

§ 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, the Attorney General, 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, the Attorney General, 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 Attorney General, 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, the Department of Justice, 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, the Attorney General, 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 regional treatment center to be established pursuant to section 2474(b)¹ 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; Pub. L. 111-211, title II, § 241(a)(5), July 29, 2010, 124 Stat. 2289.)

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.

¹ See References in Text note below.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-211, § 241(a)(5)(A), inserted “, the Attorney General,” after “the Secretary of the Interior”.

Subsec. (b). Pub. L. 111-211, § 241(a)(5)(B), inserted “, the Attorney General,” after “the Secretary of the Interior” in first sentence, “, nor the Attorney General,” after “the Secretary of the Interior” in second sentence, and “, the Department of Justice,” after “the Department of the Interior” in third sentence.

Subsec. (c)(1). Pub. L. 111-211, § 241(a)(5)(C), which directed insertion of “, the Attorney General,” after “the Secretary of the Interior”, was executed by making the insertion after “The Secretary of the Interior”, to reflect the probable intent of Congress.

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(l) of that Act [25 U.S.C. 450b(l)].”

§ 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, the Attorney General, 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; Pub. L. 111-211, title II, § 241(a)(6), July 29, 2010, 124 Stat. 2289.)

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-211 inserted “, the Attorney General,” after “the Secretary of the Interior” in introductory provisions.

§ 2432. Indian education programs

(a) Summer youth programs

(1) In general

The head of the Indian Alcohol and Substance Abuse Program, in coordination with the Assistant Secretary for Indian Affairs, shall develop and implement programs in tribal schools and schools funded by the Bureau of

Indian Education (subject to the approval of the local school board or contract school board) to determine the effectiveness of summer youth programs in advancing the purposes and goals of this Act.

(2) Costs

The head of the Indian Alcohol and Substance Abuse Program and the Assistant Secretary shall defray all costs associated with the actual operation and support of the summer youth programs in a school from funds appropriated to carry out this subsection.

(3) Authorization of appropriations

There are authorized to be appropriated to carry out the programs under this subsection \$5,000,000 for each of fiscal years 2011 through 2015.

(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.),¹ and

(3) the Indian Education Act (20 U.S.C. 3385),¹

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; Pub. L. 111-211, title II, § 241(b), July 29, 2010, 124 Stat. 2289.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(1), is Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207, known as the Anti-Drug Abuse Act of 1986. For complete classification of this Act to the Code, see Short Title of 1986 Amendment note set out under section 801 of Title 21, Food and Drugs, and Tables.

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. 334, 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.

¹ See References in Text note below.