

107TH CONGRESS
1ST SESSION

S. 210

To authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2001

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

A BILL

To authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, 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. SHORT TITLE.**

4 This Act may be cited as the “Native American Alco-
5 hol and Substance Abuse Program Consolidation Act of
6 2001”.

7 **SEC. 2. STATEMENT OF PURPOSE.**

8 The purposes of this Act are—

1 (1) to enable Indian tribes to consolidate and
2 integrate alcohol and other substance abuse preven-
3 tion, diagnosis and treatment programs, and mental
4 health and related programs, to provide unified and
5 more effective and efficient services to Native Ameri-
6 cans afflicted with alcohol and other substance abuse
7 problems; and

8 (2) to recognize that Indian tribes can best de-
9 termine the goals and methods for establishing and
10 implementing prevention, diagnosis and treatment
11 programs for their communities, consistent with the
12 policy of self-determination.

13 **SEC. 3. DEFINITIONS.**

14 (a) IN GENERAL.—In this Act:

15 (1) FEDERAL AGENCY.—The term “Federal
16 agency” has the meaning given the term “agency”
17 in section 551(1) of title 5, United States Code.

18 (2) INDIAN.—The term “Indian” has the mean-
19 ing given that term in section 4(d) of the Indian
20 Self-Determination and Education Assistance Act
21 (25 U.S.C. 450b(d)).

22 (3) INDIAN TRIBE.—The terms “Indian tribe”
23 and “tribe” have the meaning given the term “In-
24 dian tribe” in section 4(e) of the Indian Self-Deter-
25 mination and Education Assistance Act (25 U.S.C.

1 450b(e)) and shall include entities as provided for in
2 subsection (b)(2).

3 (4) SECRETARY.—Except where otherwise pro-
4 vided, the term “Secretary” means the Secretary of
5 Health and Human Services.

6 (5) SUBSTANCE ABUSE.—The term “substance
7 abuse” includes the illegal use or abuse of a drug,
8 the abuse of an inhalant, or the abuse of tobacco or
9 related products.

10 (b) INDIAN TRIBE.—

11 (1) IN GENERAL.—In any case in which an In-
12 dian tribe has authorized another Indian tribe, an
13 inter-tribal consortium, or a tribal organization to
14 plan for or carry out programs, services, functions,
15 or activities (or portions thereof) on its behalf under
16 this Act, the authorized Indian tribe, inter-tribal
17 consortium, or tribal organization shall have the
18 rights and responsibilities of the authorizing Indian
19 tribe (except as otherwise provided in the author-
20 izing resolution or in this Act).

21 (2) INCLUSION OF OTHER ENTITIES.—In a case
22 described in paragraph (1), the term “Indian tribe”,
23 as defined in subsection (a)(2), shall include the ad-
24 ditional authorized Indian tribe, inter-tribal consor-
25 tium, or tribal organization.

1 **SEC. 4. INTEGRATION OF SERVICES AUTHORIZED.**

2 The Secretary, in cooperation with the Secretary of
3 Labor, the Secretary of the Interior, the Secretary of Edu-
4 cation, the Secretary of Housing and Urban Development,
5 the United States Attorney General, and the Secretary of
6 Transportation, as appropriate, shall, upon the receipt of
7 a plan acceptable to the Secretary that is submitted by
8 an Indian tribe, authorize the tribe to coordinate, in ac-
9 cordance with such plan, its federally funded alcohol and
10 substance abuse and mental health programs in a manner
11 that integrates the program services involved into a single,
12 coordinated, comprehensive program and reduces adminis-
13 trative costs by consolidating administrative functions.

14 **SEC. 5. PROGRAMS AFFECTED.**

15 The programs that may be integrated in a dem-
16 onstration project under any plan referred to in section
17 4 shall include—

18 (1) any program under which an Indian tribe is
19 eligible for the receipt of funds under a statutory or
20 administrative formula for the purposes of preven-
21 tion, diagnosis, or treatment of alcohol and other
22 substance abuse problems and disorders, or mental
23 health problems and disorders, or any program de-
24 signed to enhance the ability to treat, diagnose, or
25 prevent alcohol and other substance abuse and re-

1 lated problems and disorders, or mental health prob-
2 lems or disorders;

3 (2) any program under which an Indian tribe is
4 eligible for receipt of funds through a competitive or
5 other grant program for the purposes of prevention,
6 diagnosis, or treatment of alcohol and other sub-
7 stance abuse problems and disorders, or mental
8 health problems and disorders, or treatment, diag-
9 nosis, or prevention of related problems and dis-
10 orders, or any program designed to enhance the abil-
11 ity to treat, diagnose, or prevent alcohol and other
12 substance abuse and related problems and disorders,
13 or mental health problems or disorders, if—

14 (A) the Indian tribe has provided notice to
15 the appropriate agency regarding the intentions
16 of the tribe to include the grant program in the
17 plan it submits to the Secretary, and the af-
18 fected agency has consented to the inclusion of
19 the grant in the plan; or

