

**Calendar No. 143**108TH CONGRESS  
1ST SESSION**S. 285****[Report No. 108-75]**

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

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2003

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

JUNE 18, 2003

Reported by Mr. CAMPBELL, 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 2003”.

5 **SEC. 2. PURPOSES.**

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 Indians af-  
12 flicted with mental health, alcohol, or other sub-  
13 stance abuse problems;

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

22 (4) to authorize the use of Federal funds to  
23 purchase, lease, license, or provide training for tech-  
24 nology for an automated clinical information system  
25 that incorporates clinical, financial, and reporting

1 capabilities for Indian behavioral health care pro-  
2 grams;

3 (5) to encourage quality assurance policies and  
4 procedures, and empower Indian tribes through  
5 training and use of technology, to significantly en-  
6 hance the delivery of, and treatment results from,  
7 Indian behavioral health care programs;

8 (6) to assist Indian tribes in maximizing use of  
9 public, tribal, human, and financial resources in de-  
10 veloping effective, understandable, and meaningful  
11 practices under Indian behavioral health care pro-  
12 grams; and

13 (7) to encourage and facilitate timely and effec-  
14 tive analysis and evaluation of Indian behavioral  
15 health care programs.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) **AUTOMATED CLINICAL INFORMATION SYS-**  
19 **TEM.**—The term “automated clinical information  
20 system”<sup>22</sup> means an automated computer software  
21 system that can be used to manage clinical, finan-  
22 cial, and reporting information for Indian behavioral  
23 health care programs.

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

4           (3) INDIAN.—The term “Indian” has the mean-  
5 ing given the term in section 4 of the Indian Self-  
6 Determination and Education Assistance Act (25  
7 U.S.C. 450b).

8           (4) INDIAN BEHAVIORAL HEALTH CARE PRO-  
9 GRAM.—The term “Indian behavioral health care  
10 program” means a federally funded program, for the  
11 benefit of Indians, to prevent, diagnose, or treat, or  
12 enhance the ability to prevent, diagnose, or treat—

13                   (A) mental health problems; or

14                   (B) alcohol or other substance abuse prob-  
15 lems.

16           (5) INDIAN TRIBE.—

17                   (A) IN GENERAL.—The term “Indian  
18 tribe” has the meaning given the term in sec-  
19 tion 4 of the Indian Self Determination and  
20 Education Assistance Act (25 U.S.C. 450b).

21                   (B) INCLUSIONS.—The term “Indian  
22 tribe”, in a case in which an intertribal Consor-  
23 tium, tribal organization, or Indian health cen-  
24 ter is authorized to carry out 1 or more pro-  
25 grams, services, functions, or activities of an In-

1           dian tribe under this Act, includes the inter-  
2           tribal consortium, tribal organization, or Indian  
3           health center.

4           (6) SECRETARY.—The term “Secretary” means  
5           the Secretary of Health and Human Services.

6           (7) SUBSTANCE ABUSE.—The term “substance  
7           abuse” includes—

8                   (A) the illegal use or abuse of a drug or  
9                   an inhalant; and

10                   (B) the abuse of tobacco or a related prod-  
11                   uct.

12 **SEC. 4. PLANS.**

13           The Secretary, in cooperation with the Secretary of  
14 Labor, the Secretary of the Interior, the Secretary of Edu-  
15 cation, the Secretary of Housing and Urban Development,  
16 the Attorney General, and the Secretary of Transpor-  
17 tation, as appropriate, shall, on receipt of a plan accept-  
18 able to the Secretary that is submitted by an Indian tribe,  
19 authorize the Indian tribe to carry out a demonstration  
20 project to coordinate, in accordance with the plan, the In-  
21 dian behavioral health care programs of the Indian tribe  
22 in a manner that integrates the program services into a  
23 single, coordinated, comprehensive program that uses, to  
24 the extent necessary, an automated clinical information  
25 system to better manage administrative and clinical serv-

1 ices, costs, and reporting requirements through the con-  
2 solidation and integration of administrative and clinical  
3 functions.

4 **SEC. 5. PROGRAMS AFFECTED.**

5 Programs that may be integrated in a demonstration  
6 project described in section 4 are—

7 (1) an Indian behavioral health care program  
8 under which an Indian tribe is eligible for the receipt  
9 of funds under a statutory or administrative for-  
10 mula;

11 (2) an Indian behavioral health care program  
12 under which an Indian tribe is eligible for receipt of  
13 funds through competitive or other grants, if—

14 (A)(i) the Indian tribe provides notice to  
15 the appropriate agency regarding the intentions  
16 of the Indian tribe to include the Indian behav-  
17 ioral health care program in the plan that the  
18 Indian tribe submits to the Secretary; and

19 (ii) the agency consents to the inclusion of  
20 the grant in the plan; or

21 (B)(i) the Indian tribe elects to include the  
22 Indian behavioral health care program in the  
23 plan; and

24 (ii) the administrative requirements con-  
25 tained in the plan are essentially the same as

1 the administrative requirements applicable to a  
 2 grant under the Indian behavioral health care  
 3 program; and

4 ~~(3)~~ an Indian behavioral health care program  
 5 under which an Indian tribe is eligible to receive  
 6 funds under any other funding scheme.

