

Calendar No. 560107TH CONGRESS
2^D SESSION**S. 210****[Report No. 107-250]**

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, Mr. INOUE, Mr. JOHNSON, and Mr. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

SEPTEMBER 3, 2002

Reported by Mr. INOUE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. STATEMENT OF PURPOSE.**

6 The purposes of this Act are—

7 (1) to enable Indian tribes to consolidate and
8 integrate alcohol and other substance abuse preven-
9 tion, diagnosis and treatment programs, and mental
10 health and related programs, to provide unified and
11 more effective and efficient services to Native Ameri-
12 cans afflicted with alcohol and other substance abuse
13 problems; and

14 (2) to recognize that Indian tribes can best de-
15 termine the goals and methods for establishing and
16 implementing prevention, diagnosis and treatment
17 programs for their communities, consistent with the
18 policy of self-determination.

19 **SEC. 3. DEFINITIONS.**

20 (a) IN GENERAL.—In this Act:

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

24 (2) INDIAN.—The term “Indian” has the mean-
25 ing given that term in section 4(d) of the Indian

1 Self-Determination and Education Assistance Act
2 (25 U.S.C. 450b(d)).

3 (3) INDIAN TRIBE.—The terms “Indian tribe”
4 and “tribe” have the meaning given the term “In-
5 dian tribe” in section 4(e) of the Indian Self-Deter-
6 mination and Education Assistance Act (25 U.S.C.
7 450b(e)) and shall include entities as provided for in
8 subsection (b)(2).

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

12 (5) SUBSTANCE ABUSE.—The term “substance
13 abuse” includes the illegal use or abuse of a drug,
14 the abuse of an inhalant, or the abuse of tobacco or
15 related products.

16 (b) INDIAN TRIBE.—

17 (1) IN GENERAL.—In any case in which an In-
18 dian tribe has authorized another Indian tribe, an
19 inter-tribal consortium, or a tribal organization to
20 plan for or carry out programs, services, functions,
21 or activities (or portions thereof) on its behalf under
22 this Act, the authorized Indian tribe, inter-tribal
23 consortium, or tribal organization shall have the
24 rights and responsibilities of the authorizing Indian

1 tribe (except as otherwise provided in the author-
2 izing resolution or in this Act).

3 (2) INCLUSION OF OTHER ENTITIES.—In a case
4 described in paragraph (1), the term “Indian tribe”,
5 as defined in subsection (a)(2), shall include the ad-
6 ditional authorized Indian tribe, inter-tribal Consor-
7 tium, or tribal organization.

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

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

21 **SEC. 5. PROGRAMS AFFECTED.**

22 The programs that may be integrated in a dem-
23 onstration project under any plan referred to in section
24 4 shall include—

1 (1) any program under which an Indian tribe is
2 eligible for the receipt of funds under a statutory or
3 administrative formula for the purposes of preven-
4 tion, diagnosis, or treatment of alcohol and other
5 substance abuse problems and disorders, or mental
6 health problems and disorders, or any program de-
7 signed to enhance the ability to treat, diagnose, or
8 prevent alcohol and other substance abuse and re-
9 lated problems and disorders, or mental health prob-
10 lems or disorders;

11 (2) any program under which an Indian tribe is
12 eligible for receipt of funds through a competitive or
13 other grant program for the purposes of prevention,
14 diagnosis, or treatment of alcohol and other sub-
15 stance abuse problems and disorders, or mental
16 health problems and disorders, or treatment, diag-
17 nosis, or prevention of related problems and dis-
18 orders, or any program designed to enhance the abil-
19 ity to treat, diagnose, or prevent alcohol and other
20 substance abuse and related problems and disorders,
21 or mental health problems or disorders, if—

22 (A) the Indian tribe has provided notice to
23 the appropriate agency regarding the intentions
24 of the tribe to include the grant program in the
25 plan it submits to the Secretary, and the af-