20 (B) the Indian tribe has elected to include
21 the grant program in its plan, and the adminis-
22 trative requirements contained in the plan are
23 essentially the same as the administrative re-
24 quirements under the grant program; and

1 (3) any program under which an Indian tribe is
2 eligible for receipt of funds under any other funding
3 scheme for the purposes of prevention, diagnosis, or
4 treatment of alcohol and other substance abuse
5 problems and disorders, or mental health problems
6 and disorders, or treatment, diagnosis, or prevention
7 of related problems and disorders, or any program
8 designed to enhance the ability to treat, diagnose, or
9 prevent alcohol and other substance abuse and re-
10 lated problems and disorders, or mental health prob-
11 lems or disorders.

12 **SEC. 6. PLAN REQUIREMENTS.**

13 For a plan to be acceptable under section 4, the plan
14 shall—

15 (1) identify the programs to be integrated;

16 (2) be consistent with the purposes of this Act
17 authorizing the services to be integrated into the
18 project;

19 (3) describe a comprehensive strategy that iden-
20 tifies the full range of existing and potential alcohol
21 and substance abuse and mental health treatment
22 and prevention programs available on and near the
23 tribe's service area;

1 (4) describe the manner in which services are to
2 be integrated and delivered and the results expected
3 under the plan;

4 (5) identify the projected expenditures under
5 the plan in a single budget;

6 (6) identify the agency or agencies in the tribe
7 to be involved in the delivery of the services inte-
8 grated under the plan;

9 (7) identify any statutory provisions, regula-
10 tions, policies, or procedures that the tribe believes
11 need to be waived in order to implement its plan;
12 and

13 (8) be approved by the governing body of the
14 tribe.

15 **SEC. 7. PLAN REVIEW.**

16 (a) CONSULTATION.—Upon receipt of a plan from an
17 Indian tribe under section 4, the Secretary shall consult
18 with the head of each Federal agency providing funds to
19 be used to implement the plan, and with the tribe submit-
20 ting the plan.

21 (b) IDENTIFICATION OF WAIVERS.—The parties con-
22 sulting on the implementation of the plan under sub-
23 section (a) shall identify any waivers of statutory require-
24 ments or of Federal agency regulations, policies, or proce-

1 dures necessary to enable the tribal government to imple-
2 ment its plan.

3 (c) WAIVERS.—Notwithstanding any other provision
4 of law, the head of the affected Federal agency shall have
5 the authority to waive any statutory requirement, regula-
6 tion, policy, or procedure promulgated by the Federal
7 agency that has been identified by the tribe or the Federal
8 agency under subsection (b) unless the head of the af-
9 fected Federal agency determines that such a waiver is
10 inconsistent with the purposes of this Act or with those
11 provisions of the Act that authorizes the program involved
12 which are specifically applicable to Indian programs.

13 **SEC. 8. PLAN APPROVAL.**

14 (a) IN GENERAL.—Not later than 90 days after the
15 receipt by the Secretary of a tribe’s plan under section
16 4, the Secretary shall inform the tribe, in writing, of the
17 Secretary’s approval or disapproval of the plan, including
18 any request for a waiver that is made as part of the plan.

19 (b) DISAPPROVAL.—If a plan is disapproved under
20 subsection (a), the Secretary shall inform the tribal gov-
21 ernment, in writing, of the reasons for the disapproval and
22 shall give the tribe an opportunity to amend its plan or
23 to petition the Secretary to reconsider such disapproval,
24 including reconsidering the disapproval of any waiver re-
25 quested by the Indian tribe.

1 **SEC. 9. FEDERAL RESPONSIBILITIES.**

2 (a) RESPONSIBILITIES OF THE INDIAN HEALTH
3 SERVICE.—

4 (1) MEMORANDUM OF UNDERSTANDING.—Not
5 later than 180 days after the date of enactment of
6 this Act, the Secretary, the Secretary of the Interior,
7 the Secretary of Labor, the Secretary of Education,
8 the Secretary of Housing and Urban Development,
9 the United States Attorney General, and the Sec-
10 retary of Transportation shall enter into an inter-
11 departmental memorandum of agreement providing
12 for the implementation of the plans authorized
13 under this Act.

14 (2) LEAD AGENCY.—The lead agency under
15 this Act shall be the Indian Health Service.

