

***In the Senate of the United States,***

*September 19, 1996.*

*Resolved*, That the bill from the House of Representatives (H.R. 3378) entitled “An Act to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; REFERENCES.***

2       (a) *SHORT TITLE.*—*This Act may be cited as the “In-*  
3 *dian Health Care Improvement Technical Corrections Act*  
4 *of 1996”.*

5       (b) *REFERENCES.*—*Whenever in this Act an amend-*  
6 *ment or repeal is expressed in terms of an amendment to*  
7 *or repeal of a section or other provision, the reference shall*  
8 *be considered to be made to a section or other provision*  
9 *of the Indian Health Care Improvement Act.*

1 **SEC. 2. TECHNICAL CORRECTIONS IN THE INDIAN HEALTH**  
2 **CARE IMPROVEMENT ACT.**

3 (a) *DEFINITION OF HEALTH PROFESSION.*—Section  
4 4(n) (25 U.S.C. 1603(n)) is amended—

5 (1) by inserting “allopathic medicine,” before  
6 “family medicine”; and

7 (2) by striking “and allied health professions”  
8 and inserting “an allied health profession, or any  
9 other health profession”.

10 (b) *INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.*—  
11 Section 104(b) of the Indian Health Care Improvement Act  
12 (25 U.S.C. 1613a(b)) is amended—

13 (1) in paragraph (3)—

14 (A) in subparagraph (A)—

15 (i) by striking the matter preceding  
16 clause (i) and inserting the following:

17 “(3)(A) The active duty service obligation under a  
18 written contract with the Secretary under section 338A of  
19 the Public Health Service Act (42 U.S.C. 254l) that an in-  
20 dividual has entered into under that section shall, if that  
21 individual is a recipient of an Indian Health Scholarship,  
22 be met in full-time practice, by service—”;

23 (ii) by striking “or” at the end of  
24 clause (iii);

25 (iii) by striking the period at the end  
26 of clause (iv) and inserting “; or”; and

1                   (iv) by adding at the end the following  
2                   new clause:

3                   “(v) in an academic setting (including a pro-  
4                   gram that receives funding under section 102, 112, or  
5                   114, or any other academic setting that the Secretary,  
6                   acting through the Service, determines to be appro-  
7                   priate for the purposes of this clause) in which the  
8                   major duties and responsibilities of the recipient are  
9                   the recruitment and training of Indian health profes-  
10                  sionals in the discipline of that recipient in a manner  
11                  consistent with the purpose of this title, as specified  
12                  in section 101.”;

13                  (B) by redesignating subparagraphs (B)  
14                  and (C) as subparagraphs (C) and (D), respec-  
15                  tively;

16                  (C) by inserting after subparagraph (A) the  
17                  following new subparagraph:

18                  “(B) At the request of any individual who has entered  
19                  into a contract referred to in subparagraph (A) and who  
20                  receives a degree in medicine (including osteopathic or  
21                  allopathic medicine), dentistry, optometry, podiatry, or  
22                  pharmacy, the Secretary shall defer the active duty service  
23                  obligation of that individual under that contract, in order  
24                  that such individual may complete any internship, resi-  
25                  dency, or other advanced clinical training that is required

1 *for the practice of that health profession, for an appropriate*  
2 *period (in years, as determined by the Secretary), subject*  
3 *to the following conditions:*

4           “(i) *No period of internship, residency, or other*  
5 *advanced clinical training shall be counted as satisfy-*  
6 *ing any period of obligated service that is required*  
7 *under this section.*

8           “(ii) *The active duty service obligation of that*  
9 *individual shall commence not later than 90 days*  
10 *after the completion of that advanced clinical train-*  
11 *ing (or by a date specified by the Secretary).*

12           “(iii) *The active duty service obligation will be*  
13 *served in the health profession of that individual, in*  
14 *a manner consistent with clauses (i) through (v) of*  
15 *subparagraph (A).”;*

16           *(D) in subparagraph (C), as so redesign-*  
17 *ated, by striking “prescribed under section*  
18 *338C of the Public Health Service Act (42*  
19 *U.S.C. 254m) by service in a program specified*  
20 *in subparagraph (A)” and inserting “described*  
21 *in subparagraph (A) by service in a program*  
22 *specified in that subparagraph”;* and