1 affected agency has consented to the inclusion of
2 the grant in the plan; or

3 ~~(B)~~ the Indian tribe has elected to include
4 the grant program in its plan; and the adminis-
5 trative requirements contained in the plan are
6 essentially the same as the administrative re-
7 quirements under the grant program; and

8 ~~(3)~~ any program under which an Indian tribe is
9 eligible for receipt of funds under any other funding
10 scheme for the purposes of prevention, diagnosis, or
11 treatment of alcohol and other substance abuse
12 problems and disorders, or mental health problems
13 and disorders, or treatment, diagnosis, or prevention
14 of related problems and disorders, or any program
15 designed to enhance the ability to treat, diagnose, or
16 prevent alcohol and other substance abuse and re-
17 lated problems and disorders, or mental health prob-
18 lems or disorders.

19 **SEC. 6. PLAN REQUIREMENTS.**

20 For a plan to be acceptable under section 4, the plan
21 shall—

22 (1) identify the programs to be integrated;

23 (2) be consistent with the purposes of this Act
24 authorizing the services to be integrated into the
25 project;

1 (3) describe a comprehensive strategy that iden-
2 tifies the full range of existing and potential alcohol
3 and substance abuse and mental health treatment
4 and prevention programs available on and near the
5 tribe's service area;

6 (4) describe the manner in which services are to
7 be integrated and delivered and the results expected
8 under the plan;

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

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

14 (7) identify any statutory provisions, regula-
15 tions, policies, or procedures that the tribe believes
16 need to be waived in order to implement its plan;
17 and

18 (8) be approved by the governing body of the
19 tribe.

20 **SEC. 7. PLAN REVIEW.**

21 (a) CONSULTATION.—Upon receipt of a plan from an
22 Indian tribe under section 4, the Secretary shall consult
23 with the head of each Federal agency providing funds to
24 be used to implement the plan, and with the tribe submit-
25 ting the plan.

1 (b) IDENTIFICATION OF WAIVERS.—The parties con-
2 sulting on the implementation of the plan under sub-
3 section (a) shall identify any waivers of statutory require-
4 ments or of Federal agency regulations, policies, or proce-
5 dures necessary to enable the tribal government to imple-
6 ment its plan.

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

17 **SEC. 8. PLAN APPROVAL.**

18 (a) IN GENERAL.—Not later than 90 days after the
19 receipt by the Secretary of a tribe's plan under section
20 4, the Secretary shall inform the tribe, in writing, of the
21 Secretary's approval or disapproval of the plan, including
22 any request for a waiver that is made as part of the plan.

23 (b) DISAPPROVAL.—If a plan is disapproved under
24 subsection (a), the Secretary shall inform the tribal gov-
25 ernment, in writing, of the reasons for the disapproval and

1 shall give the tribe an opportunity to amend its plan or
2 to petition the Secretary to reconsider such disapproval,
3 including reconsidering the disapproval of any waiver re-
4 quested by the Indian tribe.

5 **SEC. 9. FEDERAL RESPONSIBILITIES.**

6 (a) **RESPONSIBILITIES OF THE INDIAN HEALTH**
7 **SERVICE.—**

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

18 (2) **LEAD AGENCY.—**The lead agency under
19 this Act shall be the Indian Health Service.

20 (3) **RESPONSIBILITIES.—**The responsibilities of
21 the lead agency under this Act shall include—

22 (A) the development of a single reporting
23 format related to the plan for the individual
24 project which shall be used by a tribe to report
25 on the activities carried out under the plan;

1 (B) the development of a single reporting
2 format related to the projected expenditures for
3 the individual plan which shall be used by a
4 tribe to report on all plan expenditures;

5 (C) the development of a single system of
6 Federal oversight for the plan, which shall be
7 implemented by the lead agency;

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

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

1 tation of this Act with officials of each agency
2 specified in paragraph (1).

