

claims filed under this chapter have been resolved.

(b) Funds necessary to pay the expenses of administering this chapter shall be appropriated and expended under the authority of the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13), popularly known as the Snyder Act.

(Pub. L. 98-500, §7, Oct. 19, 1984, 98 Stat. 2318.)

REFERENCES IN TEXT

Act of November 2, 1921, referred to in subsec. (b), is act Nov. 2, 1921, ch. 115, 42 Stat. 208, as amended, popularly known as the Snyder Act, which is classified to section 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 13 of this title and Tables.

§ 2307. Treatment of funds

Funds distributed under the provisions of this chapter shall not be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act [42 U.S.C. 301 et seq.] or, except for per capita shares in excess of \$2,000, any Federal or federally assisted program.

(Pub. L. 98-500, §8, Oct. 19, 1984, 98 Stat. 2319.)

REFERENCES IN TEXT

The Social Security Act, referred to in text, is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

CHAPTER 26—INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT

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2471 to 2478. Transferred or Repealed.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1621h of this title.

SUBCHAPTER I—GENERAL PROVISIONS

§ 2401. Congressional findings

The Congress finds and declares that—  
 (1) the Federal Government has a historical relationship and unique legal and moral responsibility to Indian tribes and their members,  
 (2) included in this responsibility is the treaty, statutory, and historical obligation to as-

sist the Indian tribes in meeting the health and social needs of their members.

(3) alcoholism and alcohol and substance abuse is the most severe health and social problem facing Indian tribes and people today and nothing is more costly to Indian people than the consequences of alcohol and substance abuse measured in physical, mental, social, and economic terms.

(4) alcohol and substance abuse is the leading generic risk factor among Indians, and Indians die from alcoholism at over 4 times the age-adjusted rates for the United States population and alcohol and substance misuse results in a rate of years of potential life lost nearly 5 times that of the United States.

(5) 4 of the top 10 causes of death among Indians are alcohol and drug related injuries (18 percent of all deaths), chronic liver disease and cirrhosis (5 percent), suicide (3 percent), and homicide (3 percent).

(6) primarily because deaths from unintentional injuries and violence occur disproportionately among young people, the age-specific death rate for Indians is approximately double the United States rate for the 15 to 45 age group.

(7) Indians between the ages of 15 and 24 years of age are more than 2 times as likely to commit suicide as the general population and approximately 80 percent of those suicides are alcohol-related.

(8) Indians between the ages of 15 and 24 years of age are twice as likely as the general population to die in automobile accidents, 75 percent of which are alcohol-related.

(9) the Indian Health Service, which is charged with treatment and rehabilitation efforts, has directed only 1 percent of its budget for alcohol and substance abuse problems.

(10) the Bureau of Indian Affairs, which has responsibility for programs in education, social services, law enforcement, and other areas, has assumed little responsibility for coordinating its various efforts to focus on the epidemic of alcohol and substance abuse among Indian people.

(11) this lack of emphasis and priority continues despite the fact that Bureau of Indian Affairs and Indian Health Service officials publicly acknowledge that alcohol and substance abuse among Indians is the most serious health and social problem facing the Indian people, and

(12) the Indian tribes have the primary responsibility for protecting and ensuring the well-being of their members and the resources made available under this chapter will assist Indian tribes in meeting that responsibility.

(Pub. L. 99-570, title IV, § 4202, Oct. 27, 1986, 100 Stat. 3207-137.)

#### REFERENCES IN TEXT

This chapter, referred to in par. (12), was in the original "this subtitle", meaning subtitle C of title IV of Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207-137, known as the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986, which is classified generally to this chapter. For complete classification of subtitle C to the Code, see Short Title note below and Tables.

#### SHORT TITLE

Section 4201 of Pub. L. 99-570 provided that: "This subtitle [subtitle C (§§ 4201-4230) of title IV of Pub. L. 99-570, enacting this chapter, amending section 1302 of this title, and enacting provisions set out as a note under section 1302 of this title] may be cited as the 'Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986'."

#### RULE OF CONSTRUCTION FOR PUB. L. 100-690

Pub. L. 100-690, title II, § 2219, Nov. 18, 1988, 102 Stat. 4222, provided that: "Except as otherwise provided in this Act or the amendments made by this Act [see Tables for classification], nothing in this Act or the amendments made by this Act shall be construed to affect the obligation of the United States to any Indian or Indian tribe arising out of any treaty, statute, Executive order, or the trust responsibility of the United States owing to such Indian or Indian tribe. Nothing in this section shall exempt any individual Indian from the sanctions of 'user accountability' provided for elsewhere in this Act: *Provided*, That no individual Indian shall be denied any benefit under Federal Indian programs comparable to those 'means tested' safety net programs otherwise excluded under this Act."

#### § 2402. Purpose

It is the purpose of this chapter to—

(1) authorize and develop a comprehensive, coordinated attack upon the illegal narcotics traffic in Indian country and the deleterious impact of alcohol and substance abuse upon Indian tribes and their members,

(2) provide needed direction and guidance to those Federal agencies responsible for Indian programs to identify and focus existing programs and resources, including those made available by this chapter, upon this problem,

(3) provide authority and opportunities for Indian tribes to develop and implement a coordinated program for the prevention and treatment of alcohol and substance abuse at the local level, and

(4) to<sup>1</sup> modify or supplement existing programs and authorities in the areas of education, family and social services, law enforcement and judicial services, and health services to further the purposes of this chapter.

(Pub. L. 99-570, title IV, § 4203, Oct. 27, 1986, 100 Stat. 3207-138.)

#### § 2403. Definitions

For purposes of this chapter—

(1) The term "agency" means the local administrative entity of the Bureau of Indian Affairs serving one or more Indian tribes within a defined geographic area.

(2) The term "youth" shall have the meaning given it in any particular Tribal Action Plan adopted pursuant to section 2411 of this title, except that, for purposes of statistical reporting under this chapter, it shall mean a person who is 19 years or younger or who is in attendance at a secondary school.

(3) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians (including any Alaska Native village or regional or village corporation as defined in, or established pursuant to, the Alaska Native Claims Settle-

<sup>1</sup> So in original.

ment Act (43 U.S.C. 1601 et seq.) which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians.

(4) The term “prevention and treatment” includes, as appropriate—

(A) efforts to identify, and the identification of, Indians who are at risk with respect to, or who are abusers of, alcohol or controlled substances,

(B) intervention into cases of on-going alcohol and substance abuse to halt a further progression of such abuse,

(C) prevention through education and the provision of alternative activities,

(D) treatment for alcohol and substance abusers to help abstain from, and alleviate the effects of, abuse,

(E) rehabilitation to provide on-going assistance, either on an inpatient or outpatient basis, to help Indians reform or abstain from alcohol or substance abuse,

(F) follow-up or after-care to provide the appropriate counseling and assistance on an outpatient basis, and

(G) referral to other sources of assistance or resources.

(5) The term “service unit” means an administrative entity within the Indian Health Service or a tribe or tribal organization operating health care programs or facilities with funds from the Indian Health Service under the Indian Self-Determination Act [25 U.S.C. 450f et seq.] through which the services are provided, directly or by contract, to the eligible Indian population within a defined geographic area.

(6) The terms “Urban Indian”, “Urban Center”, and “Urban Indian Organization” shall have the same meaning as provided in section 1603 of this title.

