

114TH CONGRESS
1ST SESSION

S. 2114

To correct inconsistencies in the definitions relating to Native Americans
in the Patient Protection and Affordable Care Act.

IN THE SENATE OF THE UNITED STATES

OCTOBER 1, 2015

Ms. MURKOWSKI (for herself, Mr. SULLIVAN, and Mr. SCHATZ) introduced the
following bill; which was read twice and referred to the Committee on Finance

A BILL

To correct inconsistencies in the definitions relating to Native
Americans in the Patient Protection and Affordable Care
Act.

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. TECHNICAL CORRECTIONS TO PPACA.**

4 (a) DEFINITION OF INDIAN.—Section 1304 of the
5 Patient Protection and Affordable Care Act (42 U.S.C.
6 18024) is amended by adding at the end the following:

7 “(f) INDIAN.—

8 “(1) IN GENERAL.—In this title, the term ‘In-
9 dian’ means any individual—

1 “(A) described in paragraph (13) or (28)
 2 of section 4 of the Indian Health Care Improve-
 3 ment Act (25 U.S.C. 1603);

4 “(B) who is eligible for health services pro-
 5 vided by the Indian Health Service under sec-
 6 tion 809 of the Indian Health Care Improve-
 7 ment Act (25 U.S.C. 1679);

8 “(C) who is of Indian descent and belongs
 9 to the Indian community served by the local fa-
 10 cilities and program of the Indian Health Serv-
 11 ice; or

12 “(D) who is described in paragraph (2).

13 “(2) INCLUDED INDIVIDUALS.—The following
 14 individuals shall be considered to be an ‘Indian’:

15 “(A) A member of a Federally-recognized
 16 Indian tribe.

17 “(B) A resident of an urban center who
 18 meets 1 or more of the following 4 criteria:

19 “(i) Membership in a tribe, band, or
 20 other organized group of Indians, including
 21 those tribes, bands, or groups terminated
 22 since 1940 and those recognized now or in
 23 the future by the State in which they re-
 24 side, or being a descendant, in the first or
 25 second degree, of any such member.

1 “(ii) Is an Eskimo or Aleut or other
2 Alaska Native.

3 “(iii) Is considered by the Secretary of
4 the Interior to be an Indian for any pur-
5 pose.

6 “(iv) Is determined to be an Indian
7 under regulations promulgated by the Sec-
8 retary.

9 “(C) An individual who is considered by
10 the Secretary of the Interior to be an Indian for
11 any purpose.

12 “(D) An individual who is considered by
13 the Secretary to be an Indian for purposes of
14 eligibility for Indian health care services, includ-
15 ing as a California Indian, Eskimo, Aleut, or
16 other Alaska Native.”.

17 (b) CONFORMING AMENDMENTS.—

18 (1) AFFORDABLE CHOICES HEALTH BENEFIT
19 PLANS.—Section 1311(c)(6)(D) of the Patient Pro-
20 tection and Affordable Care Act (42 U.S.C.
21 18031(c)(6)(D)) is amended by striking “section 4
22 of the Indian Health Care Improvement Act” and
23 inserting “section 1304(f)”.

24 (2) REDUCED COST-SHARING FOR INDIVIDUALS
25 ENROLLING IN QUALIFIED HEALTH PLANS.—Section

1 1402(d) of the Patient Protection and Affordable
 2 Care Act (42 U.S.C. 18071(d)) is amended—

3 (A) in paragraph (1), in the matter pre-
 4 ceding subparagraph (A), by striking “section
 5 4(d) of the Indian Self-Determination and Edu-
 6 cation Assistance Act (25 U.S.C. 450b(d))” and
 7 inserting “section 1304(f)”; and

8 (B) in paragraph (2), in the matter pre-
 9 ceding subparagraph (A), by striking “(as so
 10 defined)” and inserting “(as defined in section
 11 1304(f))”.

12 (3) EXEMPTION FROM PENALTY FOR NOT
 13 MAINTAINING MINIMUM ESSENTIAL COVERAGE.—
 14 Section 5000A(e) of the Internal Revenue Code of
 15 1986 is amended by striking paragraph (3) and in-
 16 serting the following:

17 “(3) INDIANS.—Any applicable individual who
 18 is an Indian (as defined in section 1304(f) of the
 19 Patient Protection and Affordable Care Act).”.

○