

§ 2306. Authorization of appropriations

(a) There are authorized to be appropriated for the purpose of carrying out the provisions of this chapter \$2,500,000 for each of the fiscal years 1986 and 1987, and such sums as may be necessary for any subsequent fiscal year. The amounts appropriated under the authority of this subsection shall remain available without fiscal year limitation for purposes of carrying out the provisions of this chapter until all claims filed under this chapter have been resolved.

(b) Funds necessary to pay the expenses of administering this chapter shall be appropriated and expended under the authority of the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13), popularly known as the Snyder Act.

(Pub. L. 98-500, § 7, Oct. 19, 1984, 98 Stat. 2318.)

REFERENCES IN TEXT

The Act of November 2, 1921, referred to in subsec. (b), is act Nov. 2, 1921, ch. 115, 42 Stat. 208, as amended, popularly known as the Snyder Act, which is classified to section 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 13 of this title and Tables.

§ 2307. Treatment of funds

Funds distributed under the provisions of this chapter shall not be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act [42 U.S.C. 301 et seq.] or, except for per capita shares in excess of \$2,000, any Federal or federally assisted program.

(Pub. L. 98-500, § 8, Oct. 19, 1984, 98 Stat. 2319.)

REFERENCES IN TEXT

The Social Security Act, referred to in text, is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§ 301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

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SUBCHAPTER I—GENERAL PROVISIONS

§ 2401. Congressional findings

The Congress finds and declares that—

(1) the Federal Government has a historical relationship and unique legal and moral responsibility to Indian tribes and their members,

(2) included in this responsibility is the treaty, statutory, and historical obligation to assist the Indian tribes in meeting the health and social needs of their members,

(3) alcoholism and alcohol and substance abuse is the most severe health and social problem facing Indian tribes and people today and nothing is more costly to Indian people than the consequences of alcohol and substance abuse measured in physical, mental, social, and economic terms,

(4) alcohol and substance abuse is the leading generic risk factor among Indians, and Indians die from alcoholism at over 4 times the age-adjusted rates for the United States population and alcohol and substance misuse results in a rate of years of potential life lost nearly 5 times that of the United States,

(5) 4 of the top 10 causes of death among Indians are alcohol and drug related injuries (18 percent of all deaths), chronic liver disease and cirrhosis (5 percent), suicide (3 percent), and homicide (3 percent),

(6) primarily because deaths from unintentional injuries and violence occur disproportionately among young people, the age-specific death rate for Indians is approximately double the United States rate for the 15 to 45 age group,

(7) Indians between the ages of 15 and 24 years of age are more than 2 times as likely to commit suicide as the general population and approximately 80 percent of those suicides are alcohol-related,

(8) Indians between the ages of 15 and 24 years of age are twice as likely as the general population to die in automobile accidents, 75 percent of which are alcohol-related,

(9) the Indian Health Service, which is charged with treatment and rehabilitation efforts, has directed only 1 percent of its budget for alcohol and substance abuse problems,

(10) the Bureau of Indian Affairs, which has responsibility for programs in education, social services, law enforcement, and other areas, has assumed little responsibility for coordinating its various efforts to focus on the epidemic of alcohol and substance abuse among Indian people,

(11) this lack of emphasis and priority continues despite the fact that Bureau of Indian Affairs and Indian Health Service officials publicly acknowledge that alcohol and substance abuse among Indians is the most serious health and social problem facing the Indian people, and

(12) the Indian tribes have the primary responsibility for protecting and ensuring the well-being of their members and the resources made available under this chapter will assist Indian tribes in meeting that responsibility.

(Pub. L. 99-570, title IV, § 4202, Oct. 27, 1986, 100 Stat. 3207-137.)

REFERENCES IN TEXT

This chapter, referred to in par. (12), was in the original "this subtitle", meaning subtitle C of title IV of Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207-137, known as the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986, which is classified generally to this chapter. For complete classification of subtitle C to the Code, see Short Title note below and Tables.

