

105TH CONGRESS  
2D SESSION

# S. 1770

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## 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

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## 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       provement 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.*