

Subsec. (f)(5). Pub. L. 102-573, § 505(b)(1)(D), struck out par. (5) which authorized appropriations of \$500,000 for fiscal year 1991 and \$2,000,000 for fiscal year 1992 to carry out this subsec.

1990—Subsecs. (c) to (f). Pub. L. 101-630 added subsecs. (c) to (f).

FACILITIES ASSESSMENT

Pub. L. 101-630, title V, § 506(a), (b), Nov. 28, 1990, 104 Stat. 4566, provided that:

“(a) SURVEY.—The Secretary shall conduct a survey of all facilities used by contractors under title V of the Indian Health Care Improvement Act [25 U.S.C. 1651 et seq.] and shall submit a report to the Congress on such survey not later than one year after the date of enactment of this Act [Nov. 28, 1990]. The report shall, at a minimum, contain the following information for each location:

“(1) The extent to which the facility meets safety and building codes and, if direct care is provided, the extent of compliance with Joint Commission for Accreditation of Health Care Organizations (JCAHO) standards.

“(2) The extent to which improvements, expansion, or relocation is necessary to meet program requirements, provide adequate services, or achieve building code compliance.

“(3) Any lease restriction that would hamper accomplishment of needed improvement, expansion, or relocation.

“(4) The term of the lease, if appropriate, the age of the structure, and the structure's life expectancy with and without improvement.

“(5) An assessment of the deficiencies of the facility.

“(b) REPORT.—The report shall contain general recommendations for addressing the deficiencies of facilities in which programs funded under title V of the Indian Health Care Improvement Act [25 U.S.C. 1651 et seq.] are located and shall propose specific policies for accomplishing those recommendations.”

§ 1654. Contracts and grants for determination of unmet health care needs

(a) Authority

Under authority of section 13 of this title, the Secretary, through the Service, may enter into contracts with, or make grants to, urban Indian organizations situated in urban centers for which contracts have not been entered into, or grants have not been made, under section 1653 of this title. The purpose of a contract or grant made under this section shall be the determination of the matters described in subsection (b)(1) in order to assist the Secretary in assessing the health status and health care needs of urban Indians in the urban center involved and determining whether the Secretary should enter into a contract or make a grant under section 1653 of this title with respect to the urban Indian organization which the Secretary has entered into a contract with, or made a grant to, under this section.

(b) Requirements

Any contract entered into, or grant made, by the Secretary under this section shall include requirements that—

(1) the urban Indian organization successfully undertake to—

(A) document the health care status and unmet health care needs of urban Indians in the urban center involved; and

(B) with respect to urban Indians in the urban center involved, determine the mat-

ters described in clauses (2), (3), (4), and (8) of section 1653(b) of this title; and

(2) the urban Indian organization complete performance of the contract, or carry out the requirements of the grant, within one year after the date on which the Secretary and such organization enter into such contract, or within one year after such organization receives such grant, whichever is applicable.

(c) Renewal

The Secretary may not renew any contract entered into, or grant made, under this section.

(Pub. L. 94-437, title V, § 504, as added Pub. L. 100-713, title V, § 501, Nov. 23, 1988, 102 Stat. 4822; amended Pub. L. 102-573, title V, § 501(b)(2), Oct. 29, 1992, 106 Stat. 4567.)

PRIOR PROVISIONS

A prior section 1654, Pub. L. 94-437, title V, § 504, Sept. 30, 1976, 90 Stat. 1411; Pub. L. 96-537, § 7, Dec. 17, 1980, 94 Stat. 3178, related to other contract requirements, prior to the general revision of this subchapter by Pub. L. 100-713.

AMENDMENTS

1992—Pub. L. 102-573, § 501(b)(2)(D), inserted “and grants” in section catchline.

Subsec. (a). Pub. L. 102-573, § 501(b)(2)(A), added subsec. (a) and struck out former subsec. (a) which read as follows: “Under authority of section 13 of this title, the Secretary, through the Service, may enter into contracts with urban Indian organizations situated in urban centers for which contracts have not been entered into under section 1653 of this title. The purpose of a contract under this section shall be the determination of the matters described in subsection (b)(1) of this section in order to assist the Secretary in assessing the health status and health care needs of urban Indians in the urban center involved and determining whether the Secretary should enter into a contract under section 1653 of this title with the urban Indian organization with which the Secretary has entered into a contract under this section.”

Subsec. (b). Pub. L. 102-573, § 501(b)(2)(B), inserted “, or grant made,” after “contract entered into” in introductory provisions and substituted “, or carry out the requirements of the grant, within one year after the date on which the Secretary and such organization enter into such contract, or within one year after such organization receives such grant, whichever is applicable.” for “within one year after the date on which the Secretary and such organization enter into such contract.” in par. (2).

Subsec. (c). Pub. L. 102-573, § 501(b)(2)(C), inserted “, or grant made,” after “entered into”.

§ 1655. Evaluations; renewals

(a) Contract compliance and performance

The Secretary, through the Service, shall develop procedures to evaluate compliance with grant requirements under this subchapter and compliance with, and performance of contracts entered into by urban Indian organizations under this subchapter. Such procedures shall include provisions for carrying out the requirements of this section.

