

“(A) remain obligated on the guarantee agreement or insurance agreement between the lender and the Secretary;

“(B) continue to be responsible for servicing the loan in a manner consistent with that guarantee agreement or insurance agreement; and

“(C) remain the secured creditor of record.

“(d) FULL FAITH AND CREDIT.—

“(1) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all loan guarantees and loan insurance made under this title after the date of enactment of this subsection.

“(2) VALIDITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the validity of a guarantee or insurance of a loan under this title shall be incontestable if the obligations of the guarantee or insurance held by a transferee have been acknowledged under subsection (c)(3).

“(B) EXCEPTION FOR FRAUD OR MISREPRESENTATION.—Subparagraph (A) shall not apply in a case in which a transferee has actual knowledge of fraud or misrepresentation, or participates in or condones fraud or misrepresentation, in connection with a loan.

“(e) DAMAGES.—Notwithstanding section 3302 of title 31, United States Code, the Secretary may recover from a lender of a loan under this title any damages suffered by the Secretary as a result of a material breach of the obligations of the lender with respect to a guarantee or insurance by the Secretary of the loan.

“(f) FEES.—The Secretary may collect a fee for any loan or guaranteed or insured portion of a loan that is transferred in accordance with this section.

“(g) CENTRAL REGISTRATION OF LOANS.—On promulgation of final regulations under subsection (i), the Secretary shall—

“(1) provide for a central registration of all guaranteed or insured loans transferred under this section; and

“(2) enter into 1 or more contracts with a fiscal transfer agent—

“(A) to act as the designee of the Secretary under this section; and

“(B) to carry out on behalf of the Secretary the central registration and fiscal transfer agent functions, and issuance of acknowledgements, under this section.

“(h) POOLING OF LOANS.—

“(1) IN GENERAL.—Nothing in this title prohibits the pooling of whole loans or interests in loans transferred under this section.

“(2) REGULATIONS.—In promulgating regulations under subsection (i), the Secretary may include such regulations to effect orderly and efficient pooling procedures as the Secretary determines to be necessary.

“(i) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall develop such procedures and promulgate such regulations as are necessary to facilitate, administer, and promote transfers of loans and guaranteed and insured portions of loans under this section.”

Mr. REID. Mr. President, I ask unanimous consent that the Senate agree to the committee substitute amendment; that the bill, as amended, be read the third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2017), as amended, was read the third time and passed.

NATIVE AMERICAN ALCOHOL AND SUBSTANCE ABUSE PROGRAM CONSOLIDATION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 560, S. 210.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 210) to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

[This Act may be cited as the “Native American Alcohol and Substance Abuse Program Consolidation Act of 2001”.

SEC. 2. STATEMENT OF PURPOSE.

[The purposes of this Act are—

“(1) to enable Indian tribes to consolidate and integrate alcohol and other substance abuse prevention, diagnosis and treatment programs, and mental health and related programs, to provide unified and more effective and efficient services to Native Americans afflicted with alcohol and other substance abuse problems; and

“(2) to recognize that Indian tribes can best determine the goals and methods for establishing and implementing prevention, diagnosis and treatment programs for their communities, consistent with the policy of self-determination.

SEC. 3. DEFINITIONS.

[(a) IN GENERAL.—In this Act:

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

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

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

“(4) SECRETARY.—Except where otherwise provided, the term “Secretary” means the Secretary of Health and Human Services.

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

[(b) INDIAN TRIBE.—

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

“(2) INCLUSION OF OTHER ENTITIES.—In a case described in paragraph (1), the term “Indian tribe”, as defined in subsection (a)(2), shall include the additional authorized Indian tribe, inter-tribal consortium, or tribal organization.

ISEC. 4. INTEGRATION OF SERVICES AUTHORIZED.

