

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) 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.)

Editorial Notes

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.),¹
- (2) the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241aa et seq.),¹ and
- (3) the Indian Education Act (20 U.S.C. 3385),¹

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.)

Editorial Notes

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, popularly known as the Johnson-O'Malley Act, which was classified generally to section 452 et seq. of this title prior to editorial reclassification as section 5342 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.

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 subchapter III (§ 5349 et seq.) of chapter 46 of this title, sections 5345 to 5347 of this title, and provisions set out as a note under section 5347 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.

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

¹ See References in Text note below.

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 [34 U.S.C. 11101 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 emergency shelter or half-way house, the Bureau of Indian Affairs and tribal courts are encouraged to refer Indian youth convicted of offenses directly or indirectly related to alcohol and substance abuse to such facilities in lieu of sentencing to incarceration in a secured juvenile facility.

(c) Direction to States

In the case of any State that exercises criminal jurisdiction over any part of Indian country under section 1162 of title 18 or section 1321 of this title, such State is urged to require its law enforcement officers to—

(1) place any Indian youth arrested for any offense related to alcohol or substance abuse

in a temporary emergency shelter described in subsection (d) or a community-based alcohol or substance abuse treatment facility in lieu of incarceration to the extent such facilities are available, and

(2) observe the standards promulgated under subsection (d).

(d) Standards

The Assistant Secretary of Indian Affairs shall, as part of the development of the Memorandum of Agreement set out in section 2411 of this title, promulgate standards by which the emergency shelters established under a program pursuant to subsection (a) shall be established and operated.

(e) Authorization

(1) For the planning and design, construction, and renovation of, or purchase or lease of land or facilities for, emergency shelters and half-way houses to provide emergency care for Indian youth, there are authorized to be appropriated \$10,000,000 for each of fiscal years 2011 through 2015.

(2) For the staffing and operation of emergency shelters and half-way houses, there are authorized to be appropriated \$5,000,000 for fiscal year 1993 and \$7,000,000 for each of fiscal years 2011 through 2015.

(3) The Secretary of the Interior shall allocate funds appropriated pursuant to this subsection on the basis of priority of need of the various Indian tribes and such funds, when allocated, shall be subject to contracting or available for grants pursuant to the Indian Self-Determination Act [25 U.S.C. 5321 et seq.].

(4) Funds appropriated under the authority of this subsection may be used by any Indian tribe or tribal organization to purchase or lease any land or facilities if—

(A) the Secretary of the Interior determines that no Federal land or facilities are reasonably available for emergency shelters or halfway¹ houses described in subsection (a) to serve the needs of that Indian tribe or tribal organization, and

(B) the Indian tribe or tribal organization enters into an agreement with the Secretary of the Interior that requires the Indian tribe or tribal organization to use the land or facilities for emergency shelters or half-way houses described in subsection (a).

(5) Nothing in this Act may be construed—

(A) to limit the authority for contracts with, or grants to, Indian tribes or tribal organizations under the Indian Self-Determination Act [25 U.S.C. 5321 et seq.] for the construction, improvement, renovation, operation, repair, land acquisition, or maintenance of tribal juvenile detention facilities, emergency shelters, or half-way houses, or

(B) to require a lease of tribal facilities to the United States to qualify for financial assistance for the facilities under this chapter or any other Act.

(Pub. L. 99-570, title IV, §4213, Oct. 27, 1986, 100 Stat. 3207-144; Pub. L. 100-690, title II, §2207, Nov. 18, 1988, 102 Stat. 4218; Pub. L. 101-272, Apr.

¹ So in original. Probably should be “half-way”.