

SUBCHAPTER II—COORDINATION OF  
RESOURCES AND PROGRAMS

**§ 2411. Inter-departmental Memorandum of Agreement**

**(a) In general**

Not later than 1 year after July 29, 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, 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, Department of Justice, Substance Abuse and Mental Health Services Administration, and Indian Health Service alcohol and substance abuse programs existing on October 27, 1986, with programs or efforts established by this chapter,

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

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

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

**(b) Character of activities**

To the extent that there are new activities undertaken pursuant to this chapter, those activities shall supplement, not supplant, activities, programs, and local actions that are ongoing on October 27, 1986. Such activities shall be undertaken in the manner least disruptive to tribal

control, in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.),<sup>1</sup> and local control, in accordance with section 2010<sup>1</sup> of this title.

**(c) Consultation**

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

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

**(d) Publication**

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

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

**Editorial Notes**

REFERENCES IN TEXT

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

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

AMENDMENTS

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

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

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

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

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

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

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

## § 2412. Tribal Action Plans

### (a) In general

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

### (b) Cooperation

At the request of any Indian tribe pursuant to a resolution adopted under subsection (a), the Bureau of Indian Affairs agency and education superintendents, where appropriate,<sup>1</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 2411 of this title, shall enter into an agreement with the tribe for the implementation of the Tribal Action Plan under subsection (a).

### (c) Provisions

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

(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>1</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 2475<sup>2</sup> of this title, and

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

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

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

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

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

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

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

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

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

(F) an evaluation component to measure the success of efforts made.

(3) All Tribal Action Plans shall be updated every 2 years.

### (d) Grants

(1) The Secretary of the Interior may make grants to Indian tribes adopting a resolution pursuant to subsection (a) to provide technical assistance in the development of a Tribal Action Plan. The Secretary shall allocate funds based on need.

(2) There are authorized to be appropriated for grants under this subsection not more than \$2,000,000 for the period of fiscal years 2011 through 2015.

### (e) Federal action

If any Indian tribe does not adopt a resolution as provided in subsection (a) within 90 days after the publication of the Memorandum of Agreement in the Federal Register as provided in section 2411 of this title, the Secretary of the Interior, the Attorney General, and the Secretary of Health and Human Services shall require the Bureau of Indian Affairs agency and education superintendents, where appropriate, and the Indian Health Service service unit director serving such tribe to enter into an agreement to identify and coordinate available programs and resources to carry out the purposes of this chapter for such tribe. After such an agreement has been entered into for a tribe such tribe may adopt a resolution under subsection (a).

### (f) Grants for training, education, and prevention programs

(1) The Secretary of the Interior may make grants to Indian tribes adopting a resolution pursuant to subsection (a) to implement and develop community and in-school training, education, and prevention programs on alcohol and substance abuse, fetal alcohol syndrome and fetal alcohol effect.

(2) Funds provided under this section may be used for, but are not limited to, the development and implementation of tribal programs for—

(A) youth employment;

<sup>1</sup> So in original.

<sup>2</sup> See References in Text note below.