[The Secretary, in cooperation with the Secretary of Labor, the Secretary of the Interior, the Secretary of Education, the Secretary of Housing and Urban Development, the United States Attorney General, and the Secretary of Transportation, as appropriate, shall, upon the receipt of a plan acceptable to the Secretary that is submitted by an Indian tribe, authorize the tribe to coordinate, in accordance with such plan, its federally funded alcohol and substance abuse and mental health programs in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

ISEC. 5. PROGRAMS AFFECTED.

[The programs that may be integrated in a demonstration project under any plan referred to in section 4 shall include—

“(1) any program under which an Indian tribe is eligible for the receipt of funds under a statutory or administrative formula for the purposes of prevention, diagnosis, or treatment of alcohol and other substance abuse problems and disorders, or mental health problems and disorders, or any program designed to enhance the ability to treat, diagnose, or prevent alcohol and other substance abuse and related problems and disorders, or mental health problems or disorders;

“(2) any program under which an Indian tribe is eligible for receipt of funds through a competitive or other grant program for the purposes of prevention, diagnosis, or treatment of alcohol and other substance abuse problems and disorders, or mental health problems and disorders, or treatment, diagnosis, or prevention of related problems and disorders, or any program designed to enhance the ability to treat, diagnose, or prevent alcohol and other substance abuse and related problems and disorders, or mental health problems or disorders, if—

“(A) the Indian tribe has provided notice to the appropriate agency regarding the intentions of the tribe to include the grant program in the plan it submits to the Secretary, and the affected agency has consented to the inclusion of the grant in the plan; or

“(B) the Indian tribe has elected to include the grant program in its plan, and the administrative requirements contained in the plan are essentially the same as the administrative requirements under the grant program; and

“(3) any program under which an Indian tribe is eligible for receipt of funds under any other funding scheme for the purposes of prevention, diagnosis, or treatment of alcohol and other substance abuse problems and disorders, or mental health problems and disorders, or treatment, diagnosis, or prevention of related problems and disorders, or any program designed to enhance the ability to treat, diagnose, or prevent alcohol and other substance abuse and related problems and disorders, or mental health problems or disorders.

ISEC. 6. PLAN REQUIREMENTS.

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

“(1) identify the programs to be integrated;

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

“(3) describe a comprehensive strategy that identifies the full range of existing and potential alcohol and substance abuse and

mental health treatment and prevention programs available on and near the tribe's service area;

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

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

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

[(7) identify any statutory provisions, regulations, policies, or procedures that the tribe believes need to be waived in order to implement its plan; and

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

[SEC. 7. PLAN REVIEW.]

[(a) CONSULTATION.—Upon receipt of a plan from an Indian tribe under section 4, the Secretary shall consult with the head of each Federal agency providing funds to be used to implement the plan, and with the tribe submitting the plan.

[(b) IDENTIFICATION OF WAIVERS.—The parties consulting on the implementation of the plan under subsection (a) shall identify any waivers of statutory requirements or of Federal agency regulations, policies, or procedures necessary to enable the tribal government to implement its plan.

[(c) WAIVERS.—Notwithstanding any other provision of law, the head of the affected Federal agency shall have the authority to waive any statutory requirement, regulation, policy, or procedure promulgated by the Federal agency that has been identified by the tribe or the Federal agency under subsection (b) unless the head of the affected Federal agency determines that such a waiver is inconsistent with the purposes of this Act or with those provisions of the Act that authorizes the program involved which are specifically applicable to Indian programs.

[SEC. 8. PLAN APPROVAL.]

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

[(b) DISAPPROVAL.—If a plan is disapproved under subsection (a), the Secretary shall inform the tribal government, in writing, of the reasons for the disapproval and shall give the tribe an opportunity to amend its plan or to petition the Secretary to reconsider such disapproval, including reconsidering the disapproval of any waiver requested by the Indian tribe.

[SEC. 9. FEDERAL RESPONSIBILITIES.]

[(a) RESPONSIBILITIES OF THE INDIAN HEALTH SERVICE.—

[(1) MEMORANDUM OF UNDERSTANDING.—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the United States Attorney General, and the Secretary of Transportation shall enter into an interdepartmental memorandum of agreement providing for the implementation of the plans authorized under this Act.

