

**(b) Application of exclusion from participation in Federal health care programs**

**(1) Excluded entities**

No entity operated by the Service, an Indian tribe, tribal organization, or urban Indian organization that has been excluded from participation in any Federal health care program or for which a license is under suspension or has been revoked by the State where the entity is located shall be eligible to receive payment or reimbursement under any such program for health care services furnished to an Indian.

**(2) Excluded individuals**

No individual who has been excluded from participation in any Federal health care program or whose State license is under suspension shall be eligible to receive payment or reimbursement under any such program for health care services furnished by that individual, directly or through an entity that is otherwise eligible to receive payment for health care services, to an Indian.

**(3) Federal health care program defined**

In this subsection, the term,<sup>1</sup> “Federal health care program” has the meaning given that term in section 1320a-7b(f) of title 42, except that, for purposes of this subsection, such term shall include the health insurance program under chapter 89 of title 5.

**(c) Related provisions**

For provisions related to nondiscrimination against providers operated by the Service, an Indian tribe, tribal organization, or urban Indian organization, see section 1320b-9(c)<sup>2</sup> of title 42.

(Pub. L. 94-437, title IV, § 408, as added Pub. L. 111-148, title X, § 10221(a), Mar. 23, 2010, 124 Stat. 935.)

**Editorial Notes**

REFERENCES IN TEXT

Section 1320b-9 of title 42, referred to in subsec. (c), relates to improved access to, and delivery of, health care for Indians under subchapters XIX and XXI of chapter 7 of Title 42, The Public Health and Welfare. Subsec. (c) of section 1320b-9 of Title 42 contains definitions of terms.

CODIFICATION

Section 408 of Pub. L. 94-437 is based on section 156 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.

**§ 1647b. Access to Federal insurance**

Notwithstanding the provisions of title 5, Executive order, or administrative regulation, an Indian tribe or tribal organization carrying out programs under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or an urban Indian organization carrying out programs under subchapter IV of this chapter shall be entitled to

purchase coverage, rights, and benefits for the employees of such Indian tribe or tribal organization, or urban Indian organization, under chapter 89 of title 5 and chapter 87 of such title if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with such Indian tribe or tribal organization, or urban Indian organization, are currently deposited in the applicable Employee's Fund under such title.

(Pub. L. 94-437, title IV, § 409, as added Pub. L. 111-148, title X, § 10221(a), Mar. 23, 2010, 124 Stat. 935; amended Pub. L. 116-260, div. FF, title XI, § 1114, Dec. 27, 2020, 134 Stat. 3251.)

**Editorial Notes**

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in text, is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which is classified principally to chapter 46 (§5301 et seq.) of this title. For complete classification of this Act to the Code, see section 1 of Pub. L. 93-638, set out as a Short Title note under section 5301 of this title and Tables.

The Tribally Controlled Schools Act of 1988, referred to in text, is part B (§§5201-5212) of title V of Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 385, which is classified generally to chapter 27 (§2501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables.

CODIFICATION

Section 409 of Pub. L. 94-437 is based on section 157 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.

AMENDMENTS

2020—Pub. L. 116-260 substituted “(25 U.S.C. 5301 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.)” for “(25 U.S.C. 450 et seq.)”.

**§ 1647c. General exceptions**

The requirements of this subchapter shall not apply to any excepted benefits described in paragraph (1)(A) or (3) of section 300gg-91(c) of title 42.

(Pub. L. 94-437, title IV, § 410, as added Pub. L. 111-148, title X, § 10221(a), Mar. 23, 2010, 124 Stat. 935.)

**Editorial Notes**

CODIFICATION

Section 410 of Pub. L. 94-437 is based on section 158 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.

**§ 1647d. Navajo Nation medicaid agency feasibility study**

**(a) Study**

The Secretary shall conduct a study to determine the feasibility of treating the Navajo Nation as a State for the purposes of title XIX of the Social Security Act [42 U.S.C. 1396 et seq.], to provide services to Indians living within the

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

<sup>2</sup> See References in Text note below.