

## ANTI-DRUG ABUSE ACT OF 1986

[Public Law 99–570; Approved October 27, 1986, 100 Stat. 3207–137, 25 U.S.C. 2401 et seq.]

[As Amended Through P.L. 111–211, Enacted July 29, 2010]

【Currency: This publication is a compilation of the text of Public Law 99–570. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

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### TITLE III—INTERDICTION

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#### SEC. 3451. [47 U.S.C. 312a] COMMUNICATIONS.

The Federal Communications Commission may revoke any private operator’s license issued to any person under the Communications Act of 1934 (47 U.S.C. 151 et seq.) who is found to have willfully used said license for the purpose of distributing, or assisting in the distribution of, any controlled substance in violation of any provision of Federal law. In addition, the Federal Communications Commission may, upon the request of an appropriate Federal law enforcement agency, assist in the enforcement of Federal law prohibiting the use or distribution of any controlled substance where communications equipment within the jurisdiction of the Federal Communications Commission under the Communications Act of 1934 is willfully being used for purposes of distributing, or assisting in the distribution of, any such substance.

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### TITLE IV—DEMAND REDUCTION

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#### Subtitle C—Indians and Alaska Natives

##### SEC. 4201. [25 U.S.C. 2401 note] SHORT TITLE.

This subtitle may be cited as the “Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986”.

**PART I—GENERAL PROVISIONS****SEC. 4202. [25 U.S.C. 2401] 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 subtitle will assist Indian tribes in meeting that responsibility.

**SEC. 4203. [25 U.S.C. 2402] PURPOSE.**

It is the purpose of this subtitle 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 subtitle, 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) to<sup>2</sup> 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 subtitle.

**SEC. 4204. [25 U.S.C. 2403] DEFINITIONS.**

For purposes of this subtitle—

(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 4205, except that, for purposes of statistical reporting under this subtitle, it shall mean a person who is 19 years or younger or who is in attendance at a secondary school.

(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

<sup>2</sup> So in original. The word “to” should probably be deleted.

(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 through which the services are provided, directly or by contract, to the eligible Indian population within a defined geographic area.

(6) The terms “Urban Indian”, “Urban Center”, and “Urban Indian Organization” shall have the same meaning as provided in section 4 of the Indian Health Care Improvement Act<sup>3</sup>.

## PART II—COORDINATION OF RESOURCES AND PROGRAMS

### SEC. 4205. [25 U.S.C. 2411] INTER-DEPARTMENTAL MEMORANDUM OF AGREEMENT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Tribal Law and Order Act of 2010, the Secretary of the Interior, the Attorney General, 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, Office of Justice Programs, Substance Abuse and Mental Health Services Administration,<sup>4</sup> 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 subtitle,

(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, Department of Justice, Substance Abuse and Mental Health Services Administration, and Indian Health Service alcohol and substance abuse

<sup>3</sup>The Indian Health Care Improvement Act is included in this compilation.

<sup>4</sup>The amendment made by section 241(a)(1)(A)(ii) of Public Law 111-211 was executed to reflect the probable intent of Congress. Such section provided for an amendment to insert “, Office of Justice Programs, Substance Abuse and Mental Health Services Administration,” after “Bureau of Indian Affairs,” but the comma following “Bureau of Indian Affairs” does not appear in law.

programs existing on the date of the enactment of this subtitle with programs or efforts established by this subtitle,

(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 4206, 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 subtitle, those activities shall supplement, not supplant, activities, programs, and local actions that are ongoing on the date of the enactment of this subtitle. 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 1130 of the Education Amendments of 1978 (25 U.S.C. 2010).

(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 the date of enactment of the Tribal Law and Order Act of 2010. At the same time as publication in the Federal Register, the Secretary of the Interior shall provide a copy of this subtitle and the Memorandum of Agreement under subsection (a) to each Indian tribe.

**SEC. 4206. [25 U.S.C. 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 subtitle, in an effort to combat alcohol and substance abuse among its members. Such resolution shall be the basis for the implementation of this subtitle and of the Memorandum of Agreement under section 4205.