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

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

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

[(B) the development of a single reporting format related to the projected expenditures

for the individual plan which shall be used by a tribe to report on all plan expenditures;

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

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

[(E) the convening by an appropriate official of the lead agency (whose appointment is subject to the confirmation of the Senate) and a representative of the Indian tribes that carry out projects under this Act, in consultation with each of the Indian tribes that participate in projects under this Act, of a meeting not less than 2 times during each fiscal year for the purpose of providing an opportunity for all Indian tribes that carry out projects under this Act to discuss issues relating to the implementation of this Act with officials of each agency specified in paragraph (1).

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

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

[(2) provide assurances to the Secretary that the tribe has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements which have not been waived.

[SEC. 10. NO REDUCTION IN AMOUNTS.]

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

[SEC. 11. INTERAGENCY FUND TRANSFERS AUTHORIZED.]

[The Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the United States Attorney General, or the Secretary of Transportation, as appropriate, is authorized to take such action as may be necessary to provide for the interagency transfer of funds otherwise available to a tribe in order to further the purposes of this Act.

[SEC. 12. ADMINISTRATION OF FUNDS AND OVERAGE.]

[(a) ADMINISTRATION OF FUNDS.—

[(1) IN GENERAL.—Program funds shall be administered under this Act in such a manner as to allow for a determination that funds from specific programs (or an amount equal to the amount utilized from each program) are expended on activities authorized under such program.

[(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section shall be construed as requiring a tribe to maintain separate records tracing any services or activities conducted under its approved plan under section 4 to the individual programs under which funds were authorized, nor shall the tribe be required to allocate expenditures among individual programs.

[(b) OVERAGE.—All administrative costs under a plan under this Act may be commingled, and participating Indian tribes shall be entitled to the full amount of such costs (under each program or department's regulations), and no overage shall be counted for Federal audit purposes so long as the overage is used for the purposes provided for under this Act.

[SEC. 13. FISCAL ACCOUNTABILITY.]

[Nothing in this Act shall be construed to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code.

[SEC. 14. REPORT ON STATUTORY AND OTHER BARRIERS TO INTEGRATION.]

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

[(b) FINAL REPORT.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the results of the implementation of the program authorized under this Act. The report shall identify statutory barriers to the ability of tribes to integrate more effectively their alcohol and substance abuse services in a manner consistent with the purposes of this Act.

[SEC. 15. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE INDIAN ALCOHOL AND DRUG TREATMENT OR MENTAL HEALTH PROGRAMS.]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Alcohol and Substance Abuse Program Consolidation Act of 2002".

SEC. 2. STATEMENT OF PURPOSE.

The purposes of this Act are—

(1) *to enable Indian tribes to consolidate and integrate alcohol and other substance abuse prevention, diagnosis, and treatment programs, and mental health and related programs, to provide unified and more effective and efficient services to Indians afflicted with alcohol and other substance abuse problems;*

(2) *to recognize that Indian tribes can best determine the goals and methods for establishing and implementing prevention, diagnosis, and treatment programs for their communities, consistent with the policy of self-determination;*

(3) *to encourage and facilitate the implementation of an automated clinical information system to complement the Indian health care delivery system;*

(4) *to authorize the use of Federal funds to purchase, lease, license, or provide training for, technology for an automated clinical information system that incorporates clinical, as well as financial and reporting, capabilities for Indian behavioral health care programs;*

(5) *to encourage quality assurance policies and procedures, and empower Indian tribes through training and use of technology, to significantly enhance the delivery of, and treatment results from, Indian behavioral health care programs;*

(6) *to assist Indian tribes in maximizing use of public, tribal, human, and financial resources in developing effective, understandable, and meaningful practices under Indian behavioral health care programs; and*

(7) *to encourage and facilitate timely and effective analysis and evaluation of Indian behavioral health care programs.*

SEC. 3. DEFINITIONS.

