



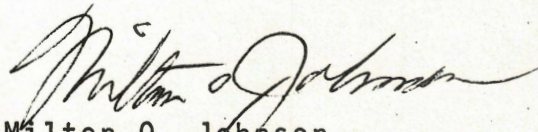
DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICE
HEALTH SERVICES ADMINISTRATION

INDIAN HEALTH SERVICE AREA OFFICE
FEDERAL OFFICE BUILDING AND U.S. COURTHOUSE
500 GOLD AVENUE, S.W., ROOM 4005
ALBUQUERQUE, NEW MEXICO 87101

March 23, 1981

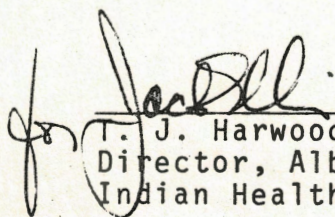
TO: All Persons in the Albuquerque Area Interested in the
Indian Health Care Improvement Act (P.L. 94-437) and
the Indian Health Care Amendments of 1980 (P.L. 96-537)

Enclosed, to go with the earlier packet of information issued
February 2, 1981, is a copy of P.L. 96-537 for your information
and use.


Milton O. Johnson
Area P.L. 94-437 Coordinator

Enclosure

Approved:


T. J. Harwood
Director, Albuquerque Area
Indian Health Service

INDIAN HEALTH CARE AMENDMENTS OF 1980

For Legislative History of Act, see Pamphlet No. 12B

An Act to amend the Indian Health Care Improvement Act and the Public Health Service Act with respect to Indian health care, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Indian Health Care Amendments of 1980".

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Indian Health Care Improvement Act (90 Stat. 1400).

DEFINITIONS

SEC. 2. (a) Section 4(a) is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(b) Section 4(h) is amended by striking out "composed of urban Indians" and inserting in lieu thereof "governed by an Indian controlled board of directors".

(c) Section 4 is amended by adding the following new subsections at the end thereof:

"(i) 'Rural Indian' means any individual who resides in a rural community as defined in subsection (j), who is an Indian within the meaning of subsection (c), and who is not otherwise eligible to receive health services from the Service.

"(j) 'Rural community' means any community that—

"(1) is not located on a Federal Indian reservation or trust area;

"(2) is not an Alaskan Native village;

"(3) is not an urban center; and

"(4) has a sufficient rural Indian population with unmet health needs, as determined by the Secretary, to warrant assistance under title V of this Act.

"(k) 'Rural Indian organization' means a nonprofit corporate body governed by a board of directors controlled by rural Indians and providing for the maximum participation of all interested Indian groups and individuals, which body is capable of legally cooperating with other public and private entities for the purpose of performing the activities described in section 503(a)."

INDIAN HEALTH MANPOWER

SEC. 3. (a) Section 102(c) is amended by striking out the last sentence and inserting in lieu thereof the following: "There are authorized to be appropriated to carry out this section \$2,300,000 for the fiscal year ending September 30, 1981, \$2,600,000 for the fiscal year ending September 30, 1982, \$3,000,000 for the fiscal year ending September 30, 1983, and \$3,500,000 for the fiscal year ending September 30, 1984."

(b)(1) Section 103(b) is amended to read as follows:

"(b) Scholarship grants made pursuant to this section shall be for the following purposes:

"(1) Compensatory preprofessional education of any grantee, such scholarship not to exceed two years.

"(2) Pregraduate education of any grantee leading to a baccalaureate degree in an approved premedicine, predentistry, preosteopathy, preveterinary medicine, preoptometry, or podiatry curriculum, such scholarship not to exceed four years."

(2) Section 103(d) is amended by striking out the last sentence and inserting in lieu thereof the following: "There are authorized to be appropriated to carry out this section \$3,510,000 for the fiscal year ending September 30, 1981, \$4,000,000 for the fiscal year ending September 30, 1982, \$4,620,000 for the fiscal year ending September 30, 1983, and \$5,300,000 for the fiscal year ending September 30, 1984."

(c) Section 105(d) is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "There are authorized to be appropriated to carry out this section \$990,000 for the fiscal year ending September 30, 1981, \$1,140,000 for the fiscal year ending September 30, 1982, \$1,310,000 for the fiscal year ending September 30, 1983, and \$1,510,000 for the fiscal year ending September 30, 1984."

