

Calendar No. 144

108TH CONGRESS
1ST SESSION

S. 558

[Report No. 108–76]

To elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2003

Mr. MCCAIN (for himself, Mr. BINGAMAN, Mr. CAMPBELL, Mrs. MURRAY, Mr. JOHNSON, Mr. DOMENICI, Mr. INOUE, and Mr. CONRAD) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

JUNE 18, 2003

Reported by Mr. CAMPBELL, without amendment

A BILL

To elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, 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,*

1 **SECTION 1. OFFICE OF ASSISTANT SECRETARY FOR INDIAN**
2 **HEALTH.**

3 (a) DEFINITIONS.—In this section:

4 (1) ASSISTANT SECRETARY.—The term “Assist-
5 ant Secretary” means the Assistant Secretary for
6 Indian Health appointed under subsection (b)(2)(A).

7 (2) DEPARTMENT.—The term “Department”
8 means the Department of Health and Human Serv-
9 ices.

10 (3) OFFICE.—The term “Office” means the Of-
11 fice of the Assistant Secretary for Indian Health es-
12 tablished by subsection (b)(1).

13 (4) SECRETARY.—The term “Secretary” means
14 the Secretary of Health and Human Services.

15 (b) ESTABLISHMENT.—

16 (1) IN GENERAL.—There is established within
17 the Department the Office of the Assistant Sec-
18 retary for Indian Health.

19 (2) ASSISTANT SECRETARY.—

20 (A) IN GENERAL.—Except as provided in
21 subparagraph (B), the Office shall be headed by
22 an Assistant Secretary for Indian Health, to be
23 appointed by the President, by and with the ad-
24 vice and consent of the Senate.

25 (B) CONTINUED SERVICE BY INCUM-
26 BENT.—The individual serving in the position

1 of Director of the Indian Health Service on the
2 day before the date of enactment of this Act
3 may serve as Assistant Secretary at the pleas-
4 ure of the President after the date of enactment
5 of this Act.

6 (3) DUTIES.—The position of Assistant Sec-
7 retary is established to, in a manner consistent with
8 the government-to-government relationship between
9 the United States and Indian tribes—

10 (A) facilitate advocacy for the development
11 of appropriate Indian health policy; and

12 (B) promote consultation on matters relat-
13 ing to Indian health.

14 (c) ASSISTANT SECRETARY FOR INDIAN HEALTH.—
15 In addition to the functions performed as of the date of
16 enactment of this Act by the Director of the Indian Health
17 Service, the Assistant Secretary shall—

18 (1) report directly to the Secretary concerning
19 all policy- and budget-related matters affecting In-
20 dian health;

21 (2) collaborate with the Assistant Secretary for
22 Health concerning appropriate matters of Indian
23 health that affect the agencies of the Public Health
24 Service;

1 (3) advise each Assistant Secretary of the De-
2 partment concerning matters of Indian health with
3 respect to which that Assistant Secretary has au-
4 thority and responsibility;

5 (4) advise the heads of other agencies and pro-
6 grams of the Department concerning matters of In-
7 dian health with respect to which those heads have
8 authority and responsibility;

9 (5) coordinate the activities of the Department
10 concerning matters of Indian health; and

11 (6) perform such other functions as the Sec-
12 retary may designate.

13 (d) RATE OF PAY.—

14 (1) POSITIONS AT LEVEL IV.—Section 5315 of
15 title 5, United States Code, is amended by striking
16 “Assistant Secretaries of Health and Human Serv-
17 ices (6).” and inserting “Assistant Secretaries of
18 Health and Human Services (7).”.

19 (2) POSITIONS AT LEVEL V.—Section 5316 of
20 title 5, United States Code, is amended by striking
21 “Director, Indian Health Service, Department of
22 Health and Human Services.”.

23 (e) DUTIES OF ASSISTANT SECRETARY FOR INDIAN
24 HEALTH.—Section 601 of the Indian Health Care Im-
25 provement Act (25 U.S.C. 1661) is amended by striking

1 the section heading and all that follows through subsection
2 (a) and inserting the following:

3 **“SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERV-**
4 **ICE AS AN AGENCY OF THE PUBLIC HEALTH**
5 **SERVICE.**

6 “(a) ESTABLISHMENT.—

7 “(1) IN GENERAL.—In order to more effectively
8 and efficiently carry out the responsibilities, authori-
9 ties, and functions of the United States to provide
10 health care services to Indians and Indian tribes,
11 there is established within the Public Health Service
12 of the Department of Health and Human Services
13 the Indian Health Service.

14 “(2) ADMINISTRATION.—The Indian Health
15 Service shall be administered by the Assistant Sec-
16 retary for Indian Health.

17 “(3) DUTIES.—In carrying out paragraph (2),
18 the Assistant Secretary shall—

19 “(A) report directly to the Secretary con-
20 cerning all policy- and budget-related matters
21 affecting Indian health;

22 “(B) collaborate with the Assistant Sec-
23 retary for Health concerning appropriate mat-
24 ters of Indian health that affect the agencies of
25 the Public Health Service;

1 “(C) advise each Assistant Secretary of the
 2 Department of Health and Human Services
 3 concerning matters of Indian health with re-
 4 spect to which that Assistant Secretary has au-
 5 thority and responsibility;

6 “(D) advise the heads of other agencies
 7 and programs of the Department of Health and
 8 Human Services concerning matters of Indian
 9 health with respect to which those heads have
 10 authority and responsibility;

11 “(E) coordinate the activities of the De-
 12 partment of Health and Human Services con-
 13 cerning matters of Indian health; and

14 “(F) perform such other functions as the
 15 Secretary may designate.”.

