  
19 manner consistent with section 309.

20 **“SEC. 510. DIVISION OF URBAN INDIAN HEALTH.**

21 “There is established within the Service a Division  
22 of Urban Indian Health, which shall be responsible for—

23 “(1) carrying out the provisions of this title;

24 “(2) providing central oversight of the pro-  
25 grams and services authorized under this title; and

1           “(3) providing technical assistance to Urban In-  
2           dian Organizations.

3   **“SEC. 511. GRANTS FOR ALCOHOL AND SUBSTANCE ABUSE-**  
4                           **RELATED SERVICES.**

5           “(a) GRANTS AUTHORIZED.—The Secretary, acting  
6 through the Service, may make grants for the provision  
7 of health-related services in prevention of, treatment of,  
8 rehabilitation of, or school- and community-based edu-  
9 cation regarding, alcohol and substance abuse in Urban  
10 Centers to those Urban Indian Organizations with which  
11 the Secretary has entered into a contract under this title  
12 or under section 201.

13          “(b) GOALS.—Each grant made pursuant to sub-  
14 section (a) shall set forth the goals to be accomplished  
15 pursuant to the grant. The goals shall be specific to each  
16 grant as agreed to between the Secretary and the grantee.

17          “(c) CRITERIA.—The Secretary shall establish cri-  
18 teria for the grants made under subsection (a), including  
19 criteria relating to the following:

20                   “(1) The size of the Urban Indian population.

21                   “(2) Capability of the organization to ade-  
22 quately perform the activities required under the  
23 grant.

24                   “(3) Satisfactory performance standards for the  
25 organization in meeting the goals set forth in such

1 grant. The standards shall be negotiated and agreed  
2 to between the Secretary and the grantee on a  
3 grant-by-grant basis.

4 “(4) Identification of the need for services.

5 “(d) ALLOCATION OF GRANTS.—The Secretary shall  
6 develop a methodology for allocating grants made pursu-  
7 ant to this section based on the criteria established pursu-  
8 ant to subsection (c).

9 “(e) GRANTS SUBJECT TO CRITERIA.—Any funds re-  
10 ceived by an Urban Indian Organization under this Act  
11 for substance abuse prevention, treatment, and rehabilita-  
12 tion shall be subject to the criteria set forth in subsection  
13 (c).

14 **“SEC. 512. TREATMENT OF CERTAIN DEMONSTRATION**  
15 **PROJECTS.**

16 “Notwithstanding any other provision of law, the  
17 Tulsa Clinic and Oklahoma City Clinic demonstration  
18 projects shall—

19 “(1) be permanent programs within the Serv-  
20 ice’s direct care program;

21 “(2) continue to be treated as Service Units in  
22 the allocation of resources and coordination of care;  
23 and

24 “(3) shall be subject to the provisions of the In-  
25 dian Self-Determination and Education Assistance

1 Act (25 U.S.C. 450 et seq.), except that the pro-  
2 grams shall not be divisible.

3 **“SEC. 513. URBAN NIAAA TRANSFERRED PROGRAMS.**

4 “(a) GRANTS AND CONTRACTS.—The Secretary,  
5 through the Division of Urban Indian Health, shall make  
6 grants or enter into contracts with Urban Indian Organi-  
7 zations, to take effect not later than September 30, 2008,  
8 for the administration of Urban Indian alcohol programs  
9 that were originally established under the National Insti-  
10 tute on Alcoholism and Alcohol Abuse (hereafter in this  
11 section referred to as ‘NIAAA’) and transferred to the  
12 Service.

13 “(b) USE OF FUNDS.—Grants provided or contracts  
14 entered into under this section shall be used to provide  
15 support for the continuation of alcohol prevention and  
16 treatment services for Urban Indian populations and such  
17 other objectives as are agreed upon between the Service  
18 and a recipient of a grant or contract under this section.

19 “(c) ELIGIBILITY.—Urban Indian Organizations that  
20 operate Indian alcohol programs originally funded under  
21 the NIAAA and subsequently transferred to the Service  
22 are eligible for grants or contracts under this section.

23 “(d) REPORT.—The Secretary shall evaluate and re-  
24 port to Congress on the activities of programs funded  
25 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. USE OF FEDERAL GOVERNMENT FACILITIES AND**  
5           **SOURCES OF SUPPLY.**

6           “(a) AUTHORIZATION FOR USE.—The Secretary, act-  
7           ing through the Service, shall allow an Urban Indian Or-  
8           ganization that has entered into a contract or received a  
9           grant pursuant to this title, in carrying out such contract  
10          or grant, to use existing facilities and all equipment there-  
11          in or pertaining thereto and other personal property  
12          owned by the Federal Government within the Secretary’s  
13          jurisdiction under such terms and conditions as may be  
14          agreed upon for their use and maintenance.

15          “(b) DONATIONS.—Subject to subsection (d), the  
16          Secretary may donate to an Urban Indian Organization  
17          that has entered into a contract or received a grant pursu-  
18          ant to this title any personal or real property determined  
19          to be excess to the needs of the Service or the General  
20          Services Administration for purposes of carrying out the  
21          contract or grant.

22          “(c) ACQUISITION OF PROPERTY FOR DONATION.—  
23          The Secretary may acquire excess or surplus government  
24          personal or real property for donation (subject to sub-  
25          section (d)), to an Urban Indian Organization that has

1 entered into a contract or received a grant pursuant to  
2 this title if the Secretary determines that the property is  
3 appropriate for use by the Urban Indian Organization for  
4 a purpose for which a contract or grant is authorized  
5 under this title.

6       “(d) PRIORITY.—In the event that the Secretary re-  
7 ceives a request for donation of a specific item of personal  
8 or real property described in subsection (b) or (c) from  
9 both an Urban Indian Organization and from an Indian  
10 Tribe or Tribal Organization, the Secretary shall give pri-  
11 ority to the request for donation of the Indian Tribe or  
12 Tribal Organization if the Secretary receives the request  
13 from the Indian Tribe or Tribal Organization before the  
14 date the Secretary transfers title to the property or, if ear-  
15 lier, the date the Secretary transfers the property phys-  
16 ically to the Urban Indian Organization.

17       “(e) URBAN INDIAN ORGANIZATIONS DEEMED EX-  
18 ECUTIVE AGENCY FOR CERTAIN PURPOSES.—For pur-  
19 poses of section 501 of title 40, United States Code, (relat-  
20 ing to Federal sources of supply, including lodging pro-  
21 viders, airlines, and other transportation providers), an  
22 Urban Indian Organization that has entered into a con-  
23 tract or received a grant pursuant to this title shall be  
24 deemed an executive agency when carrying out such con-  
25 tract or grant.



1 **“SEC. 517. GRANTS FOR DIABETES PREVENTION, TREAT-**  
2 **MENT, AND CONTROL.**

3 “(a) GRANTS AUTHORIZED.—The Secretary may  
4 make grants to those Urban Indian Organizations that  
5 have entered into a contract or have received a grant  
6 under this title for the provision of services for the preven-  
7 tion and treatment of, and control of the complications  
8 resulting from, diabetes among Urban Indians.

9 “(b) GOALS.—Each grant made pursuant to sub-  
10 section (a) shall set forth the goals to be accomplished  
11 under the grant. The goals shall be specific to each grant  
12 as agreed to between the Secretary and the grantee.

13 “(c) ESTABLISHMENT OF CRITERIA.—The Secretary  
14 shall establish criteria for the grants made under sub-  
15 section (a) relating to—

16 “(1) the size and location of the Urban Indian  
17 population to be served;

18 “(2) the need for prevention of and treatment  
19 of, and control of the complications resulting from,  
20 diabetes among the Urban Indian population to be  
21 served;

22 “(3) performance standards for the organiza-  
23 tion in meeting the goals set forth in such grant  
24 that are negotiated and agreed to by the Secretary  
25 and the grantee;

1           “(4) the capability of the organization to ade-  
2           quately perform the activities required under the  
3           grant; and

4           “(5) the willingness of the organization to col-  
5           laborate with the registry, if any, established by the  
6           Secretary under section 204(e) in the Area Office of  
7           the Service in which the organization is located.

8           “(d) FUNDS SUBJECT TO CRITERIA.—Any funds re-  
9           ceived by an Urban Indian Organization under this Act  
10          for the prevention, treatment, and control of diabetes  
11          among Urban Indians shall be subject to the criteria devel-  
12          oped by the Secretary under subsection (c).

13          **“SEC. 518. COMMUNITY HEALTH REPRESENTATIVES.**

14          “The Secretary, acting through the Service, may  
15          enter into contracts with, and make grants to, Urban In-  
16          dian Organizations for the employment of Indians trained  
17          as health service providers through the Community Health  
18          Representatives Program under section 109 in the provi-  
19          sion of health care, health promotion, and disease preven-  
20          tion services to Urban Indians.

21          **“SEC. 519. EFFECTIVE DATE.**

22          “The amendments made by the Indian Health Care  
23          Improvement Act Amendments of 2006 to this title shall  
24          take effect beginning on the date of enactment of that Act,

1 regardless of whether the Secretary has promulgated regu-  
2 lations implementing such amendments.

3 **“SEC. 520. ELIGIBILITY FOR SERVICES.**

4 “Urban Indians shall be eligible and the ultimate  
5 beneficiaries for health care or referral services provided  
6 pursuant to this title.

7 **“SEC. 521. AUTHORIZATION OF APPROPRIATIONS.**

8 “There are authorized to be appropriated such sums  
9 as may be necessary for each fiscal year through fiscal  
10 year 2015 to carry out this title.

11 **“TITLE VI—ORGANIZATIONAL**  
12 **IMPROVEMENTS**

13 **“SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERV-**  
14 **ICE AS AN AGENCY OF THE PUBLIC HEALTH**  
15 **SERVICE.**

16 “(a) ESTABLISHMENT.—

17 “(1) IN GENERAL.—In order to more effectively  
18 and efficiently carry out the responsibilities, authori-  
19 ties, and functions of the United States to provide  
20 health care services to Indians and Indian Tribes, as  
21 are or may be hereafter provided by Federal statute  
22 or treaties, there is established within the Public  
23 Health Service of the Department the Indian Health  
24 Service.

1           “(2) ASSISTANT SECRETARY OF INDIAN  
2 HEALTH.—The Service shall be administered by an  
3 Assistant Secretary of Indian Health, who shall be  
4 appointed by the President, by and with the advice  
5 and consent of the Senate. The Assistant Secretary  
6 shall report to the Secretary. Effective with respect  
7 to an individual appointed by the President, by and  
8 with the advice and consent of the Senate, after  
9 January 1, 2005, the term of service of the Assist-  
10 ant Secretary shall be 4 years. An Assistant Sec-  
11 retary may serve more than 1 term.

12           “(3) INCUMBENT.—The individual serving in  
13 the position of Director of the Indian Health Service  
14 on the day before the date of enactment of the In-  
15 dian Health Care Improvement Act Amendments of  
16 2006 shall serve as Assistant Secretary.

17           “(4) ADVOCACY AND CONSULTATION.—The po-  
18 sition of Assistant Secretary is established to, in a  
19 manner consistent with the government-to-govern-  
20 ment relationship between the United States and In-  
21 dian Tribes—

22                   “(A) facilitate advocacy for the develop-  
23 ment of appropriate Indian health policy; and

24                   “(B) promote consultation on matters re-  
25 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 Assistant Secretary of Indian  
6 Health shall—

7               “(1) perform all functions that were, on the day  
8 before the date of enactment of the Indian Health  
9 Care Improvement Act Amendments of 2006, car-  
10 ried out by or under the direction of the individual  
11 serving as Director of the Service on that day;

12               “(2) perform all functions of the Secretary re-  
13 lating to the maintenance and operation of hospital  
14 and health facilities for Indians and the planning  
15 for, and provision and utilization of, health services  
16 for Indians;

17               “(3) administer all health programs under  
18 which health care is provided to Indians based upon  
19 their status as Indians which are administered by  
20 the Secretary, including programs under—

21                       “(A) this Act;

22                       “(B) the Act of November 2, 1921 (25  
23 U.S.C. 13);

24                       “(C) the Act of August 5, 1954 (42 U.S.C.  
25 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 Assistant Secretary, shall have the au-  
6           thority—

7                   “(A) except to the extent provided for in  
8                   paragraph (2), to appoint and compensate em-  
9                   ployees for the Service in accordance with title  
10                  5, United States Code;

11                  “(B) to enter into contracts for the pro-  
12                  curement of goods and services to carry out the  
13                  functions of the Service; and

14                  “(C) to manage, expend, and obligate all  
15                  funds appropriated for the Service.

