

Indian Health Only

II

Calendar No. 000

113TH CONGRESS
2D SESSION

S. 0000

[Report No. 113-000]

Making appropriations for Department of the Interior, Environment, and Related Agencies for the fiscal year ending September 30, 2015, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY _____, 2014

Mr. REED, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for Department of the Interior, Environment, and Related Agencies for the fiscal year ending September 30, 2015, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for De-
5 partment of the Interior, Environment, and Related Agen-
6 cies for the fiscal year ending September 30, 2015, and
7 for other purposes, namely:

1 should clearly display the sums previously transferred and
2 the requested funding transfers.

3 An eligible individual who is employed in any project
4 funded under title V of the Older Americans Act of 1965
5 (42 U.S.C. 3056 et seq.) and administered by the Forest
6 Service shall be considered to be a Federal employee for
7 purposes of chapter 171 of title 28, United States Code.

8 DEPARTMENT OF HEALTH AND HUMAN
9 SERVICES

10 INDIAN HEALTH SERVICE

11 INDIAN HEALTH SERVICES

12 For expenses necessary to carry out the Act of Au-
13 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
14 tion and Education Assistance Act, the Indian Health
15 Care Improvement Act, and titles II and III of the Public
16 Health Service Act with respect to the Indian Health Serv-
17 ice, \$4,085,515,000, together with payments received dur-
18 ing the fiscal year pursuant to 42 U.S.C. 238(b) and
19 238b, for services furnished by the Indian Health Service:
20 *Provided*, That funds made available to tribes and tribal
21 organizations through contracts, grant agreements, or any
22 other agreements or compacts authorized by the Indian
23 Self-Determination and Education Assistance Act of 1975
24 (25 U.S.C. 450), shall be deemed to be obligated at the
25 time of the grant or contract award and thereafter shall

1 remain available to the tribe or tribal organization without
2 fiscal year limitation: *Provided further, That,*
3 \$881,147,000 for Purchased/Referred Care, including
4 \$51,500,000 for the Indian Catastrophic Health Emer-
5 gency Fund, shall remain available until expended: *Pro-*
6 *vided further, That,* of the funds provided, up to
7 \$36,000,000 shall remain available until expended for im-
8 plementation of the loan repayment program under section
9 108 of the Indian Health Care Improvement Act: *Provided*
10 *further, That* the amounts collected by the Federal Gov-
11 ernment as authorized by sections 104 and 108 of the In-
12 dian Health Care Improvement Act (25 U.S.C. 1613a and
13 1616a) during the preceding fiscal year for breach of con-
14 tracts shall be deposited to the Fund authorized by section
15 108A of the Act (25 U.S.C. 1616a-1) and shall remain
16 available until expended and, notwithstanding section
17 108A(c) of the Act (25 U.S.C. 1616a-1(c)), funds shall
18 be available to make new awards under the loan repay-
19 ment and scholarship programs under sections 104 and
20 108 of the Act (25 U.S.C. 1613a and 1616a): *Provided*
21 *further, That* notwithstanding any other provision of law,
22 the amounts made available within this account for the
23 methamphetamine and suicide prevention and treatment
24 initiative and for the domestic violence prevention initia-
25 tive shall be allocated at the discretion of the Director of

1 the Indian Health Service and shall remain available until
2 expended: *Provided further*, That funds provided in this
3 Act may be used for annual contracts and grants that fall
4 within 2 fiscal years, provided the total obligation is re-
5 corded in the year the funds are appropriated: *Provided*
6 *further*, That the amounts collected by the Secretary of
7 Health and Human Services under the authority of title
8 IV of the Indian Health Care Improvement Act shall re-
9 main available until expended for the purpose of achieving
10 compliance with the applicable conditions and require-
11 ments of titles XVIII and XIX of the Social Security Act,
12 except for those related to the planning, design, or con-
13 struction of new facilities: *Provided further*, That funding
14 contained herein for scholarship programs under the In-
15 dian Health Care Improvement Act (25 U.S.C. 1613)
16 shall remain available until expended: *Provided further*,
17 That amounts received by tribes and tribal organizations
18 under title IV of the Indian Health Care Improvement Act
19 shall be reported and accounted for and available to the
20 receiving tribes and tribal organizations until expended:
21 *Provided further*, That the Bureau of Indian Affairs may
22 collect from the Indian Health Service, tribes and tribal
23 organizations operating health facilities pursuant to Pub-
24 lic Law 93-638, such individually identifiable health infor-
25 mation relating to disabled children as may be necessary

1 for the purpose of carrying out its functions under the
2 Individuals with Disabilities Education Act (20 U.S.C.
3 1400, et seq.): *Provided further*, That the Indian Health
4 Care Improvement Fund may be used, as needed, to carry
5 out activities typically funded under the Indian Health Fa-
6 cilities account.