SHORT TITLE

Section 4201 of title IV of Pub. L. 99-570 provided that: "This subtitle [subtitle C, §§ 4201 to 4230 of Pub. L. 99-570, enacting this chapter, amending section 1302 of this title, and enacting provisions set out as a note under section 1302 of this title] may be cited as the 'Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986'."

§ 2402. Purpose

It is the purpose of this chapter to—

(1) authorize and develop a comprehensive, coordinated attack upon the illegal narcotics traffic in Indian country and the deleterious impact of alcohol and substance abuse upon Indian tribes and their members,

(2) provide needed direction and guidance to those Federal agencies responsible for Indian programs to identify and focus existing programs and resources, including those made available by this chapter, upon this problem,

(3) provide authority and opportunities for Indian tribes to develop and implement a coordinated program for the prevention and treatment of alcohol and substance abuse at the local level, and

(4) to¹ modify or supplement existing programs and authorities in the areas of education, family and social services, law enforcement and judicial services, and health services to further the purposes of this chapter.

(Pub. L. 99-570, title IV, § 4203, Oct. 27, 1986, 100 Stat. 3207-138.)

§ 2403. Definitions

For purposes of this chapter—

(1) The term "agency" means the local administrative entity of the Bureau of Indian Affairs serving one or more Indian tribes within a defined geographic area.

(2) The term "youth" shall have the meaning given it in any particular Tribal Action Plan adopted pursuant to section 2411 of this title, except that, for purposes of statistical reporting under this chapter, it shall mean a person who is 19 years or younger or who is in attendance at a secondary school.

¹So in original.

(3) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians (including any Alaska Native village or regional or village corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians.

(4) The term "prevention and treatment" includes, as appropriate—

(A) efforts to identify, and the identification of, Indians who are at risk with respect to, or who are abusers of, alcohol or controlled substances,

(B) intervention into cases of on-going alcohol and substance abuse to halt a further progression of such abuse,

(C) prevention through education and the provision of alternative activities,

(D) treatment for alcohol and substance abusers to help abstain from, and alleviate the effects of, abuse,

(E) rehabilitation to provide on-going assistance, either on an inpatient or outpatient basis, to help Indians reform or abstain from alcohol or substance abuse,

(F) follow-up or after-care to provide the appropriate counseling and assistance on an outpatient basis, and

(G) referral to other sources of assistance or resources.

(5) The term "service unit" means an administrative entity within the Indian Health Service or a tribe or tribal organization operating health care programs or facilities with funds from the Indian Health Service under the Indian Self-Determination Act [25 U.S.C. 450f et seq.] through which the services are provided, directly or by contract, to the eligible Indian population within a defined geographic area.

(Pub. L. 99-570, title IV, § 4204, Oct. 27, 1986, 100 Stat. 3207-138.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (3), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

The Indian Self-Determination Act, referred to in par. (5), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to subchapter II (§ 450f et seq.) of chapter 14 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2477 of this title.

SUBCHAPTER II—COORDINATION OF RESOURCES AND PROGRAMS

§ 2411. Inter-departmental Memorandum of Agreement

(a) In general

Not later than 120 days after October 27, 1986, the Secretary of the Interior and the Secretary of Health and Human Services shall develop and enter into a Memorandum of Agreement which shall, among other things—

(1) determine and define the scope of the problem of alcohol and substance abuse for Indian tribes and their members and its financial and human costs, and specifically identify such problems affecting Indian youth,

(2) identify—

(A) the resources and programs of the Bureau of Indian Affairs and Indian Health Service, and

(B) other Federal, tribal, State and local, and private resources and programs,

which would be relevant to a coordinated effort to combat alcohol and substance abuse among Indian people, including those programs and resources made available by this chapter,

(3) develop and establish appropriate minimum standards for each agency's program responsibilities under the Memorandum of Agreement which may be—

(A) the existing Federal or State standards in effect, or

(B) in the absence of such standards, new standards which will be developed and established in consultation with Indian tribes,

(4) coordinate the Bureau of Indian Affairs 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 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 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.), and local control, in accordance with section 2010 of this title.

