

Calendar No. 545

103D CONGRESS
2D SESSION

S. 2067

[Report No. 103-327]

A BILL

To elevate the position of Director of Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes.

AUGUST 8, 1994

Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

MAY 3 (legislative day, MAY 2), 1994

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

AUGUST 8, 1994

Reported by Mr. INOUE, with an amendment

[Omit the part struck through and insert the part printed in italic]

A BILL

To elevate the position of Director of Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, 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.

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

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

17 (d) RATE OF PAY.—(1) Section 5315 of title 5,
18 United States Code, is amended by striking the following:

19 “Assistant Secretaries of Health and Human
20 Services (5).”;

21 and inserting the following:

22 “Assistant Secretaries of Health and Human
23 Services (6).”.

24 (2) Section 5316 of such title is amended by striking
25 the following:

1 “Director, Indian Health Service, Department
2 of Health and Human Services.”.

3 (e) CONFORMING AMENDMENTS.—(1) Section 601 of
4 the Indian Health Care Improvement Act (25 U.S.C.
5 1661) is amended—

6 (A) in the second sentence of subsection (a), by
7 striking “a Director,” and inserting “the Assistant
8 Secretary for Indian Health,”;

9 (B) in the fourth sentence of subsection (a), by
10 striking “the Director” and inserting “the Assistant
11 Secretary for Indian Health”;

12 (C) by striking out the fifth sentence of sub-
13 section (a); and

14 (D) by striking “Director of the Indian Health
15 Service” each place it appears and inserting “Assist-
16 ant Secretary for Indian Health”.

17 (2) The following provisions are amended by striking
18 “Director of the Indian Health Service” each place it ap-
19 pears and inserting “Assistant Secretary for Indian
20 Health”:

21 (A) Section 816(c)(1) of the Indian Health
22 Care Improvement Act (25 U.S.C. 1680f(c)(1)).

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

1 (C) Subsections (b) and (e) of section 518 of
2 the Federal Water Pollution Control Act (33 U.S.C.
3 1377(b), (e)).

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

6 **SEC. 2. ORGANIZATION OF INDIAN HEALTH SERVICE WITH-**
7 **IN DEPARTMENT OF HEALTH AND HUMAN**
8 **SERVICES.**

9 (a) ORGANIZATION.—Section 601 of the Indian
10 Health Care Improvement Act (25 U.S.C. 1661), as
11 amended by section 1(e)(1), is further amended—

12 (1) by striking out “within the Public Health
13 Service of the Department of Health and Human
14 Services” each place it appears and inserting “with-
15 in the Department of Health and Human Services”;
16 and

17 (2) in the second sentence of subsection (a), by
18 striking out “report to the Secretary through the
19 Assistant Secretary for Health of the Department of
20 Health and Human Services” and inserting “report
21 to the Secretary”.

22 (b) CONFORMING AMENDMENT.—The section head-
23 ing of such section is amended by striking the following:
24 “ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS
25 AN AGENCY OF THE PUBLIC HEALTH SERVICE”;
26 and inserting the following:

1 “ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS
2 AN AGENCY OF DEPARTMENT OF HEALTH AND
3 HUMAN SERVICES”.

4 (c) UTILIZATION OF PUBLIC HEALTH SERVICE PER-
5 SONNEL.—~~Nothing in this section shall be interpreted as~~
6 ~~terminating or otherwise modifying any authority provid-~~
7 ~~ing for the utilization~~ *The Secretary shall provide for the*
8 *utilization* by the Indian Health Service of officers or em-
9 ployees of the Public Health Service for the purposes of
10 carrying out the responsibilities of the Indian Health Serv-
11 ice. Any officers or employees so utilized shall be treated
12 as officers or employees detailed to an executive depart-
13 ment under section 214(a) of the Public Health Service
14 (42 U.S.C. 215(a)).