

116TH CONGRESS
2D SESSION

H. R. 6836

To amend the CARES Act to provide for payments to the Indian Health Service, Indian Tribes, Tribal organizations, and urban Indian organizations from the Public Health and Social Services Emergency Fund, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2020

Mr. RUIZ (for himself, Ms. KENDRA S. HORN of Oklahoma, Mr. GALLEGOS, Mr. KILMER, Mr. COOK, Mrs. NAPOLITANO, Mr. O'HALLERAN, Ms. HAALAND, Mr. HUFFMAN, Mr. DEFazio, Mr. MULLIN, and Mr. HECK) introduced the following bill; which was referred to the Committee on Appropriations

A BILL

To amend the CARES Act to provide for payments to the Indian Health Service, Indian Tribes, Tribal organizations, and urban Indian organizations from the Public Health and Social Services Emergency Fund, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tribal Health Care
5 Protection Fund Act”.

1 **SEC. 2. PROVIDING FOR PAYMENTS TO INDIAN HEALTH**
2 **SERVICE, INDIAN TRIBES, TRIBAL ORGANIZA-**
3 **TIONS, AND URBAN INDIAN ORGANIZATIONS**
4 **FROM PUBLIC HEALTH AND SOCIAL SERV-**
5 **ICES EMERGENCY FUND.**

6 (a) IN GENERAL.—Title VIII of division B of the
7 CARES Act (Public Law 116–136) is amended by adding
8 at the end of the matter under the heading “Department
9 of Health and Human Services—Office of the Secretary—
10 Public Health and Social Services Emergency Fund” the
11 following:

12 “For an additional amount for ‘Public Health
13 and Social Services Emergency Fund’,
14 \$1,700,000,000, to remain available until expended,
15 to prevent, prepare for, and respond to coronavirus,
16 domestically or internationally, for necessary ex-
17 penses to provide reimbursement, through contracts,
18 compacts, or other agreements as authorized by the
19 Indian Self-Determination and Education Assistance
20 Act of 1975 (25 U.S.C. 450), or through other
21 mechanisms for federally operated Indian Health
22 Service facilities, for health care-related expenses or
23 lost revenues incurred by the Indian Health Service,
24 Indian Tribes, Tribal organizations, and urban In-
25 dian organizations that are attributable to
26 coronavirus: *Provided*, That these funds may not be

1 used to reimburse expenses or losses that have been
2 reimbursed from other sources: *Provided further*,
3 That payments under this paragraph shall not be in
4 the form of an interest loan or otherwise, but rather
5 shall be one-time payments for related health care
6 expenses or lost revenues: *Provided further*, That re-
7 cipients of payments under this paragraph shall sub-
8 mit reports and maintain documentation as the Sec-
9 retary of Health and Human Services determines
10 are needed to ensure compliance with conditions that
11 are imposed by this paragraph for such payments,
12 and such reports and documentation shall be in such
13 form, with such content, and in such time as the
14 Secretary may prescribe for such purpose: *Provided*
15 *further*, That ‘Indian Tribes and Tribal organiza-
16 tions’ have such meaning as defined under section 4
17 of the Indian Self-Determination and Education As-
18 sistance Act: *Provided further*, That ‘urban Indian
19 organization’ has such meaning as defined under
20 section 4 of the Indian Health Care Improvement
21 Act: *Provided further*, That the Secretary shall, on
22 a rolling basis, review applications and make pay-
23 ments under this paragraph in this Act: *Provided*
24 *further*, That funds appropriated under this para-
25 graph in this Act shall be available for health care

1 services, building or construction of temporary struc-
2 tures, leasing of properties, medical supplies and
3 equipment, including personal protective equipment
4 and testing supplies, increased workforce and
5 trainings, emergency operation centers, retrofitting
6 facilities, and surge capacity: *Provided further*, That,
7 in this paragraph, the term ‘payment’ means a pre-
8 payment, prospective payment, or retrospective pay-
9 ment, as determined appropriate by the Secretary:
10 *Provided further*, That payments under this para-
11 graph shall be made in consideration of the most ef-
12 ficient payment systems practicable to provide emer-
13 gency payment: *Provided further*, That to be eligible
14 for a payment under this paragraph, the Indian
15 Health Service and each Indian Tribe, Tribal organi-
16 zation, and urban Indian organization shall submit
17 to the Secretary an application that includes a state-
18 ment justifying the need of the Indian Health Serv-
19 ice or such Tribe, Tribal organization, or urban In-
20 dian organization, respectively, for such payment.”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall apply as if included in the enactment
23 of the CARES Act (Public Law 116–136).

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