

Mental Health Services Administration, and Indian Health Service alcohol and substance abuse programs existing on October 27, 1986, with programs or efforts established by this chapter,

(5) delineate the responsibilities of the Bureau of Indian Affairs, Department of Justice, Substance Abuse and Mental Health Services Administration, and the Indian Health Service to coordinate alcohol and substance abuse-related services at the central, area, agency, and service unit levels,

(6) direct Bureau of Indian Affairs agency and education superintendents, where appropriate, and the Indian Health Service service unit directors to cooperate fully with tribal requests made pursuant to section 2412 of this title, and

(7) provide for an annual review of such agreements by the Secretary of the Interior, the Attorney General, and the Secretary of Health and Human Services.

(b) Character of activities

To the extent that there are new activities undertaken pursuant to this chapter, those activities shall supplement, not supplant, activities, programs, and local actions that are ongoing on October 27, 1986. Such activities shall be undertaken in the manner least disruptive to tribal control, in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.),¹ and local control, in accordance with section 2010¹ of this title.

(c) Consultation

The Secretary of the Interior, the Attorney General, and the Secretary of Health and Human Services shall, in developing the Memorandum of Agreement under subsection (a), consult with and solicit the comments of—

- (1) interested Indian tribes,
- (2) Indian individuals,
- (3) Indian organizations, and
- (4) professionals in the treatment of alcohol and substance abuse.

(d) Publication

The Memorandum of Agreement under subsection (a) shall be submitted to Congress and published in the Federal Register not later than 130 days after July 29, 2010. At the same time as publication in the Federal Register, the Secretary of the Interior shall provide a copy of this chapter and the Memorandum of Agreement under subsection (a) to each Indian tribe.

(Pub. L. 99-570, title IV, §4205, Oct. 27, 1986, 100 Stat. 3207-139; Pub. L. 111-211, title II, §241(a)(1), July 29, 2010, 124 Stat. 2287.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), referred to in subsection (b), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which was classified principally to subchapter II (§450 et seq.) of chapter 14 of this title prior to editorial reclassification as chapter 46 (§5301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

¹ See References in Text note below.

Section 2010 of this title, referred to in subsection (b), was in the original a reference to section 1130 of the Education Amendments of 1978, Pub. L. 95-561. Section 1130 of Pub. L. 95-561 was omitted in the general amendment of chapter 22 (§2001 et seq.) of this title by Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 3979. Pub. L. 103-382 enacted a new section 1130 of Pub. L. 95-561, relating to uniform direct funding and support, which is classified to section 2010 of this title. Provisions relating to Indian control of Indian education are now contained in section 2011 of this title.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-211, §241(a)(1)(A)(i), in introductory provisions, substituted “Not later than 1 year after July 29, 2010” for “Not later than 120 days after October 27, 1986” and inserted “, the Attorney General,” after “Secretary of the Interior”.

Subsec. (a)(2)(A). Pub. L. 111-211, §241(a)(1)(A)(ii), which directed insertion of “, Office of Justice Programs, Substance Abuse and Mental Health Services Administration,” after “Bureau of Indian Affairs,” was executed by making the insertion after “Bureau of Indian Affairs” to reflect the probable intent of Congress.

Subsec. (a)(4), (5). Pub. L. 111-211, §241(a)(1)(A)(iii), (iv), inserted “, Department of Justice, Substance Abuse and Mental Health Services Administration,” after “Bureau of Indian Affairs”.

Subsec. (a)(7). Pub. L. 111-211, §241(a)(1)(A)(v), inserted “, the Attorney General,” after “Secretary of the Interior”.

Subsec. (c). Pub. L. 111-211, §241(a)(1)(B), inserted “, the Attorney General,” after “Secretary of the Interior” in introductory provisions.

Subsec. (d). Pub. L. 111-211, §241(a)(1)(C), substituted “July 29, 2010” for “October 27, 1986”.

§ 2412. Tribal Action Plans

(a) In general

The governing body of any Indian tribe may, at its discretion, adopt a resolution for the establishment of a Tribal Action Plan to coordinate available resources and programs, including programs and resources made available by this chapter, in an effort to combat alcohol and substance abuse among its members. Such resolution shall be the basis for the implementation of this chapter and of the Memorandum of Agreement under section 2411 of this title.

(b) Cooperation

At the request of any Indian tribe pursuant to a resolution adopted under subsection (a), the Bureau of Indian Affairs agency and education superintendents, where appropriate,¹ the Office of Justice Programs, the Substance Abuse and Mental Health Services Administration, and the Indian Health Service service unit director providing services to such tribe shall cooperate with the tribe in the development of a Tribal Action Plan to coordinate resources and programs relevant to alcohol and substance abuse prevention and treatment. Upon the development of such a plan, such superintendents and director, as directed by the Memorandum of Agreement established under section 2411 of this title, shall enter into an agreement with the tribe for the implementation of the Tribal Action Plan under subsection (a).

(c) Provisions

(1) Any Tribal Action Plan entered into under subsection (b) shall provide for—

¹ So in original.

(A) the establishment of a Tribal Coordinating Committee which shall—

(i) at a minimum, have as members a tribal representative who shall serve as Chairman and the Bureau of Indian Affairs agency and education superintendents, where appropriate,¹ the Office of Justice Programs, the Substance Abuse and Mental Health Services Administration, and the Indian Health Service service unit director, or their representatives,

(ii) have primary responsibility for the implementation of the Tribal Action Plan,

(iii) have the responsibility for on-going review and evaluation of, and the making of recommendations to the tribe relating to, the Tribal Action Plan, and

(iv) have the responsibility for scheduling Federal, tribal or other personnel for training in the prevention and treatment of alcohol and substance abuse among Indians as provided under section 2475² of this title, and

(B) the incorporation of the minimum standards for those programs and services which it encompasses which shall be—

(i) the Federal or State standards as provided in section 2411(a)(3) of this title, or

(ii) applicable tribal standards, if such standards are no less stringent than the Federal or State standards.

(2) Any Tribal Action Plan may, among other things, provide for—

(A) an assessment of the scope of the problem of alcohol and substance abuse for the Indian tribe which adopted the resolution for the Plan,

(B) the identification and coordination of available resources and programs relevant to a program of alcohol and substance abuse prevention and treatment,

(C) the establishment and prioritization of goals and the efforts needed to meet those goals,

(D) the identification of the community and family roles in any of the efforts undertaken as part of the Tribal Action Plan,

(E) the establishment of procedures for amendment and revision of the plan as may be determined necessary by the Tribal Coordinating Committee, and

(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) 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) 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).

(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) 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).

² See References in Text note below.

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.)

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 Af-

¹ So in original. Probably should be "establishes".