(d)(1) The first sentence of section 757(a) of the Public Health Service Act is amended by striking out "and for each of the succeeding four fiscal years such sums as may be specifically authorized by an Act enacted after the date of enactment of this section" and inserting in lieu thereof "\$9,000,000 for the fiscal year ending September 30, 1981, \$10,300,000 for the fiscal year ending September 30, 1982, \$11,800,000 for the fiscal year ending September 30, 1983, and \$13,600,000 for the fiscal year ending September 30, 1984".

(2) Section 757(b)(2) is amended—

(A) by striking out "his" and inserting in lieu thereof "the applicable"; and

(B) by striking out "him" and inserting in lieu thereof "the Secretary".

INDIAN HEALTH SERVICES

SEC. 4. (a)(1) Section 201(c)(1) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated \$20,250,000 for the fiscal year ending September 30, 1981, \$23,000,000 for the fiscal year ending September 30, 1982, \$26,500,000 for the fiscal year ending September 30, 1983, and \$30,500,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year."

(2) Section 201(c)(2) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated \$6,400,000 for the fiscal year ending September 30, 1981, \$7,350,000 for the fiscal year ending September 30, 1982, \$8,450,000 for the fiscal year ending September 30, 1983, and \$9,700,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year."

(3) Section 201(c)(3) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated \$1,875,000, for the fiscal year ending September 30, 1981, \$2,150,000 for the fiscal year ending September 30, 1982, \$2,500,000 for the fiscal year ending September 30, 1983, and \$2,875,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year."

ber 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year."

(b)(1) Section 201(c)(4)(A) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated \$2,500,000 for the fiscal year ending September 30, 1981, \$2,875,000 for the fiscal year ending September 30, 1982, \$3,300,000 for the fiscal year ending September 30, 1983, and \$3,800,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year."

(2) Section 201(c)(4)(B) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated \$750,000 for the fiscal year ending September 30, 1981, \$870,000 for the fiscal year ending September 30, 1982, \$1,000,000 for the fiscal year ending September 30, 1983, and \$1,150,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year."

(3) Section 201(c)(4)(C) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated \$2,350,000 for the fiscal year ending September 30, 1981, \$2,700,000 for the fiscal year ending September 30, 1982, \$3,100,000 for the fiscal year ending September 30, 1983, and \$3,600,000 for the fiscal year ending September 30, 1984, and such further positions are authorized as may be necessary for each such fiscal year."

(4) Section 201(c)(4)(D) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated \$460,000 for the fiscal year ending September 30, 1981, \$525,000 for the fiscal year ending September 30, 1982, \$600,000 for the fiscal year ending September 30, 1983, and \$690,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year."

(5) Section 201(c)(4)(E) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated \$250,000 for the fiscal year ending September 30, 1981, \$285,000 for the fiscal year ending September 30, 1982, \$325,000 for the fiscal year ending September 30, 1983, and \$375,000 for the fiscal year ending September 30, 1984."

(c)(1) Section 201(c)(5) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated \$16,500,000 for the fiscal year ending September 30, 1981, \$19,000,000 for the fiscal year ending September 30, 1982, \$22,000,000 for the fiscal year ending September 30, 1983, and \$25,100,000 for the fiscal year ending September 30, 1984."

(2) Section 201(c)(6) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated \$5,000,000 for the fiscal year ending September 30, 1981, \$5,750,000 for the fiscal year ending September 30, 1982, \$6,600,000 for the fiscal year ending September 30, 1983, and \$7,600,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year."

(3) Section 201(c) is amended by striking out paragraph (7).

INDIAN HEALTH FACILITIES

SEC. 5. Title III is amended by adding the following new section at the end thereof:

"AUTHORIZATIONS

"SEC. 305. There are authorized to be appropriated to carry out sections 301 and 302 for the fiscal year ending September 30, 1981, for the fiscal year ending September 30, 1982, for the fiscal year ending September 30, 1983, and for the fiscal year ending September 30, 1984, such sums as may be necessary."

ACCESS TO HEALTH SERVICES

SEC. 6. Title IV is amended by adding the following new section at the end thereof:

"GRANTS TO AND CONTRACTS WITH TRIBAL ORGANIZATIONS

"SEC. 404. (a) The Secretary, acting through the Service, shall make grants to or enter into contracts with tribal organizations to assist such organizations in establishing and administering programs on or near Federal Indian reservations and trust areas and in or near Alaska Native villages to assist individual Indians to—

"(1) enroll under section 1818 of part A and sections 1836 and 1837 of part B of title XVIII of the Social Security Act;

"(2) pay monthly premiums for coverage due to financial need of such individual; and

"(3) apply for medical assistance provided pursuant to title XIX of the Social Security Act.