(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 appro-

appropriate,<sup>5</sup> 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 4205, 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—

(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,<sup>5</sup> 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 4228<sup>6</sup>, 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 4205(a)(3), 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,

<sup>5</sup>Double comma so in law. See amendment made by section 241(a)(2)(A) and (B) of Public Law 111-211.

<sup>6</sup>Section 4228 was repealed by section 702(b)(2) of P.L. 102-573 (106 Stat. 4582).

(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 4205, 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 subtitle for such tribe. After such an agreement has been entered into for a tribe such tribe may adopt a resolution under subsection (a).

(f)(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.

**SEC. 4207. [25 U.S.C. 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 subtitle 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 subtitle, 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 subtitle and the Memorandum of Agreement entered into under section 4205;

(B) serving as a point of contact for Indian tribes and the Tribal Coordinating Committees regarding the implementation of this subtitle, the Memorandum of Agreement, and any Tribal Action Plan established under section 4206; and

(C) not later than 1 year after the date of enactment of the Tribal Law and Order Act of 2010, developing, in coordination and consultation with tribal governments, a framework for interagency and tribal coordination that—

- (i) establish 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 subtitle and the Memorandum of Agreement entered into under section 4205 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.

**SEC. 4208. [25 U.S.C. 2414] CONGRESSIONAL INTENT.**

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 subtitle.

**SEC. 4208A. [25 U.S.C. 2414a] REVIEW OF PROGRAMS.**

(a) **IN GENERAL.**—In the development of the Memorandum of Agreement required by section 4205, 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 the date of the enactment of this subtitle,

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

(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.

**SEC. 4209. [25 U.S.C. 2415] FEDERAL FACILITIES, PROPERTY, AND EQUIPMENT; LEASING OF TRIBAL PROPERTY.**

(a) **FACILITY AVAILABILITY.**—In the furtherance of the purposes and goals of this subtitle, 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 subtitle, 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 subtitle 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 4227(b)<sup>7</sup> 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.

**SEC. 4210. [25 U.S.C. 2416] NEWSLETTER.**

(a) IN GENERAL.—The Secretary of the Interior shall, not later than 120 days after the date of the enactment of this subtitle,<sup>8</sup> 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,

<sup>7</sup> Section 4227(b) was repealed by section 702(b)(2) of P.L. 102-573 (106 Stat. 4582).

<sup>8</sup> Section 2218 of Public Law 100-690 (102 Stat. 4222) amended section 4210 by striking out “, not later than 120 days after the date of enactment of this subtitle.” The amendment could not be executed because it should have struck out “, not later than 120 days after the date of the enactment of this subtitle.”

- (D) Indian Health Service area and service unit offices,
  - (E) Indian Health Service alcohol programs, and
  - (F) other entities providing alcohol and substance abuse related services or resources to Indian people.
- (b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$500,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

### PART III—INDIAN YOUTH PROGRAMS

#### SEC. 4211. [25 U.S.C. 2431] REVIEW OF PROGRAMS.

(a) REVIEW.—In the development of the Memorandum of Agreement required by section 4205, 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 subtitle.

(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 4206.

#### SEC. 4212. [25 U.S.C. 2432] INDIAN EDUCATION PROGRAMS.

(a)<sup>9</sup> 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

<sup>9</sup>The amendment made by section 241(b) of Public Law 111-211 was executed to the probable intent of Congress. Such section provides for an amendment to revise subsection (a) of section 4212 of the Indian Alcohol and Substance Abuse Prevention Act of 1986 in its entirety. The reference to the amended law probably should have been the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986.

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<sup>10</sup>, 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.

**SEC. 4213. [25 U.S.C. 2433] EMERGENCY SHELTERS.**

(a) **IN GENERAL.**—A Tribal Action Plan adopted pursuant to section 4206 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, 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 of the United States Code or section 401

<sup>10</sup>This Act is commonly referred to as the “Johnson-O’Malley Act”.

of the Act of April 11, 1968 (25 U.S.C. 1321), 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 4205, 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.

(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 halfway<sup>11</sup> 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 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 or any other Act.