16 (f) CONFORMING AMENDMENTS.—

17 (1) AMENDMENTS TO INDIAN HEALTH CARE IM-
 18 PROVEMENT ACT.—The Indian Health Care Im-
 19 provement Act is amended—

20 (A) in section 601 (25 U.S.C. 1661)—

21 (i) in subsection (c), by striking “Di-
 22 rector of the Indian Health Service” each
 23 place it appears and inserting “Assistant
 24 Secretary for Indian Health”; and

1 (ii) in subsection (d)(1), by striking
 2 “Director of the Indian Health Service”
 3 and inserting “Assistant Secretary for In-
 4 dian Health”; and

5 (B) in section 816(c)(1) (25 U.S.C.
 6 1680f(c)(1)), by striking “Director of the In-
 7 dian Health Service” and inserting “Assistant
 8 Secretary for Indian Health”.

9 (2) AMENDMENTS TO OTHER PROVISIONS OF
 10 LAW.—

11 (A) Section 3307(b)(1)(C) of the Chil-
 12 dren’s Health Act of 2000 (25 U.S.C. 1671
 13 note; Public Law 106–310) is amended by
 14 striking “Director of the Indian Health Serv-
 15 ice” and inserting “Assistant Secretary for In-
 16 dian Health”.

17 (B) The Indian Lands Open Dump Clean-
 18 up Act of 1994 is amended—

19 (i) in section 3 (25 U.S.C. 3902)—

20 (I) by striking paragraph (2);

21 (II) by redesignating paragraphs
 22 (1), (3), (4), (5), and (6) as para-
 23 graphs (4), (5), (2), (6), and (1), re-
 24 spectively, and moving those para-

1 graphs so as to appear in numerical
2 order; and

3 (III) by inserting before para-
4 graph (4) (as redesignated by sub-
5 clause (II)) the following:

6 “(3) ASSISTANT SECRETARY.—The term ‘As-
7 sistant Secretary’ means the Assistant Secretary for
8 Indian Health.”;

9 (ii) in section 5 (25 U.S.C. 3904), by
10 striking the section heading and inserting
11 the following:

12 **“SEC. 5. AUTHORITY OF ASSISTANT SECRETARY FOR IN-
13 DIAN HEALTH.”;**

14 (iii) in section 6(a) (25 U.S.C.
15 3905(a)), in the subsection heading, by
16 striking “DIRECTOR” and inserting “AS-
17 SISTANT SECRETARY”;

18 (iv) in section 9(a) (25 U.S.C.
19 3908(a)), in the subsection heading, by
20 striking “DIRECTOR” and inserting “AS-
21 SISTANT SECRETARY”; and

22 (v) by striking “Director” each place
23 it appears and inserting “Assistant Sec-
24 retary”.

1 (C) Section 5504(d)(2) of the Augustus F.
2 Hawkins–Robert T. Stafford Elementary and
3 Secondary School Improvement Amendments of
4 1988 (25 U.S.C. 2001 note; Public Law 100–
5 297) is amended by striking “Director of the
6 Indian Health Service” and inserting “Assist-
7 ant Secretary for Indian Health”.

8 (D) Section 203(a)(1) of the Rehabilitation
9 Act of 1973 (29 U.S.C. 763(a)(1)) is amended
10 by striking “Director of the Indian Health
11 Service” and inserting “Assistant Secretary for
12 Indian Health”.

13 (E) Subsections (b) and (e) of section 518
14 of the Federal Water Pollution Control Act (33
15 U.S.C. 1377) are amended by striking “Direc-
16 tor of the Indian Health Service” each place it
17 appears and inserting “Assistant Secretary for
18 Indian Health”.

19 (F) Section 317M(b) of the Public Health
20 Service Act (42 U.S.C. 247b–14(b)) is amend-
21 ed—

22 (i) by striking “Director of the Indian
23 Health Service” each place it appears and
24 inserting “Assistant Secretary for Indian
25 Health”; and

1 (ii) in paragraph (2)(A), by striking
2 “the Directors referred to in such para-
3 graph” and inserting “the Director of the
4 Centers for Disease Control and Preven-
5 tion and the Assistant Secretary for Indian
6 Health”.

7 (G) Section 417C(b) of the Public Health
8 Service Act (42 U.S.C. 285–9(b)) is amended
9 by striking “Director of the Indian Health
10 Service” and inserting “Assistant Secretary for
11 Indian Health”.

12 (H) Section 1452(i) of the Safe Drinking
13 Water Act (42 U.S.C. 300j–12(i)) is amended
14 by striking “Director of the Indian Health
15 Service” each place it appears and inserting
16 “Assistant Secretary for Indian Health”.

17 (I) Section 803B(d)(1) of the Native
18 American Programs Act of 1974 (42 U.S.C.
19 2991b–2(d)(1)) is amended in the last sentence
20 by striking “Director of the Indian Health
21 Service” and inserting “Assistant Secretary for
22 Indian Health”.

23 (J) Section 203(b) of the Michigan Indian
24 Land Claims Settlement Act (Public Law 105–
25 143; 111 Stat. 2666) is amended by striking

1 “Director of the Indian Health Service” and in-
2 serting “Assistant Secretary for Indian
3 Health”.

4 (g) REFERENCES.—Any reference to the Director of
5 the Indian Health Service in any other Federal law, Exec-
6 utive order, rule, regulation, or delegation of authority, or
7 in any document of or relating to the Director of the In-
8 dian Health Service, shall be deemed to refer to the Assist-
9 ant Secretary.

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