"(b) The Secretary, acting through the Service, shall place conditions as deemed necessary to effect the purpose of this section in any contract or grant which the Secretary makes with any tribal organization pursuant to this section. Such conditions shall include, but are not limited to, requirements that the organization successfully undertake to—

"(1) determine the population of Indians to be served that are or could be recipients of benefits under titles XVIII and XIX of the Social Security Act;

"(2) assist individual Indians in becoming familiar with and utilizing such benefits;

"(3) provide transportation to such individual Indians to the appropriate offices for enrollment or application for medical assistance;

"(4) develop and implement a schedule of income levels to determine the extent of payment of premiums by such organization for coverage of needy individuals; and methods of improving the participation of Indians in receiving the benefits provided pursuant to titles XVIII and XIX of the Social Security Act.

"(c) There are authorized to be appropriated \$5,000,000 for the fiscal year ending September 30, 1981, \$5,750,000 for the fiscal year ending September 30, 1982, \$6,615,000 for the fiscal year ending September 30, 1983, and \$7,610,000 for the fiscal year ending September 30, 1984."

HEALTH SERVICES FOR URBAN AND RURAL INDIANS

SEC. 7. Title V is amended to read as follows:

94 STAT. 3176

"TITLE V—HEALTH SERVICES FOR URBAN AND RURAL INDIANS**"PURPOSE**

"SEC. 501. The purpose of this title is to encourage the establishment of programs in urban areas and rural communities to make health services more accessible to the urban and rural Indian populations, respectively.

"CONTRACTS WITH URBAN AND RURAL INDIAN ORGANIZATIONS

"SEC. 502. The Secretary, acting through the Service, shall enter into contracts with urban Indian organizations and with rural Indian organizations to assist such organizations to establish and administer, in the urban centers or rural communities in which such organizations are situated, programs which meet the requirements set forth in sections 503 and 504.

"CONTRACT ELIGIBILITY

"SEC. 503. (a) The Secretary, acting through the Service, shall place such conditions as deemed necessary to effect the purpose of this title in any contract which the Secretary makes with any urban or rural Indian organization pursuant to this title. Such conditions shall include, but are not limited to, requirements that the organization successfully undertake to—

"(1) determine the population of urban or rural Indians which are or could be recipients of health referral or care services;

"(2) identify all public and private health service resources within the urban center or rural community in which the organization is situated which are or may be available to urban Indians or rural Indians, respectively;

"(3) assist such health services resources in providing service to such urban or rural Indians;

"(4) assist such urban or rural Indians in becoming familiar with and utilizing such resources;

"(5) provide basic health education to such urban or rural Indians;

"(6) establish and implement manpower training programs to accomplish the referral and education tasks set forth in clauses (3) through (5) of this subsection;

"(7) identify gaps between unmet health needs of urban Indians or rural Indians and the resources available to meet such needs;

"(8) make recommendations to the Secretary and Federal, State, local, and other resource agencies on methods of improving health service programs to meet the needs of urban or rural Indians; and

"(9) where necessary, provide or contract for health care services to urban or rural Indians.

"(b) The Secretary, acting through the Service, shall by regulation prescribe the criteria for selecting urban Indian organizations and rural Indian organizations to enter into contracts pursuant to this title. Such criteria shall, among other factors, take into consideration—

94 STAT. 3177

"(1) the extent of the unmet health care needs of urban Indians in the urban center or of rural Indians in the rural community involved;

"(2) the size of the urban Indian population or the rural Indian community to receive assistance;

"(3) the relative accessibility of health care services to such population in such urban center or rural community;

"(4) the extent, if any, to which the activities set forth in subsection (a) would duplicate any previous or current public or private health services project in such urban center or rural community that was or is funded in a manner other than pursuant to this title;

"(5) the appropriateness and likely effectiveness of the activities set forth in subsection (a) in such urban center or rural community;

"(6) the existence of an urban Indian organization or a rural Indian organization capable of performing the activities set forth in subsection (a) and entering into a contract with the Secretary pursuant to this title; and

"(7) the extent of existing or likely future participation in the activities set forth in subsection (a) by appropriate health and health-related Federal, State, local, and other agencies.

"OTHER CONTRACT REQUIREMENTS

"SEC. 504. (a) Contracts with urban Indian organizations or rural Indian organizations pursuant to this title shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of the Act of August 24, 1935 (49 Stat. 793), as amended.

"(b) Payments under any contracts pursuant to this title may be made in advance or by way of reimbursement and in such installments and on such conditions as the Secretary deems necessary to carry out the purposes of this title.