16           “(2) PERSONNEL ACTIONS.—Notwithstanding  
17           any other provision of law, the provisions of section  
18           12 of the Act of June 18, 1934 (48 Stat. 986; 25  
19           U.S.C. 472), shall apply to all personnel actions  
20           taken with respect to new positions created within  
21           the Service as a result of its establishment under  
22           subsection (a).

23           “(e) REFERENCES.—Any reference to the Director of  
24           the Indian Health Service in any other Federal law, Exec-  
25           utive order, rule, regulation, or delegation of authority, or

1 in any document of or relating to the Director of the In-  
2 dian Health Service, shall be deemed to refer to the Assist-  
3 ant Secretary.

4 **“SEC. 602. AUTOMATED MANAGEMENT INFORMATION SYS-**  
5 **TEM.**

6 “(a) ESTABLISHMENT.—

7 “(1) IN GENERAL.—The Secretary shall estab-  
8 lish an automated management information system  
9 for the Service.

10 “(2) REQUIREMENTS OF SYSTEM.—The infor-  
11 mation system established under paragraph (1) shall  
12 include—

13 “(A) a financial management system;

14 “(B) a patient care information system for  
15 each area served by the Service;

16 “(C) a privacy component that protects the  
17 privacy of patient information held by, or on be-  
18 half of, the Service;

19 “(D) a services-based cost accounting com-  
20 ponent that provides estimates of the costs as-  
21 sociated with the provision of specific medical  
22 treatments or services in each Area office of the  
23 Service;

24 “(E) an interface mechanism for patient  
25 billing and accounts receivable system; and



1                   “(F) a training component.

2           “(b) PROVISION OF SYSTEMS TO TRIBES AND ORGA-  
3 NIZATIONS.—The Secretary shall provide each Tribal  
4 Health Program automated management information sys-  
5 tems which—

6                   “(1) meet the management information needs  
7 of such Tribal Health Program with respect to the  
8 treatment by the Tribal Health Program of patients  
9 of the Service; and

10                   “(2) meet the management information needs  
11 of the Service.

12           “(c) ACCESS TO RECORDS.—Notwithstanding any  
13 other provision of law, each patient shall have reasonable  
14 access to the medical or health records of such patient  
15 which are held by, or on behalf of, the Service.

16           “(d) AUTHORITY TO ENHANCE INFORMATION TECH-  
17 NOLOGY.—The Secretary, acting through the Assistant  
18 Secretary, shall have the authority to enter into contracts,  
19 agreements, or joint ventures with other Federal agencies,  
20 States, private and nonprofit organizations, for the pur-  
21 pose of enhancing information technology in Indian health  
22 programs and facilities.

1 **“SEC. 603. AUTHORIZATION OF APPROPRIATIONS.**

2 “There is authorized to be appropriated such sums  
3 as may be necessary for each fiscal year through fiscal  
4 year 2015 to carry out this title.

5 **“TITLE VII—BEHAVIORAL**  
6 **HEALTH PROGRAMS**

7 **“SEC. 701. BEHAVIORAL HEALTH PREVENTION AND TREAT-**  
8 **MENT SERVICES.**

9 “(a) PURPOSES.—The purposes of this section are as  
10 follows:

11 “(1) To authorize and direct the Secretary, act-  
12 ing through the Service, Indian Tribes, Tribal Orga-  
13 nizations, and Urban Indian Organizations, to de-  
14 velop a comprehensive behavioral health prevention  
15 and treatment program which emphasizes collabora-  
16 tion among alcohol and substance abuse, social serv-  
17 ices, and mental health programs.

18 “(2) To provide information, direction, and  
19 guidance relating to mental illness and dysfunction  
20 and self-destructive behavior, including child abuse  
21 and family violence, to those Federal, tribal, State,  
22 and local agencies responsible for programs in In-  
23 dian communities in areas of health care, education,  
24 social services, child and family welfare, alcohol and  
25 substance abuse, law enforcement, and judicial serv-  
26 ices.

1           “(3) To assist Indian Tribes to identify services  
2           and resources available to address mental illness and  
3           dysfunctional and self-destructive behavior.

4           “(4) To provide authority and opportunities for  
5           Indian Tribes and Tribal Organizations to develop,  
6           implement, and coordinate with community-based  
7           programs which include identification, prevention,  
8           education, referral, and treatment services, including  
9           through multidisciplinary resource teams.

10          “(5) To ensure that Indians, as citizens of the  
11          United States and of the States in which they re-  
12          side, have the same access to behavioral health serv-  
13          ices to which all citizens have access.

14          “(6) To modify or supplement existing pro-  
15          grams and authorities in the areas identified in  
16          paragraph (2).

17          “(b) PLANS.—

18                 “(1) DEVELOPMENT.—The Secretary, acting  
19                 through the Service, Indian Tribes, Tribal Organiza-  
20                 tions, and Urban Indian Organizations, shall encour-  
21                 age Indian Tribes and Tribal Organizations to de-  
22                 velop tribal plans, and Urban Indian Organizations  
23                 to develop local plans, and for all such groups to  
24                 participate in developing areawide plans for Indian

1 Behavioral Health Services. The plans shall include,  
2 to the extent feasible, the following components:

3 “(A) An assessment of the scope of alcohol  
4 or other substance abuse, mental illness, and  
5 dysfunctional and self-destructive behavior, in-  
6 cluding suicide, child abuse, and family vio-  
7 lence, among Indians, including—

8 “(i) the number of Indians served who  
9 are directly or indirectly affected by such  
10 illness or behavior; or

11 “(ii) an estimate of the financial and  
12 human cost attributable to such illness or  
13 behavior.

14 “(B) An assessment of the existing and  
15 additional resources necessary for the preven-  
16 tion and treatment of such illness and behavior,  
17 including an assessment of the progress toward  
18 achieving the availability of the full continuum  
19 of care described in subsection (c).

20 “(C) An estimate of the additional funding  
21 needed by the Service, Indian Tribes, Tribal  
22 Organizations, and Urban Indian Organizations  
23 to meet their responsibilities under the plans.

24 “(2) NATIONAL CLEARINGHOUSE.—The Sec-  
25 retary, acting through the Service, shall establish a

1 national clearinghouse of plans and reports on the  
2 outcomes of such plans developed by Indian Tribes,  
3 Tribal Organizations, Urban Indian Organizations,  
4 and Service Areas relating to behavioral health. The  
5 Secretary shall ensure access to these plans and out-  
6 comes by any Indian Tribe, Tribal Organization,  
7 Urban Indian Organization, or the Service.

8 “(3) TECHNICAL ASSISTANCE.—The Secretary  
9 shall provide technical assistance to Indian Tribes,  
10 Tribal Organizations, and Urban Indian Organiza-  
11 tions in preparation of plans under this section and  
12 in developing standards of care that may be used  
13 and adopted locally.

14 “(c) PROGRAMS.—The Secretary, acting through the  
15 Service, Indian Tribes, and Tribal Organizations, shall  
16 provide, to the extent feasible and if funding is available,  
17 programs including the following:

18 “(1) COMPREHENSIVE CARE.—A comprehensive  
19 continuum of behavioral health care which pro-  
20 vides—

21 “(A) community-based prevention, inter-  
22 vention, outpatient, and behavioral health  
23 aftercare;

24 “(B) detoxification (social and medical);

25 “(C) acute hospitalization;

1 “(D) intensive outpatient/day treatment;

2 “(E) residential treatment;

3 “(F) transitional living for those needing a  
4 temporary, stable living environment that is  
5 supportive of treatment and recovery goals;

6 “(G) emergency shelter;

7 “(H) intensive case management; and

8 “(I) diagnostic services.

9 “(2) CHILD CARE.—Behavioral health services  
10 for Indians from birth through age 17, including—

11 “(A) preschool and school age fetal alcohol  
12 disorder services, including assessment and be-  
13 havioral intervention;

14 “(B) mental health and substance abuse  
15 services (emotional, organic, alcohol, drug, in-  
16 halant, and tobacco);

17 “(C) identification and treatment of co-oc-  
18 ccurring disorders and comorbidity;

19 “(D) prevention of alcohol, drug, inhalant,  
20 and tobacco use;

21 “(E) early intervention, treatment, and  
22 aftercare;

23 “(F) promotion of healthy approaches to  
24 risk and safety issues; and

1           “(G) identification and treatment of ne-  
2           glect and physical, mental, and sexual abuse.

3           “(3) ADULT CARE.—Behavioral health services  
4           for Indians from age 18 through 55, including—

5           “(A) early intervention, treatment, and  
6           aftercare;

7           “(B) mental health and substance abuse  
8           services (emotional, alcohol, drug, inhalant, and  
9           tobacco), including sex specific services;

10          “(C) identification and treatment of co-oc-  
11          curring disorders (dual diagnosis) and comor-  
12          bidity;

13          “(D) promotion of healthy approaches for  
14          risk-related behavior;

15          “(E) treatment services for women at risk  
16          of giving birth to a child with a fetal alcohol  
17          disorder; and

18          “(F) sex specific treatment for sexual as-  
19          sault and domestic violence.

20          “(4) FAMILY CARE.—Behavioral health services  
21          for families, including—

22          “(A) early intervention, treatment, and  
23          aftercare for affected families;

24          “(B) treatment for sexual assault and do-  
25          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 sault, 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) CONSULTATION.—The Secretary, acting through  
8 the Service, and the Secretary of the Interior shall, in de-  
9 veloping the memoranda of agreement under subsection  
10 (a), consult with and solicit the comments from—

11 “(1) Indian Tribes and Tribal Organizations;

12 “(2) Indians;

13 “(3) Urban Indian Organizations and other In-  
14 dian organizations; and

15 “(4) behavioral health service providers.

16 “(d) PUBLICATION.—Each memorandum of agree-  
17 ment entered into or renewed (and amendments or modi-  
18 fications thereto) under subsection (a) shall be published  
19 in the Federal Register. At the same time as publication  
20 in the Federal Register, the Secretary shall provide a copy  
21 of such memoranda, amendment, or modification to each  
22 Indian Tribe, Tribal Organization, and Urban Indian Or-  
23 ganization.

1 **“SEC. 703. COMPREHENSIVE BEHAVIORAL HEALTH PRE-**  
2 **VENTION AND TREATMENT PROGRAM.**

3 “(a) ESTABLISHMENT.—

4 “(1) IN GENERAL.—The Secretary, acting  
5 through the Service, Indian Tribes, and Tribal Orga-  
6 nizations, shall provide a program of comprehensive  
7 behavioral health prevention, treatment, aftercare,  
8 Systems of Care, which shall include—

9 “(A) prevention, through educational inter-  
10 vention, in Indian communities;

11 “(B) acute detoxification, psychiatric hos-  
12 pitalization, residential, and intensive outpatient  
13 treatment;

14 “(C) community-based rehabilitation and  
15 aftercare;

16 “(D) community education and involve-  
17 ment, including extensive training of health  
18 care, educational, and community-based per-  
19 sonnel;

20 “(E) specialized residential treatment pro-  
21 grams for high-risk populations, including preg-  
22 nant and postpartum women and their children;  
23 and

24 “(F) diagnostic services.

25 “(2) TARGET POPULATIONS.—The target popu-  
26 lation of such programs shall be members of Indian

1 Tribes. Efforts to train and educate key members of  
2 the Indian community shall also target employees of  
3 health, education, judicial, law enforcement, legal,  
4 and social service programs.

5 “(b) CONTRACT HEALTH SERVICES.—

6 “(1) IN GENERAL.—The Secretary, acting  
7 through the Service, Indian Tribes, and Tribal Orga-  
8 nizations, may enter into contracts with public or  
9 private providers of behavioral health treatment  
10 services for the purpose of carrying out the program  
11 required under subsection (a).

12 “(2) PROVISION OF ASSISTANCE.—In carrying  
13 out this subsection, the Secretary shall provide as-  
14 sistance to Indian Tribes and Tribal Organizations  
15 to develop criteria for the certification of behavioral  
16 health service providers and accreditation of service  
17 facilities which meet minimum standards for such  
18 services and facilities.

19 **“SEC. 704. MENTAL HEALTH TECHNICIAN PROGRAM.**

20 “(a) IN GENERAL.—Under the authority of the Act  
21 of November 2, 1921 (25 U.S.C. 13) (commonly known  
22 as the ‘Snyder Act’), the Secretary shall establish and  
23 maintain a mental health technician program within the  
24 Service which—



1           “(1) provides for the training of Indians as  
2           mental health technicians; and

3           “(2) employs such technicians in the provision  
4           of community-based mental health care that includes  
5           identification, prevention, education, referral, and  
6           treatment services.

7           “(b) PARAPROFESSIONAL TRAINING.—In carrying  
8           out subsection (a), the Secretary, acting through the Serv-  
9           ice, Indian Tribes, and Tribal Organizations, shall provide  
10          high-standard paraprofessional training in mental health  
11          care necessary to provide quality care to the Indian com-  
12          munities to be served. Such training shall be based upon  
13          a curriculum developed or approved by the Secretary  
14          which combines education in the theory of mental health  
15          care with supervised practical experience in the provision  
16          of such care.

