

106TH CONGRESS
1ST SESSION

H. R. 403

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 HOUSE OF REPRESENTATIVES

JANUARY 19, 1999

Mr. NETHERCUTT introduced the following bill; which was 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

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,*

3 **SECTION 1. OFFICE OF ASSISTANT SECRETARY FOR INDIAN
4 HEALTH.**

5 (a) ESTABLISHMENT.—There is established within
6 the Department of Health and Human Services the Office
7 of the Assistant Secretary for Indian Health in order to,

1 in a manner consistent with the government-to-govern-
2 ment relationship between the United States and Indian
3 tribes—

4 (1) facilitate advocacy for the development of
5 appropriate Indian health policy; and
6 (2) promote consultation on matters related to
7 Indian health.

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

15 (1) report directly to the Secretary concerning
16 all policy- and budget-related matters affecting In-
17 dian health;

18 (2) collaborate with the Assistant Secretary for
19 Health concerning appropriate matters of Indian
20 health that affect the agencies of the Public Health
21 Service;

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

6 (5) coordinate the activities of the Department
7 of Health and Human Services concerning matters
8 of Indian health.

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

14 (d) RATE OF PAY.—

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

24 (e) DUTIES OF ASSISTANT SECRETARY FOR INDIAN
25 HEALTH.—Section 601 of the Indian Health Care Im-

1 provement Act (25 U.S.C. 1661) is amended in subsection

2 (a)—

3 (1) by inserting “(1)” after “(a)”;

4 (2) in the second sentence of paragraph (1), as

5 so designated, by striking “a Director,” and insert-

6 ing “the Assistant Secretary for Indian Health,”;

7 and

8 (3) by striking the third sentence of paragraph

9 (1), as so designated, and all that follows through

10 the end of the subsection (a) of such section and in-

11 serting the following: “The Assistant Secretary for

12 Indian Health shall carry out the duties specified in

13 paragraph (2).

14 “(2) The Assistant Secretary for Indian Health

15 shall—

16 (A) report directly to the Secretary concerning

17 all policy- and budget-related matters affecting In-

18 dian health;

19 (B) collaborate with the Assistant Secretary

20 for Health concerning appropriate matters of Indian

21 health that affect the agencies of the Public Health

22 Service;

23 (C) advise each Assistant Secretary of the De-

24 partment of Health and Human Services concerning

1 matters of Indian health with respect to which that
2 Assistant Secretary has authority and responsibility;

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

8 “(E) coordinate the activities of the Depart-
9 ment of Health and Human Services concerning
10 matters of Indian health.”.

11 (f) CONTINUED SERVICE BY INCUMBENT.—The indi-
12 vidual serving in the position of Director of the Indian
13 Health Service on the date preceding the date of enact-
14 ment of this Act may serve as Assistant Secretary for In-
15 dian Health, at the pleasure of the President after the
16 date of enactment of this Act.

17 (g) CONFORMING AMENDMENTS.—

18 (1) AMENDMENTS TO INDIAN HEALTH CARE IM-
19 PROVEMENT ACT.—The Indian Health Care Im-
20 provement Act (25 U.S.C. 1601 et seq.) is
21 amended—

22 (A) in section 601—

23 (i) in subsection (c), by striking “Di-
24 rector of the Indian Health Service” both

1 places it appears and inserting “Assistant
2 Secretary for Indian Health”; and

3 (ii) in subsection (d), by striking “Di-
4 rector of the Indian Health Service” and
5 inserting “Assistant Secretary for Indian
6 Health”; and

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

10 (2) AMENDMENTS TO OTHER PROVISIONS OF
11 LAW.—The following provisions are each amended
12 by striking “Director of the Indian Health Service”
13 each place it appears and inserting “Assistant Sec-
14 retary for Indian Health”:

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

17 (B) Subsections (b) and (e) of section 518
18 of the Federal Water Pollution Control Act (33
19 U.S.C. 1377 (b) and (e)).

20 (C) Section 803B(d)(1) of the Native
21 American Programs Act of 1974 (42 U.S.C.
22 2991b-2(d)(1)).

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