"(c) Notwithstanding any provision of law to the contrary, the Secretary may, at the request or consent of an urban Indian organization or a rural Indian organization, revise or amend any contract made by the Secretary with such organization under this title as necessary to carry out the purposes of this title: *Provided, however*, That whenever an urban Indian organization or a rural Indian organization requests retrocession of the Secretary for any contract entered into pursuant to this title, such retrocession shall become effective upon a date specified by the Secretary not more than one hundred and twenty days from the date of the request by the organization or at such later date as may be mutually agreed to by the Secretary and the organization.

"(d) In connection with any contract made pursuant to this title, the Secretary may permit an urban Indian organization or a rural Indian organization to utilize, in carrying out such contract, existing facilities owned by the Federal Government within the Secretary's jurisdiction under such terms and conditions as may be agreed upon for the use and maintenance of such facilities.

"(e) Contracts with urban or rural Indian organizations and regulations adopted pursuant to this title shall include provisions to assure the fair and uniform provision to urban or rural Indians of services and assistance under such contracts by such organizations.

"SEC. 505. For each fiscal year during which an urban Indian organization or a rural Indian organization receives or expends funds pursuant to a contract under this title, such organization shall submit to the Secretary a report including information gathered pursuant to section 503(a) (7) and (8), information on activities conducted by the organization pursuant to the contract, an accounting of the amounts and purposes for which Federal funds were expended, and such other information as the Secretary may request. The reports and records of the urban Indian organization or the rural Indian organization with respect to such contract shall be subject to audit by the Secretary and the Comptroller General of the United States.

"AUTHORIZATIONS

"SEC. 506. (a) There are authorized to be appropriated for contracts with urban Indian organizations under this title \$18,750,000 for the fiscal year ending September 30, 1981, \$21,500,000 for the fiscal year ending September 30, 1982, \$24,725,000 for the fiscal year ending September 30, 1983, and \$28,500,000 for the fiscal year ending September 30, 1984.

"(b) There are authorized to be appropriated for contracts with rural Indian organizations under this title \$3,000,000 for the fiscal year ending September 30, 1981, \$3,000,000 for the fiscal year ending September 30, 1982, \$3,000,000 for the fiscal year ending September 30, 1983, and \$3,000,000 for the fiscal year ending September 30, 1984.

"REVIEW OF PROGRAM

"SEC. 507. Not later than the date six months after September 30, 1983, the Secretary, acting through the Service and with the assistance of the urban and rural Indian organizations that have entered into contracts under this title, shall review the program established under this title and submit to the Congress an assessment thereof and recommendations for any further legislative efforts the Secretary deems necessary to meet the purpose of this title."

MISCELLANEOUS

SEC. 8. (a) Section 704 is amended by adding the following new sentence at the end thereof: "Property leased by the Secretary from an Indian tribe may be reconstructed or renovated by the Secretary pursuant to an agreement with such Indian tribe."

(b) Title VII is amended by adding the following new sections at the end thereof:

"RESOURCE ALLOCATION PLAN

"SEC. 706. Within one year from the date of the enactment of this section, the Secretary shall submit to the Congress a resource allocation plan. Such plan shall explain the future allocation of services and funds among the service population of the Service and shall provide a schedule for reducing deficiencies in resources of tribes and nontribal specific entities.

"NUCLEAR RESOURCE DEVELOPMENT HEALTH HAZARDS

"SEC. 707. (a) The Secretary and the Service shall conduct, in conjunction with other appropriate Federal agencies and in consultation with concerned Indian tribes and organizations, a study of the

health hazards to Indian miners and Indians on or near Indian reservations and in Indian communities as a result of nuclear resource development. Such study shall include—

“(1) an evaluation of the nature and extent of nuclear resource development related health problems currently exhibited among Indians and the causes of such health problems;

“(2) an analysis of the potential effect of ongoing and future nuclear resource development on or near Indian reservations and communities;

“(3) an evaluation of the types and nature of activities, practices, and conditions causing or affecting such health problems, including uranium mining and milling, uranium mine tailing deposits, nuclear powerplant operation and construction, and nuclear waste disposal;

“(4) a summary of any findings and recommendations provided in Federal and State studies, reports, investigations, and inspections during the five years prior to the date of the enactment of this section that directly or indirectly relate to the activities, practices, and conditions affecting the health or safety of such Indians; and

“(5) the efforts that have been made by Federal and State agencies and mining and milling companies to effectively carry out an education program for such Indians regarding the health and safety hazards of such nuclear resource development.