(b) Annual onsite evaluation

The Secretary, through the Service, shall conduct an annual onsite evaluation of each urban Indian organization which has entered into a contract or received a grant under section 1653 of this title for purposes of determining the

compliance of such organization with, and evaluating the performance of such organization under, such contract or the terms of such grant.

(c) Noncompliance or unsatisfactory performance

If, as a result of the evaluations conducted under this section, the Secretary determines that an urban Indian organization has not complied with the requirements of a grant or complied with or satisfactorily performed a contract under section 1653 of this title, the Secretary shall, prior to renewing such contract or grant, attempt to resolve with such organization the areas of noncompliance or unsatisfactory performance and modify such contract or grant to prevent future occurrences of such noncompliance or unsatisfactory performance. If the Secretary determines that such noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew such contract or grant with such organization and is authorized to enter into a contract or make a grant under section 1653 of this title with another urban Indian organization which is situated in the same urban center as the urban Indian organization whose contract or grant is not renewed under this section.

(d) Contract and grant renewals

In determining whether to renew a contract or grant with an urban Indian organization under section 1653 of this title which has completed performance of a contract or grant under section 1654 of this title, the Secretary shall review the records of the urban Indian organization, the reports submitted under section 1657 of this title, and, in the case of a renewal of a contract or grant under section 1653 of this title, shall consider the results of the onsite evaluations conducted under subsection (b).

(Pub. L. 94-437, title V, § 505, as added Pub. L. 100-713, title V, § 501, Nov. 23, 1988, 102 Stat. 4822; amended Pub. L. 102-573, title V, § 501(b)(3), Oct. 29, 1992, 106 Stat. 4568.)

PRIOR PROVISIONS

A prior section 1655, Pub. L. 94-437, title V, § 505, Sept. 30, 1976, 90 Stat. 1412; Pub. L. 96-537, § 7, Dec. 17, 1980, 94 Stat. 3179, related to reports by urban Indian organizations and rural Indian organizations to Secretary, contents, audit of reports and records, prior to the general revision of this subchapter by Pub. L. 100-713.

AMENDMENTS

1992—Pub. L. 102-573, § 501(b)(3)(E), substituted “renewals” for “contract renewals” in section catchline.

Subsec. (a). Pub. L. 102-573, § 501(b)(3)(A), inserted “compliance with grant requirements under this subchapter and” before “compliance with, and”.

Subsec. (b). Pub. L. 102-573, § 501(b)(3)(B), inserted “or received a grant” after “entered into a contract” and “or the terms of such grant” before period at end.

Subsec. (c). Pub. L. 102-573, § 501(b)(3)(C), inserted “the requirements of a grant or complied with” after “has not complied with”, “or grant” after “such contract” wherever appearing, “or make a grant” after “enter into a contract”, and “or grant” after “whose contract”.

Subsec. (d). Pub. L. 102-573, § 501(b)(3)(D), inserted “or grant” after “a contract” wherever appearing.

§ 1656. Other contract and grant requirements

(a) Federal regulations; exceptions

Contracts with urban Indian organizations entered into pursuant to this subchapter 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 sections 3131 and 3133 of title 40.

(b) Payment

Payments under any contracts or grants pursuant to this subchapter 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 subchapter.

(c) Revision or amendment

Notwithstanding any provision of law to the contrary, the Secretary may, at the request or consent of an urban Indian organization, revise or amend any contract entered into by the Secretary with such organization under this subchapter as necessary to carry out the purposes of this subchapter.

(d) Existing Government facilities

In connection with any contract or grant entered into pursuant to this subchapter, the Secretary may permit an urban Indian organization to utilize, in carrying out such contract or grant, 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) Uniform provision of services and assistance

Contracts with, or grants to, urban Indian organizations and regulations adopted pursuant to this subchapter shall include provisions to assure the fair and uniform provision to urban Indians of services and assistance under such contracts or grants by such organizations.

(f) Eligibility for health care or referral services

Urban Indians, as defined in section 1603(f)¹ of this title, shall be eligible for health care or referral services provided pursuant to this subchapter.

(Pub. L. 94-437, title V, § 506, as added Pub. L. 100-713, title V, § 501, Nov. 23, 1988, 102 Stat. 4823; amended Pub. L. 102-573, title V, § 501(b)(4), Oct. 29, 1992, 106 Stat. 4568.)

REFERENCES IN TEXT

Section 1603(f) of this title, referred to in subsec. (f), was redesignated section 1603(28) of this title by Pub. L. 111-148, title X, § 10221(a), Mar. 23, 2010, 124 Stat. 935.

CODIFICATION

“Sections 3131 and 3133 of title 40” substituted in subsec. (a) for “the Act of August 24, 1935 (40 U.S.C. 270a, et seq.)” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

PRIOR PROVISIONS

A prior section 1656, Pub. L. 94-437, title V, § 506, Sept. 30, 1976, 90 Stat. 1412; Pub. L. 96-537, § 7, Dec. 17, 1980, 94

¹ See References in Text note below.