17          “(c) SUPERVISION AND EVALUATION OF TECHNI-  
18          CIANS.—The Secretary, acting through the Service, Indian  
19          Tribes, and Tribal Organizations, shall supervise and  
20          evaluate the mental health technicians in the training pro-  
21          gram.

22          “(d) TRADITIONAL HEALTH CARE PRACTICES.—The  
23          Secretary, acting through the Service, shall ensure that  
24          the program established pursuant to this subsection in-  
25          volves the use and promotion of the traditional Indian

1 health care and treatment practices of the Indian Tribes  
2 to be served.

3 **“SEC. 705. LICENSING REQUIREMENT FOR MENTAL**  
4 **HEALTH CARE WORKERS.**

5 “Subject to the provisions of section 221, any person  
6 employed as a psychologist, social worker, or marriage and  
7 family therapist for the purpose of providing mental health  
8 care services to Indians in a clinical setting under this Act  
9 is required to be licensed as a clinical psychologist, social  
10 worker, or marriage and family therapist, respectively, or  
11 working under the direct supervision of a licensed clinical  
12 psychologist, social worker, or marriage and family thera-  
13 pist, respectively.

14 **“SEC. 706. INDIAN WOMEN TREATMENT PROGRAMS.**

15 “(a) GRANTS.—The Secretary, consistent with sec-  
16 tion 701, may make grants to Indian Tribes, Tribal Orga-  
17 nizations, and Urban Indian Organizations to develop and  
18 implement a comprehensive behavioral health program of  
19 prevention, intervention, treatment, and relapse preven-  
20 tion services that specifically addresses the spiritual, cul-  
21 tural, historical, social, and child care needs of Indian  
22 women, regardless of age.

23 “(b) USE OF GRANT FUNDS.—A grant made pursu-  
24 ant to this section may be used to—

1           “(1) develop and provide community training,  
2           education, and prevention programs for Indian  
3           women relating to behavioral health issues, including  
4           fetal alcohol disorders;

5           “(2) identify and provide psychological services,  
6           counseling, advocacy, support, and relapse preven-  
7           tion to Indian women and their families; and

8           “(3) develop prevention and intervention models  
9           for Indian women which incorporate traditional heal-  
10          ers, cultural values, and community and family in-  
11          volvement.

12          “(c) CRITERIA.—The Secretary, in consultation with  
13          Indian Tribes and Tribal Organizations, shall establish  
14          criteria for the review and approval of applications and  
15          proposals for funding under this section.

16          “(d) EARMARK OF CERTAIN FUNDS.—Twenty per-  
17          cent of the funds appropriated pursuant to this section  
18          shall be used to make grants to Urban Indian Organiza-  
19          tions.

20          **“SEC. 707. INDIAN YOUTH PROGRAM.**

21          “(a) DETOXIFICATION AND REHABILITATION.—The  
22          Secretary, acting through the Service, consistent with sec-  
23          tion 701, shall develop and implement a program for acute  
24          detoxification and treatment for Indian youths, including  
25          behavioral health services. The program shall include re-

1 gional treatment centers designed to include detoxification  
2 and rehabilitation for both sexes on a referral basis and  
3 programs developed and implemented by Indian Tribes or  
4 Tribal Organizations at the local level under the Indian  
5 Self-Determination and Education Assistance Act (25  
6 U.S.C. 450 et seq.). Regional centers shall be integrated  
7 with the intake and rehabilitation programs based in the  
8 referring Indian community.

9 “(b) ALCOHOL AND SUBSTANCE ABUSE TREATMENT  
10 CENTERS OR FACILITIES.—

11 “(1) ESTABLISHMENT.—

12 “(A) IN GENERAL.—The Secretary, acting  
13 through the Service, Indian Tribes, and Tribal  
14 Organizations, shall construct, renovate, or, as  
15 necessary, purchase, and appropriately staff  
16 and operate, at least 1 youth regional treatment  
17 center or treatment network in each area under  
18 the jurisdiction of an Area Office.

19 “(B) AREA OFFICE IN CALIFORNIA.—For  
20 the purposes of this subsection, the Area Office  
21 in California shall be considered to be 2 Area  
22 Offices, 1 office whose jurisdiction shall be con-  
23 sidered to encompass the northern area of the  
24 State of California, and 1 office whose jurisdic-  
25 tion shall be considered to encompass the re-

1           mainder of the State of California for the pur-  
2           pose of implementing California treatment net-  
3           works.

4           “(2) FUNDING.—For the purpose of staffing  
5           and operating such centers or facilities, funding  
6           shall be pursuant to the Act of November 2, 1921  
7           (25 U.S.C. 13).

8           “(3) LOCATION.—A youth treatment center  
9           constructed or purchased under this subsection shall  
10          be constructed or purchased at a location within the  
11          area described in paragraph (1) agreed upon (by ap-  
12          propriate tribal resolution) by a majority of the In-  
13          dian Tribes to be served by such center.

14          “(4) SPECIFIC PROVISION OF FUNDS.—

15                 “(A) IN GENERAL.—Notwithstanding any  
16                 other provision of this title, the Secretary may,  
17                 from amounts authorized to be appropriated for  
18                 the purposes of carrying out this section, make  
19                 funds available to—

20                         “(i) the Tanana Chiefs Conference,  
21                         Incorporated, for the purpose of leasing,  
22                         constructing, renovating, operating, and  
23                         maintaining a residential youth treatment  
24                         facility in Fairbanks, Alaska; and

1           “(ii) the Southeast Alaska Regional  
2           Health Corporation to staff and operate a  
3           residential youth treatment facility without  
4           regard to the proviso set forth in section  
5           4(l) of the Indian Self-Determination and  
6           Education Assistance Act (25 U.S.C.  
7           450b(l)).

8           “(B) PROVISION OF SERVICES TO ELIGI-  
9           BLE YOUTHS.—Until additional residential  
10          youth treatment facilities are established in  
11          Alaska pursuant to this section, the facilities  
12          specified in subparagraph (A) shall make every  
13          effort to provide services to all eligible Indian  
14          youths residing in Alaska.

15          “(c) INTERMEDIATE ADOLESCENT BEHAVIORAL  
16          HEALTH SERVICES.—

17                 “(1) IN GENERAL.—The Secretary, acting  
18                 through the Service, Indian Tribes, and Tribal Orga-  
19                 nizations, may provide intermediate behavioral  
20                 health services to Indian children and adolescents,  
21                 including—

22                         “(A) pretreatment assistance;

23                         “(B) inpatient, outpatient, and aftercare  
24                         services;

25                         “(C) emergency care;

1           “(D) suicide prevention and crisis interven-  
2           tion; and

3           “(E) prevention and treatment of mental  
4           illness and dysfunctional and self-destructive  
5           behavior, including child abuse and family vio-  
6           lence.

7           “(2) USE OF FUNDS.—Funds provided under  
8           this subsection may be used—

9           “(A) to construct or renovate an existing  
10          health facility to provide intermediate behav-  
11          ioral health services;

12          “(B) to hire behavioral health profes-  
13          sionals;

14          “(C) to staff, operate, and maintain an in-  
15          termediate mental health facility, group home,  
16          sober housing, transitional housing or similar  
17          facilities, or youth shelter where intermediate  
18          behavioral health services are being provided;

19          “(D) to make renovations and hire appro-  
20          priate staff to convert existing hospital beds  
21          into adolescent psychiatric units; and

22          “(E) for intensive home- and community-  
23          based services, including collaborative Systems  
24          of Care.

1           “(3) CRITERIA.—The Secretary, acting through  
2           the Service, shall, in consultation with Indian Tribes  
3           and Tribal Organizations, establish criteria for the  
4           review and approval of applications or proposals for  
5           funding made available pursuant to this subsection.

6           “(d) FEDERALLY OWNED STRUCTURES.—

7           “(1) IN GENERAL.—The Secretary, in consulta-  
8           tion with Indian Tribes and Tribal Organizations,  
9           shall—

10                   “(A) identify and use, where appropriate,  
11                   federally owned structures suitable for local res-  
12                   idential or regional behavioral health treatment  
13                   for Indian youths; and

14                   “(B) establish guidelines, in consultation  
15                   with Indian Tribes and Tribal Organizations,  
16                   for determining the suitability of any such fed-  
17                   erally owned structure to be used for local resi-  
18                   dential or regional behavioral health treatment  
19                   for Indian youths.

20           “(2) TERMS AND CONDITIONS FOR USE OF  
21           STRUCTURE.—Any structure described in paragraph  
22           (1) may be used under such terms and conditions as  
23           may be agreed upon by the Secretary and the agency  
24           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) SYSTEMS OF CARE.—

21               “(1) PURPOSE AND AUTHORIZATION.—The pur-  
22 pose of this section is to authorize the Secretary to  
23 carry out a grant program to expand the oppor-  
24 tunity for Tribes, Tribal Organizations, and Urban  
25 Indian Organizations to plan and implement Sys-

1       tems of Care programs that make Indian families  
2       and communities partners in the development of be-  
3       havioral health services that address suicide preven-  
4       tion and other behavioral health needs of Indian  
5       children, youth, and families.

6               “(2) ELIGIBILITY FOR GRANTS.—Tribes, Tribal  
7       Organizations, and Urban Indian Organizations that  
8       provide behavioral health services are eligible to re-  
9       ceive a grant under this section.

10              “(3) GRANT PERIOD.—Grants awarded under  
11       this section shall each be for a period of three years.

12              “(4) TECHNICAL ASSISTANCE.—The Secretary  
13       may use up to 10 percent of the funds available for  
14       grants to provide technical assistance to grantees,  
15       directly or through contracts

16              “(5) AUTHORIZATION OF APPROPRIATIONS.—  
17       There is authorized to be appropriated to carry out  
18       this section \$2,500,000 for each of fiscal years 2007  
19       through 2010.

20              “(i) 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 other behav-  
9           ioral problems through the Service and Tribal  
10          Health Programs, reported separately for on- and  
11          off-reservation facilities; and

12          “(5) the costs of the services described in para-  
13          graph (4).

14          “(6) For the purposes of this subsection,  
15          “youth” shall include individuals under 21 years of  
16          age.

17 **“SEC. 708. INDIAN YOUTH TELEMENTAL HEALTH DEM-**  
18 **ONSTRATION PROJECT.**

19          “(a) PURPOSE.—The purpose of this section is to au-  
20          thorize the Secretary to carry out a demonstration project  
21          to test the use of telemental health services in suicide pre-  
22          vention, intervention and treatment of Indian youth, in-  
23          cluding through—

24                 “(1) the use of psychotherapy, psychiatric as-  
25                 sessments, diagnostic interviews, therapies for men-

1 tal health conditions predisposing to suicide, and al-  
2cohol and substance abuse treatment;

3 “(2) the provision of clinical expertise to, con-  
4sultation services with, and medical advice and train-  
5ing for frontline health care providers working with  
6 Indian youth;

7 “(3) training and related support for commu-  
8nity leaders, family members and health and edu-  
9cation workers who work with Indian youth;

10 “(4) the development of culturally-relevant edu-  
11cational materials on suicide; and

12 “(5) data collection and reporting.

13 “(b) DEFINITIONS.—For the purpose of this section,  
14 the following definitions shall apply:

15 “(1) DEMONSTRATION PROJECT.—The term  
16 ‘demonstration project’ means the Indian youth tele-  
17 mental health demonstration project authorized  
18 under subsection (c).

19 “(2) TELEMENTAL HEALTH.—The term ‘tele-  
20 mental health’ means the use of electronic informa-  
21 tion and telecommunications technologies to support  
22 long distance mental health care, patient and profes-  
23 sional-related education, public health, and health  
24 administration.

25 “(c) AUTHORIZATION.—

1           “(1) IN GENERAL.—The Secretary is authorized  
2           to award grants under the demonstration project for  
3           the provision of telemental health services to Indian  
4           youth who—

5                   “(A) have expressed suicidal ideas;

6                   “(B) have attempted suicide; or

7                   “(C) have mental health conditions that in-  
8           crease or could increase the risk of suicide.

9           “(2) ELIGIBILITY FOR GRANTS.—Such grants  
10          shall be awarded to Indian Tribes, Tribal Organiza-  
11          tions, and Urban Indian Organizations that operate  
12          1 or more facilities—

13                   “(A) located in Alaska and part of the  
14          Alaska Federal Health Care Access Network;

15                   “(B) reporting active clinical telehealth ca-  
16          pabilities; or

17                   “(C) offering school-based telemental  
18          health services relating to psychiatry to Indian  
19          youth.