16 (3) RESPONSIBILITIES.—The responsibilities of
17 the lead agency under this Act shall include—

18 (A) the development of a single reporting
19 format related to the plan for the individual
20 project which shall be used by a tribe to report
21 on the activities carried out under the plan;

22 (B) the development of a single reporting
23 format related to the projected expenditures for
24 the individual plan which shall be used by a
25 tribe to report on all plan expenditures;

1 (C) the development of a single system of
2 Federal oversight for the plan, which shall be
3 implemented by the lead agency;

4 (D) the provision of technical assistance to
5 a tribe appropriate to the plan, delivered under
6 an arrangement subject to the approval of the
7 tribe participating in the project, except that a
8 tribe shall have the authority to accept or reject
9 the plan for providing the technical assistance
10 and the technical assistance provider; and

11 (E) the convening by an appropriate offi-
12 cial of the lead agency (whose appointment is
13 subject to the confirmation of the Senate) and
14 a representative of the Indian tribes that carry
15 out projects under this Act, in consultation with
16 each of the Indian tribes that participate in
17 projects under this Act, of a meeting not less
18 than 2 times during each fiscal year for the
19 purpose of providing an opportunity for all In-
20 dian tribes that carry out projects under this
21 Act to discuss issues relating to the implemen-
22 tation of this Act with officials of each agency
23 specified in paragraph (1).

24 (b) REPORT REQUIREMENTS.—The single reporting
25 format shall be developed by the Secretary under sub-

1 section (a)(3), consistent with the requirements of this
2 Act. Such reporting format, together with records main-
3 tained on the consolidated program at the tribal level shall
4 contain such information as will—

5 (1) allow a determination that the tribe has
6 complied with the requirements incorporated in its
7 approved plan; and

8 (2) provide assurances to the Secretary that the
9 tribe has complied with all directly applicable statu-
10 tory requirements and with those directly applicable
11 regulatory requirements which have not been waived.

12 **SEC. 10. NO REDUCTION IN AMOUNTS.**

13 In no case shall the amount of Federal funds avail-
14 able to a participating tribe involved in any project be re-
15 duced as a result of the enactment of this Act.

16 **SEC. 11. INTERAGENCY FUND TRANSFERS AUTHORIZED.**

17 The Secretary, the Secretary of the Interior, the Sec-
18 retary of Labor, the Secretary of Education, the Secretary
19 of Housing and Urban Development, the United States
20 Attorney General, or the Secretary of Transportation, as
21 appropriate, is authorized to take such action as may be
22 necessary to provide for the interagency transfer of funds
23 otherwise available to a tribe in order to further the pur-
24 poses of this Act.

1 **SEC. 12. ADMINISTRATION OF FUNDS AND OVERAGE.**

2 (a) ADMINISTRATION OF FUNDS.—

3 (1) IN GENERAL.—Program funds shall be ad-
4 ministered under this Act in such a manner as to
5 allow for a determination that funds from specific
6 programs (or an amount equal to the amount uti-
7 lized from each program) are expended on activities
8 authorized under such program.

9 (2) SEPARATE RECORDS NOT REQUIRED.—

10 Nothing in this section shall be construed as requir-
11 ing a tribe to maintain separate records tracing any
12 services or activities conducted under its approved
13 plan under section 4 to the individual programs
14 under which funds were authorized, nor shall the
15 tribe be required to allocate expenditures among in-
16 dividual programs.

17 (b) OVERAGE.—All administrative costs under a plan
18 under this Act may be commingled, and participating In-
19 dian tribes shall be entitled to the full amount of such
20 costs (under each program or department's regulations),
21 and no overage shall be counted for Federal audit pur-
22 poses so long as the overage is used for the purposes pro-
23 vided for under this Act.

24 **SEC. 13. FISCAL ACCOUNTABILITY.**

25 Nothing in this Act shall be construed to interfere
26 with the ability of the Secretary or the lead agency to ful-

1 fill the responsibilities for the safeguarding of Federal
2 funds pursuant to chapter 75 of title 31, United States
3 Code.

4 **SEC. 14. REPORT ON STATUTORY AND OTHER BARRIERS TO**
5 **INTEGRATION.**

6 (a) PRELIMINARY REPORT.—Not later than 2 years
7 after the date of enactment of this Act, the Secretary shall
8 submit a report to the Committee on Indian Affairs of
9 the Senate and the Committee on Resources of the House
10 of Representatives on the implementation of the program
11 authorized under this Act.

12 (b) FINAL REPORT.—Not later than 5 years after the
13 date of the enactment of this Act, the Secretary shall sub-
14 mit a report to the Committee on Indian Affairs of the
15 Senate and the Committee on Resources of the House of
16 Representatives on the results of the implementation of
17 the program authorized under this Act. The report shall
18 identify statutory barriers to the ability of tribes to inte-
19 grate more effectively their alcohol and substance abuse
20 services in a manner consistent with the purposes of this
21 Act.

1 **SEC. 15. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE**
2 **INDIAN ALCOHOL AND DRUG TREATMENT OR**
3 **MENTAL HEALTH PROGRAMS.**

4 Any State with an alcohol and substance abuse or
5 mental health program targeted to Indian tribes shall be
6 eligible to receive, at no cost to the State, such Federal
7 personnel assignments as the Secretary, in accordance
8 with the applicable provisions of subchapter IV of chapter
9 33 of title 5, United States Code, may deem appropriate
10 to help insure the success of such program.

○