

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.

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

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—

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

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

19 (B) Subsections (b) and (e) of section 518
20 of the Federal Water Pollution Control Act (33
21 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)).