23           *(E) in subparagraph (D), as so redesign-*  
24 *ated—*

1                   (i) by striking “Subject to subpara-  
2                   graph (B),” and inserting “Subject to sub-  
3                   paragraph (C),”; and

4                   (ii) by striking “prescribed under sec-  
5                   tion 338C of the Public Health Service Act  
6                   (42 U.S.C. 254m)” and inserting “described  
7                   in subparagraph (A)”;

8                   (2) in paragraph (4)—

9                   (A) in subparagraph (B), by striking the  
10                  matter preceding clause (i) and inserting the fol-  
11                  lowing:

12                 “(B) the period of obligated service described in  
13                 paragraph (3)(A) shall be equal to the greater of—”;  
14                 and

15                 (B) in subparagraph (C), by striking “(42  
16                 U.S.C. 254m(g)(1)(B))” and inserting “(42  
17                 U.S.C. 254l(g)(1)(B))”; and

18                 (3) in paragraph (5), by adding at the end the  
19                 following new subparagraphs:

20                 “(C) Upon the death of an individual who receives an  
21                 Indian Health Scholarship, any obligation of that individ-  
22                 ual for service or payment that relates to that scholarship  
23                 shall be canceled.

24                 “(D) The Secretary shall provide for the partial or  
25                 total waiver or suspension of any obligation of service or

1 *payment of a recipient of an Indian Health Scholarship*  
2 *if the Secretary determines that—*

3           “(i) *it is not possible for the recipient to meet*  
4 *that obligation or make that payment;*

5           “(ii) *requiring that recipient to meet that obliga-*  
6 *tion or make that payment would result in extreme*  
7 *hardship to the recipient; or*

8           “(iii) *the enforcement of the requirement to meet*  
9 *the obligation or make the payment would be uncon-*  
10 *scionable.*

11           “(E) *Notwithstanding any other provision of law, in*  
12 *any case of extreme hardship or for other good cause shown,*  
13 *the Secretary may waive, in whole or in part, the right*  
14 *of the United States to recover funds made available under*  
15 *this section.*

16           “(F) *Notwithstanding any other provision of law, with*  
17 *respect to a recipient of an Indian Health Scholarship, no*  
18 *obligation for payment may be released by a discharge in*  
19 *bankruptcy under title 11, United States Code, unless that*  
20 *discharge is granted after the expiration of the 5-year pe-*  
21 *riod beginning on the initial date on which that payment*  
22 *is due, and only if the bankruptcy court finds that the non-*  
23 *discharge of the obligation would be unconscionable.”.*

24           (c) *CALIFORNIA CONTRACT HEALTH SERVICES DEM-*  
25 *ONSTRATION PROGRAM.—Section 211(g) (25 U.S.C.*

1 1621j(g)) is amended by striking “1993, 1994, 1995, 1996,  
2 and 1997” and inserting “1996 through 2000”.

3 (d) *EXTENSION OF CERTAIN DEMONSTRATION PRO-*  
4 *GRAM.*—Section 405(c)(2) (25 U.S.C. 1645(c)(2)) is amend-  
5 ed by striking “September 30, 1996” and inserting “Sep-  
6 tember 30, 1998”.

7 (e) *GALLUP ALCOHOL AND SUBSTANCE ABUSE TREAT-*  
8 *MENT CENTER.*—Section 706(d) (25 U.S.C. 1665e(d)) is  
9 amended to read as follows:

10 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—There  
11 are authorized to be appropriated, for each of fiscal years  
12 1996 through 2000, such sums as may be necessary to carry  
13 out subsection (b).”.

14 (f) *SUBSTANCE ABUSE COUNSELOR EDUCATION DEM-*  
15 *ONSTRATION PROGRAM.*—Section 711(h) (25 U.S.C.  
16 1665j(h)) is amended by striking “1993, 1994, 1995, 1996,  
17 and 1997” and inserting “1996 through 2000”.

18 (g) *HOME AND COMMUNITY-BASED CARE DEMONSTRA-*  
19 *TION PROGRAM.*—Section 821(i) (25 U.S.C. 1680k(i)) is  
20 amended by striking “1993, 1994, 1995, 1996, and 1997”  
21 and inserting “1996 through 2000”.

Attest:

*Secretary.*

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

**H. R. 3378**

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**AMENDMENT**

HR 3378 EAS—2

HR 3378 EAS—3

HR 3378 EAS—4

HR 3378 EAS—5