

by Pub. L. 111-148, title X, §10221(a), Mar. 23, 2010, 124 Stat. 935. The repeal by Pub. L. 111-148 is based on section 101(b)(9) of title I of S. 1790, One Hundred Eleventh Congress, as reported by the Committee on Indian Affairs of the Senate in Dec. 2009, which was enacted into law by section 10221(a) of Pub. L. 111-148.

**§ 1660e. Expanded program authority for urban Indian organizations**

Notwithstanding any other provision of this chapter, the Secretary, acting through the Service, is authorized to establish programs, including programs for awarding grants, for urban Indian organizations that are identical to any programs established pursuant to sections 1621q, 1665a, and 1665g(g) of this title.

(Pub. L. 94-437, title V, §515, as added Pub. L. 111-148, title X, §10221(a), Mar. 23, 2010, 124 Stat. 935.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 94-437, Sept. 30, 1976, 90 Stat. 1400, known as the Indian Health Care Improvement Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

CODIFICATION

Section 515 of Pub. L. 94-437 is based on section 164 of title I of S. 1790, One Hundred Eleventh Congress, as reported by the Committee on Indian Affairs of the Senate in Dec. 2009, which was enacted into law by section 10221(a) of Pub. L. 111-148.

**§ 1660f. Community Health Representatives**

The Secretary, acting through the Service, may enter into contracts with, and make grants to, urban Indian organizations for the employment of Indians trained as health service providers through the Community Health Representative Program under section 1616 of this title in the provision of health care, health promotion, and disease prevention services to urban Indians.

(Pub. L. 94-437, title V, §516, as added Pub. L. 111-148, title X, §10221(a), Mar. 23, 2010, 124 Stat. 935.)

CODIFICATION

Section 516 of Pub. L. 94-437 is based on section 165 of title I of S. 1790, One Hundred Eleventh Congress, as reported by the Committee on Indian Affairs of the Senate in Dec. 2009, which was enacted into law by section 10221(a) of Pub. L. 111-148.

**§ 1660g. Use of Federal Government facilities and sources of supply**

**(a) In general**

The Secretary may permit an urban Indian organization that has entered into a contract or received a grant pursuant to this subchapter, in carrying out the contract or grant, to use, in accordance with such terms and conditions for use and maintenance as are agreed on by the Secretary and the urban Indian organizations—

- (1) any existing facility under the jurisdiction of the Secretary;
- (2) all equipment contained in or pertaining to such an existing facility; and

(3) any other personal property of the Federal Government under the jurisdiction of the Secretary.

**(b) Donations**

Subject to subsection (d), the Secretary may donate to an urban Indian organization that has entered into a contract or received a grant pursuant to this subchapter any personal or real property determined to be excess to the needs of the Service or the General Services Administration for the purposes of carrying out the contract or grant.

**(c) Acquisition of property**

The Secretary may acquire excess or surplus personal or real property of the Federal Government for donation, subject to subsection (d), to an urban Indian organization that has entered into a contract or received a grant pursuant to this subchapter if the Secretary determines that the property is appropriate for use by the urban Indian organization for purposes of the contract or grant.

**(d) Priority**

If the Secretary receives from an urban Indian organization or an Indian tribe or tribal organization a request for a specific item of personal or real property described in subsection (b) or (c), the Secretary shall give priority to the request for donation to the Indian tribe or tribal organization, if the Secretary receives the request from the Indian tribe or tribal organization before the earlier of—

- (1) the date on which the Secretary transfers title to the property to the urban Indian organization; and
- (2) the date on which the Secretary transfers the property physically to the urban Indian organization.

**(e) Executive agency status**

For purposes of section 501(a) of title 40, an urban Indian organization that has entered into a contract or received a grant pursuant to this subchapter may be considered to be an Executive agency in carrying out the contract or grant.

(Pub. L. 94-437, title V, §517, as added Pub. L. 111-148, title X, §10221(a), Mar. 23, 2010, 124 Stat. 935.)

CODIFICATION

Section 517 of Pub. L. 94-437 is based on section 166 of title I of S. 1790, One Hundred Eleventh Congress, as reported by the Committee on Indian Affairs of the Senate in Dec. 2009, which was enacted into law by section 10221(a) of Pub. L. 111-148.

