

106TH CONGRESS  
2D SESSION

# S. 1507

---

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2000

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

---

## AN ACT

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       2000”.

1 **SEC. 2. STATEMENT OF PURPOSE.**

2 The purposes of this Act are—

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

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

15 **SEC. 3. DEFINITIONS.**

16 (a) IN GENERAL.—In this Act:

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

20 (2) INDIAN.—The term “Indian” shall have the  
21 meaning given such term in section 4(d) of the In-  
22 dian Self-Determination and Education Assistance  
23 Act (25 U.S.C. 450b(d)).

24 (3) INDIAN TRIBE.—The terms “Indian tribe”  
25 and “tribe” shall have the meaning given the term  
26 “Indian tribe” in section 4(e) of the Indian Self-De-

1 termination and Education Assistance Act (25  
2 U.S.C. 450b(e)) and shall include entities as pro-  
3 vided for in subsection (b)(2).

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

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

11 (b) INDIAN TRIBE.—

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

22 (2) INCLUSION OF OTHER ENTITIES.—In a case  
23 described in paragraph (1), the term “Indian tribe”,  
24 as defined in subsection (a)(2), shall include the ad-

1       ditional authorized Indian tribe, inter-tribal consor-  
2       tium, or tribal organization.

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

4       The Secretary of Health and Human Services, in co-  
5   operation with the Secretary of Labor, Secretary of the  
6   Interior, Secretary of Education, Secretary of Housing  
7   and Urban Development, United States Attorney General,  
8   and Secretary of Transportation, as appropriate, shall,  
9   upon the receipt of a plan acceptable to the Secretary that  
10   is submitted by an Indian tribe, authorize the tribe to co-  
11   ordinate, in accordance with such plan, its federally fund-  
12   ed alcohol and substance abuse and mental health pro-  
13   grams in a manner that integrates the program services  
14   involved into a single, coordinated, comprehensive pro-  
15   gram and reduces administrative costs by consolidating  
16   administrative functions.

17   **SEC. 5. PROGRAMS AFFECTED.**

18       The programs that may be integrated in a dem-  
19   onstration project under any plan referred to in section  
20   4 shall include—

21           (1) any program under which an Indian tribe is  
22       eligible for the receipt of funds under a statutory or  
23       administrative formula for the purposes of preven-  
24       tion, diagnosis or treatment of alcohol and other  
25       substance abuse problems and disorders, or mental

1 health problems and disorders, or any program de-  
2 signed to enhance the ability to treat, diagnose or  
3 prevent alcohol and other substance abuse and re-  
4 lated problems and disorders, or mental health prob-  
5 lems or disorders;

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

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

23 (B) the Indian tribe has elected to include  
24 the grant program in its plan, and the adminis-  
25 trative requirements contained in the plan are

1           essentially the same as the administrative re-  
2           quirements under the grant program; and

3           (3) any program under which an Indian tribe is  
4           eligible for receipt of funds under any other funding  
5           scheme for the purposes of prevention, diagnosis or  
6           treatment of alcohol and other substance abuse  
7           problems and disorders, or mental health problems  
8           and disorders, or treatment, diagnosis and preven-  
9           tion of related problems and disorders, or any pro-  
10          gram designed to enhance the ability to treat, diag-  
11          nose or prevent alcohol and other substance abuse  
12          and related problems and disorders, or mental health  
13          problems or disorders.

14   **SEC. 6. PLAN REQUIREMENTS.**

15          For a plan to be acceptable under section 4, the plan  
16   shall—

17           (1) identify the programs to be integrated;  
18           (2) be consistent with the purposes of this Act  
19          authorizing the services to be integrated into the  
20          project;  
21           (3) describe a comprehensive strategy that iden-  
22          tifies the full range of existing and potential alcohol  
23          and substance abuse and mental health treatment  
24          and prevention programs available on and near the  
25          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 Secretary of each Federal agency providing funds  
19          to be used to implement the plan, and with the tribe sub-  
20          mitting 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 Secretary of the affected agency shall have the  
5   authority to waive any statutory requirement, regulation,  
6   policy, or procedure promulgated by the affected agency  
7   that has been identified by the tribe or the Federal agency  
8   under subsection (b) unless the Secretary of the affected  
9   department determines that such a waiver is inconsistent  
10  with the purposes of this Act or with those provisions of  
11  the Act that authorizes the program involved which are  
12  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 of the Interior, the Secretary  
7 of Labor, the Secretary of Health and Human Serv-  
8 ices, the Secretary of Education, the Secretary of  
9 Housing and Urban Development, the United States  
10 Attorney General, and the Secretary of Transpor-  
11 tation shall enter into an interdepartmental memo-  
12 randum of agreement providing for the implementa-  
13 tion of the plans authorized 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 of the Interior, the Secretary of Labor,  
18 the Secretary of Health and Human Services, the Sec-  
19 retary of Education, the Secretary of Housing and Urban  
20 Development, the United States Attorney General, or the  
21 Secretary of Transportation, as appropriate, is authorized  
22 to take such action as may be necessary to provide for  
23 the interagency transfer of funds otherwise available to a  
24 tribe in order to further the purposes 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 (the Single Audit Act of 1984).

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 (the Intergovernmental  
10 Personnel Act of 1970), may deem appropriate to help in-  
11 sure the success of such program.

Passed the Senate June 13, 2000.

Attest:

GARY SISCO,  
*Secretary.*