7 INDIAN HEALTH FACILITIES

8 For construction, repair, maintenance, improvement,
9 and equipment of health and related auxiliary facilities,
10 including quarters for personnel; preparation of plans,
11 specifications, and drawings; acquisition of sites, purchase
12 and erection of modular buildings, and purchases of trail-
13 ers; and for provision of domestic and community sanita-
14 tion facilities for Indians, as authorized by section 7 of
15 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
16 Self-Determination Act, and the Indian Health Care Im-
17 provement Act, and for expenses necessary to carry out
18 such Acts and titles II and III of the Public Health Serv-
19 ice Act with respect to environmental health and facilities
20 support activities of the Indian Health Service,
21 \$460,234,000 to remain available until expended: *Pro-*
22 *vided*, That notwithstanding any other provision of law,
23 funds appropriated for the planning, design, construction,
24 renovation or expansion of health facilities for the benefit
25 of an Indian tribe or tribes may be used to purchase land

1 on which such facilities will be located: *Provided further*,
2 That not to exceed \$500,000 may be used by the Indian
3 Health Service to purchase TRANSAM equipment from
4 the Department of Defense for distribution to the Indian
5 Health Service and tribal facilities: *Provided further*, That
6 none of the funds appropriated to the Indian Health Serv-
7 ice may be used for sanitation facilities construction for
8 new homes funded with grants by the housing programs
9 of the United States Department of Housing and Urban
10 Development: *Provided further*, That not to exceed
11 \$2,700,000 from this account and the “Indian Health
12 Services” account may be used by the Indian Health Serv-
13 ice to obtain ambulances for the Indian Health Service
14 and tribal facilities in conjunction with an existing inter-
15 agency agreement between the Indian Health Service and
16 the General Services Administration: *Provided further*,
17 That not to exceed \$500,000 may be placed in a Demoli-
18 tion Fund, to remain available until expended, and be used
19 by the Indian Health Service for the demolition of Federal
20 buildings.

21 ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

22 Appropriations provided in this Act to the Indian
23 Health Service shall be available for services as authorized
24 by 5 U.S.C. 3109 at rates not to exceed the per diem rate
25 equivalent to the maximum rate payable for senior-level

1 positions under 5 U.S.C. 5376; hire of passenger motor
2 vehicles and aircraft; purchase of medical equipment; pur-
3 chase of reprints; purchase, renovation and erection of
4 modular buildings and renovation of existing facilities;
5 payments for telephone service in private residences in the
6 field, when authorized under regulations approved by the
7 Secretary; uniforms or allowances therefor as authorized
8 by 5 U.S.C. 5901–5902; and for expenses of attendance
9 at meetings that relate to the functions or activities of the
10 Indian Health Service: *Provided*, That in accordance with
11 the provisions of the Indian Health Care Improvement
12 Act, non-Indian patients may be extended health care at
13 all tribally administered or Indian Health Service facili-
14 ties, subject to charges, and the proceeds along with funds
15 recovered under the Federal Medical Care Recovery Act
16 (42 U.S.C. 2651–2653) shall be credited to the account
17 of the facility providing the service and shall be available
18 without fiscal year limitation: *Provided further*, That not-
19 withstanding any other law or regulation, funds trans-
20 ferred from the Department of Housing and Urban Devel-
21 opment to the Indian Health Service shall be administered
22 under Public Law 86–121, the Indian Sanitation Facilities
23 Act and Public Law 93–638: *Provided further*, That funds
24 appropriated to the Indian Health Service in this Act, ex-
25 cept those used for administrative and program direction