20          “(3) GRANT PERIOD.—The Secretary shall  
21          award grants under this section for a period of up  
22          to 4 years.

23          “(4) AWARDING OF GRANTS.—Not more than 5  
24          grants shall be provided under paragraph (1), with  
25          priority consideration given to Indian Tribes, Tribal

1 Organizations, and Urban Indian Organizations  
2 that—

3 “(A) serve a particular community or geo-  
4 graphic area where there is a demonstrated  
5 need to address Indian youth suicide;

6 “(B) enter in to collaborative partnerships  
7 with Indian Health Service or other Tribal  
8 Health Programs or facilities to provide services  
9 under this demonstration project;

10 “(C) serve an isolated community or geo-  
11 graphic area which has limited or no access to  
12 behavioral health services; or

13 “(D) operate a detention facility at which  
14 youth are detained.

15 “(d) USE OF FUNDS.—An Indian Tribe, Tribal Orga-  
16 nization, or Urban Indian Organization shall use a grant  
17 received under subsection (c) for the following purposes:

18 “(1) To provide telemental health services to  
19 Indian youth, including the provision of—

20 “(A) psychotherapy;

21 “(B) psychiatric assessments and diag-  
22 nostic interviews, therapies for mental health  
23 conditions predisposing to suicide, and treat-  
24 ment; and

1           “(C) alcohol and substance abuse treat-  
2           ment.

3           “(2) To provide clinician-interactive medical ad-  
4           vice, guidance and training, assistance in diagnosis  
5           and interpretation, crisis counseling and interven-  
6           tion, and related assistance to Service, tribal, or  
7           urban clinicians and health services providers work-  
8           ing with youth being served under this demonstra-  
9           tion project.

10          “(3) To assist, educate and train community  
11          leaders, health education professionals and para-  
12          professionals, tribal outreach workers, and family  
13          members who work with the youth receiving tele-  
14          mental health services under this demonstration  
15          project, including with identification of suicidal ten-  
16          dencies, crisis intervention and suicide prevention,  
17          emergency skill development, and building and ex-  
18          panding networks among these individuals and with  
19          State and local health services providers.

20          “(4) To develop and distribute culturally appro-  
21          priate community educational materials on—

22                 “(A) suicide prevention;

23                 “(B) suicide education;

24                 “(C) suicide screening;

25                 “(D) suicide intervention; and



1           “(E) ways to mobilize communities with  
2           respect to the identification of risk factors for  
3           suicide.

4           “(5) For data collection and reporting related  
5           to Indian youth suicide prevention efforts.

6           “(e) APPLICATIONS.—To be eligible to receive a grant  
7           under subsection (c), an Indian Tribe, Tribal Organiza-  
8           tion, or Urban Indian Organization shall prepare and sub-  
9           mit to the Secretary an application, at such time, in such  
10          manner, and containing such information as the Secretary  
11          may require, including—

12           “(1) a description of the project that the Indian  
13           Tribe, Tribal Organization, or Urban Indian Organi-  
14           zation will carry out using the funds provided under  
15           the grant;

16           “(2) a description of the manner in which the  
17           project funded under the grant would—

18           “(A) meet the telemental health care needs  
19           of the Indian youth population to be served by  
20           the project; or

21           “(B) improve the access of the Indian  
22           youth population to be served to suicide preven-  
23           tion and treatment services;

24           “(3) evidence of support for the project from  
25           the local community to be served by the project;

1           “(4) a description of how the families and lead-  
2           ership of the communities or populations to be  
3           served by the project would be involved in the devel-  
4           opment and ongoing operations of the project;

5           “(5) a plan to involve the tribal community of  
6           the youth who are provided services by the project  
7           in planning and evaluating the mental health care  
8           and suicide prevention efforts provided, in order to  
9           ensure the integration of community, clinical, envi-  
10          ronmental, and cultural components of the treat-  
11          ment; and

12          “(6) a plan for sustaining the project after Fed-  
13          eral assistance for the demonstration project has ter-  
14          minated.

15          “(f) TRADITIONAL HEALTH CARE PRACTICES.—The  
16          Secretary, acting through the Service, shall ensure that  
17          the demonstration project established pursuant to this sec-  
18          tion involves the use and promotion of the traditional In-  
19          dian health care and treatment practices of the Indian  
20          Tribes of the youth to be served.

21          “(g) COLLABORATION; REPORTING TO NATIONAL  
22          CLEARINGHOUSE.—

23                 “(1) COLLABORATION.—The Secretary, acting  
24                 through the Service, shall encourage Indian Tribes,  
25                 Tribal Organizations, and Urban Indian Organiza-

1 tions receiving grants under this section to collabo-  
2 rate to enable comparisons about best practices  
3 across projects.

4 “(2) REPORTING TO NATIONAL CLEARING-  
5 HOUSE.—The Secretary, acting through the Service,  
6 shall also encourage Indian Tribes, Tribal Organiza-  
7 tions, and Urban Indian Organizations receiving  
8 grants under this section to submit relevant, declas-  
9 sified project information to the national clearing-  
10 house authorized under section 701(b)(2) in order to  
11 better facilitate program performance and improve  
12 suicide prevention, intervention, and treatment serv-  
13 ices.

14 “(h) ANNUAL REPORT.—Each grant recipient shall  
15 submit to the Secretary an annual report that—

16 “(1) describes the number of telemental health  
17 services provided; and

18 “(2) includes any other information that the  
19 Secretary may require.

20 “(i) REPORT TO CONGRESS.—Not later than 270  
21 days after the termination of the demonstration project,  
22 the Secretary shall submit to the Committee on Indian Af-  
23 fairs of the Senate and the Committee on Resources and  
24 Committee on Energy and Commerce of the House of

1 Representatives a final report, based on the annual reports  
2 provided by grant recipients under subsection (h), that—

3 “(1) describes the results of the projects funded  
4 by grants awarded under this section, including any  
5 data available which indicates the number of at-  
6 tempted suicides; and

7 “(2) evaluates the impact of the telemental  
8 health services funded by the grants in reducing the  
9 number of completed suicides among Indian youth.

10 “(j) AUTHORIZATION OF APPROPRIATIONS.—There  
11 is authorized to be appropriated to carry out this section  
12 \$1,500,000 for each of fiscal years 2006 through 2009.

13 **“SEC. 709. INPATIENT AND COMMUNITY-BASED MENTAL**  
14 **HEALTH FACILITIES DESIGN, CONSTRU-**  
15 **CTION, AND STAFFING.**

16 “Not later than 1 year after the date of enactment  
17 of the Indian Health Care Improvement Act Amendments  
18 of 2006, the Secretary, acting through the Service, Indian  
19 Tribes, and Tribal Organizations, may provide, in each  
20 area of the Service, not less than 1 inpatient mental health  
21 care facility, or the equivalent, for Indians with behavioral  
22 health problems. For the purposes of this subsection, Cali-  
23 fornia shall be considered to be 2 Area Offices, 1 office  
24 whose location shall be considered to encompass the north-  
25 ern area of the State of California and 1 office whose ju-

1 jurisdiction shall be considered to encompass the remainder  
2 of the State of California. The Secretary shall consider  
3 the possible conversion of existing, underused Service hos-  
4 pital beds into psychiatric units to meet such need.

5 **“SEC. 710. TRAINING AND COMMUNITY EDUCATION.**

6       “(a) PROGRAM.—The Secretary, in cooperation with  
7 the Secretary of the Interior, shall develop and implement  
8 or provide funding for Indian Tribes and Tribal Organiza-  
9 tions to develop and implement, within each Service Unit  
10 or tribal program, a program of community education and  
11 involvement which shall be designed to provide concise and  
12 timely information to the community leadership of each  
13 tribal community. Such program shall include education  
14 about behavioral health issues to political leaders, Tribal  
15 judges, law enforcement personnel, members of tribal  
16 health and education boards, health care providers and  
17 other critical members of each tribal community. Commu-  
18 nity-based training (oriented toward local capacity devel-  
19 opment) shall also include tribal community provider  
20 training (designed for adult learners from the commu-  
21 nities receiving services for prevention, intervention, treat-  
22 ment, and aftercare).

23       “(b) INSTRUCTION.—The Secretary, acting through  
24 the Service, shall, either directly or through Indian Tribes  
25 and Tribal Organizations, provide instruction in the area

1 of behavioral health issues, including instruction in crisis  
2 intervention and family relations in the context of alcohol  
3 and substance abuse, child sexual abuse, youth alcohol and  
4 substance abuse, and the causes and effects of fetal alco-  
5 hol disorders to appropriate employees of the Bureau of  
6 Indian Affairs and the Service, and to personnel in schools  
7 or programs operated under any contract with the Bureau  
8 of Indian Affairs or the Service, including supervisors of  
9 emergency shelters and halfway houses described in sec-  
10 tion 4213 of the Indian Alcohol and Substance Abuse Pre-  
11 vention and Treatment Act of 1986 (25 U.S.C. 2433).

12       “(c) TRAINING MODELS.—In carrying out the edu-  
13 cation and training programs required by this section, the  
14 Secretary, in consultation with Indian Tribes, Tribal Or-  
15 ganizations, Indian behavioral health experts, and Indian  
16 alcohol and substance abuse prevention experts, shall de-  
17 velop and provide community-based training models. Such  
18 models shall address—

19               “(1) the elevated risk of alcohol and behavioral  
20 health problems faced by children of alcoholics;

21               “(2) the cultural, spiritual, and  
22 multigenerational aspects of behavioral health prob-  
23 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) FUNDING; CRITERIA.—The Secretary may  
11 award such funding for a project under subsection (a) to  
12 an Indian Tribe or Tribal Organization and may consider  
13 the following 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 Indian healing and  
25 treatment 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.**—Funding provided pursu-  
18           ant to this section shall be used for the following:

19           “(A) To develop and provide for Indians  
20           community and in school training, education,  
21           and prevention programs relating to fetal alco-  
22           hol disorders.

23           “(B) To identify and provide behavioral  
24           health treatment to high-risk Indian women



1 and high-risk women pregnant with an Indian's  
2 child.

3 “(C) To identify and provide appropriate  
4 psychological services, educational and voca-  
5 tional support, counseling, advocacy, and infor-  
6 mation to fetal alcohol disorder affected Indians  
7 and their families or caretakers.

8 “(D) To develop and implement counseling  
9 and support programs in schools for fetal alco-  
10 hol disorder affected Indian children.

11 “(E) To develop prevention and interven-  
12 tion models which incorporate traditional heal-  
13 ers, cultural and spiritual values, and commu-  
14 nity involvement.

15 “(F) To develop, print, and disseminate  
16 education and prevention materials on fetal al-  
17 cohol disorder.

18 “(G) To develop and implement, in con-  
19 sultation with Indian Tribes, Tribal Organiza-  
20 tions, and Urban Indian Organizations, cul-  
21 turally sensitive assessment and diagnostic tools  
22 including dysmorphology clinics and multidisci-  
23 plinary fetal alcohol disorder clinics for use in  
24 Indian communities and Urban Centers.

1           “(H) To develop early childhood interven-  
2           tion projects from birth on to mitigate the ef-  
3           fects of fetal alcohol disorder among Indians.

4           “(I) To develop—

5                   “(i) community-based support services  
6                   for Indians and women pregnant with In-  
7                   dian children; and

8                   “(ii) to the extent funding is available,  
9                   community-based housing for adult Indians  
10                  with fetal alcohol disorder.

11           “(3) CRITERIA FOR APPLICATIONS.—The Sec-  
12           retary shall establish criteria for the review and ap-  
13           proval of applications for funding under this section.

14           “(b) SERVICES.—The Secretary, acting through the  
15           Service and Indian Tribes, Tribal Organizations, and  
16           Urban Indian Organizations, shall—

17                   “(1) develop and provide services for the pre-  
18                   vention, intervention, treatment, and aftercare for  
19                   those affected by fetal alcohol disorder in Indian  
20                   communities; and

21                   “(2) provide supportive services, including serv-  
22                   ices to meet the special educational, vocational,  
23                   school-to-work transition, and independent living  
24                   needs of adolescent and adult Indians with fetal al-  
25                   cohol disorder.

1           “(c) TASK FORCE.—The Secretary shall establish a  
2 task force to be known as the Fetal Alcohol Disorder Task  
3 Force to advise the Secretary in carrying out subsection  
4 (b). Such task force shall be composed of representatives  
5 from the following:

6           “(1) The National Institute on Drug Abuse.

7           “(2) The National Institute on Alcohol and Al-  
8           coholism.

9           “(3) The Office of Substance Abuse Prevention.

10          “(4) The National Institute of Mental Health.

11          “(5) The Service.

12          “(6) The Office of Minority Health of the De-  
13           partment of Health and Human Services.

14          “(7) The Administration for Native Americans.