(c) Consultation

The Secretary of the Interior and the Secretary of Health and Human Services shall, in developing the Memorandum of Agreement under subsection (a) of this section, 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) of this section shall be submitted to Congress and published in the Federal Register not later than 130 days after October 27, 1986. 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) of this section to each Indian tribe.

(Pub. L. 99-570, title IV, § 4205, Oct. 27, 1986, 100 Stat. 3207-139.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (b), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, as amended, which is classified principally to subchapter II (§ 450 et seq.) of chapter 14 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2403, 2412, 2413, 2431, 2433, 2441, 2452, 2471, 2472 of this title.

§ 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) of this section, the Bureau of Indian Affairs agency and education superintendents, where appropriate, 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) of this section.

(c) Provisions

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

(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, 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 2475 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,

(2)¹ the identification and coordination of available resources and programs relevant to a program of alcohol and substance abuse prevention and treatment,

(3)¹ the establishment and prioritization of goals and the efforts needed to meet those goals, and

(4)¹ the identification of the community and family roles in any of the efforts undertaken as part of the Tribal Action Plan.

(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 is authorized to be appropriated not to exceed \$1,000,000 for each of the fiscal year² 1987, 1988, and 1989 for grants under this subsection.

(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 and the Secretary of Health and Human Services shall require the Bureau of Indian Affairs agency and

¹ So in original. Probably should be subpars. (B) to (D).

² So in original. Probably should be "years".

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.

(Pub. L. 99-570, title IV, § 4206, Oct. 27, 1986, 100 Stat. 3207-140.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2411, 2413, 2431, 2433 of this title.

§ 2413. Departmental responsibility

(a) Implementation

The Secretary of the Interior, acting through the Bureau of Indian Affairs, 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) 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 Indian Affairs an Office of Alcohol and Substance Abuse. The director of such office³ shall be appointed by the Assistant Secretary on a permanent basis at no less than a grade GS-15 of the General Schedule.

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

(A) 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

(B) serving as a point of contact within the Bureau of Indian Affairs 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.

(c) Indian Youth Programs Officer

(1) There is established in the Office of Alcohol and Substance Abuse the position to be known as 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,⁴ such Officer shall be responsible for—

(A) 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 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 of Alcohol and Substance Abuse as they relate to Indian youth.

(Pub. L. 99-570, title IV, § 4207, Oct. 27, 1986, 100 Stat. 3207-141.)

REFERENCES IN TEXT

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

§ 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.)

§ 2415. Federal facilities, property, and equipment

(a) Facility availability

In the furtherance of the purposes and goals of this chapter, the Secretary of the Interior 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 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 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

³So in original. Probably should be capitalized.

⁴So in original. Probably should not be capitalized.

purposes and goals of this chapter, the use of funds other than those funds appropriated to the Department of the Interior 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.

(Pub. L. 99-570, title IV, § 4209, Oct. 27, 1986, 100 Stat. 3207-142.)

§ 2416. Newsletter

The Secretary of the Interior shall, not later than 120 days after October 27, 1986, 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.

(Pub. L. 99-570, title IV, § 4210, Oct. 27, 1986, 100 Stat. 3207-143.)

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 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.)

§ 2432. Indian education programs

(a) Pilot programs

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 1987, 1988, and 1989.

(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.), and
- (3) the Indian Education Act (20 U.S.C. 3385),

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.)

REFERENCES IN TEXT

The 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 sections 455 to 458e 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).3, 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. 335, as amended, which is classified generally to subchapter III (§ 241aa et seq.) of chapter 13 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 241aa of Title 20 and Tables.

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. For complete classification of this Act to the Code, see Short Title note set out under section 241aa of Title 20 and Tables.

§ 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.

(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 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) of this section 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) of this section.

(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) of this section shall be established and operated.

(e) Authorization

For the planning and design, construction, and renovation of emergency shelters or half-way houses to provide emergency care for

Indian youth, there is authorized to be appropriated \$5,000,000 for each of the fiscal years 1987, 1988, and 1989. For the operation of emergency shelters or half-way houses there is authorized to be appropriated \$3,000,000 for each of the fiscal years 1987, 1988, and 1989. 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 pursuant to the Indian Self-Determination Act [25 U.S.C. 450f et seq.].