1 purposes, shall not be subject to limitations directed at
2 curtailing Federal travel and transportation: *Provided fur-*
3 *ther*, That none of the funds made available to the Indian
4 Health Service in this Act shall be used for any assess-
5 ments or charges by the Department of Health and
6 Human Services unless identified in the budget justifica-
7 tion and provided in this Act, or approved by the House
8 and Senate Committees on Appropriations through the re-
9 programming process: *Provided further*, That notwith-
10 standing any other provision of law, funds previously or
11 herein made available to a tribe or tribal organization
12 through a contract, grant, or agreement authorized by
13 title I or title V of the Indian Self-Determination and
14 Education Assistance Act of 1975 (25 U.S.C. 450), may
15 be deobligated and reobligated to a self-determination con-
16 tract under title I, or a self-governance agreement under
17 title V of such Act and thereafter shall remain available
18 to the tribe or tribal organization without fiscal year limi-
19 tation: *Provided further*, That none of the funds made
20 available to the Indian Health Service in this Act shall
21 be used to implement the final rule published in the Fed-
22 eral Register on September 16, 1987, by the Department
23 of Health and Human Services, relating to the eligibility
24 for the health care services of the Indian Health Service
25 until the Indian Health Service has submitted a budget

1 request reflecting the increased costs associated with the
2 proposed final rule, and such request has been included
3 in an appropriations Act and enacted into law: *Provided*
4 *further*, That with respect to functions transferred by the
5 Indian Health Service to tribes or tribal organizations, the
6 Indian Health Service is authorized to provide goods and
7 services to those entities on a reimbursable basis, includ-
8 ing payments in advance with subsequent adjustment, and
9 the reimbursements received therefrom, along with the
10 funds received from those entities pursuant to the Indian
11 Self-Determination Act, may be credited to the same or
12 subsequent appropriation account from which the funds
13 were originally derived, with such amounts to remain
14 available until expended: *Provided further*, That reim-
15 bursements for training, technical assistance, or services
16 provided by the Indian Health Service will contain total
17 costs, including direct, administrative, and overhead asso-
18 ciated with the provision of goods, services, or technical
19 assistance: *Provided further*, That the appropriation struc-
20 ture for the Indian Health Service may not be altered
21 without advance notification to the House and Senate
22 Committees on Appropriations.

1 section 314(c) of the Department of the Interior and Re-
2 lated Agencies Appropriations Act, 1997 (Public Law
3 104–208).

4 (d) MINERAL EXAMINATIONS.—In order to process
5 patent applications in a timely and responsible manner,
6 upon the request of a patent applicant, the Secretary of
7 the Interior shall allow the applicant to fund a qualified
8 third-party contractor to be selected by the Director of the
9 Bureau of Land Management to conduct a mineral exam-
10 ination of the mining claims or mill sites contained in a
11 patent application as set forth in subsection (b). The Bu-
12 reau of Land Management shall have the sole responsi-
13 bility to choose and pay the third-party contractor in ac-
14 cordance with the standard procedures employed by the
15 Bureau of Land Management in the retention of third-
16 party contractors.

17 CONTRACT SUPPORT COSTS, PRIOR YEAR LIMITATION

18 SEC. 405. Notwithstanding any other provision of
19 law, amounts appropriated to or otherwise designated in
20 committee reports for the Bureau of Indian Affairs and
21 the Indian Health Service by Public Laws 103–138, 103–
22 332, 104–134, 104–208, 105–83, 105–277, 106–113,
23 106–291, 107–63, 108–7, 108–108, 108–447, 109–54,
24 109–289, division B and Continuing Appropriations Reso-
25 lution, 2007 (division B of Public Law 109–289, as

1 Health Service for activities funded by the fiscal year 2014
2 appropriation: *Provided*, That such amounts provided by
3 that Act are not available for payment of claims for con-
4 tract support costs for prior years, or for repayments of
5 payments for settlements or judgments awarding contract
6 support costs for prior years.

7 CONTRACT SUPPORT COSTS, FISCAL YEAR 2015

8 LIMITATION

9 SEC. 407. Amounts provided by this Act for fiscal
10 year 2015 under the headings “Department of Health and
11 Human Services, Indian Health Service, Indian Health
12 Services” and “Department of the Interior, Bureau of In-
13 dian Affairs and Bureau of Indian Education, Operation
14 of Indian Programs” are the only amounts available for
15 contract support costs arising out of self-determination or
16 self-governance contracts, grants, compacts, or annual
17 funding agreements for fiscal year 2015 with the Bureau
18 of Indian Affairs or the Indian Health Service: *Provided*,
19 That such amounts provided by this Act are not available
20 for payment of claims for contract support costs for prior
21 years, or for repayments of payments for settlements or
22 judgments awarding contract support costs for prior
23 years.