<sup>11</sup>So in original. Should probably be “half-way”.

**SEC. 4214. [25 U.S.C. 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, 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) 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 4230<sup>12</sup>.

(c) CONFIDENTIALITY.—In carrying out the requirements of subsections (a) and (b), the Secretary shall insure that the data is compiled and reported in a manner which will preserve the confidentiality of the families and individuals.

**PART IV—LAW ENFORCEMENT AND JUDICIAL SERVICES****SEC. 4215. [25 U.S.C. 2441] REVIEW OF PROGRAMS.**

(a) LAW ENFORCEMENT AND JUDICIAL SERVICES.—In the development of the Memorandum of Agreement required by section 4205, the Secretary of the Interior, the Attorney General, 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 subtitle.

(b) DISSEMINATION OF REVIEW.—The results of the review conducted pursuant to subsection (a) 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.

**SEC. 4216. [25 U.S.C. 2442] ILLEGAL NARCOTICS TRAFFIC ON THE TOHONO O'ODHAM AND ST. REGIS RESERVATIONS; SOURCE ERADICATION.**

(a)(1) INVESTIGATION AND CONTROL.—The Secretary of the Interior shall provide assistance to—

(A) the Tohono O'odham Tribe of Arizona for the investigation and control of illegal narcotics traffic on the Tohono O'odham Reservation along the border with Mexico;

(B) the St. Regis Band of Mohawk Indians of New York for the development of tribal law enforcement and judicial systems

<sup>12</sup>Section 4230 was repealed by section 702(b)(2) of P.L. 102-573 (106 Stat. 4582).

to aid in the investigation and control of illegal narcotics traffic on the St. Regis Reservation along the border with Canada;

(C) the Makah Indian Tribe of Washington for the investigation and control of illegal narcotic traffic on the Makah Indian Reservation arising from its proximity to international waters; and

(D) the Blackfeet Nation of Montana for the investigation and control of illegal narcotics traffic on the Blackfeet Indian Reservation along the border with Canada.

(2) The Secretary shall ensure that tribal efforts under this subsection are coordinated with appropriate Federal law enforcement agencies, including the United States Customs and Border Protection, the Bureau of Immigration and Customs Enforcement, and the Drug Enforcement Administration.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$2,000,000 for each of fiscal years 2011 through 2015.

(b)(1) MARIJUANA ERADICATION AND INTERDICTION.—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, and interdiction, investigation, and control of illegal narcotics trafficking within Indian country as defined in section 1152 of title 18, United States Code. The Secretary shall establish a priority for the use of funds appropriated under paragraph (2) 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) For the purpose of establishing the program required by paragraph (1), there are authorized to be appropriated \$2,000,000 for each of fiscal years 2011 through 2015..<sup>13</sup>

## PART V—BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT

### SEC. 4217. TRIBAL COURTS, SENTENCING AND FINES.

To enhance the ability of tribal governments to prevent and penalize the traffic of illegal narcotics on Indian reservations, paragraph (7) of section 202 of the Act of April 11, 1969 (25 U.S.C. 1302) is amended by striking out “for a term of six months and a fine of \$500, or both” and inserting in lieu thereof “for a term of one year and a fine of \$5,000, or both”.

### SEC. 4218. [25 U.S.C. 2451] BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT AND JUDICIAL TRAINING.

(a) TRAINING PROGRAMS.—

(1) IN GENERAL.—The Secretary of the Interior, in coordination with the Attorney General, the Administrator of the Drug Enforcement Administration, and the Director of the Fed-

<sup>13</sup>The amendment made by section 241(e)(2) of Public Law 111-211 was executed to reflect the probable intent of Congress. Such section provides “by striking for [the] fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000’ and ‘for each of fiscal years 2011 through 2015.’”. The amendment probably should have been to strike “for fiscal year 1993..” and to provide an instruction for inserting new language. The second period at the end is so in law.

eral Bureau of Investigation, shall ensure, through the establishment of a new training program or by supplementing existing training programs, that all Bureau of Indian Affairs and tribal law enforcement and judicial personnel have access to training regarding—

(A) the investigation and prosecution of offenses relating to illegal narcotics; and

(B) alcohol and substance abuse prevention and treatment.