“(b) Upon completion of such study the Secretary and the Service shall take into account the results of such study and develop a health care plan to address the health problems studied under subsection (a). The plan shall include—

“(1) methods for diagnosing and treating Indians currently exhibiting such health problems;

“(2) preventive care for Indians who may be exposed to such health hazards, including the monitoring of the health of individuals who have or may have been exposed to excessive amounts of radiation, or affected by other nuclear development activities that have had or could have a serious impact upon the health of such individuals; and

“(3) a program of education for Indians who, by reason of their work or geographic proximity to such nuclear development activities, may experience health problems.

“(c) The Secretary and the Service shall submit to Congress the study prepared under subsection (a) no later than the date eighteen months after the date of enactment of this section. The health care plan prepared under subsection (b) shall be submitted in a report no later than the date one year after the date that the study prepared under subsection (a) is submitted to Congress. Such report shall include recommended activities for the implementation of the plan, as well as an evaluation of any activities previously undertaken by the Service to address such health problems.

“(d)(1) There is established an Intergovernmental Task Force to be composed of the following individuals (or their designees): the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Director of the Bureau of Mines, the Assistant Secretary for Occupational Safety and Health, and the Secretary of the Interior.

“(2) The Task Force shall identify existing and potential operations related to nuclear resource development that affect or may affect the health of Indians on or near an Indian reservation or in an Indian community and enter into activities to correct existing health haz-

ards and insure that current and future health problems resulting from nuclear resource development activities are minimized or reduced.

“(3) The Secretary shall be Chairman of the Task Force. The Task Force shall meet at least twice each year. Each member of the Task Force shall furnish necessary assistance to the Task Force.

“(e) In the case of any Indian who—

“(1) as a result of employment in or near a uranium mine or mill, suffers from a work related illness or condition;

“(2) is eligible to receive diagnosis and treatment services from a Service facility; and

“(3) by reason of such Indian's employment, is entitled to medical care at the expense of such mine or mill operator; the Service shall, at the request of such Indian, render appropriate medical care to such Indian for such illness or condition and may recover the costs of any medical care so rendered to which such Indian is entitled at the expense of such operator from such operator. Nothing in this subsection shall affect the rights of such Indian to recover damages other than such costs paid to the Service from the employer for such illness or condition.

“(f) There is authorized to be appropriated \$300,000 to carry out the study as provided in subsection (a), such amount to be expended by the date eighteen months after the date of the enactment of this section.

“ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA

“SEC. 708. (a) For the fiscal years beginning with the fiscal year ending September 30, 1982, and ending with the fiscal year ending September 30, 1984, the State of Arizona shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to Indians in such State.

“(b) The Service shall not curtail any health care services provided to Indians residing on Federal reservations in the State of Arizona if such curtailment is due to the provision of contract services in such State pursuant to the designation of such State as a contract health service delivery area pursuant to subsection (a).

“(c) There are authorized to be appropriated to carry out this section \$2,000,000 for the fiscal year ending September 30, 1982, \$2,000,000 for the fiscal year ending September 30, 1983, and \$2,000,000 for the fiscal year ending September 30, 1984.

“CALIFORNIA FORMER FEDERALLY RECOGNIZED TRIBES

“SEC. 709. Indians in the State of California who are members or descendants of members of former federally recognized tribes of the State of California shall be eligible for services from the Service in the fiscal years beginning with the fiscal year ending September 30, 1982, and ending with the fiscal year ending September 30, 1984.

“PERSONNEL CEILINGS DEMONSTRATION PROJECT

“SEC. 710. (a) In order to determine whether the Service can be better managed through fiscal controls without personnel ceilings, the Service shall, in conjunction with the Office of Personnel Management and the Secretary, conduct a demonstration project in which certain personnel ceilings in the Service are lifted. Such demonstra-

tion project shall be conducted in two of the Indian Health Service areas and shall be closely monitored by the Service.

"(b) Not later than the date 2 years after the date of the enactment of this section, the Service shall submit a report to Congress regarding the demonstration project carried out under subsection (a). Such report shall include a discussion of whether the lifting of personnel ceilings would improve the Service's ability to deliver services, what potential negative impact the lifting of personnel ceilings might have on the control of Federal employment, and a determination as to whether the lifting of personnel ceilings should be expanded to the entire Service."

File

under P.L. 94-437,
at end of file

Amendments --

↙ P.L. 96-537 ↘

~~Proposed Amendments?~~

Indian Health Amend-
ments of 1980

"Manpower"