3 (b) **REPORT REQUIREMENTS.**—The single reporting
4 format shall be developed by the Secretary under sub-
5 section (a)(3), consistent with the requirements of this
6 Act. Such reporting format, together with records main-
7 tained on the consolidated program at the tribal level shall
8 contain such information as will—

9 (1) allow a determination that the tribe has
10 complied with the requirements incorporated in its
11 approved plan; and

12 (2) provide assurances to the Secretary that the
13 tribe has complied with all directly applicable statu-
14 tory requirements and with those directly applicable
15 regulatory requirements which have not been waived.

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

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

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

21 The Secretary, the Secretary of the Interior, the Sec-
22 retary of Labor, the Secretary of Education, the Secretary
23 of Housing and Urban Development, the United States
24 Attorney General, or the Secretary of Transportation, as
25 appropriate, is authorized to take such action as may be

1 necessary to provide for the interagency transfer of funds
 2 otherwise available to a tribe in order to further the pur-
 3 poses of this Act.

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

5 (a) ADMINISTRATION OF FUNDS.—

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

12 (2) SEPARATE RECORDS NOT REQUIRED.—
 13 Nothing in this section shall be construed as requir-
 14 ing a tribe to maintain separate records tracing any
 15 services or activities conducted under its approved
 16 plan under section 4 to the individual programs
 17 under which funds were authorized, nor shall the
 18 tribe be required to allocate expenditures among in-
 19 dividual programs.

20 (b) OVERAGE.—All administrative costs under a plan
 21 under this Act may be commingled, and participating In-
 22 dian tribes shall be entitled to the full amount of such
 23 costs (under each program or department's regulations),
 24 and no overage shall be counted for Federal audit pur-

1 poses so long as the overage is used for the purposes pro-
2 vided for under this Act.

3 **SEC. 13. FISCAL ACCOUNTABILITY.**

4 Nothing in this Act shall be construed to interfere
5 with the ability of the Secretary or the lead agency to ful-
6 fill the responsibilities for the safeguarding of Federal
7 funds pursuant to chapter 75 of title 31, United States
8 Code.

9 **SEC. 14. REPORT ON STATUTORY AND OTHER BARRIERS TO**
10 **INTEGRATION.**

11 (a) **PRELIMINARY REPORT.**—Not later than 2 years
12 after the date of enactment of this Act, the Secretary shall
13 submit a report to the Committee on Indian Affairs of
14 the Senate and the Committee on Resources of the House
15 of Representatives on the implementation of the program
16 authorized under this Act.

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

1 services in a manner consistent with the purposes of this
2 Act.

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

6 Any State with an alcohol and substance abuse or
7 mental health program targeted to Indian tribes shall be
8 eligible to receive, at no cost to the State, such Federal
9 personnel assignments as the Secretary, in accordance
10 with the applicable provisions of subchapter IV of chapter
11 33 of title 5, United States Code, may deem appropriate
12 to help insure the success of such program.

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “Native American Alcohol*
15 *and Substance Abuse Program Consolidation Act of 2002”.*

16 **SEC. 2. STATEMENT OF PURPOSE.**

17 *The purposes of this Act are—*

18 *(1) to enable Indian tribes to consolidate and in-*
19 *tegrate alcohol and other substance abuse prevention,*
20 *diagnosis, and treatment programs, and mental*
21 *health and related programs, to provide unified and*
22 *more effective and efficient services to Indians af-*
23 *flicted with alcohol and other substance abuse prob-*
24 *lems;*

1 (2) to recognize that Indian tribes can best deter-
2 mine the goals and methods for establishing and im-
3 plementing prevention, diagnosis, and treatment pro-
4 grams for their communities, consistent with the pol-
5 icy of self-determination;

6 (3) to encourage and facilitate the implementa-
7 tion of an automated clinical information system to
8 complement the Indian health care delivery system;

9 (4) to authorize the use of Federal funds to pur-
10 chase, lease, license, or provide training for, tech-
11 nology for an automated clinical information system
12 that incorporates clinical, as well as financial and re-
13 porting, capabilities for Indian behavioral health care
14 programs;