(Pub. L. 99-570, title IV, §4204, Oct. 27, 1986, 100 Stat. 3207-138; Pub. L. 100-690, title II, §2202, Nov. 18, 1988, 102 Stat. 4217.)

#### REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (3), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

The Indian Self-Determination Act, referred to in par. (5), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to part A (§450f et seq.) of subchapter II of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

#### AMENDMENTS

1988—Par. (6). Pub. L. 100-690 added par. (6).

### SUBCHAPTER II—COORDINATION OF RESOURCES AND PROGRAMS

#### § 2411. Inter-departmental Memorandum of Agreement

##### (a) In general

Not later than 120 days after October 27, 1986, the Secretary of the Interior and the Secretary of Health and Human Services shall develop and

enter into a Memorandum of Agreement which shall, among other things—

(1) determine and define the scope of the problem of alcohol and substance abuse for Indian tribes and their members and its financial and human costs, and specifically identify such problems affecting Indian youth,

(2) identify—

(A) the resources and programs of the Bureau of Indian Affairs and Indian Health Service, and

(B) other Federal, tribal, State and local, and private resources and programs,

which would be relevant to a coordinated effort to combat alcohol and substance abuse among Indian people, including those programs and resources made available by this chapter,

(3) develop and establish appropriate minimum standards for each agency’s program responsibilities under the Memorandum of Agreement which may be—

(A) the existing Federal or State standards in effect, or

(B) in the absence of such standards, new standards which will be developed and established in consultation with Indian tribes,

(4) coordinate the Bureau of Indian Affairs and Indian Health Service alcohol and substance abuse programs existing on October 27, 1986, with programs or efforts established by this chapter,

(5) delineate the responsibilities of the Bureau of Indian Affairs and the Indian Health Service to coordinate alcohol and substance abuse-related services at the central, area, agency, and service unit levels,

(6) direct Bureau of Indian Affairs agency and education superintendents, where appropriate, and the Indian Health Service service unit directors to cooperate fully with tribal requests made pursuant to section 2412 of this title, and

(7) provide for an annual review of such agreements by the Secretary of the Interior and the Secretary of Health and Human Services.

##### (b) Character of activities

To the extent that there are new activities undertaken pursuant to this chapter, those activities shall supplement, not supplant, activities, programs, and local actions that are ongoing on October 27, 1986. Such activities shall be undertaken in the manner least disruptive to tribal control, in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and local control, in accordance with section 2010<sup>1</sup> of this title.

##### (c) Consultation

The Secretary of the Interior and the Secretary of Health and Human Services shall, in developing the Memorandum of Agreement under subsection (a) of this section, consult with and solicit the comments of—

(1) interested Indian tribes,

(2) Indian individuals,

(3) Indian organizations, and

<sup>1</sup> See References in Text note below.

(4) professionals in the treatment of alcohol and substance abuse.

**(d) Publication**

The Memorandum of Agreement under subsection (a) of this section shall be submitted to Congress and published in the Federal Register not later than 130 days after October 27, 1986. At the same time as publication in the Federal Register, the Secretary of the Interior shall provide a copy of this chapter and the Memorandum of Agreement under subsection (a) of this section to each Indian tribe.

(Pub. L. 99-570, title IV, § 4205, Oct. 27, 1986, 100 Stat. 3207-139.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (b), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, as amended, which is classified principally to subchapter II (§ 450 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

Section 2010 of this title, referred to in subsec. (b), was in the original a reference to section 1130 of the Education Amendments of 1978, Pub. L. 95-561. Section 1130 of Pub. L. 95-561 was omitted in the general amendment of chapter 22 (§ 2001 et seq.) of this title by Pub. L. 103-382, title III, § 381, Oct. 20, 1994, 108 Stat. 3979. Pub. L. 103-382 enacted a new section 1130 of Pub. L. 95-561, relating to uniform direct funding and support, which is classified to section 2010 of this title. Provisions relating to Indian control of Indian education are now contained in section 2011 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1665, 1665a, 2403, 2412, 2413, 2414a, 2431, 2433, 2441, 2452 of this title.

**§ 2412. Tribal Action Plans**

**(a) In general**

The governing body of any Indian tribe may, at its discretion, adopt a resolution for the establishment of a Tribal Action Plan to coordinate available resources and programs, including programs and resources made available by this chapter, in an effort to combat alcohol and substance abuse among its members. Such resolution shall be the basis for the implementation of this chapter and of the Memorandum of Agreement under section 2411 of this title.

**(b) Cooperation**

At the request of any Indian tribe pursuant to a resolution adopted under subsection (a) of this section, the Bureau of Indian Affairs agency and education superintendents, where appropriate, and the Indian Health Service service unit director providing services to such tribe shall cooperate with the tribe in the development of a Tribal Action Plan to coordinate resources and programs relevant to alcohol and substance abuse prevention and treatment. Upon the development of such a plan, such superintendents and director, as directed by the Memorandum of Agreement established under section 2411 of this title, shall enter into an agreement with the tribe for the implementation of the Tribal Action Plan under subsection (a) of this section.

**(c) Provisions**

(1) Any Tribal Action Plan entered into under subsection (b) of this section shall provide for—

(A) the establishment of a Tribal Coordinating Committee which shall—

(i) at a minimum, have as members a tribal representative who shall serve as Chairman and the Bureau of Indian Affairs agency and education superintendents, where appropriate, and the Indian Health Service service unit director, or their representatives,

(ii) have primary responsibility for the implementation of the Tribal Action Plan,

(iii) have the responsibility for on-going review and evaluation of, and the making of recommendations to the tribe relating to, the Tribal Action Plan, and

(iv) have the responsibility for scheduling Federal, tribal or other personnel for training in the prevention and treatment of alcohol and substance abuse among Indians as provided under section 2475<sup>1</sup> of this title, and

(B) the incorporation of the minimum standards for those programs and services which it encompasses which shall be—

(i) the Federal or State standards as provided in section 2411(a)(3) of this title, or

(ii) applicable tribal standards, if such standards are no less stringent than the Federal or State standards.

(2) Any Tribal Action Plan may, among other things, provide for—

(A) an assessment of the scope of the problem of alcohol and substance abuse for the Indian tribe which adopted the resolution for the Plan,

(B) the identification and coordination of available resources and programs relevant to a program of alcohol and substance abuse prevention and treatment,

(C) the establishment and prioritization of goals and the efforts needed to meet those goals,

(D) the identification of the community and family roles in any of the efforts undertaken as part of the Tribal Action Plan,

(E) the establishment of procedures for amendment and revision of the plan as may be determined necessary by the Tribal Coordinating Committee, and

(F) an evaluation component to measure the success of efforts made.

(3) All Tribal Action Plans shall be updated every 2 years.

**(d) Grants**

(1) The Secretary of the Interior may make grants to Indian tribes adopting a resolution pursuant to subsection (a) of this section to provide technical assistance in the development of a Tribal Action Plan. The Secretary shall allocate funds based on need.