**§ 1660h. Health information technology**

The Secretary, acting through the Service, may make grants to urban Indian organizations under this subchapter for the development, adoption, and implementation of health information technology (as defined in section 300jj of title 42), telemedicine services development, and related infrastructure.

(Pub. L. 94-437, title V, §518, as added Pub. L. 111-148, title X, §10221(a), Mar. 23, 2010, 124 Stat. 935.)

## CODIFICATION

Section 518 of Pub. L. 94-437 is based on section 166 of title I of S. 1790, One Hundred Eleventh Congress, as reported by the Committee on Indian Affairs of the Senate in Dec. 2009, which was enacted into law by section 10221(a) of Pub. L. 111-148.

## SUBCHAPTER V—ORGANIZATIONAL IMPROVEMENTS

## CODIFICATION

This subchapter was in the original title VI of Pub. L. 94-437. Titles IV and V of Pub. L. 94-437 are classified to subchapters III-A and IV of this chapter, respectively.

**§ 1661. Establishment of the Indian Health Service as an agency of the Public Health Service****(a) Establishment****(1) In general**

In order to more effectively and efficiently carry out the responsibilities, authorities, and functions of the United States to provide health care services to Indians and Indian tribes, as are or may be on and after November 23, 1988, provided by Federal statute or treaties, there is established within the Public Health Service of the Department the Indian Health Service.

**(2) Director**

The Service shall be administered by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report to the Secretary. Effective with respect to an individual appointed by the President, by and with the advice and consent of the Senate, after January 1, 2008, the term of service of the Director shall be 4 years. A Director may serve more than 1 term.

**(3) Incumbent**

The individual serving in the position of Director of the Service on the day before March 23, 2010, shall serve as Director.

**(4) Advocacy and consultation**

The position of Director is established to, in a manner consistent with the government-to-government relationship between the United States and Indian Tribes—

- (A) facilitate advocacy for the development of appropriate Indian health policy; and
- (B) promote consultation on matters relating to Indian health.

**(b) Agency**

The Service shall be an agency within the Public Health Service of the Department, and shall not be an office, component, or unit of any other agency of the Department.

**(c) Duties**

The Director shall—

- (1) perform all functions that were, on the day before March 23, 2010, carried out by or under the direction of the individual serving as Director of the Service on that day;
- (2) perform all functions of the Secretary relating to the maintenance and operation of hospital and health facilities for Indians and

the planning for, and provision and utilization of, health services for Indians, including by ensuring that all agency directors, managers, and chief executive officers have appropriate and adequate training, experience, skill levels, knowledge, abilities, and education (including continuing training requirements) to competently fulfill the duties of the positions and the mission of the Service;

(3) administer all health programs under which health care is provided to Indians based upon their status as Indians which are administered by the Secretary, including programs under—

- (A) this chapter;
- (B) section 13 of this title;
- (C) the Act of August 5, 1954 (42 U.S.C. 2001 et seq.);
- (D) the Act of August 16, 1957 (42 U.S.C. 2005 et seq.); and
- (E) the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

(4) administer all scholarship and loan functions carried out under subchapter I;

(5) directly advise the Secretary concerning the development of all policy- and budget-related matters affecting Indian health;

(6) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

(7) advise each Assistant Secretary of the Department concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

(8) advise the heads of other agencies and programs of the Department concerning matters of Indian health with respect to which those heads have authority and responsibility;

(9) coordinate the activities of the Department concerning matters of Indian health; and

(10) perform such other functions as the Secretary may designate.

**(d) Authority****(1) In general**

The Secretary, acting through the Director, shall have the authority—

- (A) except to the extent provided for in paragraph (2), to appoint and compensate employees for the Service in accordance with title 5;
- (B) to enter into contracts for the procurement of goods and services to carry out the functions of the Service; and
- (C) to manage, expend, and obligate all funds appropriated for the Service.

**(2) Personnel actions**

Notwithstanding any other provision of law, the provisions of section 472 of this title,<sup>1</sup> shall apply to all personnel actions taken with respect to new positions created within the Service as a result of its establishment under subsection (a).

(Pub. L. 94-437, title VI, §601, as added Pub. L. 100-713, title VI, §601(a), Nov. 23, 1988, 102 Stat.

<sup>1</sup> So in original. The comma probably should not appear.