1 grams that are of national impact or availability or
2 are able to tour several States;

3 (2) the Chairperson shall not make grants ex-
4 ceeding 15 percent, in the aggregate, of such funds
5 to any single State, excluding grants made under the
6 authority of paragraph (1);

7 (3) the Chairperson shall report to the Con-
8 gress annually and by State, on grants awarded by
9 the Chairperson in each grant category under sec-
10 tion 5 of such Act; and

11 (4) the Chairperson shall encourage the use of
12 grants to improve and support community-based
13 music performance and education.

14 STATUS OF BALANCES OF APPROPRIATIONS

15 SEC. 416. The Department of the Interior, the Envi-
16 ronmental Protection Agency, the Forest Service, and the
17 Indian Health Service shall provide the Committees on
18 Appropriations of the House of Representatives and Sen-
19 ate quarterly reports on the status of balances of appro-
20 priations including all uncommitted, committed, and unob-
21 ligated funds in each program and activity.

22 FUNDING PROHIBITION

23 SEC. 417. None of the funds made available by this
24 Act may be used to enter into a contract, memorandum
25 of understanding, or cooperative agreement with, make a

S. Rpt. 113-XX

DEPARTMENT OF HEALTH AND HUMAN SERVICES
INDIAN HEALTH SERVICE
Indian Health Services

Clinical services:					
Hospital and health clinics	1,790,904	1,862,501	1,838,665	+47,761	-23,836
Dental health	165,290	175,654	173,982	+8,692	-1,672
Mental health	77,980	82,025	81,145	+3,165	-880
Alcohol and substance abuse	186,378	193,824	190,981	+4,603	-2,843
Purchased/referred care	878,575	929,041	881,147	+2,572	-47,894
Subtotal	3,099,127	3,243,045	3,165,920	+66,793	-77,125
Preventive health:					
Public health nursing	70,909	76,353	75,640	+4,731	-713
Health education	17,001	18,263	18,026	+1,025	-237
Community health representatives	58,345	59,386	58,469	+124	-917
Immunization (Alaska)	1,826	1,855	1,826	.....	-29
Subtotal	148,081	155,857	153,961	+5,880	-1,896
Other services:					
Urban Indian health	40,729	41,375	40,729	.....	-646
Indian health professions	33,466	38,466	33,466	.....	-5,000
Tribal management grant program	1,442	2,442	1,442	.....	-1,000
Direct operations	67,894	68,065	68,065	+171	.....
Self-governance	4,727	5,727	4,727	.....	-1,000
Contract support costs	587,376	617,205	617,205	+29,829	.....
Subtotal	735,634	773,280	765,634	+30,000	-7,646
Total, Indian Health Services	3,982,842	4,172,182	4,085,515	+102,673	-86,667
Indian Health Facilities					
Maintenance and improvement	53,614	53,614	53,614	.....	.....
Sanitation facilities construction	79,423	79,423	79,423	.....	.....
Health care facilities construction	85,048	85,048	85,048	.....	.....
Facilities and environmental health support	211,051	220,585	219,612	+8,561	-973
Equipment	22,537	23,325	22,537	.....	-788

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2014 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL
FOR FISCAL YEAR 2015—Continued
[In thousands of dollars]

Item	2014 appropriation	Budget estimate	Chairman's recommendation	Chairman's recommendation compared with (+ or -)	
				2014 appropriation	Budget estimate
Total, Indian Health Facilities	451,673	461,995	460,234	+ 8,561	- 1,761
TOTAL, INDIAN HEALTH SERVICE	4,434,515	4,634,177	4,545,749	+ 111,234	- 88,428
NATIONAL INSTITUTES OF HEALTH					
National Institute of Environmental Health Sciences	77,349	77,349	77,349		
AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY					
Toxic substances and environmental public health	74,691	74,691	74,691		
TOTAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES	4,586,555	4,786,217	4,697,789	+ 111,234	- 88,428
OTHER RELATED AGENCIES					
EXECUTIVE OFFICE OF THE PRESIDENT					
Council on Environmental Quality and Office of Environmental Quality	3,000	3,009	3,009	+ 9	
CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD					
Salaries and expenses	11,000	12,253	11,000		- 1,253
OFFICE OF NAVAJO AND HOP I INDIAN RELOCATION					
Salaries and expenses	7,341	8,499	7,879	+ 538	- 620
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT					
Payment to the Institute	9,369	11,469	9,469	+ 100	- 2,000