

111TH CONGRESS
1ST SESSION

H. R. 3608

To amend the Internal Revenue Code of 1986 to codify the exclusion from gross income of medical care provided for Indians, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2009

Mr. BECERRA (for himself, Mr. NUNES, Mr. RAHALL, Mr. BACA, Ms. BERKLEY, Mrs. BONO MACK, Mr. BOREN, Mr. COLE, Mr. HERGER, Mr. KILDEE, Mr. KLINE of Minnesota, Mr. LEWIS of California, Mr. LUJÁN, Mr. MCCARTHY of California, Ms. MCCOLLUM, Mr. PALLONE, Mr. POMEROY, Mr. RADANOVICH, and Mr. SHULER) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to codify the exclusion from gross income of medical care provided for Indians, 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 Benefits
5 Clarification Act of 2009”.

1 **SEC. 2. EXCLUSION FROM GROSS INCOME FOR MEDICAL**
2 **CARE PROVIDED FOR INDIANS.**

3 (a) IN GENERAL.—Part III of subchapter B of chap-
4 ter 1 of the Internal Revenue Code of 1986 (relating to
5 items specifically excluded from gross income) is amended
6 by inserting after section 139C the following new section:

7 **“SEC. 139D. MEDICAL CARE PROVIDED FOR INDIANS.**

8 “(a) IN GENERAL.—Gross income does not include—

9 “(1) health services or benefits provided or pur-
10 chased by the Indian Health Service, either directly
11 or indirectly, through a grant to or a contract or
12 compact with an Indian tribe or tribal organization
13 or through programs of third parties funded by the
14 Indian Health Service,

15 “(2) medical care provided by an Indian tribe
16 or tribal organization to a member of an Indian
17 tribe (including for this purpose, to the member’s
18 spouse or dependents) through any one of the fol-
19 lowing: provided or purchased medical care services;
20 accident or health insurance (or an arrangement
21 having the effect of accident or health insurance); or
22 amounts paid, directly or indirectly, to reimburse the
23 member for expenses incurred for medical care,

24 “(3) the value of accident or health plan cov-
25 erage provided by an Indian tribe or tribal organiza-
26 tion for medical care to a member of an Indian tribe

1 (including for this purpose, coverage that extends to
2 such member's spouse or dependents) under an acci-
3 dent or health plan (or through an arrangement hav-
4 ing the effect of accident or health insurance), and

5 “(4) any other medical care provided by an In-
6 dian tribe that supplements, replaces, or substitutes
7 for the programs and services provided by the Fed-
8 eral Government to Indian tribes or Indians.

9 “(b) DEFINITIONS.—For purposes of this section—

10 “(1) IN GENERAL.—The terms ‘accident or
11 health insurance’ and ‘accident or health plan’ have
12 the same meaning as when used in sections 104 and
13 106.

14 “(2) MEDICAL CARE.—The term ‘medical care’
15 has the meaning given such term in section 213.

16 “(3) DEPENDENT.—The term ‘dependent’ has
17 the meaning given such term in section 152, deter-
18 mined without regard to subsections (b)(1), (b)(2)
19 and (d)(1)(B).

20 “(4) INDIAN TRIBE.—The term ‘Indian tribe’
21 means any Indian tribe, band, nation, pueblo, or
22 other organized group or community, including any
23 Alaska Native village, or regional or village corpora-
24 tion, as defined in, or established pursuant to, the
25 Alaska Native Claims Settlement Act (43 U.S.C.

1 1601 et seq.), which is recognized as eligible for the
2 special programs and services provided by the
3 United States to Indians because of their status as
4 Indians.

5 “(5) TRIBAL ORGANIZATION.—The term ‘tribal
6 organization’ has the meaning given such term in
7 section 4(l) of the Indian Self-Determination and
8 Education Assistance Act (25 U.S.C. 450b(l)).”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 for such part III is amended by inserting after the item
11 relating to section 139C the following new item:

“Sec. 139D. Medical care provided for Indians.”.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to health benefits and coverage
14 provided after the date of enactment of this Act.

15 (d) NO INFERENCE.—Nothing in the amendments
16 made by this section shall be construed to create an infer-
17 ence with respect to the exclusion from gross income of—

18 (1) benefits provided by Indian tribes that are
19 not within the scope of this section, and

20 (2) health benefits or coverage provided by In-
21 dian tribes prior to the effective date of this section.

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