

108TH CONGRESS  
1ST SESSION

# H. R. 151

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2003

Mr. NETHERCUTT (for himself, Mr. HAYWORTH, Ms. DEGETTE, and Mr. KILDEE) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Energy and 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

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## 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

1 of the Assistant Secretary for Indian Health in order to,  
2 in a manner consistent with the government-to-govern-  
3 ment relationship between the United States and Indian  
4 tribes—

5 (1) facilitate advocacy for the development of  
6 appropriate Indian health policy; and

7 (2) promote consultation on matters related to  
8 Indian health.

9 (b) ASSISTANT SECRETARY FOR INDIAN HEALTH.—

10 In addition to the functions performed on the date of en-  
11 actment of this Act by the Director of the Indian Health  
12 Service, the Assistant Secretary for Indian Health shall  
13 perform such functions as the Secretary of Health and  
14 Human Services may designate. The Assistant Secretary  
15 for Indian Health shall—

16 (1) REPORT DIRECTLY TO THE SECRETARY  
17 CONCERNING ALL POLICY.—and budget-related mat-  
18 ters affecting Indian health;

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

23 (3) 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 (4) advise the heads of other agencies and pro-  
4 grams 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 (5) coordinate the activities of the Department  
9 of Health and Human Services concerning matters  
10 of Indian health.

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

16 (d) RATE OF PAY.—

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

22 (2) POSITIONS AT LEVEL V.—Section 5316 of  
23 such title is amended by striking the following: “Di-  
24 rector, Indian Health Service, Department of Health  
25 and Human Services.”.

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

5 (1) by inserting “(1)” after “(a)”;

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

9 (3) by striking the third sentence of paragraph  
10 (1), as so designated, and all that follows through  
11 the end of the subsection (a) of such section and in-  
12 serting the following: “The Assistant Secretary for  
13 Indian Health shall carry out the duties specified in  
14 paragraph (2).”; and

15 (4) by adding after paragraph (1) the following:

16 “(2) The Assistant Secretary for Indian Health  
17 shall—

18 “(A) REPORT DIRECTLY TO THE SEC-  
19 RETARY CONCERNING ALL POLICY.—and budg-  
20 et-related matters affecting Indian health;

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

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

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

20          (g) CONFORMING AMENDMENTS.—

21                 (1) AMENDMENTS TO INDIAN HEALTH CARE IM-  
22          PROVEMENT ACT.—The Indian Health Care Im-  
23          provement Act (25 U.S.C. 1601 et seq.) is amend-  
24          ed—

25                 (A) in section 601—

(i) in subsection (c), by striking “Director of the Indian Health Service” both places it appears and inserting “Assistant Secretary for Indian Health”; and

(ii) in subsection (d), by striking “Director of the Indian Health Service” and inserting “Assistant Secretary for Indian Health”; and

(B) in section 816(c)(1), by striking “Director of the Indian Health Service” and inserting “Assistant Secretary for Indian Health”.

(2) AMENDMENTS TO OTHER PROVISIONS OF LAW.—The following provisions are each amended by striking “Director of the Indian Health Service” each place it appears and inserting “Assistant Secretary for Indian Health”:

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

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

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

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