15 (5) to encourage quality assurance policies and
16 procedures, and empower Indian tribes through train-
17 ing and use of technology, to significantly enhance the
18 delivery of, and treatment results from, Indian behav-
19 ioral health care programs;

20 (6) to assist Indian tribes in maximizing use of
21 public, tribal, human, and financial resources in de-
22 veloping effective, understandable, and meaningful
23 practices under Indian behavioral health care pro-
24 grams; and

1 (7) *to encourage and facilitate timely and effec-*
 2 *tive analysis and evaluation of Indian behavioral*
 3 *health care programs.*

4 **SEC. 3. DEFINITIONS.**

5 (a) *IN GENERAL.*—*In this Act:*

6 (1) *AUTOMATED CLINICAL INFORMATION SYS-*
 7 *TEM.*—*The term “automated clinical information sys-*
 8 *tem” means an automated computer software system*
 9 *that can be used to manage clinical, financial, and*
 10 *reporting information for Indian behavioral health*
 11 *care programs.*

12 (2) *FEDERAL AGENCY.*—*The term “Federal agen-*
 13 *cy” has the meaning given the term “agency” in sec-*
 14 *tion 551 of title 5, United States Code.*

15 (3) *INDIAN.*—*The term “Indian” has the mean-*
 16 *ing given the term in section 4 of the Indian Self-De-*
 17 *termination and Education Assistance Act (25 U.S.C.*
 18 *450b).*

19 (4) *INDIAN BEHAVIORAL HEALTH CARE PRO-*
 20 *GRAM.*—*The term “Indian behavioral health care pro-*
 21 *gram” means a federally funded program, for the ben-*
 22 *efit of Indians, to prevent, diagnose, or treat, or en-*
 23 *hance the ability to prevent, diagnose, or treat—*

24 (A) *mental health problems; or*

1 (B) alcohol or other substance abuse prob-
2 lems.

3 (5) *INDIAN TRIBE.*—The terms “Indian tribe”
4 and “tribe” have the meaning given the term “Indian
5 tribe” in section 4 of the Indian Self Determination
6 and Education Assistance Act (25 U.S.C. 450b) and
7 include entities as provided for in subsection (b)(2).

8 (6) *SECRETARY.*—The term “Secretary” means
9 the Secretary of Health and Human Services.

10 (7) *SUBSTANCE ABUSE.*—The term “substance
11 abuse” includes—

12 (A) the illegal use or abuse of a drug or an
13 inhalant; and

14 (B) the abuse of tobacco or a related prod-
15 uct.

16 (b) *INDIAN TRIBE.*—

17 (1) *IN GENERAL.*—In any case in which an In-
18 dian tribe has authorized another Indian tribe, an
19 intertribal consortium, a tribal organization, or an
20 Indian health center to plan for or carry out pro-
21 grams, services, functions, or activities (or portions
22 thereof) on its behalf under this Act, the authorized
23 Indian tribe, intertribal consortium, tribal organiza-
24 tion, or Indian health center shall have the rights and
25 responsibilities of the authorizing Indian tribe (except

1 *as otherwise provided in the authorizing resolution or*
2 *in this Act).*

3 (2) *INCLUSION OF OTHER ENTITIES.—In a case*
4 *described in paragraph (1), the term “Indian tribe”,*
5 *as defined in subsection (a)(3), shall include the addi-*
6 *tional authorized Indian tribe, intertribal consortium,*
7 *tribal organization, or Indian health center.*