15          “(8) The National Institute of Child Health  
16           and Human Development (NICHD).

17          “(9) The Centers for Disease Control and Pre-  
18           vention.

19          “(10) The Bureau of Indian Affairs.

20          “(11) Indian Tribes.

21          “(12) Tribal Organizations.

22          “(13) Urban Indian Organizations.

23          “(14) Indian fetal alcohol disorder experts.

24          “(d) APPLIED RESEARCH PROJECTS.—The Sec-  
25           retary, acting through the Substance Abuse and Mental

1 Health Services Administration, shall make grants to In-  
2 dian Tribes, Tribal Organizations, and Urban Indian Or-  
3 ganizations for applied research projects which propose to  
4 elevate the understanding of methods to prevent, inter-  
5 vene, treat, or provide rehabilitation and behavioral health  
6 aftercare for Indians and Urban Indians affected by fetal  
7 alcohol disorder.

8 “(e) FUNDING FOR URBAN INDIAN ORGANIZA-  
9 TIONS.—Ten percent of the funds appropriated pursuant  
10 to this section shall be used to make grants to Urban In-  
11 dian Organizations funded under title V.

12 **“SEC. 713. CHILD SEXUAL ABUSE AND PREVENTION TREAT-**  
13 **MENT PROGRAMS.**

14 “(a) ESTABLISHMENT.—The Secretary, acting  
15 through the Service, and the Secretary of the Interior, In-  
16 dian Tribes, and Tribal Organizations, shall establish,  
17 consistent with section 701, in every Service Area, pro-  
18 grams involving treatment for—

19 “(1) victims of sexual abuse who are Indian  
20 children or children in an Indian household; and

21 “(2) perpetrators of child sexual abuse who are  
22 Indian or members of an Indian household.

23 “(b) USE OF FUNDS.—Funding provided pursuant to  
24 this section shall be used for the following:

1           “(1) To develop and provide community edu-  
2           cation and prevention programs related to sexual  
3           abuse of Indian children or children in an Indian  
4           household.

5           “(2) To identify and provide behavioral health  
6           treatment to victims of sexual abuse who are Indian  
7           children or children in an Indian household, and to  
8           their family members who are affected by sexual  
9           abuse.

10          “(3) To develop prevention and intervention  
11          models which incorporate cultural and spiritual val-  
12          ues and community involvement.

13          “(4) To develop and implement, in consultation  
14          with Indian Tribes, Tribal Organizations, and Urban  
15          Indian Organizations, culturally sensitive assessment  
16          and diagnostic tools for use in Indian communities  
17          and Urban Centers.

18          “(5) To identify and provide behavioral health  
19          treatment to Indian perpetrators and perpetrators  
20          who are members of an Indian household—

21                 “(A) making efforts to begin offender and  
22                 behavioral health treatment while the pepe-  
23                 trator is incarcerated or at the earliest possible  
24                 date if the perpetrator is not incarcerated; and

1           “(B) providing treatment after the pepe-  
2           trator is released, until it is determined that the  
3           perpetrator is not a threat to children.

4 **“SEC. 714. BEHAVIORAL HEALTH RESEARCH.**

5           “The Secretary, in consultation with appropriate  
6 Federal agencies, shall make grants to, or enter into con-  
7 tracts with, Indian Tribes, Tribal Organizations, and  
8 Urban Indian Organizations or enter into contracts with,  
9 or make grants to appropriate institutions for, the conduct  
10 of research on the incidence and prevalence of behavioral  
11 health problems among Indians served by the Service, In-  
12 dian Tribes, or Tribal Organizations and among Indians  
13 in urban areas. Research priorities under this section shall  
14 include—

15           “(1) the multifactorial causes of Indian youth  
16 suicide, including—

17                   “(A) protective and risk factors and sci-  
18                   entific data that identifies those factors; and

19                   “(B) the effects of loss of cultural identity  
20                   and the development of scientific data on those  
21                   effects;

22           “(2) the interrelationship and interdependence  
23           of behavioral health problems with alcoholism and  
24           other substance abuse, suicide, homicides, other in-  
25           juries, and the incidence of family violence; and



1           “(3) BEHAVIORAL HEALTH AFTERCARE.—The  
2 term ‘behavioral health aftercare’ includes those ac-  
3 tivities and resources used to support recovery fol-  
4 lowing inpatient, residential, intensive substance  
5 abuse, or mental health outpatient or outpatient  
6 treatment. The purpose is to help prevent or deal  
7 with relapse by ensuring that by the time a client or  
8 patient is discharged from a level of care, such as  
9 outpatient treatment, an aftercare plan has been de-  
10 veloped with the client. An aftercare plan may use  
11 such resources as a community-based therapeutic  
12 group, transitional living facilities, a 12-step spon-  
13 sor, a local 12-step or other related support group,  
14 and other community-based providers (mental health  
15 professionals, community health aides, community  
16 health representatives, mental health technicians,  
17 ministers, etc.)

18           “(4) DUAL DIAGNOSIS.—The term ‘dual diag-  
19 nosis’ means coexisting substance abuse and mental  
20 illness conditions or diagnosis. Such clients are  
21 sometimes referred to as mentally ill chemical abus-  
22 ers (MICAs).

23           “(5) FETAL ALCOHOL DISORDERS.—The term  
24 ‘fetal alcohol disorders’ means fetal alcohol syn-



1 drome, partial fetal alcohol syndrome and alcohol re-  
2 lated neurodevelopmental disorder (ARND).

3 “(6) FETAL ALCOHOL SYNDROME OR FAS.—

4 The term ‘fetal alcohol syndrome’ or ‘FAS’ means a  
5 syndrome in which, with a history of maternal alco-  
6 hol consumption during pregnancy, the following cri-  
7 teria are met:

8 “(A) Central nervous system involvement  
9 such as developmental delay, intellectual deficit,  
10 microencephaly, or neurologic abnormalities.

11 “(B) Craniofacial abnormalities with at  
12 least 2 of the following: microphthalmia, short  
13 palpebral fissures, poorly developed philtrum,  
14 thin upper lip, flat nasal bridge, and short  
15 upturned nose.

16 “(C) Prenatal or postnatal growth delay.

17 “(7) PARTIAL FAS.—The term ‘partial FAS’  
18 means, with a history of maternal alcohol consump-  
19 tion during pregnancy, having most of the criteria of  
20 FAS, though not meeting a minimum of at least 2  
21 of the following: microphthalmia, short palpebral  
22 fissures, poorly developed philtrum, thin upper lip,  
23 flat nasal bridge, and short upturned nose.

24 “(8) REHABILITATION.—The term ‘rehabilita-  
25 tion’ means to restore the ability or capacity to en-

1 gage in usual and customary life activities through  
2 education and therapy.

3 “(9) SUBSTANCE ABUSE.—The term ‘substance  
4 abuse’ includes inhalant abuse.

5 “(10) SYSTEMS OF CARE.—The term ‘Systems  
6 of Care’ means a system for delivering services to  
7 children and their families that is child-centered,  
8 family-focused and family-driven, community-based,  
9 culturally competent, and responsive to the needs of  
10 the children and families being served. The System  
11 of Care values prevention and early identification,  
12 smooth transitions for children and families, child  
13 and family participation and advocacy, comprehen-  
14 sive array of services, individualized service plan-  
15 ning, services in the least restrictive environment,  
16 and integrated services with coordinated planning  
17 across the child-serving systems.

18 **“SEC. 716. 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 2015 to carry out the provisions of this title.

22 **“TITLE VIII—MISCELLANEOUS**

23 **“SEC. 801. REPORTS.**

24 “For each fiscal year following the date of enactment  
25 of the Indian Health Care Improvement Act Amendments

1 of 2006, the Secretary shall transmit to Congress a report  
2 containing the following:

3           “(1) A report on the progress made in meeting  
4 the objectives of this Act, including a review of pro-  
5 grams established or assisted pursuant to this Act  
6 and assessments and recommendations of additional  
7 programs or additional assistance necessary to, at a  
8 minimum, provide health services to Indians and en-  
9 sure a health status for Indians, which are at a par-  
10 ity with the health services available to and the  
11 health status of the general population, including  
12 specific comparisons of appropriations provided and  
13 those required for such parity.

14           “(2) A report on whether, and to what extent,  
15 new national health care programs, benefits, initia-  
16 tives, or financing systems have had an impact on  
17 the purposes of this Act and any steps that the Sec-  
18 retary may have taken to consult with Indian Tribes,  
19 Tribal Organizations, and Urban Indian Organiza-  
20 tions to address such impact, including a report on  
21 proposed changes in allocation of funding pursuant  
22 to section 808.

23           “(3) A report on the use of health services by  
24 Indians—

1           “(A) on a national and area or other rel-  
2           evant geographical basis;

3           “(B) by gender and age;

4           “(C) by source of payment and type of  
5           service;

6           “(D) comparing such rates of use with  
7           rates of use among comparable non-Indian pop-  
8           ulations; and

9           “(E) provided under contracts.

10          “(4) A report of contractors to the Secretary on  
11          Health Care Educational Loan Repayments every 6  
12          months required by section 110.

13          “(5) A general audit report of the Secretary on  
14          the Health Care Educational Loan Repayment Pro-  
15          gram as required by section 110(n).

16          “(6) A report of the findings and conclusions of  
17          demonstration programs on development of edu-  
18          cational curricula for substance abuse counseling as  
19          required in section 125(f).

20          “(7) A separate statement which specifies the  
21          amount of funds requested to carry out the provi-  
22          sions of section 201.

23          “(8) A report of the evaluations of health pro-  
24          motion and disease prevention as required in section  
25          203(c).

1           “(9) A biennial report to Congress on infectious  
2 diseases as required by section 212.

3           “(10) A report on environmental and nuclear  
4 health hazards as required by section 215.

5           “(11) An annual report on the status of all  
6 health care facilities needs as required by section  
7 301(c)(2) and 301(d).

8           “(12) Reports on safe water and sanitary waste  
9 disposal facilities as required by section 302(h).

10          “(13) An annual report on the expenditure of  
11 nonservice funds for renovation as required by sec-  
12 tions 304(b)(2).

13          “(14) A report identifying the backlog of main-  
14 tenance and repair required at Service and tribal fa-  
15 cilities required by section 313(a).

16          “(15) A report providing an accounting of reim-  
17 bursement funds made available to the Secretary  
18 under titles XVIII, XIX, and XXI of the Social Se-  
19 curity Act.

20          “(16) A report on any arrangements for the  
21 sharing of medical facilities or services, as author-  
22 ized by section 406.

23          “(17) A report on evaluation and renewal of  
24 Urban Indian programs under section 505.

1           “(18) A report on the evaluation of programs  
2 as required by section 513(d).

3           “(19) A report on alcohol and substance abuse  
4 as required by section 701(f).

5           “(20) A report on Indian youth mental health  
6 services as required by section 707(h).

7 **“SEC. 802. REGULATIONS.**

8           “(a) DEADLINES.—

9           “(1) PROCEDURES.—Not later than 90 days  
10 after the date of enactment of the Indian Health  
11 Care Improvement Act Amendments of 2006, the  
12 Secretary shall initiate procedures under subchapter  
13 III of chapter 5 of title 5, United States Code, to  
14 negotiate and promulgate such regulations or  
15 amendments thereto that are necessary to carry out  
16 titles I (except sections 105, 115, and 117), II, III,  
17 and VII. The Secretary may promulgate regulations  
18 to carry out sections 105, 115, 117, and titles IV  
19 and V, using the procedures required by chapter V  
20 of title 5, United States Code (commonly known as  
21 the ‘Administrative Procedure Act’). The Secretary  
22 shall issue no regulations to carry out titles VI and  
23 VIII.

24           “(2) PROPOSED REGULATIONS.—Proposed reg-  
25 ulations to implement this Act shall be published in

1 the Federal Register by the Secretary no later than  
2 1 year after the date of enactment of the Indian  
3 Health Care Improvement Act Amendments of 2006  
4 and shall have no less than a 120-day comment pe-  
5 riod.

6 “(3) EXPIRATION OF AUTHORITY.—Except as  
7 otherwise provided herein, the authority to promul-  
8 gate regulations under this Act shall expire 24  
9 months from the date of enactment of this Act.

10 “(b) COMMITTEE.—A negotiated rulemaking com-  
11 mittee established pursuant to section 565 of title 5,  
12 United States Code, to carry out this section shall have  
13 as its members only representatives of the Federal Gov-  
14 ernment and representatives of Indian Tribes and Tribal  
15 Organizations, a majority of whom shall be nominated by  
16 and be representatives of Indian Tribes, Tribal Organiza-  
17 tions, and Urban Indian Organizations from each Service  
18 Area. The representative of the Urban Indian Organiza-  
19 tion shall be deemed to be an elected officer of a tribal  
20 government for purposes of applying section 204(b) of the  
21 Unfunded Mandates Reform Act of 1995 (2 U.S.C.  
22 1534(b)).