(2) There are authorized to be appropriated for grants under this subsection not more than \$2,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

**(e) Federal action**

If any Indian tribe does not adopt a resolution as provided in subsection (a) of this section

<sup>1</sup> See References in Text note below.

within 90 days after the publication of the Memorandum of Agreement in the Federal Register as provided in section 2411 of this title, the Secretary of the Interior and the Secretary of Health and Human Services shall require the Bureau of Indian Affairs agency and education superintendents, where appropriate, and the Indian Health Service service unit director serving such tribe to enter into an agreement to identify and coordinate available programs and resources to carry out the purposes of this chapter for such tribe. After such an agreement has been entered into for a tribe such tribe may adopt a resolution under subsection (a) of this section.

**(f) Grants for training, education, and prevention programs**

(1) The Secretary of the Interior may make grants to Indian tribes adopting a resolution pursuant to subsection (a) of this section to implement and develop community and in-school training, education, and prevention programs on alcohol and substance abuse, fetal alcohol syndrome and fetal alcohol effect.

(2) Funds provided under this section may be used for, but are not limited to, the development and implementation of tribal programs for—

- (A) youth employment;
- (B) youth recreation;
- (C) youth cultural activities;
- (D) community awareness programs; and
- (E) community training and education programs.

(3) There are authorized to be appropriated to carry out the provisions of this subsection \$5,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(Pub. L. 99-570, title IV, § 4206, Oct. 27, 1986, 100 Stat. 3207-140; Pub. L. 100-690, title II, §§ 2203, 2204, Nov. 18, 1988, 102 Stat. 4217; Pub. L. 102-573, title VII, § 703(1), Oct. 29, 1992, 106 Stat. 4582.)

REFERENCES IN TEXT

Section 2475 of this title, referred to in subsec. (c)(1)(A)(iv), was repealed by Pub. L. 102-573, title VII, § 702(b)(2), Oct. 29, 1992, 106 Stat. 4582. See section 1665d of this title.

AMENDMENTS

1992—Subsec. (c). Pub. L. 102-573, § 703(1)(A), in par. (2), redesignated subpars. (2) to (4) as subpars. (B) to (D), respectively, and added subpar. (F), and added par. (3).

Subsec. (d)(2). Pub. L. 102-573, § 703(1)(B), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "There is authorized to be appropriated not to exceed \$1,000,000 for each of the fiscal years 1989, 1990, 1991, and 1992 for grants under this subsection."

Subsec. (f). Pub. L. 102-573, § 703(1)(C), added subsec. (f).

1988—Subsec. (c)(2)(E). Pub. L. 100-690, § 2203, added subpar. (E).

Subsec. (d)(2). Pub. L. 100-690, § 2204, amended par. (2) generally. Prior to amendment, par. (2) read as follows: "There is authorized to be appropriated not to exceed \$1,000,000 for each of the fiscal year 1987, 1988, and 1989 for grants under this subsection."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1665f, 2411, 2413, 2431, 2433 of this title.

**§ 2413. Departmental responsibility**

**(a) Implementation**

The Secretary of the Interior, acting through the Bureau of Indian Affairs, and the Secretary of Health and Human Services, acting through the Indian Health Service, shall bear equal responsibility for the implementation of this chapter in cooperation with Indian tribes.

**(b) Office of Alcohol and Substance Abuse**

(1) In order to better coordinate the various programs of the Bureau of Indian Affairs in carrying out this chapter, there is established within the Office of the Assistant Secretary of the Interior for Indian Affairs an Office of Alcohol and Substance Abuse. The director of such office<sup>1</sup> shall be appointed by the Assistant Secretary of the Interior for Indian Affairs on a permanent basis at no less than a grade GS-15 of the General Schedule.

(2) In addition to other responsibilities which may be assigned to such Office, it shall be responsible for—

(A) monitoring the performance and compliance of programs of the Bureau of Indian Affairs in meeting the goals and purposes of this chapter and the Memorandum of Agreement entered into under section 2411 of this title, and

(B) serving as a point of contact within the Bureau of Indian Affairs for Indian tribes and the Tribal Coordinating Committees regarding the implementation of this chapter, the Memorandum of Agreement, and any Tribal Action Plan established under section 2412 of this title.

(3) The Assistant Secretary of the Interior for Indian Affairs shall appoint such employees to work in the Office of Alcohol and Substance Abuse, and shall provide such funding, services, and equipment as may be necessary to enable the Office of Alcohol and Substance Abuse to carry out its responsibilities.

**(c) Indian Youth Programs Officer**

(1) There is established in the Office of Alcohol and Substance Abuse the position to be known as the Indian Youth Programs Officer. The Assistant Secretary of the Interior for Indian Affairs shall appoint the Indian Youth Programs Officer.

(2) The position of Indian Youth Programs Officer shall be established on a permanent basis at no less than the grade of GS-14 of the General Schedule.

(3) In addition to other responsibilities which may be assigned to the Indian Youth Programs Officer relating to Indian Youth,<sup>2</sup> such Officer shall be responsible for—

(A) monitoring the performance and compliance of programs of the Bureau of Indian Affairs in meeting the goals and purposes of this chapter and the Memorandum of Agreement entered into under section 2411 of this title as they relate to Indian youth efforts, and

(B) providing advice and recommendations, including recommendations submitted by In-

<sup>1</sup> So in original. Probably should be capitalized.

<sup>2</sup> So in original. Probably should not be capitalized.

dian tribes and Tribal Coordinating Committees, to the Director of the Office of Alcohol and Substance Abuse as they relate to Indian youth.

(Pub. L. 99-570, title IV, § 4207, Oct. 27, 1986, 100 Stat. 3207-141; Pub. L. 100-690, title II, § 2216, Nov. 18, 1988, 102 Stat. 4221; Pub. L. 102-573, title VII, § 703(2), Oct. 29, 1992, 106 Stat. 4583.)

#### REFERENCES IN TEXT

The General Schedule, referred to in subsecs. (b)(1) and (c)(2), is set out under section 5332 of Title 5, Government Organization and Employees.

#### AMENDMENTS

1992—Subsec. (b)(3). Pub. L. 102-573 amended par. (3) generally. Prior to amendment, par. (3) read as follows: “The Assistant Secretary of the Interior for Indian Affairs shall appoint such employees to work in the Office of Alcohol and Substance Abuse, and shall provide such services and equipment, as may be necessary to enable the Office of Alcohol and Substance Abuse to carry out its responsibilities.”

1988—Subsec. (b)(1). Pub. L. 100-690, § 2216(1), (2), substituted “Assistant Secretary of the Interior for” for “Assistant Secretary of” and “Assistant Secretary of the Interior for Indian Affairs on” for “Assistant Secretary on”.

Subsec. (b)(3). Pub. L. 100-690, § 2216(3), added par. (3). Subsec. (c)(1). Pub. L. 100-690, § 2216(4), inserted at end “The Assistant Secretary of the Interior for Indian Affairs shall appoint the Indian Youth Programs Officer.”

### § 2414. Congressional intent in construction of laws

It is the intent of Congress that—

(1) specific Federal laws, and administrative regulations promulgated thereunder, establishing programs of the Bureau of Indian Affairs, the Indian Health Service, and other Federal agencies, and

(2) general Federal laws, including laws limiting augmentation of Federal appropriations or encouraging joint or cooperative funding,

shall be liberally construed and administered to achieve the purposes of this chapter.

(Pub. L. 99-570, title IV, § 4208, Oct. 27, 1986, 100 Stat. 3207-142.)

### § 2414a. Review of programs

#### (a) In general

In the development of the Memorandum of Agreement required by section 2411 of this title, the Secretary of the Interior and the Secretary of Health and Human Services shall review and consider—

(1) the various programs established by Federal law providing health services and benefits to Indian tribes, including those relating to mental health and alcohol and substance abuse prevention and treatment,

(2) tribal, State and local, and private health resources and programs,

(3) where facilities to provide such treatment are or should be located, and

(4) the effectiveness of public and private alcohol and substance abuse treatment programs in operation on October 27, 1986,

to determine their applicability and relevance in carrying out the purposes of this chapter.

#### (b) Dissemination

The results of the review conducted under subsection (a) of this section shall be provided to every Indian tribe as soon as possible for their consideration and use in the development or modification of a Tribal Action Plan.

(Pub. L. 99-570, title IV, § 4208A, formerly § 4224, Oct. 27, 1986, 100 Stat. 3207-148; renumbered § 4208A, Pub. L. 102-573, title VII, § 702(b)(1), Oct. 29, 1992, 106 Stat. 4582.)

#### CODIFICATION

Section was formerly classified to section 2471 of this title prior to renumbering by Pub. L. 102-573.

### § 2415. Federal facilities, property, and equipment; leasing of tribal property

#### (a) Facility availability

In the furtherance of the purposes and goals of this chapter, the Secretary of the Interior and the Secretary of Health and Human Services shall make available for community use, to the extent permitted by law and as may be provided in a Tribal Action Plan, local Federal facilities, property, and equipment, including school facilities. Such facility availability shall include school facilities under the Secretary of the Interior's jurisdiction: *Provided*, That the use of any school facilities shall be conditioned upon approval of the local school board with jurisdiction over such school.

#### (b) Costs

Any additional cost associated with the use of Federal facilities, property, or equipment under subsection (a) of this section may be borne by the Secretary of the Interior and the Secretary of Health and Human Services out of available Federal, tribal, State, local, or private funds, if not otherwise prohibited by law. This subsection does not require the Secretary of the Interior nor the Secretary of Health and Human Services to expend additional funds to meet the additional costs which may be associated with the provision of such facilities, property, or equipment for community use. Where the use of Federal facilities, property, or equipment under subsection (a) of this section furthers the purposes and goals of this chapter, the use of funds other than those funds appropriated to the Department of the Interior or the Department of Health and Human Services to meet the additional costs associated with such use shall not constitute an augmentation of Federal appropriations.

#### (c) Leases

(1) The Secretary of the Interior and the Secretary of Health and Human Services are authorized to enter into long-term leases of tribally owned or leased facilities to house programs established by this chapter where they determine that there is no Federal facility reasonably available for such purpose and the cost of constructing a new Federal facility would exceed the cost of such Federal lease unless they determine that mitigating factors favor such a lease.

(2) A tribally owned or leased facility may be leased pursuant to this authority to house a re-

gional treatment center to be established pursuant to section 2474(b)<sup>1</sup> of this title only if all the tribes within the Indian Health Service area to be served by such regional treatment center initially consent to such Federal lease.

(Pub. L. 99-570, title IV, § 4209, Oct. 27, 1986, 100 Stat. 3207-142; Pub. L. 100-690, title II, § 2205, Nov. 18, 1988, 102 Stat. 4217.)

#### REFERENCES IN TEXT

Section 2474(b) of this title, referred to in subsec. (c)(2), was repealed by Pub. L. 102-573, title VII, § 702(b)(2), Oct. 29, 1992, 106 Stat. 4582. See section 1665c(b) of this title.

#### AMENDMENTS

1988—Pub. L. 100-690, § 2205(1), inserted “; leasing of tribal property” in section catchline.

Subsec. (c). Pub. L. 100-690, § 2205(2), added subsec. (c).

#### LEASE AND OPERATION OF FACILITIES IN FAIRBANKS, ALASKA

Pub. L. 101-630, title V, § 509(b), (c), Nov. 28, 1990, 104 Stat. 4567, provided that:

“(b) LEASE OF FACILITIES.—The Secretary of Health and Human Services, acting under section 4209(c) and 4227(b) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act [of 1986, 25 U.S.C. 2415(c), 2474(b)], may—

“(1) without regard to section 4209(c)(2) of that Act, lease from the Tanana Chiefs Conference facilities that are located in Fairbanks, Alaska, and that the Tanana Chiefs Conference has leased from another entity, and

“(2) if the Secretary enters into a lease under paragraph (1) for at least 40 years, renovate the facilities to the extent needed.

“(c) SELF-DETERMINATION CONTRACTS FOR STAFFING AND OPERATION.—The Secretary of Health and Human Services, acting under section 102 of the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450f], may contract with the Tanana Chiefs Conference to staff and operate the facilities leased under subsection (b), without a request of an Indian tribe, and without regard to the definition and proviso in section 4(i) of that Act [25 U.S.C. 450b(i)].”

#### § 2416. Newsletter

##### (a) In general

The Secretary of the Interior shall publish an alcohol and substance abuse newsletter in cooperation with the Secretary of Health and Human Services and the Secretary of Education to report on Indian alcohol and substance abuse projects and programs. The newsletter shall—

(1) be published once in each calendar quarter,

(2) include reviews of programs determined by the Secretary of the Interior to be exemplary and provide sufficient information to enable interested persons to obtain further information about such programs, and

(3) be circulated without charge to—

- (A) schools,
- (B) tribal offices,
- (C) Bureau of Indian Affairs' agency and area offices,
- (D) Indian Health Service area and service unit offices,
- (E) Indian Health Service alcohol programs, and

(F) other entities providing alcohol and substance abuse related services or resources to Indian people.

##### (b) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$500,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(Pub. L. 99-570, title IV, § 4210, Oct. 27, 1986, 100 Stat. 3207-143; Pub. L. 100-690, title II, § 2218, Nov. 18, 1988, 102 Stat. 4222; Pub. L. 102-573, title VII, § 703(3), Oct. 29, 1992, 106 Stat. 4583.)

#### AMENDMENTS

1992—Subsec. (b). Pub. L. 102-573 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “There are authorized to be appropriated for each of the fiscal years 1989, 1990, 1991, and 1992, \$300,000 to carry out the provisions of this section.”

1988—Pub. L. 100-690 struck out “, not later than 120 days after October 27, 1986,” after “the Interior shall”, designated existing provisions as subsec. (a), and added subsec. (b).

#### SUBCHAPTER III—INDIAN YOUTH PROGRAMS

#### § 2431. Review of programs

##### (a) Review

In the development of the Memorandum of Agreement required by section 2411 of this title, the Secretary of the Interior and the Secretary of Health and Human Services, in cooperation with the Secretary of Education shall review and consider—

(1) Federal programs providing education services or benefits to Indian children,

(2) tribal, State, local, and private educational resources and programs,

(3) Federal programs providing family and social services and benefits for Indian families and children,

(4) Federal programs relating to youth employment, recreation, cultural, and community activities, and

(5) tribal, State, local, and private resources for programs similar to those cited in paragraphs (3) and (4),

to determine their applicability and relevance in carrying out the purposes of this chapter.

##### (b) Publication

The results of the review conducted under subsection (a) of this section shall be provided to each Indian tribe as soon as possible for their consideration and use in the development or modification of a Tribal Action Plan under section 2412 of this title.

(Pub. L. 99-570, title IV, § 4211, Oct. 27, 1986, 100 Stat. 3207-143.)

#### § 2432. Indian education programs

##### (a) Pilot programs

The Assistant Secretary of Indian Affairs shall develop and implement pilot programs in selected schools funded by the Bureau of Indian Affairs (subject to the approval of the local school board or contract school board) to deter-

<sup>1</sup> See References in Text note below.

mine the effectiveness of summer youth programs in furthering the purposes and goals of this chapter. The Assistant Secretary shall defray all costs associated with the actual operation and support of the pilot programs in the school from funds appropriated for this section. For the pilot programs there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

**(b) Use of funds**

Federal financial assistance made available to public or private schools because of the enrollment of Indian children pursuant to—

(1) the Act of April 16, 1934, as amended by the Indian Education Assistance Act (25 U.S.C. 452 et seq.),

(2) the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241aa et seq.),<sup>1</sup> and

(3) the Indian Education Act (20 U.S.C. 3385),<sup>1</sup>

may be used to support a program of instruction relating to alcohol and substance abuse prevention and treatment.

(Pub. L. 99-570, title IV, § 4212, Oct. 27, 1986, 100 Stat. 3207-144; Pub. L. 100-690, title II, § 2206, Nov. 18, 1988, 102 Stat. 4218; Pub. L. 102-573, title VII, § 703(4), Oct. 29, 1992, 106 Stat. 4583.)

REFERENCES IN TEXT

Act of April 16, 1934, referred to in subsec. (b)(1), is act Apr. 16, 1934, ch. 147, 48 Stat. 596, as amended, popularly known as the Johnson-O'Malley Act, which is classified generally to section 452 et seq. of this title. For complete classification of this Act to the Code, see Short Title note set out under section 452 of this title and Tables.

The Indian Education Assistance Act, referred to in subsec. (b)(1), is title II of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2213, which enacted part C (§ 458a et seq.) of subchapter II of chapter 14 of this title, sections 455 to 457 of this title, and provisions set out as a note under section 457 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

The Indian Elementary and Secondary School Assistance Act, referred to in subsec. (b)(2), is title III of act Sept. 30, 1950, ch. 1124, as added by Pub. L. 92-318, title IV, § 411(a), June 23, 1972, 86 Stat. 335, as amended, which was classified generally to subchapter III (§ 241aa et seq.) of chapter 13 of Title 20, Education, and was repealed by Pub. L. 100-297, title V, § 5352(1), Apr. 28, 1988, 102 Stat. 414.

The Indian Education Act, referred to in subsec. (b)(3), is title IV of Pub. L. 92-318, June 23, 1972, 86 Stat. 334, as amended. Section 3385 of Title 20, which was enacted by section 421(a) of the Act, was repealed by Pub. L. 100-297, title V, § 5352(2), Apr. 28, 1988. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-573 substituted “1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000” for “1989, 1990, 1991, and 1992”.

1988—Subsec. (a). Pub. L. 100-690 substituted “1989, 1990, 1991, and 1992” for “1987, 1988, and 1989”.

**§ 2433. Emergency shelters**

**(a) In general**

A Tribal Action Plan adopted pursuant to section 2412 of this title may make such provisions

<sup>1</sup> See References in Text note below.

as may be necessary and practical for the establishment, funding, licensing, and operation of emergency shelters or half-way houses for Indian youth who are alcohol or substance abusers, including youth who have been arrested for offenses directly or indirectly related to alcohol or substance abuse. Half-way houses may be used as either intake facilities or aftercare facilities for youth admitted, or to be admitted, for long-term treatment of substance abuse. The Indian Health Service, the Bureau of Indian Affairs, and the tribes are authorized to use their respective resources to adequately staff and operate any such facility.

**(b) Referrals**

(1) In any case where an Indian youth is arrested or detained by the Bureau of Indian Affairs or tribal law enforcement personnel for an offense relating to alcohol or substance abuse, other than for a status offense as defined by the Juvenile Justice and Delinquency Prevention Act of 1974 [42 U.S.C. 5601 et seq.], under circumstances where such youth may not be immediately restored to the custody of his parents or guardians and where there is space available in an appropriately licensed and supervised emergency shelter or half-way house, such youth shall be referred to such facility in lieu of incarceration in a secured facility unless such youth is deemed a danger to himself or to other persons.

(2) In any case where there is a space available in an appropriately licensed and supervised emergency shelter or half-way house, the Bureau of Indian Affairs and tribal courts are encouraged to refer Indian youth convicted of offenses directly or indirectly related to alcohol and substance abuse to such facilities in lieu of sentencing to incarceration in a secured juvenile facility.

**(c) Direction to States**

In the case of any State that exercises criminal jurisdiction over any part of Indian country under section 1162 of title 18 or section 1321 of this title, such State is urged to require its law enforcement officers to—

(1) place any Indian youth arrested for any offense related to alcohol or substance abuse in a temporary emergency shelter described in subsection (d) of this section or a community-based alcohol or substance abuse treatment facility in lieu of incarceration to the extent such facilities are available, and

(2) observe the standards promulgated under subsection (d) of this section.

**(d) Standards**

The Assistant Secretary of Indian Affairs shall, as part of the development of the Memorandum of Agreement set out in section 2411 of this title, promulgate standards by which the emergency shelters established under a program pursuant to subsection (a) of this section shall be established and operated.

**(e) Authorization**

(1) For the planning and design, construction, and renovation of, or purchase or lease of land or facilities for, emergency shelters and half-way houses to provide emergency care for Indian

youth, there are authorized to be appropriated \$10,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(2) For the staffing and operation of emergency shelters and half-way houses, there are authorized to be appropriated \$5,000,000 for fiscal year 1993 and \$7,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(3) The Secretary of the Interior shall allocate funds appropriated pursuant to this subsection on the basis of priority of need of the various Indian tribes and such funds, when allocated, shall be subject to contracting or available for grants pursuant to the Indian Self-Determination Act [25 U.S.C. 450f et seq.].

(4) Funds appropriated under the authority of this subsection may be used by any Indian tribe or tribal organization to purchase or lease any land or facilities if—

(A) the Secretary of the Interior determines that no Federal land or facilities are reasonably available for emergency shelters or halfway<sup>1</sup> houses described in subsection (a) of this section to serve the needs of that Indian tribe or tribal organization, and

(B) the Indian tribe or tribal organization enters into an agreement with the Secretary of the Interior that requires the Indian tribe or tribal organization to use the land or facilities for emergency shelters or half-way houses described in subsection (a) of this section.

(5) Nothing in this chapter<sup>2</sup> may be construed—

(A) to limit the authority for contracts with, or grants to, Indian tribes or tribal organizations under the Indian Self-Determination Act [25 U.S.C. 450f et seq.] for the construction, improvement, renovation, operation, repair, land acquisition, or maintenance of tribal juvenile detention facilities, emergency shelters, or half-way houses, or

(B) to require a lease of tribal facilities to the United States to qualify for financial assistance for the facilities under this chapter or any other Act.

(Pub. L. 99-570, title IV, § 4213, Oct. 27, 1986, 100 Stat. 3207-144; Pub. L. 100-690, title II, § 2207, Nov. 18, 1988, 102 Stat. 4218; Pub. L. 101-272, Apr. 18, 1990, 104 Stat. 137; Pub. L. 102-573, title VII, § 703(5), Oct. 29, 1992, 106 Stat. 4583.)

#### REFERENCES IN TEXT

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in subsec. (b)(1), is Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109, as amended, which is classified principally to chapter 72 (§5601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of Title 42 and Tables.

The Indian Self-Determination Act, referred to in subsec. (e)(3), (5)(A), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to part A (§450f et seq.) of subchapter II of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

This chapter, referred to in subsec. (e)(5), was in the original "this Act" and was translated as reading "this

subtitle", meaning subtitle C of title IV of Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207-137, as amended, known as the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986, which is classified generally to this chapter, to reflect the probable intent of Congress. For complete classification of subtitle C to the Code, see Short Title note set out under section 2401 of this title and Tables.

#### AMENDMENTS

1992—Subsec. (e)(1), (2). Pub. L. 102-573 amended pars. (1) and (2) generally. Prior to amendment, pars. (1) and (2) read as follows:

"(1) For the planning and design, construction, and renovation of, or purchase or lease of land or facilities for, emergency shelters or half-way houses to provide emergency care for Indian youth, there is authorized to be appropriated \$5,000,000 for the fiscal year 1989 and \$3,000,000 for each of the fiscal years 1990, 1991, and 1992.

"(2) For the staffing and operation of emergency shelters and half-way houses, there is authorized to be appropriated \$3,000,000 for the fiscal year 1989 and \$3,000,000 for fiscal year 1990. An amount equal to the amount of funds appropriated pursuant to this paragraph for fiscal year 1990 shall be included in the base budget of the Bureau of Indian Affairs and funding thereafter shall be pursuant to section 13 of this title."

1990—Subsec. (e)(1). Pub. L. 101-272, §1(1), inserted "or purchase or lease of land or facilities for," after "renovation of".

Subsec. (e)(3). Pub. L. 101-272, §1(2), inserted "or available for grants" after "subject to contracting".

Subsec. (e)(4), (5). Pub. L. 101-272, §1(3), added pars. (4) and (5).

1988—Subsec. (a). Pub. L. 100-690, §2207(a), inserted provisions which permitted half-way houses to be used as either intake facilities or aftercare facilities, and authorized Indian Health Service, Bureau of Indian Affairs, and tribes to use resources to staff and operate such facilities.

Subsec. (e). Pub. L. 100-690, §2207(b), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: "For the planning and design, construction, and renovation of emergency shelters or half-way houses to provide emergency care for Indian youth, there is authorized to be appropriated \$5,000,000 for each of the fiscal years 1987, 1988, and 1989. For the operation of emergency shelters or half-way houses there is authorized to be appropriated \$3,000,000 for each of the fiscal years 1987, 1988, and 1989. The Secretary of the Interior shall allocate funds appropriated pursuant to this subsection on the basis of priority of need of the various Indian tribes and such funds, when allocated, shall be subject to contracting pursuant to the Indian Self-Determination Act."

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1665d of this title.

### § 2434. Social services reports

#### (a) Data

The Secretary of the Interior, with respect to the administration of any family or social services program by the Bureau of Indian Affairs directly or through contracts under the Indian Self-Determination Act [25 U.S.C. 450f et seq.], shall require the compilation of data relating to the number and types of child abuse and neglect cases seen and the type of assistance provided. Additionally, such data should also be categorized to reflect those cases that involve, or appear to involve, alcohol and substance abuse, those cases which are recurring, and those cases which involve other minor siblings.

#### (b) Referral of data

The data compiled pursuant to subsection (a) of this section shall be provided annually to the

<sup>1</sup> So in original. Probably should be "half-way".

<sup>2</sup> See References in Text note below.

affected Indian tribe and Tribal Coordinating Committee to assist them in developing or modifying a Tribal Action Plan and shall also be submitted to the Indian Health Service service unit director who will have responsibility for compiling a tribal comprehensive report as provided in section 2477<sup>1</sup> of this title.

**(c) Confidentiality**

In carrying out the requirements of subsections (a) and (b) of this section, the Secretary shall insure that the data is compiled and reported in a manner which will preserve the confidentiality of the families and individuals.

(Pub. L. 99-570, title IV, § 4214, Oct. 27, 1986, 100 Stat. 3207-145.)

REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in subsec. (a), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to part A (§450f et seq.) of subchapter II of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

Section 2477 of this title, referred to in subsec. (b), was repealed by Pub. L. 102-573, title VII, §702(b)(2), Oct. 29, 1992, 106 Stat. 4582. See section 1665f of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1665f of this title.

SUBCHAPTER IV—LAW ENFORCEMENT AND JUDICIAL SERVICES

**§ 2441. Review of programs**

**(a) Law enforcement and judicial services**

In the development of the Memorandum of Agreement required by section 2411 of this title, the Secretary of the Interior and the Secretary of Health and Human Services, in cooperation with the Attorney General of the United States, shall review and consider—

- (1) the various programs established by Federal law providing law enforcement or judicial services for Indian tribes, and
- (2) tribal and State and local law enforcement and judicial programs and systems

to determine their applicability and relevance in carrying out the purposes of this chapter.

**(b) Dissemination of review**

The results of the review conducted pursuant to subsection (a) of this section shall be made available to every Indian tribe as soon as possible for their consideration and use in the development and modification of a Tribal Action Plan.

(Pub. L. 99-570, title IV, § 4215, Oct. 27, 1986, 100 Stat. 3207-145.)

**§ 2442. Illegal narcotics traffic on Tohono O'odham and St. Regis Reservations; source eradication**

**(a) Investigation and control**

(1) The Secretary of the Interior shall provide assistance to—

(A) the Tohono O'odham Tribe of Arizona for the investigation and control of illegal narcotics traffic on the Tohono O'odham Reservation along the border with Mexico,

(B) the St. Regis Band of Mohawk Indians of New York for the development of tribal law enforcement and judicial systems to aid in the investigation and control of illegal narcotics traffic on the St. Regis Reservation along the border with Canada, and

(C) the Makah Indian Tribe of Washington for the investigation and control of illegal narcotic traffic on the Makah Indian Reservation arising from its proximity to international waters.

(2) The Secretary shall ensure that tribal efforts under this subsection are coordinated with appropriate Federal law enforcement agencies, including the United States Custom<sup>1</sup> Service.

(3) For the purpose of providing the assistance required by this subsection, there are authorized to be appropriated—

(A) \$500,000 under paragraph (1)(A) for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000,

(B) \$500,000 under paragraph (1)(B) for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000, and

(C) \$500,000 under paragraph (1)(C) for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

**(b) Marijuana eradication and interdiction**

(1) The Secretary of the Interior, in cooperation with appropriate Federal, tribal, and State and local law enforcement agencies, shall establish and implement a program for the eradication of marijuana cultivation, and interdiction, investigation, and control of illegal narcotics trafficking within Indian country as defined in section 1152 of title 18. The Secretary shall establish a priority for the use of funds appropriated under paragraph (2) for those Indian reservations where the scope of the problem is most critical, and such funds shall be available for contracting by Indian tribes pursuant to the Indian Self-Determination Act (25 U.S.C. 450f et seq.).

(2) For the purpose of establishing the program required by paragraph (1), there are authorized to be appropriated \$2,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(Pub. L. 99-570, title IV, § 4216, Oct. 27, 1986, 100 Stat. 3207-146; Pub. L. 100-690, title II, § 2208, Nov. 18, 1988, 102 Stat. 4218; Pub. L. 102-573, title VII, § 703(6)-(8), Oct. 29, 1992, 106 Stat. 4583.)

REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in subsec. (b)(1), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to part A (§450f et seq.) of subchapter II of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

<sup>1</sup> See References in Text note below.

<sup>1</sup> So in original. Probably should be "Customs".

## AMENDMENTS

1992—Subsec. (a)(1)(C). Pub. L. 102-573, §703(6), added subpar. (C).

Subsec. (a)(3). Pub. L. 102-573, §703(7), amended par. (3) generally. Prior to amendment, par. (3) read as follows: "For the purpose of providing the assistance required by this subsection, there are authorized to be appropriated—

"(A) \$500,000 under paragraph (1)(A) for each of the fiscal years 1989, 1990, 1991, and 1992, and

"(B) \$450,000 under paragraph (1)(B) for each of the fiscal years 1989 and 1990."

Subsec. (b). Pub. L. 102-573, §703(8), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows:

"(1) The Secretary of the Interior, in cooperation with appropriate Federal, tribal, and State and local law enforcement agencies, shall establish and implement a program for the eradication of marijuana cultivation within Indian country as defined in section 1152 of title 18. The Secretary shall establish a priority for the use of funds appropriated under subsection (b) of this section for those Indian reservations where the scope of the problem is most critical, and such funds shall be available for contracting by Indian tribes pursuant to the Indian Self-Determination Act.

"(2) AUTHORIZATION.—For the purpose of establishing the program required by paragraph (1), there are authorized to be appropriated \$500,000 for each of the fiscal years 1989, 1990, 1991, and 1992."

1988—Pub. L. 100-690, §2208(a), substituted "Tohono O'odham and St. Regis Reservations;" for "Papago Reservation;" in section catchline.

Subsec. (a). Pub. L. 100-690, §2208(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows:

"(1) INVESTIGATION AND CONTROL.—The Secretary of the Interior shall provide assistance to the Papago Indian Tribe (Tohono O'odham) of Arizona for the investigation and control of illegal narcotics traffic on the Papago Reservation along the border with Mexico. The Secretary shall ensure that tribal efforts are coordinated with appropriate Federal law enforcement agencies, including the United States Customs Service.

"(2) AUTHORIZATIONS.—For the purpose of providing the assistance required by subsection (a) of this section, there is authorized to be appropriated \$500,000 for each of the fiscal years 1987, 1988, and 1989."

Subsec. (b)(2). Pub. L. 100-690, §2208(b), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "To carry out subsection (a) of this section, there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 1987, 1988, and 1989."

#### SUBCHAPTER V—BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT

### § 2451. Bureau of Indian Affairs law enforcement and judicial training

#### (a) In general

The Secretary of the Interior shall ensure, through the establishment of a new training program or through the supplement of existing training programs, that all Bureau of Indian Affairs and tribal law enforcement and judicial personnel shall have available training in the investigation and prosecution of offenses relating to illegal narcotics and in alcohol and substance abuse prevention and treatment. Any training provided to Bureau of Indian Affairs and tribal law enforcement and judicial personnel as provided in this subsection shall specifically include training in the problems of youth alcohol and substance abuse prevention and treatment. Such training shall be coordinated with the In-

dian Health Service in the carrying out of its responsibilities under section 2475<sup>1</sup> of this title.

#### (b) Authorization

For the purposes of providing the training required by subsection (a) of this section, there are authorized to be appropriated \$2,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999 and 2000.

(Pub. L. 99-570, title IV, §4218, Oct. 27, 1986, 100 Stat. 3207-146; Pub. L. 100-690, title II, §2209, Nov. 18, 1988, 102 Stat. 4219; Pub. L. 102-573, title VII, §703(9), Oct. 29, 1992, 106 Stat. 4584.)

## REFERENCES IN TEXT

Section 2475 of this title, referred to in subsec. (a), was repealed by Pub. L. 102-573, title VII, §702(b)(2), Oct. 29, 1992, 106 Stat. 4582. See section 1665d of this title.

## AMENDMENTS

1992—Subsec. (b). Pub. L. 102-573 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "For the purpose of providing the training required by subsection (a) of this section, there are authorized to be appropriated \$1,500,000 for each of the fiscal years 1989, 1990, 1991, and 1992."

1988—Subsec. (b). Pub. L. 100-690 amended subsec. (b) generally, substituting "1989, 1990, 1991, and 1992" for "1987, 1988, and 1989".

### § 2452. Medical assessment and treatment of juvenile offenders

#### (a) Development and implementation of procedures

The Memorandum of Agreement entered into pursuant to section 2411 of this title shall include a specific provision for the development and implementation at each Bureau of Indian Affairs<sup>1</sup> agency and Indian Health Service unit of a procedure for the emergency medical assessment and treatment of every Indian youth arrested or detained by Bureau of Indian Affairs or tribal law enforcement personnel for an offense relating to or involving alcohol or substance abuse. The medical assessment required by this subsection—

(1) shall be conducted to determine the mental or physical state of the individual assessed so that appropriate steps can be taken to protect the individual's health and well-being,

(2) shall occur as soon as possible after the arrest or detention of an Indian youth, and

(3) shall be provided by the Indian Health Service, either through its direct or contract health service.

#### (b) Treatment of certain committed youth

The Indian Health Service shall not refuse to provide necessary interim treatment for any Indian youth referred pursuant to subsection (a) of this section who has been charged or is being prosecuted for any crime unless such referral is prohibited by a court of competent jurisdiction or the youth is determined by a court of competent jurisdiction to be a danger to others.

(Pub. L. 99-570, title IV, §4219, Oct. 27, 1986, 100 Stat. 3207-147; Pub. L. 100-690, title II, §2210, Nov. 18, 1988, 102 Stat. 4219.)

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. Probably should be "Affairs".

## AMENDMENTS

1988—Pub. L. 100-690 designated existing provisions as subsec. (a) and added subsec. (b).

**§ 2453. Juvenile detention centers****(a) Plan**

The Secretary of the Interior shall construct or renovate and staff new or existing juvenile detention centers. The Secretary shall ensure that the construction and operation of the centers is consistent with the Juvenile Justice and Delinquency Prevention Act of 1974 [42 U.S.C. 5601 et seq.].

**(b) Authorization**

(1) For the purpose of constructing or renovating juvenile detention centers as provided in subsection (a) of this section, there are authorized to be appropriated \$10,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(2) For the purpose of staffing and operating juvenile detention centers, there are authorized to be appropriated \$7,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(Pub. L. 99-570, title IV, § 4220, Oct. 27, 1986, 100 Stat. 3207-147; Pub. L. 100-690, title II, § 2211, Nov. 18, 1988, 102 Stat. 4219; Pub. L. 102-573, title VII, § 703(10), Oct. 29, 1992, 106 Stat. 4584.)

## REFERENCES IN TEXT

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in subsec. (a), is Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109, as amended, which is classified principally to chapter 72 (§ 5601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of Title 42 and Tables.

## AMENDMENTS

1992—Subsec. (b). Pub. L. 102-573 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows:

“(1) For the purpose of constructing or renovating juvenile detention centers as provided in subsection (a) of this section, there is authorized to be appropriated \$10,000,000 for the fiscal year 1989 and \$5,000,000 for each of the fiscal years 1990 and 1991.