(Pub. L. 99-570, title IV, § 4213, Oct. 27, 1986, 100 Stat. 3207-144.)

REFERENCES IN TEXT

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in subsec. (b)(1), is Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109, as amended, which is classified principally to chapter 72 (§ 5601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of Title 42 and Tables.

The Indian Self-Determination Act, referred to in subsec. (e), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to subchapter II (§ 450f et seq.) of chapter 14 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2475 of this title.

§ 2434. Social services reports

(a) Data

The Secretary of the Interior, with respect to the administration of any family or social services program by the Bureau of Indian Affairs directly or through contracts under the Indian Self-Determination Act [25 U.S.C. 450f et seq.], shall require the compilation of data relating to the number and types of child abuse and neglect cases seen and the type of assistance provided. Additionally, such data should also be categorized to reflect those cases that involve, or appear to involve, alcohol and substance abuse, those cases which are recurring, and those cases which involve other minor siblings.

(b) Referral of data

The data compiled pursuant to subsection (a) of this section shall be provided annually to the affected Indian tribe and Tribal Coordinating Committee to assist them in developing or modifying a Tribal Action Plan and shall also be submitted to the Indian Health Service service unit director who will have responsibility for compiling a tribal comprehensive report as provided in section 2477 of this title.

(c) Confidentiality

In carrying out the requirements of subsections (a) and (b) of this section, the Secretary shall insure¹ that the data is compiled and re-

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

ported in a manner which will preserve the confidentiality of the families and individuals. (Pub. L. 99-570, title IV, § 4214, Oct. 27, 1986, 100 Stat. 3207-145.)

REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in subsec. (a), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to subchapter II (§ 450f et seq.) of chapter 14 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.

SUBCHAPTER IV—LAW ENFORCEMENT AND JUDICIAL SERVICES

§ 2441. Review of programs

(a) Law enforcement and judicial services

In the development of the Memorandum of Agreement required by section 2411 of this title, the Secretary of the Interior and the Secretary of Health and Human Services, in cooperation with the Attorney General of the United States, shall review and consider—

(1) the various programs established by Federal law providing law enforcement or judicial services for Indian tribes, and

(2) tribal and State and local law enforcement and judicial programs and systems

to determine their applicability and relevance in carrying out the purposes of this chapter.

(b) Dissemination of review

The results of the review conducted pursuant to subsection (a) of this section shall be made available to every Indian tribe as soon as possible for their consideration and use in the development and modification of a Tribal Action Plan.

(Pub. L. 99-570, title IV, § 4215, Oct. 27, 1986, 100 Stat. 3207-145.)

§ 2442. Illegal narcotics traffic on Papago Reservation: source eradication

(a)(1) Investigation and control

The Secretary of the Interior shall provide assistance to the Papago Indian Tribe (Tohono O'odham) of Arizona for the investigation and control of illegal narcotics traffic on the Papago Reservation along the border with Mexico. The Secretary shall ensure that tribal efforts are coordinated with appropriate Federal law enforcement agencies, including the United States Customs Service.

(2) Authorizations

For the purpose of providing the assistance required by subsection (a) of this section, there is authorized to be appropriated \$500,000 for each of the fiscal years 1987, 1988, and 1989.

(h)(I) Marijuana eradication

The Secretary of the Interior, in cooperation with appropriate Federal, tribal, and State and local law enforcement agencies, shall establish and implement a program for the eradication of marijuana cultivation within Indian country as defined in section 1152 of title 18. The Secretary shall establish a priority for the use of

funds appropriated under subsection (b) of this section for those Indian reservations where the scope of the problem is most critical, and such funds shall be available for contracting by Indian tribes pursuant to the Indian Self-Determination Act [25 U.S.C. 450f et seq.].

(2) Authorizations

To carry out subsection (a) of this section, there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 1987, 1988, and 1989.

(Pub. L. 99-570, title IV, § 4216, Oct. 27, 1986, 100 Stat. 3207-146.)

REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in subsec. (b)(1), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to subchapter II (§ 450f et seq.) of chapter 14 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.

