

**TITLE 25 - INDIANS****CHAPTER 18 - INDIAN HEALTH CARE****SUBCHAPTER III-A - ACCESS TO HEALTH SERVICES****§ 1641. Treatment of payments under medicare program****(a) Determination of appropriations**

Any payments received by a hospital or skilled nursing facility of the Service (whether operated by the Service or by an Indian tribe or tribal organization pursuant to a contract under the Indian Self-Determination Act [25 U.S.C. 450f et seq.]) for services provided to Indians eligible for benefits under title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.] shall not be considered in determining appropriations for health care and services to Indians.

**(b) Preferences**

Nothing in this chapter authorizes the Secretary to provide services to an Indian beneficiary with coverage under title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.], as amended, in preference to an Indian beneficiary without such coverage.

(Pub. L. 94–437, title IV, § 401, Sept. 30, 1976, 90 Stat. 1408; Pub. L. 102–573, title IV, § 401(a), Oct. 29, 1992, 106 Stat. 4565.)

**References in Text**

The Indian Self-Determination Act, referred to in subsec. (a), is title I of Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to part A (§ 450f et seq.) of subchapter II of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

The Social Security Act, referred to in subsecs. (a) and (b), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title XVIII of the Act is classified generally to subchapter XVIII (§ 1395 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

**Codification**

Prior to general amendment by Pub. L. 102–573, section 401 of Pub. L. 94–437, in subsec. (a) amended sections 1395f and 1395n of Title 42, The Public Health and Welfare, in subsec. (b) enacted section 1395qq of Title 42, and in subsecs. (c) and (d) enacted provisions set out as notes under section 1395qq of Title 42 which were restated in this section.

**Amendments**

1992—Pub. L. 102–573 amended section generally, substituting subsecs. (a) and (b) for former subsecs. (a) to (d). See Codification note above.