(2) YOUTH-RELATED TRAINING.—Any training provided to Bureau of Indian Affairs or tribal law enforcement or judicial personnel under paragraph (1) shall include training in issues relating to youth alcohol and substance abuse prevention and treatment.

(b) AUTHORIZATION.—For the purposes of providing the training required by subsection (a), there are authorized to be appropriated \$2,000,000 for fiscal year 1993 and such sums as are necessary for each of fiscal years 2011 through 2015.

**SEC. 4219. [25 U.S.C. 2452] MEDICAL ASSESSMENT AND TREATMENT OF JUVENILE OFFENDERS.**

(a) The Memorandum of Agreement entered into pursuant to section 4205 shall include a specific provision for the development and implementation at each Bureau of Indian Affairs<sup>14</sup> agency and Indian Health Service unit 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—

(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.

(b) TREATMENT OF CERTAIN COMMITTED YOUTH.—The Indian Health Service shall not refuse to provide necessary interim treatment for any Indian youth referred pursuant to subsection (a) who has been charged or is being prosecuted for any crime unless such referral is prohibited by a court of competent jurisdiction or the youth is determined by a court of competent jurisdiction to be a danger to others.

**SEC. 4220. [25 U.S.C. 2453] JUVENILE DETENTION CENTERS.**

(a) PLAN.—

(1) IN GENERAL.—The Secretary of the Interior shall construct or renovate and staff new or existing juvenile detention centers.

(2) CONSTRUCTION AND OPERATION.—The Secretary shall ensure that the construction and operation of the centers is consistent with the Juvenile Justice and Delinquency Prevention Act of 1974.

<sup>14</sup>So in original. Should probably be "Affairs".



(3) DEVELOPMENT OF PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary and the Attorney General, in consultation with tribal leaders and tribal justice officials, shall develop a long-term plan for the construction, renovation, and operation of Indian juvenile detention and treatment centers and alternatives to detention for juvenile offenders.

(B) COORDINATION.—The plan under subparagraph (A) shall require the Bureau of Indian Education and the Indian Health Service to coordinate with tribal and Bureau of Indian Affairs juvenile detention centers to provide services to those centers.

(b) AUTHORIZATION.—(1) For the purpose of constructing or renovating juvenile detention centers as provided in subsection (a), there are authorized to be appropriated \$10,000,000 for each of fiscal years 2011 through 2015.

(2) For the purpose of staffing and operating juvenile detention centers, there are authorized to be appropriated \$7,000,000 for each of fiscal years 2011 through 2015.

**SEC. 4221. [25 U.S.C. 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 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 code<sup>15</sup> 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.

**SEC. 4222. [25 U.S.C. 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, 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) 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<sup>16</sup> unit director who will have the responsi-

<sup>15</sup>So in original. Should probably be "Model Code".

<sup>16</sup>So in original. Should probably be followed by "service".

bility for compiling a tribal comprehensive report as provided in section 4230<sup>17</sup>.

(c) CONFIDENTIALITY.—In carrying out this section, the Secretary shall insure that the data is compiled and reported in a manner which will preserve the confidentiality of the families and individuals involved.

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**TITLE V—UNITED STATES INSULAR AREAS AND NATIONAL PARKS**

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**SEC. 5051. SHORT TITLE.**

This subtitle may be cited as the “National Park Police Drug Enforcement Supplemental Authority Act”.

**SEC. 5052. [16 U.S.C. 1 note] NATIONAL PARK AUTHORIZATION.**

In order to improve Federal law enforcement activities relating to the use and production of narcotics and controlled substances in National Park System units, from amounts appropriated there shall be made available to the Secretary of the Interior, in addition to sums made available under other authority of law, \$3,000,000 for fiscal year 1989, and for each fiscal year thereafter, to be used for the employment and training of officers or employees of the Department of the Interior designated pursuant to section 10(b) of the Act of August 18, 1970 (16 U.S.C. 1a–6), for equipment and facilities to be used by such personnel, and for expenses related to such employment, training, equipment, and facilities.