7 **SEC. 6. PLAN REQUIREMENTS.**

8 A plan of an Indian tribe submitted under section 4  
 9 shall—

10 (1) identify the programs to be integrated;

11 (2) be consistent with this Act;

12 ~~(3)~~ describe a comprehensive strategy that—

13 (A) identifies the full range of existing and  
 14 potential alcohol and substance abuse and men-  
 15 tal health treatment and prevention programs  
 16 available on and near the service area of the In-  
 17 dian tribe; and

18 ~~(B)~~ may include site and technology as-  
 19 sessments and any necessary computer hard-  
 20 ware installation and support;

21 (4) describe the manner in which services are to  
 22 be integrated and delivered and the results expected  
 23 under the plan (including, if implemented, the man-  
 24 ner and expected results of implementation of an  
 25 automated clinical information system);

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

3           (6) identify the agency or agencies in the In-  
4 dian tribe to be involved in the delivery of the serv-  
5 ices integrated under the plan;

6           (7) identify any statutory provisions, regula-  
7 tions, policies, or procedures that the Indian tribe  
8 requests be waived in order to implement the plan;  
9 and

10          (8) be approved by the governing body of the  
11 Indian tribe.

12 **SEC. 7. PLAN REVIEW.**

13          (a) **CONSULTATION.**—On receipt of a plan from an  
14 Indian tribe under section 4, the Secretary shall consult  
15 with—

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

18           (2) the Indian tribe.

19          (b) **IDENTIFICATION OF WAIVERS.**—Each party con-  
20 sulting on the implementation of a plan under section 4  
21 shall identify any waivers of statutory requirements or of  
22 Federal agency regulations, policies, or procedures that  
23 the party determines to be necessary to enable the Indian  
24 tribe to implement the plan.

1 (c) WAIVERS.—Notwithstanding any other provision  
 2 of law, the head of a Federal agency may waive any statu-  
 3 tory requirement, regulation, policy, or procedure promul-  
 4 gated by the Federal agency is identified by the Indian  
 5 tribe or the Federal agency under subsection (b) unless  
 6 the head of the affected Federal agency determines that  
 7 a waiver is inconsistent with—

8 (1) this Act;

9 (2) any statutory requirement applicable to the  
 10 program to be integrated under the plan that is spe-  
 11 cifically applicable to Indian programs; and

12 (3) any underlying statutory objective or pur-  
 13 pose of a program to be consolidated under the plan;  
 14 to such a degree as would render ineffectual activi-  
 15 ties funded under the program.

16 **SEC. 8. PLAN APPROVAL.**

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

23 (b) DISAPPROVAL.—

24 (1) IN GENERAL.—The Secretary may dis-  
 25 approve a plan if—

1           (A) the plan does not provide sufficient in-  
2           formation for the Secretary to adequately re-  
3           view the plan for compliance with this Act;

4           (B) the plan does not comply with this  
5           Act;

6           (C) the plan provides for the purchase,  
7           lease, license, or training for, an automated  
8           clinical information system, but the purchase,  
9           lease, license, or training would require aggre-  
10          gate expenditures of program funding at such a  
11          level as would render other program substan-  
12          tially ineffectual; or

13          (D)(i) the plan identifies waivers that can-  
14          not be waived under section 7(e); and

15          (ii) the plan would be rendered substan-  
16          tially ineffectual without the waivers.

17          (2) NOTICE.—If a plan is disapproved under  
18          subsection (a), the Secretary shall—

19               (A) inform the Indian tribe, in writing, of  
20               the reasons for the disapproval; and

21               (B) provide the Indian tribe an oppor-  
22               tunity—

23                       (i) to amend and resubmit the plan;

24                       or

1                   (ii) to petition the Secretary to recon-  
2                   sider the disapproval (including reconsid-  
3                   ering the disapproval of any waiver re-  
4                   quested by the Indian tribe).

5 **SEC. 9. USE OF FUNDS FOR TECHNOLOGY.**

6           Notwithstanding any requirement applicable to an In-  
7           dian behavioral health care program of an Indian tribe  
8           that is integrated under a demonstration project described  
9           in section 4, the Indian tribe may use funds made avail-  
10          able under the program to purchase, lease, license, or pro-  
11          vide training for technology for an automated clinical in-  
12          formation system if the purchase, lease, licensing of, or  
13          provision of training is conducted in accordance with a  
14          plan approved by the Secretary under section 8.

15 **SEC. 10. FEDERAL RESPONSIBILITIES.**

16          (a) **RESPONSIBILITIES OF THE INDIAN HEALTH**  
17 **SERVICE.—**

18               (1) **MEMORANDUM OF UNDERSTANDING.—**Not  
19               later than 180 days after the date of enactment of  
20               this Act, the Secretary, the Secretary of the Interior,  
21               the Secretary of Labor, the Secretary of Education,  
22               the Secretary of Housing and Urban Development,  
23               the Attorney General, and the Secretary of Trans-  
24               portation shall enter into a memorandum of agree-

1 ment providing for the implementation of the plans  
2 approved under section 8.

3 ~~(2) LEAD AGENCY.~~—The lead agency under  
4 this Act shall be the Indian Health Service.

5 ~~(3) RESPONSIBILITIES.~~—The responsibilities of  
6 the lead agency under this Act shall include—

7 (A) the development of a single reporting  
8 format—

9 (i) relating to each plan for a dem-  
10 onstration project submitted under section  
11 4, which shall be used by an Indian tribe  
12 to report activities carried out under the  
13 plan; and

14 (ii) relating to the projected expendi-  
15 tures for the individual plan, which shall  
16 be used by an Indian tribe to report all  
17 plan expenditures;

18 (B) the development of a single system of  
19 Federal oversight for the plan, which shall be  
20 implemented by the lead agency;

21 (C) the provision of, or arrangement for  
22 provision of, technical assistance to an Indian  
23 tribe that is appropriate to support and imple-  
24 ment the plan, delivered under an arrangement  
25 subject to the approval of the Indian tribe par-

1            participating in the project (except that an Indian  
2            tribe shall have the authority to accept or reject  
3            the plan for providing the technical assistance  
4            and the technical assistance provider); and

5            (D) the convening by an appropriate offi-  
6            cial of the lead agency (who shall be an official  
7            appointed by and with the advice and consent  
8            of the Senate) and a representative of the In-  
9            dian tribes that carry out projects under this  
10          Act, in consultation with each of the Indian  
11          tribes that participate in projects under this  
12          Act, of a meeting at least twice during each fis-  
13          cal year, for the purpose of providing an oppor-  
14          tunity for all Indian tribes that carry out  
15          projects under this Act to discuss issues relat-  
16          ing to the implementation of this Act with offi-  
17          cials of each agency specified in paragraph (1).

18          (b) REPORT REQUIREMENTS.—

19            (1) IN GENERAL.—The single reporting formats  
20            described in subsection (a)(3)(A) shall be developed  
21            by the Secretary in accordance with this Act.

22            (2) INFORMATION.—The single reporting for-  
23            mat, together with records maintained on the con-  
24            solidated program at the tribal level, shall contain  
25            such information as the Secretary determines will—

1           (A) allow the Secretary to determine  
2 whether the Indian tribe has complied with the  
3 requirements incorporated in the approved plan  
4 of the Indian tribe; and

5           (B) provide assurances to the Secretary  
6 that the Indian tribe has complied with all—

7                   (i) applicable statutory requirements;

8                   and

9                   (ii) applicable regulatory requirements  
10 that have not been waived.

11 **SEC. 11. NO REDUCTION IN AMOUNTS.**

12       In no case shall the amount of Federal funds avail-  
13 able to an Indian tribe involved in any project under this  
14 Act be reduced as a result of the enactment of this Act.

15 **SEC. 12. INTERAGENCY FUND TRANSFERS.**

16       The Secretary, the Secretary of the Interior, the Sec-  
17 retary of Labor, the Secretary of Education, the Secretary  
18 of Housing and Urban Development, the Attorney Gen-  
19 eral, or the Secretary of Transportation, as appropriate,  
20 may take such action as is necessary to provide for the  
21 interagency transfer of funds otherwise available to an In-  
22 dian tribe in order to carry out this Act.

23 **SEC. 13. ADMINISTRATION OF FUNDS; EXCESS FUNDS.**

24       (a) ADMINISTRATION OF FUNDS.—

1           (1) ~~IN GENERAL.~~—Program funds shall be ad-  
2 ministered under this Act in such a manner as to  
3 allow for a determination by the Secretary that  
4 funds made available for specific programs (or an  
5 amount equal to the amount used from each pro-  
6 gram) are expended on activities authorized under  
7 the program.

8           (2) ~~SEPARATE RECORDS NOT REQUIRED.~~—  
9 Nothing in this section requires an Indian tribe—

10           (A) to maintain separate records tracing  
11 any service provided or activity conducted under  
12 the approved plan of the Indian tribe to the in-  
13 dividual programs under which funds were au-  
14 thorized; or

15           (B) to allocate expenditures among indi-  
16 vidual programs.

17           (b) ~~EXCESS FUNDS.~~—With respect to administrative  
18 costs of carrying out the approved plan of an Indian tribe  
19 under this Act—

20           (1) all administrative costs under the approved  
21 plan may be commingled;

22           (2) an Indian tribe that carries out a dem-  
23 onstration program under such an approved plan  
24 shall be entitled to receive reimbursement for the

1 full amount of those costs in accordance with regula-  
2 tions of each program or department; and

3 ~~(3)~~ if the Indian tribe, after paying administra-  
4 tive costs associated with carrying out the approved  
5 plans, realizes excess administrative funds, those  
6 funds shall not be counted for Federal audit pur-  
7 poses if the excess funds are used for the purposes  
8 provided for under this Act.

9 **SEC. 14. FISCAL ACCOUNTABILITY.**

10 Nothing in this Act affects the authority of the Sec-  
11 retary or the lead agency to safeguard Federal funds in  
12 accordance with chapter 75 of title 31, United States  
13 Code.

14 **SEC. 15. REPORT ON STATUTORY AND OTHER BARRIERS TO**  
15 **INTEGRATION.**

16 (a) **PRELIMINARY REPORT.**—Not later than 2 years  
17 after the date of enactment of this Act, the Secretary shall  
18 submit to the Committee on Indian Affairs of the Senate  
19 and the Committee on Resources of the House of Rep-  
20 resentatives a preliminary report that describes the imple-  
21 mentation of this Act.

22 (b) **FINAL REPORT.**—Not later than 5 years after the  
23 date of enactment of this Act, the Secretary shall submit  
24 to the Committee on Indian Affairs of the Senate and the

1 Committee on Resources of the House of Representatives  
2 a final report that—

3           (1) describes the results of implementation of  
4 this Act; and

5           (2) identifies statutory barriers to the ability of  
6 Indian tribes to integrate more effectively alcohol  
7 and substance abuse services in a manner consistent  
8 with this Act.

9 **SEC. 15. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE**  
10 **INDIAN ALCOHOL AND DRUG TREATMENT OR**  
11 **MENTAL HEALTH PROGRAMS.**

12 Any State with an alcohol and substance abuse or  
13 mental health program targeted toward Indian tribes shall  
14 be eligible to receive, at no cost to the State, such Federal  
15 personnel assignments as the Secretary, in accordance  
16 with the applicable provisions of subchapter IV of chapter  
17 33 of title 5, United States Code, determines to be appro-  
18 priate to help ensure the success of the program.

19 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

20           (a) *SHORT TITLE.*—*This Act may be cited as the “Na-*  
21 *tive American Alcohol and Substance Abuse Program Con-*  
22 *solidation Act of 2003”.*

23           (b) *TABLE OF CONTENTS.*—*The table of contents of this*  
24 *Act is as follows:*

*Sec. 1. Short title; table of contents.*

*TITLE I—INTEGRATION AND CONSOLIDATION OF ALCOHOL AND  
SUBSTANCE ABUSE PROGRAMS AND SERVICES*

- Sec. 101. Purposes.*  
*Sec. 102. Definitions.*  
*Sec. 103. Plans.*  
*Sec. 104. Programs affected.*  
*Sec. 105. Plan requirements.*  
*Sec. 106. Plan review.*  
*Sec. 107. Plan approval.*  
*Sec. 108. Use of funds for technology.*  
*Sec. 109. Federal responsibilities.*  
*Sec. 110. No reduction in amounts.*  
*Sec. 111. Interagency fund transfers.*  
*Sec. 112. Administration of funds; excess funds.*  
*Sec. 113. Fiscal accountability.*  
*Sec. 114. Report on statutory and other barriers to integration.*  
*Sec. 115. Assignment of Federal personnel to State Indian alcohol and drug treatment or mental health programs.*

*TITLE II—REAUTHORIZATION OF CERTAIN INDIAN ALCOHOL AND  
SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAMS*

- Sec. 201. Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986.*  
*Sec. 202. Effective date.*

1 **TITLE I—INTEGRATION AND**  
 2 **CONSOLIDATION OF ALCO-**  
 3 **HOL AND SUBSTANCE ABUSE**  
 4 **PROGRAMS AND SERVICES**

5 **SEC. 101. PURPOSES.**

6 *The purposes of this title are—*

- 7 *(1) to enable Indian tribes to consolidate and in-*  
 8 *tegrate alcohol and other substance abuse prevention,*  
 9 *diagnosis, and treatment programs, and mental*  
 10 *health and related programs, to provide unified and*  
 11 *more effective and efficient services to Indians af-*  
 12 *licted with mental health, alcohol, or other substance*  
 13 *abuse problems;*

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 technology  
11          for an automated clinical information system that in-  
12          corporates clinical, financial, and reporting capabili-  
13          ties for Indian behavioral health care programs;

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

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

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

4           (8) to reauthorize certain Indian alcohol and  
5           substance abuse prevention and treatment programs.

6 **SEC. 102. DEFINITIONS.**

7           *In this title:*

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

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

17           (3) *INDIAN.—The term “Indian” has the mean-*  
18           *ing given the term in section 4 of the Indian Self-De-*  
19           *termination and Education Assistance Act (25 U.S.C.*  
20           *450b).*

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

1           (A) *mental health problems; or*

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

4           (5) *INDIAN TRIBE.—*

5           (A) *IN GENERAL.—The term “Indian tribe”*  
6 *has the meaning given the term in section 4 of*  
7 *the Indian Self Determination and Education*  
8 *Assistance Act (25 U.S.C. 450b).*

9           (B) *INCLUSIONS.—The term “Indian tribe”,*  
10 *in a case in which an intertribal consortium,*  
11 *tribal organization, or Indian health center is*  
12 *authorized to carry out 1 or more programs,*  
13 *services, functions, or activities of an Indian*  
14 *tribe under this Act, includes the intertribal con-*  
15 *sortium, tribal organization, or Indian health*  
16 *center.*

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

19           (7) *SUBSTANCE ABUSE.—The term “substance*  
20 *abuse” includes—*

21           (A) *the illegal use or abuse of a drug or an*  
22 *inhalant; and*

23           (B) *the abuse of tobacco or a related prod-*  
24 *uct.*

1 **SEC. 103. PLANS.**

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 Attorney General, and the Secretary of Transportation,*  
6 *as appropriate, shall, on receipt of a plan acceptable to the*  
7 *Secretary that is submitted by an Indian tribe, authorize*  
8 *the Indian tribe to carry out a demonstration project to*  
9 *coordinate, in accordance with the plan, the Indian behav-*  
10 *ioral health care programs of the Indian tribe in a manner*  
11 *that integrates the program services into a single, coordi-*  
12 *nated, comprehensive program that uses, to the extent nec-*  
13 *essary, an automated clinical information system to better*  
14 *manage administrative and clinical services, costs, and re-*  
15 *porting requirements through the consolidation and inte-*  
16 *gration of administrative and clinical functions.*

17 **SEC. 104. PROGRAMS AFFECTED.**

18       *Programs that may be integrated in a demonstration*  
19 *project described in section 103 are—*

20               (1) *an Indian behavioral health care program*  
21 *under which an Indian tribe is eligible for the receipt*  
22 *of funds under a statutory or administrative formula;*

23               (2) *an Indian behavioral health care program*  
24 *under which an Indian tribe is eligible for receipt of*  
25 *funds through competitive or other grants, if—*

1           (A)(i) *the Indian tribe provides notice to*  
 2           *the appropriate agency regarding the intentions*  
 3           *of the Indian tribe to include the Indian behav-*  
 4           *ioral health care program in the plan that the*  
 5           *Indian tribe submits to the Secretary; and*

6           (ii) *the agency consents to the inclusion of*  
 7           *the grant in the plan; or*

8           (B)(i) *the Indian tribe elects to include the*  
 9           *Indian behavioral health care program in the*  
 10          *plan; and*

11          (ii) *the administrative requirements con-*  
 12          *tained in the plan are essentially the same as the*  
 13          *administrative requirements applicable to a*  
 14          *grant under the Indian behavioral health care*  
 15          *program; and*

16          (3) *an Indian behavioral health care program*  
 17          *under which an Indian tribe is eligible to receive*  
 18          *funds under any other funding scheme.*

19 **SEC. 105. PLAN REQUIREMENTS.**

20          *A plan of an Indian tribe submitted under section 103*  
 21          *shall—*

22               (1) *identify the programs to be integrated;*

23               (2) *be consistent with this title;*

24               (3) *describe a comprehensive strategy that—*

1           (A) identifies the full range of existing and  
2           potential alcohol and substance abuse and men-  
3           tal health treatment and prevention programs  
4           available on and near the service area of the In-  
5           dian tribe; and

6           (B) may include site and technology assess-  
7           ments and any necessary computer hardware in-  
8           stallation and support;

9           (4) describe the manner in which services are to  
10          be integrated and delivered and the results expected  
11          under the plan (including, if implemented, the man-  
12          ner and expected results of implementation of an  
13          automated clinical information system);

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

16          (6) identify the agency or agencies in the Indian  
17          tribe to be involved in the delivery of the services inte-  
18          grated under the plan;

19          (7) identify any statutory provisions, regula-  
20          tions, policies, or procedures that the Indian tribe re-  
21          quests be waived in order to implement the plan; and

22          (8) be approved by the governing body of the In-  
23          dian tribe.

1 **SEC. 106. PLAN REVIEW.**

2 (a) *CONSULTATION.*—*On receipt of a plan from an In-*  
3 *dian tribe under section 103, the Secretary shall consult*  
4 *with—*

5 (1) *the head of each Federal agency providing*  
6 *funds to be used to implement the plan; and*

7 (2) *the Indian tribe.*

8 (b) *IDENTIFICATION OF WAIVERS.*—*Each party con-*  
9 *sulting on the implementation of a plan under section 101*  
10 *shall identify any waivers of statutory requirements or of*  
11 *Federal agency regulations, policies, or procedures that the*  
12 *party determines to be necessary to enable the Indian tribe*  
13 *to implement the plan.*

14 (c) *WAIVERS.*—*Notwithstanding any other provision*  
15 *of law, the head of a Federal agency may waive any statu-*  
16 *tory requirement, regulation, policy, or procedure promul-*  
17 *gated by the Federal agency that has been identified by the*  
18 *Indian tribe or the Federal agency under subsection (b) un-*  
19 *less the head of the affected Federal agency determines that*  
20 *such a waiver is inconsistent with—*

21 (1) *this title;*

22 (2) *any statutory requirement applicable to the*  
23 *program to be integrated under the plan that is spe-*  
24 *cifically applicable to Indian programs; and*

25 (3) *any underlying statutory objective or purpose*  
26 *of a program to be consolidated under the plan, to*

1        *such a degree as would render ineffectual activities*  
2        *funded under the program.*

3        **SEC. 107. PLAN APPROVAL.**

4        (a) *IN GENERAL.*—Not later than 90 days after the  
5        date of receipt by the Secretary of a plan under section 103,  
6        the Secretary shall inform the Indian tribe that submitted  
7        the plan, in writing, of the approval or disapproval of the  
8        plan (including any request for a waiver that is made as  
9        part of the plan).

10       (b) *DISAPPROVAL.*—

11            (1) *IN GENERAL.*—The Secretary may dis-  
12        approve a plan if—

13                    (A) *the plan does not provide sufficient in-*  
14                    *formation for the Secretary to adequately review*  
15                    *the plan for compliance with this title (including*  
16                    *with respect to information regarding the tim-*  
17                    *ing, availability, and receipt of all program*  
18                    *funding to be consolidated or integrated);*

19                    (B) *the plan does not comply with this title;*

20                    (C) *the plan provides for the purchase,*  
21                    *lease, license, or training for, an automated clin-*  
22                    *ical information system, but the purchase, lease,*  
23                    *license, or training would require aggregate ex-*  
24                    *penditures of program funding at such a level as*

1           *would render other program substantially inef-*  
2           *fectual; or*

3                     *(D)(i) the plan identifies waivers that can-*  
4                     *not be waived under section 106(c); and*

5                     *(ii) the plan would be rendered substan-*  
6                     *tially ineffectual without the waivers.*

7           (2) *NOTICE.—If a plan is disapproved under*  
8           *subsection (a), the Secretary shall—*

9                     *(A) inform the Indian tribe, in writing, of*  
10                    *the reasons for the disapproval; and*

11                    *(B) provide the Indian tribe an oppor-*  
12                    *tunity—*

13                             *(i) to amend and resubmit the plan; or*

14                             *(ii) to petition the Secretary to recon-*  
15                             *sider the disapproval (including reconsid-*  
16                             *ering the disapproval of any waiver re-*  
17                             *quested by the Indian tribe).*

18 **SEC. 108. USE OF FUNDS FOR TECHNOLOGY.**

19           *Notwithstanding any requirement applicable to an In-*  
20           *dian behavioral health care program of an Indian tribe that*  
21           *is integrated under a demonstration project described in*  
22           *section 103, the Indian tribe may use funds made available*  
23           *under the program to purchase, lease, license, or provide*  
24           *training for technology for an automated clinical informa-*  
25           *tion system if the purchase, lease, licensing of, or provision*

1 of training is conducted in accordance with a plan ap-  
2 proved by the Secretary under section 106.

3 **SEC. 109. FEDERAL RESPONSIBILITIES.**

4 (a) *RESPONSIBILITIES OF THE INDIAN HEALTH SERV-*  
5 *ICE.*—

6 (1) *MEMORANDUM OF UNDERSTANDING.*—Not  
7 later than 180 days after the date of enactment of this  
8 Act, the Secretary, the Secretary of the Interior, the  
9 Secretary of Labor, the Secretary of Education, the  
10 Secretary of Housing and Urban Development, the  
11 Attorney General, and the Secretary of Transpor-  
12 tation shall enter into a memorandum of agreement  
13 providing for the implementation of the plans ap-  
14 proved under section 107.

15 (2) *COORDINATING AGENCY.*—The coordinating  
16 agency under this title shall be the Indian Health  
17 Service.

18 (3) *RESPONSIBILITIES.*—The responsibilities of  
19 the coordinating agency under this title shall in-  
20 clude—

21 (A) the development of a single reporting  
22 format—

23 (i) relating to each plan for a dem-  
24 onstration project submitted under section  
25 103, which shall be used by an Indian tribe

1           to report activities carried out under the  
2           plan; and

3                   (ii) relating to the projected expendi-  
4                   tures for the individual plan, which shall be  
5                   used by an Indian tribe to report all plan  
6                   expenditures;

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

10                   (C) the provision of, or arrangement for  
11                   provision of, technical assistance to an Indian  
12                   tribe that is appropriate to support and imple-  
13                   ment the plan, delivered under an arrangement  
14                   subject to the approval of the Indian tribe par-  
15                   ticipating in the project (except that an Indian  
16                   tribe shall have the authority to accept or reject  
17                   the plan for providing the technical assistance  
18                   and the technical assistance provider); and

19                   (D) the convening by an appropriate offi-  
20                   cial of the coordinating agency (who shall be an  
21                   official appointed by and with the advice and  
22                   consent of the Senate) and a representative of the  
23                   Indian tribes that carry out projects under this  
24                   title, in consultation with each of the Indian  
25                   tribes that participate in projects under this

1           *title, of a meeting at least twice during each fis-*  
2           *cal year, for the purpose of providing an oppor-*  
3           *tunity for all Indian tribes that carry out*  
4           *projects under this title to discuss issues relating*  
5           *to the implementation of this title with officials*  
6           *of each agency specified in paragraph (1).*

7           ***(b) REPORT REQUIREMENTS.—***

8                 ***(1) IN GENERAL.—****The single reporting format*  
9                 *described in subsection (a)(3)(A) shall be developed by*  
10                *the Secretary in accordance with this title.*

11                ***(2) INFORMATION.—****The single reporting format,*  
12                *together with records maintained on the consolidated*  
13                *program at the tribal level, shall contain such infor-*  
14                *mation as the Secretary determines will—*

15                        ***(A)*** *allow the Secretary to determine wheth-*  
16                        *er the Indian tribe has complied with the re-*  
17                        *quirements incorporated in the approved plan of*  
18                        *the Indian tribe; and*

19                        ***(B)*** *provide assurances to the Secretary that*  
20                        *the Indian tribe has complied with all—*

21                                ***(i)*** *applicable statutory requirements;*

22                                *and*

23                                ***(ii)*** *applicable regulatory requirements*  
24                                *that have not been waived.*

1 **SEC. 110. NO REDUCTION IN AMOUNTS.**

2 *In no case shall the amount of Federal funds available*  
3 *to an Indian tribe involved in any project under this title*  
4 *be reduced as a result of the enactment of this title.*

5 **SEC. 111. INTERAGENCY FUND TRANSFERS.**

6 *The Secretary, the Secretary of the Interior, the Sec-*  
7 *retary of Labor, the Secretary of Education, the Secretary*  
8 *of Housing and Urban Development, the Attorney General,*  
9 *or the Secretary of Transportation, as appropriate, may*  
10 *take such action as is necessary to provide for the inter-*  
11 *agency transfer of funds otherwise available to an Indian*  
12 *tribe in order to carry out this title.*

13 **SEC. 112. ADMINISTRATION OF FUNDS; EXCESS FUNDS.**

14 *(a) ADMINISTRATION OF FUNDS.—*

15 *(1) IN GENERAL.—Program funds shall be ad-*  
16 *ministered under this title in such a manner as to*  
17 *allow for a determination by the Secretary that funds*  
18 *made available for specific programs (or an amount*  
19 *equal to the amount used from each program) are ex-*  
20 *pended on activities authorized under the program.*

21 *(2) SEPARATE RECORDS NOT REQUIRED.—Noth-*  
22 *ing in this section requires an Indian tribe—*

23 *(A) to maintain separate records tracing*  
24 *any service provided or activity conducted under*  
25 *the approved plan of the Indian tribe to the in-*

1           *dividual programs under which funds were au-*  
2           *thorized; or*

3                   *(B) to allocate expenditures among indi-*  
4           *vidual programs.*

5           *(b) EXCESS FUNDS.—With respect to administrative*  
6           *costs of carrying out the approved plan of an Indian tribe*  
7           *under this title—*