SUBCHAPTER V—BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT

§ 2451. Bureau of Indian Affairs law enforcement and judicial training

(a) In general

The Secretary of the Interior shall ensure, through the establishment of a new training program or through the supplement of existing training programs, that all Bureau of Indian Affairs and tribal law enforcement and judicial personnel shall have available training in the investigation and prosecution of offenses relating to illegal narcotics and in alcohol and substance abuse prevention and treatment. Any training provided to Bureau of Indian Affairs and tribal law enforcement and judicial personnel as provided in this subsection shall specifically include training in the problems of youth alcohol and substance abuse prevention and treatment. Such training shall be coordinated with the Indian Health Service in the carrying out of its responsibilities under section 2475 of this title.

(b) Authorization

For the purpose of providing the training required by subsection (a) of this section, there are authorized to be appropriated \$1,500,000 for each of the fiscal years 1987, 1988, and 1989.

(Pub. L. 99-570, title IV, § 4218, Oct. 27, 1986, 100 Stat. 3207-146.)

§ 2452. Medical assessment and treatment of juvenile offenders

The Memorandum of Agreement entered into pursuant to section 2411 of this title shall include a specific provision for the development and implementation at each Bureau of Indian Affairs¹ agency and Indian Health Service unit

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

of a procedure for the emergency medical assessment and treatment of every Indian youth arrested or detained by Bureau of Indian Affairs or tribal law enforcement personnel for an offense relating to or involving alcohol or substance abuse. The medical assessment required by this subsection—²

(1) shall be conducted to determine the mental or physical state of the individual assessed so that appropriate steps can be taken to protect the individual's health and well-being,

(2) shall occur as soon as possible after the arrest or detention of an Indian youth, and

(3) shall be provided by the Indian Health Service, either through its direct or contract health service.

(Pub. L. 99-570, title IV, § 4219, Oct. 27, 1986, 100 Stat. 3207-147.)

§ 2453. Juvenile detention centers

(a) Plan

The Secretary of the Interior shall construct or renovate and staff new or existing juvenile detention centers. The Secretary shall ensure that the construction and operation of the centers is consistent with the Juvenile Justice and Delinquency Prevention Act of 1974 [42 U.S.C. 5601 et seq.].

(b) Authorization

For the purpose of subsection (a) of this section, there is authorized to be appropriated \$10,000,000 for construction and renovation for each of the fiscal years 1987, 1988, and 1989, and \$5,000,000 for staffing and operation for each of the fiscal years 1987, 1988, and 1989.

(Pub. L. 99-570, title IV, § 4220, Oct. 27, 1986, 100 Stat. 3207-147.)

REFERENCES IN TEXT

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in subsec. (a), is Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109, as amended, which is classified principally to chapter 72 (§ 5601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of Title 42 and Tables.

§ 2454. Model Indian Juvenile Code

The Secretary of the Interior, either directly or by contract, shall provide for the development of a Model Indian Juvenile Code which shall be consistent with the Juvenile Justice and Delinquency Prevention Act of 1974 [42 U.S.C. 5601 et seq.] and which shall include provisions relating to the disposition of cases involving Indian youth arrested or detained by Bureau of Indian Affairs or tribal law enforcement personnel for alcohol or drug related offenses. The development of such model code³

shall be accomplished in cooperation with Indian organizations having an expertise or knowledge in the field of law enforcement and judicial procedure and in consultation with Indian tribes. Upon completion of the Model Code, the Secretary shall make copies available to each Indian tribe.

(Pub. L. 99-570, title IV, § 4221, Oct. 27, 1986, 100 Stat. 3207-147.)

REFERENCES IN TEXT

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in text, is Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109, as amended, which is classified principally to chapter 72 (§ 5601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of Title 42 and Tables.

§ 2455. Law enforcement and judicial report

(a) Compilation of law enforcement data

The Secretary of the Interior, with respect to the administration of any law enforcement or judicial services program by the Bureau of Indian Affairs, either directly or through contracts under the Indian Self-Determination Act [25 U.S.C. 450f et seq.], shall require the compilation of data relating to calls and encounters, arrests and detentions, and disposition of cases by Bureau of Indian Affairs or tribal law enforcement or judicial personnel involving Indians where it is determined that alcohol or substance abuse is a contributing factor.

(b) Referral of data

The data compiled pursuant to subsection (a) of this section shall be provided annually to the affected Indian tribe and Tribal Coordinating Committee to assist them in developing or modifying a Tribal Action Plan and shall also be submitted to the Indian Health Service⁴ unit director who will have the responsibility for compiling a tribal comprehensive report as provided in section 2477 of this title.

(c) Confidentiality

In carrying out this section, the Secretary shall insure⁵ that the data is compiled and reported in a manner which will preserve the confidentiality of the families and individuals involved.

(Pub. L. 99-570, title IV, § 4222, Oct. 27, 1986, 100 Stat. 3207-148.)

REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in subsec. (a), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to subchapter II (§ 450f et seq.) of chapter 14 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.

²So in original. Probably should be "section".

³So in original. Probably should be "Model Code".

⁴So in original. Probably should be followed by "service".

⁵So in original. Probably should be "ensure".

**SUBCHAPTER VI—INDIAN ALCOHOL AND
SUBSTANCE ABUSE TREATMENT AND
REHABILITATION**

§ 2471. 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 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.

(h) 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, § 4224, Oct. 27, 1986, 100 Stat. 3207-148.)

§ 2472. Indian Health Service responsibilities

The Memorandum of Agreement entered into pursuant to section 2411 of this title shall include specific provisions pursuant to which the Indian Health Service shall assume responsibility for—

(1) the determination of the scope of the problem of alcohol and substance abuse among Indian people, including the number of Indians within the jurisdiction of the Indian Health Service who are directly or indirectly affected by alcohol and substance abuse and the financial and human cost,

(2) an assessment of the existing and needed resources necessary for the prevention of alcohol and substance abuse and the treatment of Indians affected by alcohol and substance abuse, and

(3) an estimate of the funding necessary to adequately support a program of prevention of alcohol and substance abuse and treatment of Indians affected by alcohol and substance abuse.

(Pub. L. 99-570, title IV, § 4225, Oct. 27, 1986, 100 Stat. 3207-148.)

§ 2473. Indian Health Service program

The Secretary of Health and Human Services, acting through the Indian Health Service, shall provide a program of comprehensive alcohol and substance abuse prevention and treatment which shall include—

(1) prevention, through educational intervention, in Indian communities,

(2) acute detoxification and treatment,

(3) community-based rehabilitation, and

(4) community education and involvement, including extensive training of health care, educational, and community-based personnel.

The target population of such a program shall be the members of Indian tribes. Additionally, efforts to train and educate key members of the Indian community shall target employees of health, education, judicial, law enforcement, legal, and social service programs.

(Pub. L. 99-570, title IV, § 4226, Oct. 27, 1986, 100 Stat. 3207-149.)

§ 2474. Indian Health Service youth program

(a) Detoxification and rehabilitation

The Secretary shall develop and implement a program for acute detoxification and treatment for Indian youth who are alcohol and substance abusers. The program shall include regional treatment centers designed to include detoxification and rehabilitation for both sexes on a referral basis. These regional centers shall be integrated with the intake and rehabilitation programs based in the referring Indian community.

(h) Centers

The Secretary shall construct or renovate a youth regional treatment center in each area under the jurisdiction of an Indian Health Service area office. For purposes of the preceding sentence, the area offices of the Indian Health Service in Tucson and Phoenix, Arizona, shall be considered one area office. The regional treatment centers shall be appropriately staffed with health professionals. There are authorized to be appropriated \$6,000,000 for the construction and renovation of the regional youth treatment centers, and \$3,000,000 for the staffing of such centers, for each of the fiscal years 1987, 1988, and 1989.

(c) Federally owned structures

(1) The Secretary of Health and Human Services, acting through the Indian Health Service, shall, in consultation with Indian tribes—

(A) identify and use, where appropriate, federally owned structures, suitable as local residential or regional alcohol and substance abuse treatment centers for Indian youth, and

(B) establish guidelines for determining the suitability of any such federally owned structure to be used as a local residential or regional alcohol and substance abuse treatment center for Indian youth.

(2) Any structure described in paragraph (1) may be used under such terms and conditions as may be agreed upon by the Secretary of Health and Human Services and the agency having responsibility for the structure.

(3) There are authorized to be appropriated \$3,000,000 for each of the fiscal years 1987, 1988, and 1989.

(d) Rehabilitation and follow-up services

(1) The Secretary, in cooperation with the Secretary of the Interior, shall develop and im-

plement within each Indian Health Service service unit community-based rehabilitation and follow-up services for Indian youth who are alcohol or substance abusers which are designed to integrate long-term treatment and to monitor and support the Indian youth after their return to their home community.

(2) Services under paragraph (1) shall be administered within each service unit by trained staff within the community who can assist the Indian youth in continuing development of self-image, positive problem-solving skills, and non-alcohol or substance abusing behaviors. Such staff shall include alcohol and substance abuse counselors, mental health professionals, and other health professionals and paraprofessionals, including community health representatives.

(3) For the purpose of providing the services authorized by paragraph (1), there are authorized to be appropriated \$9,000,000 for each of the fiscal years 1987, 1988, and 1989.

(Pub. L. 99-570, title IV, § 4227, Oct. 27, 1986, 100 Stat. 3207-149.)

§ 2475. Training and community education

(a) Community education

The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement within each service unit a program of community education and involvement which shall be designed to provide concise and timely information to the community leadership of each tribal community. Such program shall include education in alcohol and substance abuse to the critical core of each tribal community, including political leaders, tribal judges, law enforcement personnel, members of tribal health and education boards, and other critical parties.

(b) Training

The Secretary of Health and Human Services shall, either directly or through contract, provide instruction in the area of alcohol and substance abuse, including instruction in crisis intervention and family relations in the context of alcohol and substance abuse, youth alcohol and substance abuse, and the causes and effects of fetal alcohol syndrome to appropriate employees of the Bureau of Indian Affairs and the Indian Health Services,¹ and personnel in schools or programs operated under any contract with the Bureau of Indian Affairs or the Indian Health Service, including supervisors of emergency shelters and half-way houses described in section 2433 of this title.

(c) Demonstration program

(1) The Secretary of Health and Human Services shall establish at least one demonstration project to determine the most effective and cost-efficient means of—

- (A) providing health promotion and disease prevention services,
- (B) encouraging Indians to adopt good health habits,
- (C) reducing health risks to Indians, particularly the risks of heart disease, cancer,

stroke, diabetes, depression, and lifestyle-related accidents,

(D) reducing medical expenses of Indians through health promotion and disease prevention activities,

(E) establishing a program—

(i) which trains Indians in the provision of health promotion and disease prevention services to members of their tribe, and

(ii) under which such Indians are available on a contract basis to provide such services to other tribes, and

(F) providing training and continuing education to employees of the service, and to paraprofessionals participating in the Community Health Representative Program, in the delivery of health promotion and disease prevention services.

(2) The demonstration project described in paragraph (1) shall include an analysis of the cost effectiveness of organizational structures and of social and educational programs that may be useful in achieving the objectives described in paragraph (1).

(3)(A) The demonstration project described in paragraph (1) shall be conducted in association with at least one—

- (i) health profession school,
- (ii) allied health profession or nurse training institution, or
- (iii) public or private entity that provides health care.

(B) The Secretary is authorized to enter into contracts with, or make grants to, any school of medicine or school of osteopathy for the purpose of carrying out the demonstration project described in paragraph (1).

(C) For purposes of this paragraph, the term "school of medicine" and "school of osteopathy" have the respective meaning given to such terms by section 292a(4) of title 42.

(4) The Secretary shall submit to Congress a final report on the demonstration project described in paragraph (1) within 60 days after the termination of such project.

(5) For purposes of this paragraph,² the term "health promotion" shall include:

- (A) reduction in the misuse of alcohol and drugs,
- (B) cessation of tobacco smoking,
- (C) improvement of nutrition,
- (D) improvement in physical fitness,
- (E) family planning, and
- (F) control of stress.

