

105TH CONGRESS
2D SESSION

S. 1770

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 1998

Referred to the Committee on Resources, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

AN ACT

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) ESTABLISHMENT.—There is established within
4 the Department of Health and Human Services the Office
5 of the Assistant Secretary for Indian Health in order to,
6 in a manner consistent with the government-to-govern-
7 ment relationship between the United States and Indian
8 tribes—

9 (1) facilitate advocacy for the development of
10 appropriate Indian health policy; and

11 (2) promote consultation on matters related to
12 Indian health.

13 (b) ASSISTANT SECRETARY FOR INDIAN HEALTH.—
14 In addition to the functions performed on the date of en-
15 actment of this Act by the Director of the Indian Health
16 Service, the Assistant Secretary for Indian Health shall
17 perform such functions as the Secretary of Health and
18 Human Services may designate. The Assistant Secretary
19 for Indian Health shall—

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

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

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

5 (4) advise the heads of other agencies and pro-
 6 grams of the Department of Health and Human
 7 Services concerning matters of Indian health with
 8 respect to which those heads have authority and re-
 9 sponsibility; and

10 (5) coordinate the activities of the Department
 11 of Health and Human Services concerning matters
 12 of Indian health.

13 (c) REFERENCES.—Reference in any other Federal
 14 law, Executive order, rule, regulation, or delegation of au-
 15 thority, or any document of or relating to the Director
 16 of the Indian Health Service shall be deemed to refer to
 17 the Assistant Secretary for Indian Health.

18 (d) RATE OF PAY.—

19 (1) POSITIONS AT LEVEL IV.—Section 5315 of
 20 title 5, United States Code, is amended—

21 (A) by striking the following:

22 “Assistant Secretaries of Health and Human
 23 Services (6).”; and

24 (B) by inserting the following:

1 “Assistant Secretaries of Health and Human
2 Services (7).”.

3 (2) POSITIONS AT LEVEL V.—Section 5316 of
4 such title is amended by striking the following:

5 “Director, Indian Health Service, Department
6 of Health and Human Services.”.

7 (e) DUTIES OF ASSISTANT SECRETARY FOR INDIAN
8 HEALTH.—Section 601 of the Indian Health Care Im-
9 provement Act (25 U.S.C. 1661) is amended in subsection
10 (a)—

11 (1) by inserting “(1)” after “(a)”;

12 (2) in the second sentence of paragraph (1), as
13 so designated, by striking “a Director,” and insert-
14 ing “the Assistant Secretary for Indian Health,”;
15 and

16 (3) by striking the third sentence of paragraph
17 (1) and all that follows through the end of the sub-
18 section and inserting the following: “The Assistant
19 Secretary for Indian Health shall carry out the du-
20 ties specified in paragraph (2).

21 “(2) The Assistant Secretary for Indian Health
22 shall—

23 “(A) report directly to the Secretary concerning
24 all policy- and budget-related matters affecting In-
25 dian health;

1 “(B) collaborate with the Assistant Secretary
2 for Health concerning appropriate matters of Indian
3 health that affect the agencies of the Public Health
4 Service;

5 “(C) advise each Assistant Secretary of the De-
6 partment of Health and Human Services concerning
7 matters of Indian health with respect to which that
8 Assistant Secretary has authority and responsibility;

9 “(D) advise the heads of other agencies and
10 programs of the Department of Health and Human
11 Services concerning matters of Indian health with
12 respect to which those heads have authority and re-
13 sponsibility; and

14 “(E) coordinate the activities of the Depart-
15 ment of Health and Human Services concerning
16 matters of Indian health.”.

17 (f) CONTINUED SERVICE BY INCUMBENT.—The indi-
18 vidual serving in the position of Director of the Indian
19 Health Service on the date preceding the date of enact-
20 ment of this Act may serve as Assistant Secretary for In-
21 dian Health, at the pleasure of the President after the
22 date of enactment of this Act.

23 (g) CONFORMING AMENDMENTS.—

24 (1) AMENDMENTS TO INDIAN HEALTH CARE IM-
25 PROVEMENT ACT.—The Indian Health Care Im-

1 improvement Act (25 U.S.C. 1601 et seq.) is amend-
 2 ed—

3 (A) in section 601—

4 (i) in subsection (c), by striking “Di-
 5 rector of the Indian Health Service” both
 6 places it appears and inserting “Assistant
 7 Secretary for Indian Health”; and

8 (ii) in subsection (d), by striking “Di-
 9 rector of the Indian Health Service” and
 10 inserting “Assistant Secretary for Indian
 11 Health”; and

12 (B) in section 816(c)(1), by striking “Di-
 13 rector of the Indian Health Service” and insert-
 14 ing “Assistant Secretary for Indian Health”.

15 (2) AMENDMENTS TO OTHER PROVISIONS OF
 16 LAW.—The following provisions are each amended
 17 by striking “Director of the Indian Health Service”
 18 each place it appears and inserting “Assistant Sec-
 19 retary for Indian Health”:

20 (A) Section 203(a)(1) of the Rehabilitation
 21 Act of 1973 (29 U.S.C. 761b(a)(1)).

22 (B) Subsections (b) and (e) of section 518
 23 of the Federal Water Pollution Control Act (33
 24 U.S.C. 1377 (b) and (e)).

1 (C) Section 803B(d)(1) of the Native
2 American Programs Act of 1974 (42 U.S.C.
3 2991b-2(d)(1)).

Passed the Senate September 17, 1998.

Attest:

GARY SISCO,
Secretary.