

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, the Attorney General, 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; Pub. L. 111-211, title II, § 241(d), July 29, 2010, 124 Stat. 2290.)

AMENDMENTS

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

§ 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;

(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; and

(D) the Blackfeet Nation of Montana for the investigation and control of illegal narcotics traffic on the Blackfeet Indian Reservation along the border with Canada.

(2) The Secretary shall ensure that tribal efforts under this subsection are coordinated with appropriate Federal law enforcement agencies, including the United States Customs and Border Protection, the Bureau of Immigration and Customs Enforcement, and the Drug Enforcement Administration.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out

this subsection \$2,000,000 for each of fiscal years 2011 through 2015.

(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 each of fiscal years 2011 through 2015.

(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; Pub. L. 111-211, title II, § 241(e), July 29, 2010, 124 Stat. 2290.)

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.

AMENDMENTS

2010—Subsec. (a)(1)(D). Pub. L. 111-211, § 241(e)(1)(A), added subpar. (D).

Subsec. (a)(2). Pub. L. 111-211, § 241(e)(1)(B), substituted “United States Customs and Border Protection, the Bureau of Immigration and Customs Enforcement, and the Drug Enforcement Administration” for “United States Custom Service”.

Subsec. (a)(3). Pub. L. 111-211, § 241(e)(1)(C), added par. (3) and struck out former par. (3) which 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 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.”

Subsec. (b)(2). Pub. L. 111-211, § 241(e)(2), which directed striking “for the 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 “for each of fiscal years 2011 through 2015.”, was executed by substituting “for each of fiscal years 2011 through 2015” for “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”, to reflect the probable intent of Congress.

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) Training programs

##### (1) In general

The Secretary of the Interior, in coordination with the Attorney General, the Administrator of the Drug Enforcement Administration, and the Director of the Federal Bureau of Investigation, shall ensure, through the establishment of a new training program or by supplementing existing training programs, that all Bureau of Indian Affairs and tribal law enforcement and judicial personnel have access to training regarding—

(A) the investigation and prosecution of offenses relating to illegal narcotics; and

(B) alcohol and substance abuse prevention and treatment.

##### (2) Youth-related training

Any training provided to Bureau of Indian Affairs or tribal law enforcement or judicial

personnel under paragraph (1) shall include training in issues relating to youth alcohol and substance abuse prevention and treatment.

#### (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 are necessary for each of fiscal years 2011 through 2015.

(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; Pub. L. 111-211, title II, § 241(f), July 29, 2010, 124 Stat. 2291.)

#### AMENDMENTS

2010—Subsec. (a). Pub. L. 111-211, § 241(f)(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: "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 Indian Health Service in the carrying out of its responsibilities under section 2475 of this title."

Subsec. (b). Pub. L. 111-211, § 241(f)(2), substituted "as are necessary for each of fiscal years 2011 through 2015." for "as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999 and 2000."

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

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