“(2) For the purpose of staffing and operating juvenile detention centers, there is authorized to be appropriated \$5,000,000 for each of the fiscal years 1989 and 1990. An amount equal to the amount of funds appropriated pursuant to this paragraph for fiscal year 1990 shall be included in the base budget of the Bureau of Indian Affairs and funding thereafter shall be pursuant to section 13 of this title.”

1988—Subsec. (b). Pub. L. 100-690 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “For the purpose of subsection (a) of this section, there is authorized to be appropriated \$10,000,000 for construction and renovation for each of the fiscal years 1987, 1988, and 1989, and \$5,000,000 for staffing and operation for each of the fiscal years 1987, 1988, and 1989.”

**§ 2454. Model Indian Juvenile Code**

The Secretary of the Interior, either directly or by contract, shall provide for the development of a Model Indian Juvenile Code which shall be consistent with the Juvenile Justice and Delinquency Prevention Act of 1974 [42

U.S.C. 5601 et seq.] and which shall include provisions relating to the disposition of cases involving Indian youth arrested or detained by Bureau of Indian Affairs or tribal law enforcement personnel for alcohol or drug related offenses. The development of such model code<sup>1</sup> shall be accomplished in cooperation with Indian organizations having an expertise or knowledge in the field of law enforcement and judicial procedure and in consultation with Indian tribes. Upon completion of the Model Code, the Secretary shall make copies available to each Indian tribe. (Pub. L. 99-570, title IV, § 4221, Oct. 27, 1986, 100 Stat. 3207-147.)

## REFERENCES IN TEXT

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in text, is Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109, as amended, which is classified principally to chapter 72 (§ 5601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of Title 42 and Tables.

**§ 2455. Law enforcement and judicial report****(a) Compilation of law enforcement data**

The Secretary of the Interior, with respect to the administration of any law enforcement or judicial services program by the Bureau of Indian Affairs, either directly or through contracts under the Indian Self-Determination Act [25 U.S.C. 450f et seq.], shall require the compilation of data relating to calls and encounters, arrests and detentions, and disposition of cases by Bureau of Indian Affairs or tribal law enforcement or judicial personnel involving Indians where it is determined that alcohol or substance abuse is a contributing factor.

**(b) Referral of data**

The data compiled pursuant to subsection (a) of this section shall be provided annually to the affected Indian tribe and Tribal Coordinating Committee to assist them in developing or modifying a Tribal Action Plan and shall also be submitted to the Indian Health Service<sup>1</sup> unit director who will have the responsibility for compiling a tribal comprehensive report as provided in section 2477<sup>2</sup> of this title.

**(c) Confidentiality**

In carrying out this section, the Secretary shall insure that the data is compiled and reported in a manner which will preserve the confidentiality of the families and individuals involved.

(Pub. L. 99-570, title IV, § 4222, Oct. 27, 1986, 100 Stat. 3207-148.)

## REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in subsec. (a), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to part A (§ 450f et seq.) of subchapter II of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

Section 2477 of this title, referred to in subsec. (b), was repealed by Pub. L. 102-573, title VII, § 702(b)(2),

<sup>1</sup> So in original. Probably should be “Model Code”.

<sup>2</sup> So in original. Probably should be followed by “service”.

<sup>3</sup> See References in Text note below.

Oct. 29, 1992, 106 Stat. 4582. See section 1665f of this title.

**SUBCHAPTER VI—INDIAN ALCOHOL AND SUBSTANCE ABUSE TREATMENT AND REHABILITATION**

**§ 2471. Transferred**

**CODIFICATION**

Section, Pub. L. 99-570, title IV, § 4224, Oct. 27, 1986, 100 Stat. 3207-148, which related to review of programs providing health services and benefits to Indians, was renumbered section 4208A of Pub. L. 99-570 by Pub. L. 102-573, title VII, § 702(b)(1), Oct. 29, 1992, 106 Stat. 4582, and transferred to section 2414a of this title.

**§§ 2472 to 2478. Repealed. Pub. L. 102-573, title VII, § 702(b)(2), Oct. 29, 1992, 106 Stat. 4582**

Section 2472, Pub. L. 99-570, title IV, § 4225, Oct. 27, 1986, 100 Stat. 3207-148, related to responsibilities of Indian Health Service for alcohol and substance abuse prevention and treatment. See section 1665 of this title.

Section 2473, Pub. L. 99-570, title IV, § 4226, Oct. 27, 1986, 100 Stat. 3207-149; Pub. L. 100-690, title II, § 2217, Nov. 18, 1988, 102 Stat. 4222, provided for program of alcohol and substance abuse prevention and treatment through Indian Health Service. See section 1665a of this title.

Section 2474, Pub. L. 99-570, title IV, § 4227, Oct. 27, 1986, 100 Stat. 3207-149; Pub. L. 100-690, title II, § 2212, Nov. 18, 1988, 102 Stat. 4219; Pub. L. 101-630, title V, § 509(a), Nov. 28, 1990, 104 Stat. 4567, provided for Indian Health Service program of alcohol and substance abuse detoxification and rehabilitation for Indian youth. See section 1665c of this title.

Section 2475, Pub. L. 99-570, title IV, § 4228, Oct. 27, 1986, 100 Stat. 3207-150; Pub. L. 100-690, title II, § 2213, Nov. 18, 1988, 102 Stat. 4220, provided for program of training and community education about alcohol and substance abuse. See section 1665d of this title.

Section 2476, Pub. L. 99-570, title IV, § 4229, Oct. 27, 1986, 100 Stat. 3207-152; Pub. L. 100-690, title II, § 2214, Nov. 18, 1988, 102 Stat. 4220, provided for establishment of Navajo alcohol rehabilitation demonstration program.

Section 2477, Pub. L. 99-570, title IV, § 4230, Oct. 27, 1986, 100 Stat. 3207-152, related to compilation of data and preparation of reports on cases of alcohol or substance abuse in which Indian Health Service personnel or services were involved. See section 1665f of this title.

Section 2478, Pub. L. 99-570, title IV, § 4231, as added Pub. L. 100-690, title II, § 2215, Nov. 18, 1988, 102 Stat. 4221, authorized grants for alcohol and substance abuse prevention and treatment in urban centers.

**CHAPTER 27—TRIBALLY CONTROLLED SCHOOL GRANTS**

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**CHAPTER REFERRED TO IN OTHER SECTIONS**

This chapter is referred to in sections 2001, 2008, 2026, 3207 of this title; title 20 section 7813.

**§ 2501. Findings**

The Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, Indians, finds that—

(1) the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450 et seq.], which was a product of the legitimate aspirations and a recognition of the inherent authority of Indian nations, was and is a crucial positive step towards tribal and community control;

(2) the Bureau of Indian Affairs' administration and domination of the contracting process under such Act [25 U.S.C. 450 et seq.] has not provided the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied to the Indian people an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities;

(3) Indians will never surrender their desire to control their relationships both among themselves and with the non-Indian governments, organizations, and persons;

(4) true self-determination in any society of people is dependent upon an educational process which will ensure the development of qualified people to fulfill meaningful leadership roles;

(5) the Federal administration of education for Indian children has not effected the desired level of educational achievement nor created