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

9 (a) *IN GENERAL.—The Secretary, in cooperation with*
10 *the Secretary of Labor, the Secretary of the Interior, the*
11 *Secretary of Education, the Secretary of Housing and*
12 *Urban Development, the Attorney General, and the Sec-*
13 *retary of Transportation, as appropriate, shall, upon re-*
14 *ceipt of a plan acceptable to the Secretary that is submitted*
15 *by an Indian tribe, authorize the tribe to carry out a dem-*
16 *onstration project to coordinate, in accordance with the*
17 *plan, the Indian behavioral health care programs of the*
18 *tribe in a manner that integrates the program services in-*
19 *volved into a single, coordinated, comprehensive program*
20 *that uses, to the extent necessary, an automated clinical in-*
21 *formation system to better manage administrative and clin-*
22 *ical services, costs, and reporting requirements through the*
23 *consolidation and integration of administrative and clin-*
24 *ical functions.*

1 **(b) USE OF FUNDS FOR TECHNOLOGY.**—*Notwith-*
 2 *standing any requirement applicable to an Indian behav-*
 3 *ioral health care program of an Indian tribe that is inte-*
 4 *grated under a demonstration project carried out under*
 5 *subsection (a), the Indian tribe may use funds made avail-*
 6 *able under the program to purchase, lease, license, or pro-*
 7 *vide training for, technology for an automated clinical in-*
 8 *formation system.*

9 **SEC. 5. PROGRAMS AFFECTED.**

10 *The programs that may be integrated in a demonstra-*
 11 *tion project under a plan submitted under section 4 are—*

12 (1) *any Indian behavioral health care program*
 13 *under which an Indian tribe is eligible for the receipt*
 14 *of funds under a statutory or administrative formula;*

15 (2) *any Indian behavioral health care program*
 16 *under which an Indian tribe is eligible for receipt of*
 17 *funds through competitive or other grants, if—*

18 (A)(i) *the Indian tribe has provided notice*
 19 *to the appropriate agency regarding the inten-*
 20 *tions of the tribe to include the Indian behav-*
 21 *ioral health care program in the plan that the*
 22 *tribe submits to the Secretary; and*

23 (ii) *the affected agency has consented to the*
 24 *inclusion of the grant in the plan; or*

1 (B)(i) the Indian tribe has elected to in-
 2 clude the Indian behavioral health care program
 3 in its plan; and

4 (ii) the administrative requirements con-
 5 tained in the plan are essentially the same as the
 6 administrative requirements applicable to a
 7 grant under the Indian behavioral health care
 8 program; and

9 (3) any Indian behavioral health care program
 10 under which an Indian tribe is eligible for receipt of
 11 funds under any other funding scheme.

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

13 A plan of an Indian tribe submitted under section 4
 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 dem-
 18 onstration project;

19 (3) describe a comprehensive strategy that—

20 (A) identifies the full range of existing and
 21 potential alcohol and substance abuse and men-
 22 tal health treatment and prevention programs
 23 available on and near the tribe's service area;
 24 and

1 (B) may include site and technology assess-
2 ments and any necessary computer hardware in-
3 stallation and support;

4 (4) describe the manner in which services are to
5 be integrated and delivered and the results expected
6 under the plan, including, if implemented, the man-
7 ner and expected results of implementation of an
8 automated clinical information system;

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

11 (6) identify the agency or agencies in the tribe
12 to be involved in the delivery of the services integrated
13 under the plan;

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

17 (8) be approved by the governing body of the
18 tribe.

19 **SEC. 7. PLAN REVIEW.**

20 (a) CONSULTATION.—Upon receipt of a plan from an
21 Indian tribe under section 4, the Secretary shall consult
22 with—

23 (1) the head of each Federal agency providing
24 funds to be used to implement the plan; and

25 (2) the tribe submitting the plan.

1 (b) *IDENTIFICATION OF WAIVERS.*—*The parties con-*
2 *sulting on the implementation of the plan under subsection*
3 *(a) shall identify any waivers of statutory requirements or*
4 *of Federal agency regulations, policies, or procedures nec-*
5 *essary to enable the tribal government to implement its*
6 *plan.*

7 (c) *WAIVERS.*—*Notwithstanding any other provision*
8 *of law, the head of the affected Federal agency shall have*
9 *the authority to waive any statutory requirement, regula-*
10 *tion, policy, or procedure promulgated by the Federal agen-*
11 *cy that has been identified by the tribe or the Federal agen-*
12 *cy under subsection (b) unless the head of the affected Fed-*
13 *eral agency determines that such a waiver is inconsistent*
14 *with—*

15 (1) *the purposes of this Act; or*

16 (2) *any statutory requirement applicable to the*
17 *program to be integrated under the plan that is spe-*
18 *cifically applicable to Indian programs.*

19 **SEC. 8. PLAN APPROVAL.**

20 (a) *IN GENERAL.*—*Not later than 90 days after the*
21 *receipt by the Secretary of a tribe's plan under section 4,*
22 *the Secretary shall inform the tribe, in writing, of the Sec-*
23 *retary's approval or disapproval of the plan, including any*
24 *request for a waiver that is made as part of the plan.*

1 (b) *DISAPPROVAL.*—If a plan is disapproved under
 2 subsection (a), the Secretary shall inform the tribal govern-
 3 ment, in writing, of the reasons for the disapproval and
 4 shall give the tribe an opportunity to amend its plan or
 5 to petition the Secretary to reconsider such disapproval, in-
 6 cluding reconsidering the disapproval of any waiver re-
 7 quested by the Indian tribe.

8 **SEC. 9. FEDERAL RESPONSIBILITIES.**

9 (a) *RESPONSIBILITIES OF THE INDIAN HEALTH SERV-*
 10 *ICE.*—

11 (1) *MEMORANDUM OF UNDERSTANDING.*—Not
 12 later than 180 days after the date of enactment of this
 13 Act, the Secretary, the Secretary of the Interior, the
 14 Secretary of Labor, the Secretary of Education, the
 15 Secretary of Housing and Urban Development, the
 16 Attorney General, and the Secretary of Transpor-
 17 tation shall enter into an interdepartmental memo-
 18 randum of agreement providing for the implementa-
 19 tion of the plans authorized under this Act.

20 (2) *LEAD AGENCY.*—The lead agency under this
 21 Act shall be the Indian Health Service.

22 (3) *RESPONSIBILITIES.*—The responsibilities of
 23 the lead agency under this Act shall include—

24 (A) the development of a single reporting
 25 format related to each plan for a demonstration

1 *project, which shall be used by a tribe to report*
2 *on the activities carried out under the plan;*

3 *(B) the development of a single reporting*
4 *format related to the projected expenditures for*
5 *the individual plan, which shall be used by a*
6 *tribe to report on all plan expenditures;*

7 *(C) the development of a single system of*
8 *Federal oversight for the plan, which shall be im-*
9 *plemented by the lead agency;*

10 *(D) the provision of, or arrangement for*
11 *provision of, technical assistance to a tribe ap-*
12 *propriate to support and implement the plan,*
13 *delivered under an arrangement subject to the*
14 *approval of the tribe participating in the project,*
15 *except that a tribe shall have the authority to ac-*
16 *cept or reject the plan for providing the technical*
17 *assistance and the technical assistance provider;*
18 *and*

19 *(E) the convening by an appropriate offi-*
20 *cial of the lead agency (whose appointment is*
21 *subject to the confirmation of the Senate) and a*
22 *representative of the Indian tribes that carry out*
23 *projects under this Act, in consultation with each*
24 *of the Indian tribes that participate in projects*
25 *under this Act, of a meeting not less than twice*

1 *during each fiscal year for the purpose of pro-*
2 *viding an opportunity for all Indian tribes that*
3 *carry out projects under this Act to discuss*
4 *issues relating to the implementation of this Act*
5 *with officials of each agency specified in para-*
6 *graph (1).*

7 **(b) REPORT REQUIREMENTS.**—*The single reporting*
8 *format shall be developed by the Secretary under subsection*
9 *(a)(3), consistent with the requirements of this Act. Such*
10 *reporting format, together with records maintained on the*
11 *consolidated program at the tribal level shall contain such*
12 *information as will—*

