

(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 the period of fiscal years 2011 through 2015.

(e) Federal action

If any Indian tribe does not adopt a resolution as provided in subsection (a) of this section 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, the Attorney General, 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 years 2011 through 2015.

(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; Pub. L. 111-211, title II, § 241(a)(2), July 29, 2010, 124 Stat. 2287.)

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.

AMENDMENTS

2010—Subsec. (b). Pub. L. 111-211, § 241(a)(2)(A), inserted “, the Office of Justice Programs, the Substance

Abuse and Mental Health Services Administration,” before “and the Indian Health Service service unit”.

Subsec. (c)(1)(A)(i). Pub. L. 111-211, § 241(a)(2)(B), inserted “, the Office of Justice Programs, the Substance Abuse and Mental Health Services Administration,” before “and the Indian Health Service service unit”.

Subsec. (d)(2). Pub. L. 111-211, § 241(a)(2)(C), substituted “the period of fiscal years 2011 through 2015” for “fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000”.

Subsec. (e). Pub. L. 111-211, § 241(a)(2)(D), inserted “, the Attorney General,” after “the Secretary of the Interior”.

Subsec. (f)(3). Pub. L. 111-211, § 241(a)(2)(E), substituted “fiscal years 2011 through 2015” for “fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000”.

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.”

§ 2413. Departmental responsibility

(a) Implementation

The Secretary of the Interior, acting through the Bureau of Indian Affairs, the Attorney General, 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) Establishment

(A) In general

To improve coordination among the Federal agencies and departments carrying out this chapter, there is established within the Substance Abuse and Mental Health Services Administration an office, to be known as the “Office of Indian Alcohol and Substance Abuse” (referred to in this section as the “Office”).

(B) Director

The director of the Office shall be appointed by the Administrator of the Substance Abuse and Mental Health Services Administration—

- (i) on a permanent basis; and
- (ii) at a grade of not less than GS-15 of the General Schedule.

(2) Responsibilities of Office

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

- (A) coordinating with other agencies to monitor the performance and compliance of the relevant Federal programs in achieving

the goals and purposes of this chapter and the Memorandum of Agreement entered into under section 2411 of this title;

(B) serving as a point of contact 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; and

(C) not later than 1 year after July 29, 2010, developing, in coordination and consultation with tribal governments, a framework for interagency and tribal coordination that—

(i) establish¹ the goals and other desired outcomes of this Act;

(ii) prioritizes outcomes that are aligned with the purposes of affected agencies;

(iii) provides guidelines for resource and information sharing;

(iv) provides technical assistance to the affected agencies to establish effective and permanent interagency communication and coordination; and

(v) determines whether collaboration is feasible, cost-effective, and within agency capability.

(3) Appointment of employees

The Administrator of the Substance Abuse and Mental Health Services Administration shall appoint such employees to work in the Office, and shall provide such funding, services, and equipment, as may be necessary to enable the Office to carry out the responsibilities under this subsection.

(c) Indian Youth Programs Officer

(1) There is established in the Office the position to be known as the Indian Youth Programs Officer. The Administrator of the Substance Abuse and Mental Health Services Administration 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 such Officer shall be responsible for—

(A) monitoring the performance and compliance of the applicable Federal programs 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 Indian tribes and Tribal Coordinating Committees, to the Director of the Office 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; Pub. L. 111-211, title II, § 241(a)(3), July 29, 2010, 124 Stat. 2288.)

¹ So in original. Probably should be “establishes”.

REFERENCES IN TEXT

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

This Act, referred to in subsec. (b)(2)(C)(i), 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.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-211, § 241(a)(3)(A), inserted “, the Attorney General” after “Bureau of Indian Affairs”.

Subsec. (b)(1). Pub. L. 111-211, § 241(a)(3)(B)(i), added par. (1) and struck out former par. (1) which read as follows: “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 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.”

Subsec. (b)(2). Pub. L. 111-211, § 241(a)(3)(B)(ii)(I), inserted heading.

Subsec. (b)(2)(A). Pub. L. 111-211, § 241(a)(3)(B)(ii)(II), added subpar. (A) and struck out former subpar. (A) which read as follows: “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”.

Subsec. (b)(2)(B). Pub. L. 111-211, § 241(a)(3)(B)(ii)(III)(aa), struck out “within the Bureau of Indian Affairs” after “point of contact”.

Subsec. (b)(2)(C). Pub. L. 111-211, § 241(a)(3)(B)(ii)(III)(bb), (IV), added subpar. (C).

Subsec. (b)(3). Pub. L. 111-211, § 241(a)(3)(B)(iii), added par. (3) and struck out former par. (3) which 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 funding, services, and equipment as may be necessary to enable the Office of Alcohol and Substance Abuse to carry out its responsibilities.”

Subsec. (c)(1). Pub. L. 111-211, § 241(a)(3)(C)(i), (ii), struck out “of Alcohol and Substance Abuse” after “Office” and substituted “The Administrator of the Substance Abuse and Mental Health Services Administration” for “The Assistant Secretary of the Interior for Indian Affairs”.

Subsec. (c)(3). Pub. L. 111-211, § 241(a)(3)(C)(iii)(I), which directed substitution of “youth” for “Youth” in introductory provisions, was executed by making the substitution for “Youth” the second time appearing, to reflect the probable intent of Congress.

Subsec. (c)(3)(A). Pub. L. 111-211, § 241(a)(3)(C)(iii)(II), substituted “the applicable Federal programs” for “programs of the Bureau of Indian Affairs”.

Subsec. (c)(3)(B). Pub. L. 111-211, § 241(a)(3)(C)(i), struck out “of Alcohol and Substance Abuse” after “Office”.

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, the Attorney General, 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; amended Pub. L. 111-211, title II, § 241(a)(4), July 29, 2010, 124 Stat. 2289.)

CODIFICATION

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

Pub. L. 111-211, § 241(a)(4), which directed amendment of section 4208a of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986, was executed to this section, which is section 4208A of the Act, to reflect the probable intent of Congress. See 2010 Amendment note below.

AMENDMENTS

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

§ 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.