(6) For purposes of this paragraph,² the term "disease prevention" shall include:

- (A) immunizations,
- (B) control of high blood pressure,
- (C) control of sexually transmittable diseases,
- (D) prevention and control of diabetes,
- (E) pregnancy and infant care (including prevention of fetal alcohol syndrome),
- (F) control of toxic agents,
- (G) occupational safety and health,
- (H) accident prevention,

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

²So in original. Probably should be "subsection".

- (I) fluoridation of water, and
(J) control of infectious agents.

(7) Omitted

(d) Authorization

There are authorized to be appropriated \$4,000,000 for the fiscal year 1987 and such sums as are necessary to carry out the purposes of this section for the fiscal years 1988 and 1989.³ *Provided*, That \$500,000 shall be made available for activities described under subsection (c)(1) of this section.⁴

(Pub. L. 99-570, title IV, § 4228, Oct. 27, 1986, 100 Stat. 3207-150.)

CODIFICATION

Subsection (c)(7) of this section, which directed the amendment of this section by adding at the end the following, "*Provided*, That \$500,000 shall be made available for activities described under subsection (c)(1) of this section", has been executed by adding the proviso at the end of subsection (d) of this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2412, 2451 of this title.

§ 2476. Navajo alcohol rehabilitation demonstration program

(a) Demonstration program

The Secretary of Health and Human Services shall make grants to the Navajo tribe⁵ to establish a demonstration program in the city of Gallup, New Mexico, to rehabilitate adult Navajo Indians suffering from alcoholism or alcohol abuse.

(b) Evaluation and report

The Secretary, acting through the National Institute on Alcohol Abuse and Alcoholism, shall evaluate the program established under subsection (a) of this section and submit a report on such evaluation to the appropriate committees of Congress by January 1, 1990.

(c) Authorization

There are authorized to be appropriated for the purposes of grants under subsection (a) of this section \$300,000 for each of the fiscal years 1988, 1989, and 1990. Not more than 10 percent of the funds appropriated for any fiscal year may be used for administrative purposes.

(Pub. L. 99-570, title IV, § 4229, Oct. 27, 1986, 100 Stat. 3207-152.)

³So in original. The period probably should be a colon.

⁴So in original. Probably should be followed by a period.

⁵So in original. Probably should be "Tribe".

§ 2477. Indian Health Service reports

(a) Compilation of data

The Secretary of Health and Human Services, with respect to the administration of any health program by an Indian Health Service service unit, directly or through contract, including a contract under the Indian Self-Determination Act [25 U.S.C. 450f et seq.], shall require the compilation of data relating to the number of cases or incidents which any of the Indian Health Service personnel or services were involved and which were related, either directly or indirectly, to alcohol or substance abuse. Such report shall include the type of assistance provided and the disposition of these cases.

(b) Referral of data

The data compiled under subsection (a) of this section shall be provided annually to the affected Indian tribe and Tribal Coordinating Committee to assist them in developing or modifying a Tribal Action Plan.

(c) Comprehensive report

Each Indian Health Service service unit director shall be responsible for assembling the data compiled under this section and section 2403 of this title⁶ into an annual tribal comprehensive report which shall be provided to the affected tribe and to the Director of the Indian Health Service who shall develop and publish a biennial national report on such tribal comprehensive reports.

(Pub. L. 99-570, title IV, § 4230, Oct. 27, 1986, 100 Stat. 3207-152.)

REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in subsec. (a), is title 1 of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to subchapter II (§ 450f et seq.) of chapter 14 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.

Section 2403 of this title, referred to in subsec. (c), was in the original "section 4204", meaning section 4204 of Pub. L. 99-570 which is classified to section 2403 of this title. However, the reference probably should have been to section 4214 of Pub. L. 99-570, which is classified to section 2434 of this title, because section 2403 of this title contains only definitions and section 2434 of this title provides for compilation of data to be submitted to the Indian Health Service service unit directors who have responsibility for compiling reports under this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2434, 2455 of this title.

⁶See References in Text note below.