

## § 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) 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) 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) 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)<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; 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.

#### 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:

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