(a) *IN GENERAL.—In this Act:*

(1) *AUTOMATED CLINICAL INFORMATION SYSTEM.—The term "automated clinical information*

system” means an automated computer software system that can be used to manage clinical, financial, and reporting information for Indian behavioral health care programs.

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

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

(4) **INDIAN BEHAVIORAL HEALTH CARE PROGRAM.**—The term “Indian behavioral health care program” means a federally funded program, for the benefit of Indians, to prevent, diagnose, or treat, or enhance the ability to prevent, diagnose, or treat—

(A) mental health problems; or

(B) alcohol or other substance abuse problems.

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

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

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

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

(B) the abuse of tobacco or a related product.

(b) **INDIAN TRIBE.**—

(1) **IN GENERAL.**—In any case in which an Indian tribe has authorized another Indian tribe, an intertribal consortium, a tribal organization, or an Indian health center to plan for or carry out programs, services, functions, or activities (or portions thereof) on its behalf under this Act, the authorized Indian tribe, intertribal consortium, tribal organization, or Indian health center shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution or in this Act).

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

SEC. 4. INTEGRATION OF SERVICES AUTHORIZED.

(a) **IN GENERAL.**—The Secretary, in cooperation with the Secretary of Labor, the Secretary of the Interior, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, and the Secretary of Transportation, as appropriate, shall, upon receipt of a plan acceptable to the Secretary that is submitted by an Indian tribe, authorize the tribe to carry out a demonstration project to coordinate, in accordance with the plan, the Indian behavioral health care programs of the tribe in a manner that integrates the program services involved into a single, coordinated, comprehensive program that uses, to the extent necessary, an automated clinical information system to better manage administrative and clinical services, costs, and reporting requirements through the consolidation and integration of administrative and clinical functions.

(b) **USE OF FUNDS FOR TECHNOLOGY.**—Notwithstanding any requirement applicable to an Indian behavioral health care program of an Indian tribe that is integrated under a demonstration project carried out under subsection (a), the Indian tribe may use funds made available under the program to purchase, lease, license, or provide training for, technology for an automated clinical information system.

SEC. 5. PROGRAMS AFFECTED.

The programs that may be integrated in a demonstration project under a plan submitted under section 4 are—

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

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

(A)(i) the Indian tribe has provided notice to the appropriate agency regarding the intentions of the tribe to include the Indian behavioral health care program in the plan that the tribe submits to the Secretary; and

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

(B)(i) the Indian tribe has elected to include the Indian behavioral health care program in its plan; and

(ii) the administrative requirements contained in the plan are essentially the same as the administrative requirements applicable to a grant under the Indian behavioral health care program; and

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

SEC. 6. PLAN REQUIREMENTS.

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

(1) identify the programs to be integrated;

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

(3) describe a comprehensive strategy that—

(A) identifies the full range of existing and potential alcohol and substance abuse and mental health treatment and prevention programs available on and near the tribe’s service area; and

(B) may include site and technology assessments and any necessary computer hardware installation and support;

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

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

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

(7) identify any statutory provisions, regulations, policies, or procedures that the tribe believes need to be waived in order to implement its plan; and

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

SEC. 7. PLAN REVIEW.

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

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

(2) the tribe submitting the plan.

(b) **IDENTIFICATION OF WAIVERS.**—The parties consulting on the implementation of the plan under subsection (a) shall identify any waivers of statutory requirements or of Federal agency regulations, policies, or procedures necessary to enable the tribal government to implement its plan.

(c) **WAIVERS.**—Notwithstanding any other provision of law, the head of the affected Federal agency shall have the authority to waive any statutory requirement, regulation, policy, or procedure promulgated by the Federal agency that has been identified by the tribe or the Federal agency under subsection (b) unless the head of the affected Federal agency determines that such a waiver is inconsistent with—

(1) the purposes of this Act; or

(2) any statutory requirement applicable to the program to be integrated under the plan that is specifically applicable to Indian programs.