8                   *(1) all administrative costs under the approved*  
9           *plan may be commingled;*

10                   *(2) an Indian tribe that carries out a dem-*  
11           *onstration program under such an approved plan*  
12           *shall be entitled to receive reimbursement for the full*  
13           *amount of those costs in accordance with regulations*  
14           *of each program or department; and*

15                   *(3) if the Indian tribe, after paying administra-*  
16           *tive costs associated with carrying out the approved*  
17           *plans, realizes excess administrative funds, those*  
18           *funds shall not be counted for Federal audit purposes*  
19           *if the excess funds are used for the purposes provided*  
20           *for under this title.*

21   **SEC. 113. FISCAL ACCOUNTABILITY.**

22           *Nothing in this title affects the authority of the Sec-*  
23           *retary or the coordinating agency to safeguard Federal*  
24           *funds in accordance with chapter 75 of title 31, United*  
25           *States Code.*

1 **SEC. 114. REPORT ON STATUTORY AND OTHER BARRIERS**  
2 **TO INTEGRATION.**

3 (a) *PRELIMINARY REPORT.*—Not later than 2 years  
4 after the date of enactment of this Act, the Secretary shall  
5 submit to the Committee on Indian Affairs of the Senate  
6 and the Committee on Resources of the House of Representa-  
7 tives a preliminary report that describes the implementa-  
8 tion of this title.

9 (b) *FINAL REPORT.*—Not later than 5 years after the  
10 date of enactment of this Act, the Secretary shall submit  
11 to the Committee on Indian Affairs of the Senate and the  
12 Committee on Resources of the House of Representatives a  
13 final report that—

14 (1) describes the results of implementation of this  
15 title; and

16 (2) identifies statutory barriers to the ability of  
17 Indian tribes to integrate more effectively alcohol and  
18 substance abuse services in a manner consistent with  
19 this title.

20 **SEC. 115. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE**  
21 **INDIAN ALCOHOL AND DRUG TREATMENT OR**  
22 **MENTAL HEALTH PROGRAMS.**

23 Any State with an alcohol and substance abuse or  
24 mental health program targeted toward Indian tribes shall  
25 be eligible to receive, at no cost to the State, such Federal  
26 personnel assignments as the Secretary, in accordance with

1 *the applicable provisions of subchapter IV of chapter 33 of*  
 2 *title 5, United States Code, determines to be appropriate*  
 3 *to help ensure the success of the program.*

4 **TITLE II—REAUTHORIZATION OF**  
 5 **CERTAIN INDIAN ALCOHOL**  
 6 **AND SUBSTANCE ABUSE PRE-**  
 7 **VENTION AND TREATMENT**  
 8 **PROGRAMS**

9 **SEC. 201. INDIAN ALCOHOL AND SUBSTANCE ABUSE PRE-**  
 10 **VENTION AND TREATMENT ACT OF 1986.**

11 *(a) TRIBAL ACTION PLANS.—*

12 *(1) IN GENERAL.—Section 4206(d) of the Indian*  
 13 *Alcohol and Substance Abuse Prevention and Treat-*  
 14 *ment Act of 1986 (25 U.S.C. 2412(d)) is amended—*

15 *(A) by striking “(1) The Secretary” and in-*  
 16 *serting the following:*

17 *“(1) IN GENERAL.—The Secretary”; and*

18 *(B) by striking paragraph (2) and inserting*  
 19 *the following:*

20 *“(2) AUTHORIZATION OF APPROPRIATIONS.—*

21 *There are authorized to be appropriated to carry out*  
 22 *this subsection such sums as are necessary for each of*  
 23 *fiscal years 2004 through 2008.”.*

24 *(2) ADDITIONAL AUTHORIZATION.—Section*  
 25 *4206(f) of the Indian Alcohol and Substance Abuse*

1       *Prevention and Treatment Act of 1986 (25 U.S.C.*  
2       *2412(f)), is amended—*

3               *(A) by striking “(f)(1) The Secretary” and*  
4               *inserting the following:*

5       *“(f) GRANTS FOR IN-SCHOOL TRAINING PROGRAMS.—*

6               *“(1) IN GENERAL.—The Secretary”;*

7               *(B) in paragraph (2)—*

8                       *(i) by striking “(2) Funds” and insert-*  
9                       *ing the following:*

10               *“(2) USE OF FUNDS.—Funds”; and*

11                       *(ii) by indenting subparagraphs (A)*  
12                       *through (E) appropriately; and*

13                       *(C) by striking paragraph (3) and inserting*  
14               *the following:*

15               *“(3) AUTHORIZATION OF APPROPRIATIONS.—*

16               *There are authorized to be appropriated to carry out*  
17               *this subsection such sums as are necessary for each of*  
18               *fiscal years 2004 through 2008.”.*

19       *(b) NEWSLETTER.—Section 4210 of the Indian Alcohol*  
20       *and Substance Abuse Prevention and Treatment Act of*  
21       *1986 (25 U.S.C. 2416) is amended by striking subsection*  
22       *(b) and inserting the following:*

23               *“(b) AUTHORIZATION OF APPROPRIATIONS.—There*  
24       *are authorized to be appropriated to carry out this section*

1 *such sums as are necessary for each of fiscal years 2004*  
2 *through 2008.”.*

3 (c) *INDIAN EDUCATION PROGRAMS.—Section 4212(a)*  
4 *of the Indian Alcohol and Substance Abuse Prevention and*  
5 *Treatment Act of 1986 (25 U.S.C. 2432(a)) is amended—*

