

107TH CONGRESS
1ST SESSION

S. 214

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 SENATE OF THE UNITED STATES

JANUARY 30, 2001

Mr. MCCAIN (for himself, Mr. INOUE, Mr. CONRAD, Mr. DASCHLE, and Mr. CAMPBELL) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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 Representatives
2 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
8 in a manner consistent with the government-to-government

1 ment relationship between the United States and Indian
2 tribes—

3 (1) facilitate advocacy for the development of
4 appropriate Indian health policy; and

5 (2) promote consultation on matters related to
6 Indian health.

7 (b) ASSISTANT SECRETARY FOR INDIAN HEALTH.—

8 In addition to the functions performed on the date of
9 enactment of this Act by the Director of the Indian Health
10 Service, the Assistant Secretary for Indian Health shall
11 perform such functions as the Secretary of Health and
12 Human Services (referred to in this section as the ‘‘
13 Secretary’’) may designate. The Assistant Secretary for
14 Indian Health shall—

15 (1) report directly to the Secretary concerning
16 all policy- and budget-related matters affecting
17 Indian 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 the
25 Assistant Secretary has authority and responsibility.

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

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
 11 of authority, or any document of or relating to the Direc-
 12 tor of the Indian Health Service shall be deemed to refer
 13 to 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—

17 (A) by striking the following:

18 ``Assistant Secretaries of Health and Human
 19 Services (6).''; and

20 (B) by inserting the following:

21 ``Assistant Secretaries of Health and Human
 22 Services (7).''.

23 (2) POSITIONS AT LEVEL V.—Section 5316 of
 24 title 5, United States Code, is amended by strik-
 25 ing the following:

1 ``Director, Indian Health Service, Department
2 of Health and Human Services.''.

3 (e) DUTIES OF ASSISTANT SECRETARY FOR INDIAN

4 HEALTH.—Section 601(a) of the Indian Health Care Im-
5 provement Act (25 U.S.C. 1661(a)) is amended—

6 (1) by inserting ``(1)'' after ``(a)'';

7 (2) in the second sentence of paragraph (1), as
8 so designated, by striking ``a Director,`` and ins-
9 ing ``the Assistant Secretary for Indian Health,
10 and

11 (3) by striking the third sentence of paragraph
12 (1) and all that follows through the end of the s-
13 section and inserting the following: ``The Assistant
14 Secretary for Indian Health shall carry out the du-
15 ties specified in paragraph (2).

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

18 ``(A) report directly to the Secretary concerning
19 all policy- and budget-related matters affecting
20 dian health;

21 ``(B) collaborate with the Assistant Secretary
22 for Health concerning appropriate matters of Indian
23 health that affect the agencies of the Public Heal-
24 Service;

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

5 ``(D) advise the heads of other agencies and
6 programs 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 ``(E) coordinate the activities of the Depart-
11 ment of Health and Human Services concerning
12 matters of Indian health.''.
13

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

 (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

9 (B) in section 816(c)(1), by striking ``Di-
 10 rector of the Indian Health Service'' and insert-
 11 ing ``Assistant Secretary for Indian Health''.

12 (2) AMENDMENTS TO OTHER PROVISIONS OF
 13 LAW.—The following provisions are each amended
 14 by striking ``Director of the Indian Health Service''
 15 each place it appears and inserting ``Assistant Se-
 16 cretary for Indian Health'':

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

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)).

22 (C) Section 803B(d)(1) of the Native
 23 American Programs Act of 1974 (42 U.S.C.
 24 2991b-2(d)(1)).