

## 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.),<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; 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.

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.

CODIFICATION

Pub. L. 111-211, § 241(b), which directed amendment of “[s]ection 4212 of the Indian Alcohol and Substance Abuse Prevention Act of 1986”, was executed to this section, which is section 4212 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986, to reflect the probable intent of Congress. See 2010 Amendment note below.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-211 added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “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 determine 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.” See Codification note above.

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 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

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