23 “(c) ADAPTATION OF PROCEDURES.—The Secretary  
24 shall adapt the negotiated rulemaking procedures to the  
25 unique context of self-governance and the government-to-

1 government relationship between the United States and  
2 Indian Tribes.

3 “(d) LACK OF REGULATIONS.—The lack of promul-  
4 gated regulations shall not limit the effect of this Act.

5 “(e) INCONSISTENT REGULATIONS.—The provisions  
6 of this Act shall supersede any conflicting provisions of  
7 law in effect on the day before the date of enactment of  
8 the Indian Health Care Improvement Act Amendments of  
9 2006, and the Secretary is authorized to repeal any regu-  
10 lation inconsistent with the provisions of this Act.

11 **“SEC. 803. PLAN OF IMPLEMENTATION.**

12 “Not later than 9 months after the date of enactment  
13 of the Indian Health Care Improvement Act Amendments  
14 of 2006, the Secretary in consultation with Indian Tribes,  
15 Tribal Organizations, and Urban Indian Organizations,  
16 shall submit to Congress a plan explaining the manner and  
17 schedule (including a schedule of appropriation requests),  
18 by title and section, by which the Secretary will implement  
19 the provisions of this Act.

20 **“SEC. 804. AVAILABILITY OF FUNDS.**

21 “The funds appropriated pursuant to this Act shall  
22 remain available until expended.



1 **“SEC. 805. LIMITATION ON USE OF FUNDS APPROPRIATED**  
2 **TO THE INDIAN HEALTH SERVICE.**

3 “Any limitation on the use of funds contained in an  
4 Act providing appropriations for the Department for a pe-  
5 riod with respect to the performance of abortions shall  
6 apply for that period with respect to the performance of  
7 abortions using funds contained in an Act providing ap-  
8 propriations for the Service.

9 **“SEC. 806. ELIGIBILITY OF CALIFORNIA INDIANS.**

10 “(a) IN GENERAL.—The following California Indians  
11 shall be eligible for health services provided by the Service:

12 “(1) Any member of a federally recognized In-  
13 dian Tribe.

14 “(2) Any descendant of an Indian who was re-  
15 siding in California on June 1, 1852, if such de-  
16 scendant—

17 “(A) is a member of the Indian community  
18 served by a local program of the Service; and

19 “(B) is regarded as an Indian by the com-  
20 munity in which such descendant lives.

21 “(3) Any Indian who holds trust interests in  
22 public domain, national forest, or reservation allot-  
23 ments in California.

24 “(4) Any Indian in California who is listed on  
25 the plans for distribution of the assets of rancherias  
26 and reservations located within the State of Cali-

1       fornia under the Act of August 18, 1958 (72 Stat.  
2       619), and any descendant of such an Indian.

3       “(b) CLARIFICATION.—Nothing in this section may  
4 be construed as expanding the eligibility of California Indi-  
5 ans for health services provided by the Service beyond the  
6 scope of eligibility for such health services that applied on  
7 May 1, 1986.

8       **“SEC. 807. HEALTH SERVICES FOR INELIGIBLE PERSONS.**

9       “(a) CHILDREN.—Any individual who—

10               “(1) has not attained 19 years of age;

11               “(2) is the natural or adopted child, stepchild,  
12 foster child, legal ward, or orphan of an eligible In-  
13 dian; and

14               “(3) is not otherwise eligible for health services  
15 provided by the Service,

16 shall be eligible for all health services provided by the  
17 Service on the same basis and subject to the same rules  
18 that apply to eligible Indians until such individual attains  
19 19 years of age. The existing and potential health needs  
20 of all such individuals shall be taken into consideration  
21 by the Service in determining the need for, or the alloca-  
22 tion of, the health resources of the Service. If such an indi-  
23 vidual has been determined to be legally incompetent prior  
24 to attaining 19 years of age, such individual shall remain

1 eligible for such services until 1 year after the date of a  
2 determination of competency.

3       “(b) SPOUSES.—Any spouse of an eligible Indian who  
4 is not an Indian, or who is of Indian descent but is not  
5 otherwise eligible for the health services provided by the  
6 Service, shall be eligible for such health services if all such  
7 spouses or spouses who are married to members of each  
8 Indian Tribe being served are made eligible, as a class,  
9 by an appropriate resolution of the governing body of the  
10 Indian Tribe or Tribal Organization providing such serv-  
11 ices. The health needs of persons made eligible under this  
12 paragraph shall not be taken into consideration by the  
13 Service in determining the need for, or allocation of, its  
14 health resources.

15       “(c) PROVISION OF SERVICES TO OTHER INDIVID-  
16 UALS.—

17               “(1) IN GENERAL.—The Secretary is authorized  
18 to provide health services under this subsection  
19 through health programs operated directly by the  
20 Service to individuals who reside within the Service  
21 Unit and who are not otherwise eligible for such  
22 health services if—

23                       “(A) the Indian Tribes served by such  
24 Service Unit request such provision of health  
25 services to such individuals; and

1           “(B) the Secretary and the served Indian  
2 Tribes have jointly determined that—

3                   “(i) the provision of such health serv-  
4 ices will not result in a denial or diminu-  
5 tion of health services to eligible Indians;  
6 and

7                   “(ii) there is no reasonable alternative  
8 health facilities or services, within or with-  
9 out the Service Unit, available to meet the  
10 health needs of such individuals.

11           “(2) ISDEAA PROGRAMS.—In the case of  
12 health programs and facilities operated under a con-  
13 tract or compact entered into under the Indian Self-  
14 Determination and Education Assistance Act (25  
15 U.S.C. 450 et seq.), the governing body of the In-  
16 dian Tribe or Tribal Organization providing health  
17 services under such contract or compact is author-  
18 ized to determine whether health services should be  
19 provided under such contract or compact to individ-  
20 uals who are not otherwise eligible for such services  
21 under any other subsection of this section or under  
22 any other provision of law. In making such deter-  
23 mination, the governing body of the Indian Tribe or  
24 Tribal Organization shall take into account the con-

1       siderations described in clauses (i) and (ii) of para-  
2       graph (1)(B).

3               “(3) PAYMENT FOR SERVICES.—

4               “(A) IN GENERAL.—Persons receiving  
5       health services provided by the Service under  
6       this subsection shall be liable for payment of  
7       such health services under a schedule of charges  
8       prescribed by the Secretary which, in the judg-  
9       ment of the Secretary, results in reimbursement  
10      in an amount not less than the actual cost of  
11      providing the health services. Notwithstanding  
12      section 404 of this Act or any other provision  
13      of law, amounts collected under this subsection,  
14      including medicare, medicaid, or SCHIP reim-  
15      bursements under titles XVIII, XIX, and XXI  
16      of the Social Security Act, shall be credited to  
17      the account of the program providing the serv-  
18      ice and shall be used for the purposes listed in  
19      section 401(d)(2) and amounts collected under  
20      this subsection shall be available for expendi-  
21      ture within such program.

22              “(B) INDIGENT PEOPLE.—Health services  
23      may be provided by the Secretary through the  
24      Service under this subsection to an indigent in-  
25      dividual who would not be otherwise eligible for

1 such health services but for the provisions of  
2 paragraph (1) only if an agreement has been  
3 entered into with a State or local government  
4 under which the State or local government  
5 agrees to reimburse the Service for the expenses  
6 incurred by the Service in providing such health  
7 services to such indigent individual.

8 “(4) REVOCATION OF CONSENT FOR SERV-  
9 ICES.—

10 “(A) SINGLE TRIBE SERVICE AREA.—In  
11 the case of a Service Area which serves only 1  
12 Indian Tribe, the authority of the Secretary to  
13 provide health services under paragraph (1)  
14 shall terminate at the end of the fiscal year suc-  
15 ceeding the fiscal year in which the governing  
16 body of the Indian Tribe revokes its concur-  
17 rence to the provision of such health services.

18 “(B) MULTITRIBAL SERVICE AREA.—In  
19 the case of a multitribal Service Area, the au-  
20 thority of the Secretary to provide health serv-  
21 ices under paragraph (1) shall terminate at the  
22 end of the fiscal year succeeding the fiscal year  
23 in which at least 51 percent of the number of  
24 Indian Tribes in the Service Area revoke their

1 concurrence to the provisions of such health  
2 services.

3 “(d) OTHER SERVICES.—The Service may provide  
4 health services under this subsection to individuals who  
5 are not eligible for health services provided by the Service  
6 under any other provision of law in order to—

7 “(1) achieve stability in a medical emergency;

8 “(2) prevent the spread of a communicable dis-  
9 ease or otherwise deal with a public health hazard;

10 “(3) provide care to non-Indian women preg-  
11 nant with an eligible Indian’s child for the duration  
12 of the pregnancy through postpartum; or

13 “(4) provide care to immediate family members  
14 of an eligible individual if such care is directly re-  
15 lated to the treatment of the eligible individual.

16 “(e) HOSPITAL PRIVILEGES FOR PRACTITIONERS.—  
17 Hospital privileges in health facilities operated and main-  
18 tained by the Service or operated under a contract or com-  
19 pact pursuant to the Indian Self-Determination and Edu-  
20 cation Assistance Act (25 U.S.C. 450 et seq.) may be ex-  
21 tended to non-Service health care practitioners who pro-  
22 vide services to individuals described in subsection (a), (b),  
23 (c), or (d). Such non-Service health care practitioners  
24 may, as part of privileging process, be designated as em-  
25 ployees of the Federal Government for purposes of section

1 1346(b) and chapter 171 of title 28, United States Code  
2 (relating to Federal tort claims) only with respect to acts  
3 or omissions which occur in the course of providing serv-  
4 ices to eligible individuals as a part of the conditions under  
5 which such hospital privileges are extended.

6 “(f) ELIGIBLE INDIAN.—For purposes of this sec-  
7 tion, the term ‘eligible Indian’ means any Indian who is  
8 eligible for health services provided by the Service without  
9 regard to the provisions of this section.

10 **“SEC. 808. REALLOCATION OF BASE RESOURCES.**

11 “(a) REPORT REQUIRED.—Notwithstanding any  
12 other provision of law, any allocation of Service funds for  
13 a fiscal year that reduces by 5 percent or more from the  
14 previous fiscal year the funding for any recurring pro-  
15 gram, project, or activity of a Service Unit may be imple-  
16 mented only after the Secretary has submitted to the  
17 President, for inclusion in the report required to be trans-  
18 mitted to Congress under section 801, a report on the pro-  
19 posed change in allocation of funding, including the rea-  
20 sons for the change and its likely effects.

21 “(b) EXCEPTION.—Subsection (a) shall not apply if  
22 the total amount appropriated to the Service for a fiscal  
23 year is at least 5 percent less than the amount appro-  
24 priated to the Service for the previous fiscal year.



1 **“SEC. 809. RESULTS OF DEMONSTRATION PROJECTS.**

2 “The Secretary shall provide for the dissemination to  
3 Indian Tribes, Tribal Organizations, and Urban Indian  
4 Organizations of the findings and results of demonstration  
5 projects conducted under this Act.

6 **“SEC. 810. PROVISION OF SERVICES IN MONTANA.**

7 “(a) CONSISTENT WITH COURT DECISION.—The  
8 Secretary, acting through the Service, shall provide serv-  
9 ices and benefits for Indians in Montana in a manner con-  
10 sistent with the decision of the United States Court of Ap-  
11 peals for the Ninth Circuit in McNabb for McNabb v.  
12 Bowen, 829 F.2d 787 (9th Cir. 1987).

13 “(b) CLARIFICATION.—The provisions of subsection  
14 (a) shall not be construed to be an expression of the sense  
15 of Congress on the application of the decision described  
16 in subsection (a) with respect to the provision of services  
17 or benefits for Indians living in any State other than Mon-  
18 tana.

19 **“SEC. 811. MORATORIUM.**

20 “During the period of the moratorium imposed on  
21 implementation of the final rule published in the Federal  
22 Register on September 16, 1987, by the Health Resources  
23 and Services Administration of the Public Health Service,  
24 relating to eligibility for the health care services of the  
25 Indian Health Service, the Indian Health Service shall  
26 provide services pursuant to the criteria for eligibility for

1 such services that were in effect on September 15, 1987,  
2 subject to the provisions of sections 806 and 807 until  
3 such time as new criteria governing eligibility for services  
4 are developed in accordance with section 802.

5 **“SEC. 812. TRIBAL EMPLOYMENT.**

6 “For purposes of section 2(2) of the Act of July 5,  
7 1935 (49 Stat. 450, chapter 372), an Indian Tribe or  
8 Tribal Organization carrying out a contract or compact  
9 pursuant to the Indian Self-Determination and Education  
10 Assistance Act (25 U.S.C. 450 et seq.) shall not be consid-  
11 ered an ‘employer’.