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**TITLE XV—NATIONAL FOREST SYSTEM DRUG CONTROL**

**SEC. 15001. [16 U.S.C. 559b note] SHORT TITLE.**

This title may be cited as the “National Forest System Drug note. Control Act of 1986”.

**SEC. 15002. [16 U.S.C. 559b] PURPOSE.**

(a) The purpose of this title is to authorize the Secretary of Agriculture (hereinafter in this title referred to as the “Secretary”) to take actions necessary, in connection with the administration and use of the National Forest System, to prevent the manufacture, distribution, or dispensing of marijuana and other controlled substances.

(b) Nothing in this title shall diminish in any way the law enforcement authority of the Forest Service.

(c) As used in this title, the terms “manufacture”, “dispense”, and “distribute” shall have the same meaning given such terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).

**SEC. 15003. [16 U.S.C. 559c] POWERS.**

For the purposes of this title, if specifically designated by the Secretary and specially trained, not to exceed 1,000 special agents

<sup>17</sup>Section 4230 was repealed by section 702(b)(2) of P.L. 102–573 (106 Stat. 4582).

and law enforcement officers of the Forest Service when in the performance of their duties shall have authority to—

- (1) carry firearms;
- (2) conduct, within the exterior boundaries of the National Forest System, investigations of violations of and enforce section 401 of Controlled Substances Act (21 U.S.C. 841) and other criminal violations relating to marijuana and other controlled substances that are manufactured, distributed, or dispensed on National Forest System lands and to conduct such investigations and enforcement of such laws outside the exterior boundaries of the National Forest System for offenses committed within the National Forest System or which affect the administration of the National Forest System (including the pursuit of persons suspected of such offenses who flee the National Forest System to avoid arrest);
- (3) make arrests with a warrant or process for misdemeanor violations, or without a warrant or process for violations of such misdemeanors that any such officer or employee has probable cause to believe are being committed in his presence or view, or for a felony with a warrant or without a warrant if he has probable cause to believe that the person to be arrested has committed or is committing such felony, for offenses committed within the National Forest System or which affect the administration of the National Forest System;<sup>1</sup>
- (4) serve warrants and other process issued by a court or officer of competent jurisdiction;
- (5) search with or without warrant or process any person, place, or conveyance according to Federal law or rule of law; and
- (6) seize with or without warrant or process any evidentiary item according to Federal law or rule of law.

**SEC. 15004. [16 U.S.C. 559d] COOPERATION.**

For the purposes of this title, in exercising the authority provided by section 15003—

- (1) the Forest Service shall cooperate with any other Federal law enforcement agency having primary investigative jurisdiction over the offense committed;
- (2) the Secretary may authorize the Forest Service to cooperate with the law enforcement officials of any Federal agency, State, or political subdivision in the investigation of violations of and enforcement of section 401 of the Controlled Substances Act (21 U.S.C. 8411), other laws and regulations relating to marijuana and other controlled substances, and State drug control laws or ordinances for offenses committed within the National Forest System or which affect the administration of the National Forest System.
- (3) the Forest Service shall cooperate with the Attorney General in carrying out the seizure and forfeiture provisions of section 511 of the Controlled Substances Act (21 U.S.C. 881) for violations of the Controlled Substances Act relating to offenses committed within the National Forest System, or which affect the administration of the National Forest System;

<sup>1</sup> Double comma so in law.

(4) the Secretary is authorized to designate law enforcement officers of any other Federal agency, when the Secretary determines such designation to be economical and in the public interest, and with the concurrence of that agency, to exercise the powers and authorities of the Forest Service while assisting the Forest Service in the National Forest System, or for activities administered by the Forest Service; and

(5) the Forest Service is authorized to accept law enforcement designation from any other Federal agency or agency of a State or political subdivision thereof for the purpose of cooperating in a multi-agency law enforcement task force investigation of violations of the Controlled Substances Act and other offenses committed in the course of or in connection with such violations.

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