13 *(1) allow a determination that the tribe has com-*
14 *plied with the requirements incorporated in its ap-*
15 *proved plan; and*

16 *(2) provide assurances to the Secretary that the*
17 *tribe has complied with all directly applicable statu-*
18 *tory requirements and with those directly applicable*
19 *regulatory requirements that have not been waived.*

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

21 *In no case shall the amount of Federal funds available*
22 *to a participating tribe involved in any project be reduced*
23 *as a result of the enactment of this Act.*

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

2 *The Secretary, the Secretary of the Interior, the Sec-*
3 *retary of Labor, the Secretary of Education, the Secretary*
4 *of Housing and Urban Development, the Attorney General,*
5 *or the Secretary of Transportation, as appropriate, is au-*
6 *thorized to take such action as may be necessary to provide*
7 *for the interagency transfer of funds otherwise available to*
8 *a tribe in order to further the purposes of this Act.*

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

10 (a) *ADMINISTRATION OF FUNDS.—*

11 (1) *IN GENERAL.—Program funds shall be ad-*
12 *ministered under this Act in such a manner as to*
13 *allow for a determination that funds from specific*
14 *programs (or an amount equal to the amount used*
15 *from each program) are expended on activities au-*
16 *thorized under such program.*

17 (2) *SEPARATE RECORDS NOT REQUIRED.—Noth-*
18 *ing in this section shall be construed as requiring a*
19 *tribe to maintain separate records tracing any serv-*
20 *ices or activities conducted under its approved plan*
21 *under section 4 to the individual programs under*
22 *which funds were authorized, nor shall the tribe be re-*
23 *quired to allocate expenditures among individual pro-*
24 *grams.*

25 (b) *OVERAGE.—All administrative costs under a plan*
26 *under this Act may be commingled, and participating In-*

1 *dian tribes shall be entitled to the full amount of such costs*
2 *(under each program or department's regulations), and no*
3 *overage shall be counted for Federal audit purposes so long*
4 *as the overage is used for the purposes provided for under*
5 *this Act.*

6 **SEC. 13. FISCAL ACCOUNTABILITY.**

7 *Nothing in this Act shall be construed to interfere with*
8 *the ability of the Secretary or the lead agency to fulfill the*
9 *responsibilities for the safeguarding of Federal funds pursu-*
10 *ant to chapter 75 of title 31, United States Code.*

11 **SEC. 14. REPORT ON STATUTORY AND OTHER BARRIERS TO**
12 **INTEGRATION.**

13 *(a) PRELIMINARY REPORT.—Not later than 2 years*
14 *after the date of enactment of this Act, the Secretary shall*
15 *submit a report to the Committee on Indian Affairs of the*
16 *Senate and the Committee on Resources of the House of*
17 *Representatives on the implementation of the program au-*
18 *thorized under this Act.*

19 *(b) FINAL REPORT.—Not later than 5 years after the*
20 *date of the enactment of this Act, the Secretary shall submit*
21 *a report to the Committee on Indian Affairs of the Senate*
22 *and the Committee on Resources of the House of Representa-*
23 *tives on the results of the implementation of the program*
24 *authorized under this Act. The report shall identify statu-*
25 *tory barriers to the ability of tribes to integrate more effec-*

1 *tively their alcohol and substance abuse services in a man-*
2 *ner consistent with the purposes of this Act.*

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

6 *Any State with an alcohol and substance abuse or*
7 *mental health program targeted to Indian tribes shall be*
8 *eligible to receive, at no cost to the State, such Federal per-*
9 *sonnel assignments as the Secretary, in accordance with the*
10 *applicable provisions of subchapter IV of chapter 33 of title*
11 *5, United States Code, may determine appropriate to help*
12 *ensure the success of such program.*

Calendar No. 560

107TH CONGRESS
2^D SESSION

S. 210

[Report No. 107-250]

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.

SEPTEMBER 3, 2002

Reported with an amendment