12 **“SEC. 813. SEVERABILITY PROVISIONS.**

13 “If any provision of this Act, any amendment made  
14 by the Act, or the application of such provision or amend-  
15 ment to any person or circumstances is held to be invalid,  
16 the remainder of this Act, the remaining amendments  
17 made by this Act, and the application of such provisions  
18 to persons or circumstances other than those to which it  
19 is held invalid, shall not be affected thereby.

20 **“SEC. 814. ESTABLISHMENT OF NATIONAL BIPARTISAN**  
21 **COMMISSION ON INDIAN HEALTH CARE.**

22 “(a) ESTABLISHMENT.—There is established the Na-  
23 tional Bipartisan Indian Health Care Commission (the  
24 ‘Commission’).

1       “(b) DUTIES OF COMMISSION.—The duties of the  
2 Commission are the following:

3           “(1) To establish a study committee composed  
4 of those members of the Commission appointed by  
5 the Director and at least 4 members of Congress  
6 from among the members of the Commission, the  
7 duties of which shall be the following:

8           “(A) To the extent necessary to carry out  
9 its duties, collect and compile data necessary to  
10 understand the extent of Indian needs with re-  
11 gard to the provision of health services, regard-  
12 less of the location of Indians, including holding  
13 hearings and soliciting the views of Indians, In-  
14 dian Tribes, Tribal Organizations, and Urban  
15 Indian Organizations, which may include au-  
16 thorizing and making funds available for feasi-  
17 bility studies of various models for providing  
18 and funding health services for all Indian bene-  
19 ficiaries, including those who live outside of a  
20 reservation, temporarily or permanently.

21           “(B) To make legislative recommendations  
22 to the Commission regarding the delivery of  
23 Federal health care services to Indians. Such  
24 recommendations shall include those related to  
25 issues of eligibility, benefits, the range of serv-

1 ice providers, the cost of such services, financ-  
2 ing such services, and the optimal manner in  
3 which to provide such services.

4 “(C) To determine the effect of the enact-  
5 ment of such recommendations on (i) the exist-  
6 ing system of delivery of health services for In-  
7 dians, and (ii) the sovereign status of Indian  
8 Tribes.

9 “(D) Not later than 12 months after the  
10 appointment of all members of the Commission,  
11 to submit a written report of its findings and  
12 recommendations to the full Commission. The  
13 report shall include a statement of the minority  
14 and majority position of the Committee and  
15 shall be disseminated, at a minimum, to every  
16 Indian Tribe, Tribal Organization, and Urban  
17 Indian Organization for comment to the Com-  
18 mission.

19 “(E) To report regularly to the full Com-  
20 mission regarding the findings and rec-  
21 ommendations developed by the study com-  
22 mittee in the course of carrying out its duties  
23 under this section.

24 “(2) To review and analyze the recommenda-  
25 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 the 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) **FACA.**—The Federal Advisory Committee Act  
21 (5 U.S.C. App.) shall not apply to the Commission.

22       **“SEC. 815. APPROPRIATIONS; AVAILABILITY.**

23       “Any new spending authority (described in subsection  
24 (c)(2)(A) or (B) of section 401 of the Congressional Budg-  
25 et Act of 1974) which is provided under this Act shall

1 be effective for any fiscal year only to such extent or in  
2 such amounts as are provided in appropriation Acts.

3 **“SEC. 816. AUTHORIZATION OF APPROPRIATIONS.**

4 “(a) IN GENERAL.—There are authorized to be ap-  
5 propriated such sums as may be necessary for each fiscal  
6 year through fiscal year 2015 to carry out this title.”.

7 (b) RATE OF PAY.—

8 (1) POSITIONS AT LEVEL IV.—Section 5315 of  
9 title 5, United States Code, is amended by striking  
10 “Assistant Secretaries of Health and Human Serv-  
11 ices (6).” and inserting “Assistant Secretaries of  
12 Health and Human Services (7)”.

13 (2) POSITIONS AT LEVEL V.—Section 5316 of  
14 title 5, United States Code, is amended by striking  
15 “Director, Indian Health Service, Department of  
16 Health and Human Services”.

17 (c) AMENDMENTS TO OTHER PROVISIONS OF LAW.—

18 (1) Section 3307(b)(1)(C) of the Children’s  
19 Health Act of 2000 (25 U.S.C. 1671 note; Public  
20 Law 106–310) is amended by striking “Director of  
21 the Indian Health Service” and inserting “Assistant  
22 Secretary for Indian Health”.

23 (2) The Indian Lands Open Dump Cleanup Act  
24 of 1994 is amended—

25 (A) in section 3 (25 U.S.C. 3902)—

1 (i) by striking paragraph (2);  
2 (ii) by redesignating paragraphs (1),  
3 (3), (4), (5), and (6) as paragraphs (4),  
4 (5), (2), (6), and (1), respectively, and  
5 moving those paragraphs so as to appear  
6 in numerical order; and

7 (iii) by inserting before paragraph (4)  
8 (as redesignated by subclause (II)) the fol-  
9 lowing:

10 “(3) ASSISTANT SECRETARY.—The term ‘As-  
11 sistant Secretary’ means the Assistant Secretary for  
12 Indian Health.”;

13 (B) in section 5 (25 U.S.C. 3904), by  
14 striking the section heading and inserting the  
15 following:

16 “AUTHORITY OF ASSISTANT SECRETARY FOR INDIAN  
17 HEALTH

18 “SEC. 5.”;

19 (C) in section 6(a) (25 U.S.C. 3905(a)), in  
20 the subsection heading, by striking “DIREC-  
21 TOR” and inserting “ASSISTANT SECRETARY”;

22 (D) in section 9(a) (25 U.S.C. 3908(a)), in  
23 the subsection heading, by striking “DIREC-  
24 TOR” and inserting “ASSISTANT SECRETARY”;  
25 and

1           (E) by striking “Director” each place it  
2           appears and inserting “Assistant Secretary”.

3           (3) Section 5504(d)(2) of the Augustus F.  
4           Hawkins-Robert T. Stafford Elementary and Sec-  
5           ondary School Improvement Amendments of 1988  
6           (25 U.S.C. 2001 note; Public Law 100–297) is  
7           amended by striking “Director of the Indian Health  
8           Service” and inserting “Assistant Secretary for In-  
9           dian Health”.

10          (4) Section 203(a)(1) of the Rehabilitation Act  
11          of 1973 (29 U.S.C. 763(a)(1)) is amended by strik-  
12          ing “Director of the Indian Health Service” and in-  
13          serting “Assistant Secretary for Indian Health”.

14          (5) Subsections (b) and (e) of section 518 of  
15          the Federal Water Pollution Control Act (33 U.S.C.  
16          1377) are amended by striking “Director of the In-  
17          dian Health Service” each place it appears and in-  
18          serting “Assistant Secretary for Indian Health”.

19          (6) Section 317M(b) of the Public Health Serv-  
20          ice Act (42 U.S.C. 247b–14(b)) is amended—

21                 (A) by striking “Director of the Indian  
22                 Health Service” each place it appears and in-  
23                 serting “Assistant Secretary for Indian  
24                 Health”; and

1           (B) in paragraph (2)(A), by striking “the  
2           Directors referred to in such paragraph” and  
3           inserting “the Director of the Centers for Dis-  
4           ease Control and Prevention and the Assistant  
5           Secretary for Indian Health”.

6           (7) Section 417C(b) of the Public Health Serv-  
7           ice Act (42 U.S.C. 285–9(b)) is amended by striking  
8           “Director of the Indian Health Service” and insert-  
9           ing “Assistant Secretary for Indian Health”.

10          (8) Section 1452(i) of the Safe Drinking Water  
11          Act (42 U.S.C. 300j–12(i)) is amended by striking  
12          “Director of the Indian Health Service” each place  
13          it appears and inserting “Assistant Secretary for In-  
14          dian Health”.

15          (9) Section 803B(d)(1) of the Native American  
16          Programs Act of 1974 (42 U.S.C. 2991b–2(d)(1)) is  
17          amended in the last sentence by striking “Director  
18          of the Indian Health Service” and inserting “Assist-  
19          ant Secretary for Indian Health”.

20          (10) Section 203(b) of the Michigan Indian  
21          Land Claims Settlement Act (Public Law 105–143;  
22          111 Stat. 2666) is amended by striking “Director of  
23          the Indian Health Service” and inserting “Assistant  
24          Secretary for Indian Health”.



1 **SEC. 3. SOBOBA SANITATION FACILITIES.**

2 The Act of December 17, 1970 (84 Stat. 1465), is  
3 amended by adding at the end the following new section:

4 “SEC. 9. Nothing in this Act shall preclude the  
5 Soboba Band of Mission Indians and the Soboba Indian  
6 Reservation from being provided with sanitation facilities  
7 and services under the authority of section 7 of the Act  
8 of August 5, 1954 (68 Stat. 674), as amended by the Act  
9 of July 31, 1959 (73 Stat. 267).”.

10 **SEC. 4. AMENDMENTS TO THE MEDICAID AND STATE CHIL-**  
11 **DREN’S HEALTH INSURANCE PROGRAMS.**

12 (a) EXPANSION OF MEDICAID PAYMENT FOR ALL  
13 COVERED SERVICES FURNISHED BY INDIAN HEALTH  
14 PROGRAMS.—

15 (1) EXPANSION TO ALL COVERED SERVICES.—

16 Section 1911 of the Social Security Act (42 U.S.C.  
17 1396j) is amended—

18 (A) by amending the heading to read as  
19 follows:

20 “INDIAN HEALTH PROGRAMS

21 “SEC. 1911.”; and

22 (B) by amending subsection (a) to read as  
23 follows:

24 “(a) ELIGIBILITY FOR REIMBURSEMENT FOR MED-  
25 ICAL ASSISTANCE.—The Indian Health Service and an In-  
26 dian Tribe, Tribal Organization, or an Urban Indian Or-

1 ganization (as such terms are defined in section 4 of the  
2 Indian Health Care Improvement Act) shall be eligible for  
3 reimbursement for medical assistance provided under a  
4 State plan or under waiver authority with respect to items  
5 and services furnished by the Indian Health Service, In-  
6 dian Tribe, Tribal Organization, or Urban Indian Organi-  
7 zation if the furnishing of such services meets all the con-  
8 ditions and requirements which are applicable generally to  
9 the furnishing of items and services under this title and  
10 under such plan or waiver authority.”.

11 (2) ELIMINATION OF TEMPORARY DEEMING  
12 PROVISION.—Such section is amended by striking  
13 subsection (b).

14 (3) REVISION OF AUTHORITY TO ENTER INTO  
15 AGREEMENTS.—Subsection (c) of such section is re-  
16 designated as subsection (b) and is amended to read  
17 as follows:

18 “(b) AUTHORITY TO ENTER INTO AGREEMENTS.—  
19 The Secretary may enter into an agreement with a State  
20 for the purpose of reimbursing the State for medical as-  
21 sistance provided by the Indian Health Service, an Indian  
22 Tribe, Tribal Organizations, or an Urban Indian Organi-  
23 zation (as so defined), directly, through referral, or under  
24 contracts or other arrangements between the Indian  
25 Health Service, an Indian Tribe, Tribal Organization, or

1 an Urban Indian Organization and another health care  
2 provider to Indians who are eligible for medical assistance  
3 under the State plan or under waiver authority.”.

4 (4) REFERENCE CORRECTION.—Subsection (d)  
5 of such section is redesignated as subsection (c) and  
6 is amended—

7 (A) by striking “For” and inserting “**DI-**  
8 **RECT BILLING.**—For”; and

9 (B) by striking “section 405” and insert-  
10 ing “section 401(d)”.

11 (b) SPECIAL RULES FOR INDIANS, INDIAN HEALTH  
12 CARE PROVIDERS, AND INDIAN MANAGED CARE ENTI-  
13 TIES.—

14 (1) IN GENERAL.—Section 1932 of the Social  
15 Security Act (42 U.S.C. 1396u-2) is amended by  
16 adding at the end the following new subsection:

17 “(h) SPECIAL RULES FOR INDIANS, INDIAN HEALTH  
18 CARE PROVIDERS, AND INDIAN MANAGED CARE ENTI-  
19 TIES.—A State shall comply with the provisions of section  
20 413 of the Indian Health Care Improvement Act (relating  
21 to the treatment of Indians, Indian health care providers,  
22 and Indian managed care entities under a medicaid man-  
23 aged care program).”.

24 (2) APPLICATION TO SCHIP.—Section  
25 2107(e)(1) of the Social Security Act (42 U.S.C.