6 (1) *in the first sentence, by striking “The Assist-*  
7 *ant Secretary of Indian Affairs” and inserting the*  
8 *following:*

9 “(1) *IN GENERAL.—The Assistant Secretary of*  
10 *Indian Affairs”;*

11 (2) *in the second sentence, by striking “The As-*  
12 *stant Secretary shall” and inserting the following:*

13 “(2) *DEFRAYMENT OF COSTS.—The Assistant*  
14 *Secretary shall”;* and

15 (3) *by striking the third sentence and inserting*  
16 *the following:*

17 “(3) *AUTHORIZATION OF APPROPRIATIONS.—*  
18 *There are authorized to be appropriated to carry out*  
19 *this subsection such sums as are necessary for each of*  
20 *fiscal years 2004 through 2008.”.*

21 (d) *EMERGENCY SHELTERS.—Section 4213(e) of the*  
22 *Indian Alcohol and Substance Abuse Prevention and Treat-*  
23 *ment Act of 1986 (25 U.S.C. 2433(e)) is amended—*

24 (1) *by striking paragraphs (1) through (3) and*  
25 *inserting the following:*

1           “(1) *IN GENERAL.*—*There are authorized to be*  
2           *appropriated to carry out planning and design, con-*  
3           *struction, and renovation of, or to purchase or lease*  
4           *land or facilities for, emergency shelters and halfway*  
5           *houses to provide emergency care for Indian youth,*  
6           *such sums as are necessary for each of fiscal years*  
7           *2004 through 2008.*

8           “(2) *STAFFING AND OPERATION.*—*There is au-*  
9           *thorized to be appropriated for staffing and operation*  
10           *of emergency shelters and halfway houses, described in*  
11           *paragraph (1), \$7,000,000 for each of fiscal years*  
12           *2004 through 2008.*

13           “(3) *ALLOCATION.*—

14           “(A) *IN GENERAL.*—*The Secretary of the*  
15           *Interior shall allocate funds made available*  
16           *under this subsection to Indian tribes on the*  
17           *basis of priority of need of the Indian tribes.*

18           “(B) *CONTRACTING AND GRANTS.*—*Funds*  
19           *allocated under subparagraph (A) shall be sub-*  
20           *ject to contracting or available for grants under*  
21           *the Indian Self-Determination Act (25 U.S.C.*  
22           *450f et seq.).”;*

23           (2) *in paragraph (4), by striking “(4) Funds”*  
24           *and inserting the following:*

25           “(4) *CONDITIONS FOR USE.*—*Funds”; and*

1           (3) *in paragraph (5)—*

2                   (A) *by striking “(5) Nothing in this Act*  
3                   *may be construed” and inserting the following:*

4                   “(5) *EFFECT ON OTHER AUTHORITY.—Nothing*  
5                   *in this Act”;*

6                   (B) *in subparagraph (A)—*

7                           (i) *by striking “to limit” and inserting*  
8                           *“limits”; and*

9                           (ii) *by striking “houses, or” and in-*  
10                           *serting “houses; or”; and*

11                   (C) *in subparagraph (B), by striking “to*  
12                   *require” and inserting “requires”.*

13           (e) *TOHONO O’ODHAM AND ST. REGIS RESERVATIONS;*  
14 *ILLEGAL NARCOTICS TRAFFIC.—Section 4216(a) of the In-*  
15 *dian Alcohol and Substance Abuse Prevention and Treat-*  
16 *ment Act of 1986 (25 U.S.C. 2442(a)) is amended by strik-*  
17 *ing paragraph (3) and inserting the following:*

18                   “(3) *AUTHORIZATION OF APPROPRIATIONS.—*

19                   *There is authorized to be appropriated—*

20                           “(A) *to carry out paragraph (1)(A),*  
21                           *\$1,000,000 for each of fiscal years 2004 through*  
22                           *2008; and*

23                           “(B) *to carry out provisions of this sub-*  
24                           *section other than paragraph (1)(A), such sums*

1           *as are necessary for each of fiscal years 2004*  
2           *through 2008.”.*

3           *(f) BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT*  
4           *AND JUDICIAL TRAINING.—Section 4218 of the Indian Alco-*  
5           *hol and Substance Abuse Prevention and Treatment Act of*  
6           *1986 (25 U.S.C. 2451) is amended by striking subsection*  
7           *(b) and inserting the following:*

8           *“(b) AUTHORIZATION OF APPROPRIATIONS.—There*  
9           *are authorized to be appropriated to carry out this section*  
10           *such sums as are necessary for each of fiscal years 2004*  
11           *through 2008.”.*

12           *(g) JUVENILE DETENTION CENTERS.—Section 4220 of*  
13           *the Indian Alcohol and Substance Abuse Prevention and*  
14           *Treatment Act of 1986 (25 U.S.C. 2453) is amended by*  
15           *striking subsection (b) and inserting the following:*

16           *“(b) AUTHORIZATION OF APPROPRIATIONS.—There*  
17           *are authorized to be appropriated to carry out this section*  
18           *such sums as are necessary for each of fiscal years 2004*  
19           *through 2008.”.*

20           **SEC. 202. EFFECTIVE DATE.**

21           *This title and the amendments made by this title take*  
22           *effect on the date of enactment of this Act.*

**Calendar No. 143**

108TH CONGRESS  
1ST SESSION

**S. 285**

**[Report No. 108-75]**

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**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.

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JUNE 18, 2003

Reported with an amendment