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:

J. J. Harwood
Director, Albuquerque Area Indian Health Service
PUBLIC LAW 96-537 [S. 2728] ; December 17, 1980

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(b) 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(a) 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) Preprofessional education of any grantee leading to a baccalaureate degree in an approved premedicine, premedical, preprofessional degree in public health, preprofessional, preoptometry, or preoptometry, preprofessional, preoptometry, or preprofessional education of any grantee, such scholarship not to exceed two 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 $350,000 for the fiscal year ending September 30, 1981, $4,500,000 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 103(f) 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 $350,000 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) 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)(1) 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 $20,000,000 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.”

(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, $7,300,000 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.”

(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.”

(4) Section 201(c)(4)(D) is amended by adding the following sentence at the end thereof: “There are authorized to be appropriated $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.”

(5) Section 201(c)(5) 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.”

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

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 individuals; 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
"SEc. 504. with all Federal contracting laws and necessary to carry out the purposes of this title. That whenever an urban Indian organization or a rural Indian organization requests retrocession of the Secretary for any contract made by the Secretary with such organization under this title as necessary to carry out the purposes of this title: entered into pursuant to this title, such retrocession organization or at such later date as may be mutually agreed to by the Secretary and the organization. hundred and twenty days from the date of the request by the organization to the Secretary, and the organization. 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.

"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.

"Reports and Records"

"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), on activities conducted by the organization pursuant to the contract, an accounting of 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 $28,600,000 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—

(a) In order to determine whether the health effects, 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

(b) 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 (a) 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.

(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 a Indian reservation or in an Indian community and enter into activities to correct existing health hazard.
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 21 94-437

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Amendments --

I.C. 96-537

Proposed Amendments ?

Indian Health Amendments of 1980

"Labourpower"