1 1397gg(1)) is amended by adding at the end the fol-  
2 lowing:

3 “(E) Subsections (a)(2)(C) and (h) of sec-  
4 tion 1932.”.

5 (c) SCHIP TREATMENT OF INDIAN TRIBES, TRIBAL  
6 ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS.—  
7 Section 2105(c) of the Social Security Act (42 U.S.C.  
8 1397ee(c)) is amended—

9 (1) in paragraph (2), by adding at the end the  
10 following:

11 “(C) INDIAN HEALTH PROGRAM PAY-  
12 MENTS.—For provisions relating to authorizing  
13 use of allotments under this title for payments  
14 to Indian Health Programs and Urban Indian  
15 Organizations, see section 410 of the Indian  
16 Health Care Improvement Act.”; and

17 (2) in paragraph (6)(B), by inserting “or by an  
18 Indian Tribe, Tribal Organization, or Urban Indian  
19 Organization (as such terms are defined in section  
20 4 of the Indian Health Care Improvement Act)”  
21 after “Service”.

1 **SEC. 5. NATIVE AMERICAN HEALTH AND WELLNESS FOUN-**  
2 **DATION.**

3 (a) IN GENERAL.—The Indian Self-Determination  
4 and Education Assistance Act (25 U.S.C. 450 et seq.) is  
5 amended by adding at the end the following:

6 **“TITLE VIII—NATIVE AMERICAN**  
7 **HEALTH AND WELLNESS**  
8 **FOUNDATION**

9 **“SEC. 801. DEFINITIONS.**

10 “In this title:

11 “(1) BOARD.—The term ‘Board’ means the  
12 Board of Directors of the Foundation.

13 “(2) COMMITTEE.—The term ‘Committee’  
14 means the Committee for the Establishment of Na-  
15 tive American Health and Wellness Foundation es-  
16 tablished under section 802(f).

17 “(3) FOUNDATION.—The term ‘Foundation’  
18 means the Native American Health and Wellness  
19 Foundation established under section 802.

20 “(4) SECRETARY.—The term ‘Secretary’ means  
21 the Secretary of Health and Human Services.

22 “(5) SERVICE.—The term ‘Service’ means the  
23 Indian Health Service of the Department of Health  
24 and Human Services.

1 **“SEC. 802. NATIVE AMERICAN HEALTH AND WELLNESS**  
2 **FOUNDATION.**

3 “(a) ESTABLISHMENT.—

4 “(1) IN GENERAL.—As soon as practicable  
5 after the date of enactment of this title, the Sec-  
6 retary shall establish, under the laws of the District  
7 of Columbia and in accordance with this title, the  
8 Native American Health and Wellness Foundation.

9 “(2) FUNDING DETERMINATIONS.—No funds,  
10 gift, property, or other item of value (including any  
11 interest accrued on such an item) acquired by the  
12 Foundation shall—

13 “(A) be taken into consideration for pur-  
14 poses of determining Federal appropriations re-  
15 lating to the provision of health care and serv-  
16 ices to Indians; or

17 “(B) otherwise limit, diminish, or affect  
18 the Federal responsibility for the provision of  
19 health care and services to Indians.

20 “(b) PERPETUAL EXISTENCE.—The Foundation  
21 shall have perpetual existence.

22 “(c) NATURE OF CORPORATION.—The Foundation—

23 “(1) shall be a charitable and nonprofit feder-  
24 ally chartered corporation; and

25 “(2) shall not be an agency or instrumentality  
26 of the United States.

1       “(d) PLACE OF INCORPORATION AND DOMICILE.—  
2 The Foundation shall be incorporated and domiciled in the  
3 District of Columbia.

4       “(e) DUTIES.—The Foundation shall—

5           “(1) encourage, accept, and administer private  
6 gifts of real and personal property, and any income  
7 from or interest in such gifts, for the benefit of, or  
8 in support of, the mission of the Service;

9           “(2) undertake and conduct such other activi-  
10 ties as will further the health and wellness activities  
11 and opportunities of Native Americans; and

12           “(3) participate with and assist Federal, State,  
13 and tribal governments, agencies, entities, and indi-  
14 viduals in undertaking and conducting activities that  
15 will further the health and wellness activities and op-  
16 portunities of Native Americans.

17       “(f) COMMITTEE FOR THE ESTABLISHMENT OF NA-  
18 TIVE AMERICAN HEALTH AND WELLNESS FOUNDA-  
19 TION.—

20           “(1) IN GENERAL.—The Secretary shall estab-  
21 lish the Committee for the Establishment of Native  
22 American Health and Wellness Foundation to assist  
23 the Secretary in establishing the Foundation.

1           “(2) DUTIES.—Not later than 180 days after  
2 the date of enactment of this section, the Committee  
3 shall—

4           “(A) carry out such activities as are nec-  
5 essary to incorporate the Foundation under the  
6 laws of the District of Columbia, including act-  
7 ing as incorporators of the Foundation;

8           “(B) ensure that the Foundation qualifies  
9 for and maintains the status required to carry  
10 out this section, until the Board is established;

11           “(C) establish the constitution and initial  
12 bylaws of the Foundation;

13           “(D) provide for the initial operation of  
14 the Foundation, including providing for tem-  
15 porary or interim quarters, equipment, and  
16 staff; and

17           “(E) appoint the initial members of the  
18 Board in accordance with the constitution and  
19 initial bylaws of the Foundation.

20           “(g) BOARD OF DIRECTORS.—

21           “(1) IN GENERAL.—The Board of Directors  
22 shall be the governing body of the Foundation.

23           “(2) POWERS.—The Board may exercise, or  
24 provide for the exercise of, the powers of the Foun-  
25 dation.



1 “(3) SELECTION.—

2 “(A) IN GENERAL.—Subject to subpara-  
3 graph (B), the number of members of the  
4 Board, the manner of selection of the members  
5 (including the filling of vacancies), and the  
6 terms of office of the members shall be as pro-  
7 vided in the constitution and bylaws of the  
8 Foundation.

9 “(B) REQUIREMENTS.—

10 “(i) NUMBER OF MEMBERS.—The  
11 Board shall have at least 11 members, who  
12 shall have staggered terms.

13 “(ii) INITIAL VOTING MEMBERS.—The  
14 initial voting members of the Board—

15 “(I) shall be appointed by the  
16 Committee not later than 180 days  
17 after the date on which the Founda-  
18 tion is established; and

19 “(II) shall have staggered terms.

20 “(iii) QUALIFICATION.—The members  
21 of the Board shall be United States citi-  
22 zens who are knowledgeable or experienced  
23 in Native American health care and related  
24 matters.

1           “(C) COMPENSATION.—A member of the  
2           Board shall not receive compensation for service  
3           as a member, but shall be reimbursed for actual  
4           and necessary travel and subsistence expenses  
5           incurred in the performance of the duties of the  
6           Foundation.

7           “(h) OFFICERS.—

8           “(1) IN GENERAL.—The officers of the Founda-  
9           tion shall be—

10           “(A) a secretary, elected from among the  
11           members of the Board; and

12           “(B) any other officers provided for in the  
13           constitution and bylaws of the Foundation.

14           “(2) SECRETARY.—The secretary of the Foun-  
15           dation shall serve, at the direction of the Board, as  
16           the chief operating officer of the Foundation.

17           “(3) ELECTION.—The manner of election, term  
18           of office, and duties of the officers of the Founda-  
19           tion shall be as provided in the constitution and by-  
20           laws of the Foundation.

21           “(i) POWERS.—The Foundation—

22           “(1) shall adopt a constitution and bylaws for  
23           the management of the property of the Foundation  
24           and the regulation of the affairs of the Foundation;

25           “(2) may adopt and alter a corporate seal;

1           “(3) may enter into contracts;

2           “(4) may acquire (through a gift or otherwise),  
3 own, lease, encumber, and transfer real or personal  
4 property as necessary or convenient to carry out the  
5 purposes of the Foundation;

6           “(5) may sue and be sued; and

7           “(6) may perform any other act necessary and  
8 proper to carry out the purposes of the Foundation.

9           “(j) PRINCIPAL OFFICE.—

10           “(1) IN GENERAL.—The principal office of the  
11 Foundation shall be in the District of Columbia.

12           “(2) ACTIVITIES; OFFICES.—The activities of  
13 the Foundation may be conducted, and offices may  
14 be maintained, throughout the United States in ac-  
15 cordance with the constitution and bylaws of the  
16 Foundation.

17           “(k) SERVICE OF PROCESS.—The Foundation shall  
18 comply with the law on service of process of each State  
19 in which the Foundation is incorporated and of each State  
20 in which the Foundation carries on activities.

21           “(l) LIABILITY OF OFFICERS, EMPLOYEES, AND  
22 AGENTS.—

23           “(1) IN GENERAL.—The Foundation shall be  
24 liable for the acts of the officers, employees, and

1 agents of the Foundation acting within the scope of  
2 their authority.

3 “(2) PERSONAL LIABILITY.—A member of the  
4 Board shall be personally liable only for gross neg-  
5 ligence in the performance of the duties of the mem-  
6 ber.

7 “(m) RESTRICTIONS.—

8 “(1) LIMITATION ON SPENDING.—Beginning  
9 with the fiscal year following the first full fiscal year  
10 during which the Foundation is in operation, the ad-  
11 ministrative costs of the Foundation shall not exceed  
12 10 percent of the sum of—

13 “(A) the amounts transferred to the Foun-  
14 dation under subsection (o) during the pre-  
15 ceding fiscal year; and

16 “(B) donations received from private  
17 sources during the preceding fiscal year.

18 “(2) APPOINTMENT AND HIRING.—The ap-  
19 pointment of officers and employees of the Founda-  
20 tion shall be subject to the availability of funds.

21 “(3) STATUS.—A member of the Board or offi-  
22 cer, employee, or agent of the Foundation shall not  
23 by reason of association with the Foundation be con-  
24 sidered to be an officer, employee, or agent of the  
25 United States.

1       “(n) AUDITS.—The Foundation shall comply with  
2 section 10101 of title 36, United States Code, as if the  
3 Foundation were a corporation under part B of subtitle  
4 II of that title.

5       “(o) FUNDING.—

6           “(1) AUTHORIZATION OF APPROPRIATIONS.—  
7 There is authorized to be appropriated to carry out  
8 subsection (e)(1) \$500,000 for each fiscal year, as  
9 adjusted to reflect changes in the Consumer Price  
10 Index for all-urban consumers published by the De-  
11 partment of Labor.

12           “(2) TRANSFER OF DONATED FUNDS.—The  
13 Secretary shall transfer to the Foundation funds  
14 held by the Department of Health and Human Serv-  
15 ices under the Act of August 5, 1954 (42 U.S.C.  
16 2001 et seq.), if the transfer or use of the funds is  
17 not prohibited by any term under which the funds  
18 were donated.

19 **“SEC. 803. ADMINISTRATIVE SERVICES AND SUPPORT.**

20       “(a) PROVISION OF SUPPORT BY SECRETARY.—Sub-  
21 ject to subsection (b), during the 5-year period beginning  
22 on the date on which the Foundation is established, the  
23 Secretary—

24           “(1) may provide personnel, facilities, and other  
25 administrative support services to the Foundation;

1           “(2) may provide funds for initial operating  
2 costs and to reimburse the travel expenses of the  
3 members of the Board; and

4           “(3) shall require and accept reimbursements  
5 from the Foundation for—

6           “(A) services provided under paragraph  
7 (1); and

8           “(B) funds provided under paragraph (2).

9           “(b) REIMBURSEMENT.—Reimbursements accepted  
10 under subsection (a)(3)—

11           “(1) shall be deposited in the Treasury of the  
12 United States to the credit of the applicable appro-  
13 priations account; and

14           “(2) shall be chargeable for the cost of pro-  
15 viding services described in subsection (a)(1) and  
16 travel expenses described in subsection (a)(2).

17           “(c) CONTINUATION OF CERTAIN SERVICES.—The  
18 Secretary may continue to provide facilities and necessary  
19 support services to the Foundation after the termination  
20 of the 5-year period specified in subsection (a) if the facili-  
21 ties and services—

22           “(1) are available; and

23           “(2) are provided on reimbursable cost basis.”.

24           (b) TECHNICAL AMENDMENTS.—The Indian Self-De-  
25 termination and Education Assistance Act is amended—

1           (1) by redesignating title V (25 U.S.C. 458bbb  
2 et seq.) as title VII;

3           (2) by redesignating sections 501, 502, and 503  
4 (25 U.S.C. 458bbb, 458bbb–1, 458bbb–2) as sec-  
5 tions 701, 702, and 703, respectively; and

6           (3) in subsection (a)(2) of section 702 and  
7 paragraph (2) of section 703 (as redesignated by  
8 paragraph (2)), by striking “section 501” and in-  
9 serting “section 701”.

○