SEC. 8. PLAN APPROVAL.

(a) **IN GENERAL.**—Not later than 90 days after the receipt by the Secretary of a tribe’s plan

under section 4, the Secretary shall inform the tribe, in writing, of the Secretary’s approval or disapproval of the plan, including any request for a waiver that is made as part of the plan.

(b) **DISAPPROVAL.**—If a plan is disapproved under subsection (a), the Secretary shall inform the tribal government, in writing, of the reasons for the disapproval and shall give the tribe an opportunity to amend its plan or to petition the Secretary to reconsider such disapproval, including reconsidering the disapproval of any waiver requested by the Indian tribe.

SEC. 9. FEDERAL RESPONSIBILITIES.

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

(1) **MEMORANDUM OF UNDERSTANDING.**—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, and the Secretary of Transportation shall enter into an interdepartmental memorandum of agreement providing for the implementation of the plans authorized under this Act.

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

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

(A) the development of a single reporting format related to each plan for a demonstration project, which shall be used by a tribe to report on the activities carried out under the plan;

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

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

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

(E) the convening by an appropriate official of the lead agency (whose appointment is subject to the confirmation of the Senate) and a representative of the Indian tribes that carry out projects under this Act, in consultation with each of the Indian tribes that participate in projects under this Act, of a meeting not less than twice during each fiscal year for the purpose of providing an opportunity for all Indian tribes that carry out projects under this Act to discuss issues relating to the implementation of this Act with officials of each agency specified in paragraph (1).

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

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

(2) provide assurances to the Secretary that the tribe has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

SEC. 10. NO REDUCTION IN AMOUNTS.

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

SEC. 11. INTERAGENCY FUND TRANSFERS AUTHORIZED.

The Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, or the Secretary of Transportation, as appropriate, is authorized to take such action as may be necessary to provide for the interagency transfer of funds otherwise available to a tribe in order to further the purposes of this Act.

SEC. 12. ADMINISTRATION OF FUNDS AND OVERAGE.**(a) ADMINISTRATION OF FUNDS.—**

(1) *IN GENERAL.*—Program funds shall be administered under this Act in such a manner as to allow for a determination that funds from specific programs (or an amount equal to the amount used from each program) are expended on activities authorized under such program.

(2) *SEPARATE RECORDS NOT REQUIRED.*—Nothing in this section shall be construed as requiring a tribe to maintain separate records tracing any services or activities conducted under its approved plan under section 4 to the individual programs under which funds were authorized, nor shall the tribe be required to allocate expenditures among individual programs.

(b) *OVERAGE.*—All administrative costs under a plan under this Act may be commingled, and participating Indian tribes shall be entitled to the full amount of such costs (under each program or department's regulations), and no overage shall be counted for Federal audit purposes so long as the overage is used for the purposes provided for under this Act.

SEC. 13. FISCAL ACCOUNTABILITY.

Nothing in this Act shall be construed to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code.

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

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

(b) *FINAL REPORT.*—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the results of the implementation of the program authorized under this Act. The report shall identify statutory barriers to the ability of tribes to integrate more effectively their alcohol and substance abuse services in a manner consistent with the purposes of this Act.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the Senate agree to the committee substitute amendment; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 210), as amended, was read the third time and passed.

**ORDERS FOR WEDNESDAY,
SEPTEMBER 18, 2002**

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, September 18; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 5093, the Interior Appropriations Act; that at 11:30, there be a period for morning business until 12:30, with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority leader or his designee and the second half under the control of the Republican leader or his designee; that at 12:30, the Senate resume consideration of H.R. 5005, Homeland security, under the previous order; further, that the live quorum with respect to the cloture motion filed earlier today be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, cloture was filed on the Lieberman substitute amendment to the Homeland Security Act. Because of that, all first-degree amendments must be filed tomorrow prior to 1 p.m.

**ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW**

Mr. REID. Mr. President, I ask unanimous consent that the Senate now stand in adjournment under the previous order.

There being no objection, the Senate, at 6:51 p.m., adjourned until Wednesday, September 18, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 17, 2002:

DEPARTMENT OF STATE

PETER DESHAZO, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING TENURE OF SERVICE AS DEPUTY PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES.

OVERSEAS PRIVATE INVESTMENT CORPORATION

JOHN L. MORRISON, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2004, VICE JOHN J. PIKARSKI, JR., TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. JODY A. BRECKENRIDGE, 0000
CAPT. JOHN E. CROWLEY, 0000
CAPT. LARRY L. HERETH, 0000
CAPT. RICHARD R. HOUCK, 0000
CAPT. CLIFFORD I. PEARSON, 0000

CAPT. JAMES C. VAN SICE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

CHRISTINE D BALBONI, 0000
LANCE L BARDO, 0000
CAROL C BENNETT, 0000
DENNIS D BLACKALL, 0000
MATTHEW M BLIZARD, 0000
TERRENCE W CARTER, 0000
THOMAS D CRIMAN, 0000
NORMAN L CUSTARD, 0000
KURT W DEVOE, 0000
MARK R DEVRIES, 0000
GAIL A DONNELLY, 0000
STEPHEN C DUCA, 0000
DANE S EGLI, 0000
ROBERT A FARMER, 0000
MICHAEL P FARRELL, 0000
EKUNDAYO G FAUX, 0000
GARY E FELICETTI, 0000
KENNETH D FORSLUND, 0000
SCOT S GRAHAM, 0000
MARK S GULLORY, 0000
KURTIS J GUTH, 0000
WARREN L HASKOVEC, 0000
DAVID L HILL, 0000
VIRGINIA K HOLTZMANBELL, 0000
JAMES C HOWE, 0000
JAMES T HUBBARD, 0000
RICHARD M KASER, 0000
JONATHAN S KEENE, 0000
JUDITH E KEENE, 0000
FREDERICK J KENNEY, 0000
DANIEL A LALIBERTE, 0000
WILLIAM D LEE, 0000
DAVID L LERSCH, 0000
MARSHALL B LYTLE, 0000
JAY G MANIK, 0000
BRET K MCGOUGH, 0000
BRADLEY R MOZEE, 0000
PETER V NEFFENGER, 0000
DAVALEE G NORTON, 0000
ROBERT R OBRIEN, 0000
STEPHEN J OHNSTAD, 0000
KEVIN G QUIGLEY, 0000
ADOLFO D RAMIREZ, 0000
MICHAEL P RAND, 0000
RICHARD A RENDON, 0000
DANIEL N RIEHM, 0000
JOSEPH F RODRIGUEZ, 0000
GEORGE A RUSSELL, 0000
DAVID L SCOTT, 0000
BARRY P SMITH, 0000
CURTIS A SPRINGER, 0000
RICHARD A STANCHI, 0000
PHILIP H SULLIVAN, 0000
GERALD M SWANSON, 0000
KEITH A TAYLOR, 0000
PATRICK B TRAPP, 0000
JAMES E TUNSTALL, 0000
GEORGE P VANCE, 0000
STEVEN E VANDERPLAS, 0000

THE FOLLOWING NAMED OFFICER OF THE UNITED STATES COAST GUARD TO BE A MEMBER OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY IN THE GRADE INDICATED UNDER SECTION 188, TITLE 14, U.S. CODE:

To be lieutenant

DAVID C. CLIPPINGER, 0000

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. GEORGE W. KEEFE, 0000
IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be major

MAURICE L. MCDUGALD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOHN R. HINSON, 0000
BRUCE A. OLSON, 0000
CLARICE J. PETERS, 0000
JOSEPH M. SCATURRO, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CATHI A. KIGER, 0000
BARRY L. RICHMOND, 0000
PAUL A. STEVES, 0000
TIMOTHY R. WARRICK, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO