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1 (8) the statistics cited in the preceding paragraphs
2 of this subsection indicate that many Americans are not
3 aware of the adverse effects that the consumption of
4 alcoholic beverages may have on health;

5 (9) it is necessary to undertake a serious national
6 effort to educate the American people of the serious
7 consequences of the consumption of alcoholic beverages;
8 and

9 (10) carefully drafted warning labels on the
10 containers of alcoholic beverages concerning the effects
11 on health resulting from the consumption of such
12 beverages would assist in providing such education.

13 (b) Therefore, it is the sense of the Senate that--

14 (1) the Public Health Service should focus attention
15 on the problem of educating the American people on the
16 effects on health resulting from alcoholic beverage
17 consumption;

18 (2) the Public Health Service should conduct studies
19 on the most effective means of providing such education,
20 including studies on the effectiveness of warning labels
21 on the containers of alcoholic beverages concerning the
22 effects on health resulting from the consumption of such
23 beverages; and

24 (3) the Public Health Service should transmit a
25 report to the Congress within 6 months after the date of

1 enactment of this Act concerning any studies described in
2 paragraph (2) which have been conducted, and should
3 include in such report recommendations concerning the
4 effectiveness of the labels described in such paragraph
5 and recommendations for specific language for such
6 labels.

7 SEC. 4010. SUICIDE.

8 Section 501 is amended by adding at the end thereof the
9 following new subsection:

10 `` (i) (1) The Secretary shall--

11 `` (A) develop and publish information respecting the
12 causes of suicide among individuals under the age of 21
13 and the means of preventing suicide among such
14 individuals, and

15 `` (B) make such information generally available to
16 the public and health professionals.

17 `` (2) By January 1, 1988, and every 3 years thereafter,
18 the Secretary shall report to the Congress on the activities
19 undertaken under paragraph (1) during the period reported on
20 and shall include in each such report an assessment of the
21 effectiveness of such activities.''.

22 SEC. 4011. PREPARATION OF PUBLIC SERVICE ANNOUNCEMENTS.

23 (a) The Secretary of Health and Human Services shall
24 increase and expand activities conducted under paragraphs (1)
25 and (4) of section 503(d) of the Public Health Service Act.

1 (b) Section 503(d)(4) is amended--

2 (1) by inserting ``and documentary films`` after
3 ``television``; and

4 (2) by inserting ``and films`` before the period.

5 SEC. 4012. NATIONAL PLAN TO COMBAT DRUG ABUSE.

6 By October 1, 1988, the Secretary of Health and Human
7 Services shall prepare and transmit to the Congress a report
8 which sets forth a comprehensive national plan to combat drug
9 abuse. The report shall include--

10 (1) a description of a model program for activities
11 to be conducted by the States to combat drug abuse;

12 (2) an analysis of the social and economic costs of
13 drug abuse to the Nation, including amounts expended by
14 public agencies and private organizations--

15 (A) for the treatment of individuals for drug
16 abuse, including a division of such amounts among the
17 types of settings in which such treatment is
18 provided;

19 (B) for treatment of individuals for health
20 problems resulting from drug abuse; and

21 (C) to meet other costs resulting from drug
22 abuse, such as costs resulting from lost employee
23 productivity;

24 (3) an assessment of current treatment and
25 rehabilitation needs and the current integration and

1 financing of drug treatment and rehabilitation into the
2 Nation's health care system;

3 (4) recommendations for the National Institute on
4 Drug Abuse for research on, and plans for the development
5 of, chemical antidotes and narcotic antagonists for use
6 in the treatment of cocaine and heroin addiction;

7 (5) an assessment of personnel needs in the fields of
8 research, treatment, rehabilitation, and prevention;

9 (6) a statement of specific goals and objectives to
10 meet the Nation's current treatment, rehabilitation, and
11 personnel needs in the area of drug abuse;

12 (7) estimates of public and private resources needed
13 to accomplish the goals and objectives referred to in
14 paragraph (6) and estimates of savings in resources that
15 can be anticipated from the achievement of such goals and
16 objectives.

17 SEC. 4013. CLEARINGHOUSE..

18 (a) The Secretary of Health and Human Services, through
19 the Administrator of the Alcohol, Drug Abuse, and Mental
20 Health Administration, shall establish a clearinghouse for
21 alcohol and drug abuse information to assure the widespread
22 dissemination of such information to States, political
23 subdivisions, educational agencies and institutions, health
24 and drug treatment and rehabilitation networks, and the
25 general public. The clearinghouse shall--

1 (1) disseminate publications by the National
2 Institute on Alcohol Abuse and Alcoholism, the National
3 Institute on Drug Abuse, and the Department of Education
4 concerning alcohol abuse and drug abuse;

5 (2) disseminate accurate information concerning the
6 health effects of alcohol abuse and drug abuse;

7 (3) collect and disseminate information concerning
8 successful alcohol abuse and drug abuse education and
9 prevention curricula; and

10 (4) collect and disseminate information on effective
11 and ineffective school-based alcohol abuse and drug abuse
12 education and prevention programs, particularly effective
13 programs which stress that the use of illegal drugs and
14 the abuse of alcohol is wrong and harmful.

15 (b) The Secretary of Health and Human Services shall
16 ensure that the clearinghouse established under subsection
17 (a) coordinates its activities with similar activities
18 conducted by the Secretary of Education.

19 SEC. 4014. EXPANSION OF DRUG ABUSE RESEARCH.

20 Section 515(a)(5) is amended to read as follows:

21 "(5) effective methods of drug abuse prevention,
22 treatment, and rehabilitation, particularly methods of
23 intervention to treat abuse of specific drugs.'".

24 SEC. 4015. STUDY ON ALKYL AND BUTYL NITRATES.

25 The Secretary of Health and Human Services, through the

1 Commissioner of Food and Drugs, should conduct a study on
2 alkyl and butyl nitrates and report to the appropriate
3 committees of the Congress recommendations concerning whether
4 alkyl and butyl nitrates should be treated as a drug under
5 the Food, Drug, and Cosmetic Act.

6 SEC. 4016. ADMINISTRATION.

7 The Secretary of Health and Human Services shall not
8 establish any new administrative unit in the Department of
9 Health and Human Services to administer alcohol abuse and
10 drug abuse programs, and shall carry out such programs
11 through the Administrator of the Alcohol, Drug Abuse, and
12 Mental Health Administration.

1 Subtitle B--Drug-Free Schools and Communities Act of 1986

2 SEC. 4101. SHORT TITLE.

3 This subtitle may be cited as the "Drug-Free Schools and
4 Communities Act of 1986".

5 SEC. 4102. FINDINGS.

6 The Congress finds that:

7 (1) Drug use and alcohol abuse is widespread among
8 American students, not only in secondary schools, but
9 increasingly in elementary schools as well.

10 (2) The use of drugs and the abuse of alcohol by
11 students constitutes a grave threat to their physical and
12 mental well-being and significantly impedes the learning
13 process.

14 (3) The tragic consequences of drug use and alcohol
15 abuse by students are felt not only by students and their
16 families, but also by their communities and their Nation,
17 which can ill afford to lose their skills, talents, and
18 vitality.

19 (4) In communities, schools and local organizations
20 have a special responsibility to work together to combat
21 the scourge of drug use and alcohol abuse.

22 (5) Prompt action by our Nation's schools, families,
23 and communities can bring us significantly closer to the
24 goal of a drug-free generation and a drug free society.

25 SEC. 4103. PURPOSE.

1 The purpose of this subtitle is to assist States in their
2 efforts to educate concerning, and to prevent, drug use and
3 alcohol abuse through school and community based programs.

4 SEC. 4104. AUTHORIZATION OF APPROPRIATIONS.

5 For the purpose of carrying out this subtitle, there are
6 authorized to be appropriated \$150,000,000 for each of fiscal
7 years 1987, 1988, 1989, and 1990.

8 SEC. 4105. RESERVATIONS AND ALLOTMENTS.

9 (a) The Secretary shall reserve \$20,000,000 of the
10 amounts appropriated under section 4104 for any fiscal year
11 for national programs under section 4109.

12 (b)(1) From the remainder of the amount appropriated to
13 carry out this subtitle for each fiscal year after amounts
14 are reserved under subsection (a) for such fiscal year, the
15 Secretary may reserve up to 1 per cent for allotments to
16 Guam, American Samoa, the Virgin Islands, the Commonwealth of
17 the Northern Mariana Islands, and the Trust Territory of the
18 Pacific Islands.

19 (2) The Secretary shall allot the amounts reserved under
20 paragraph (1) among Guam, American Samoa, the Virgin Islands,
21 the Commonwealth of the Northern Mariana Islands, and the
22 Trust Territory of the Pacific Islands, on the basis of need
23 for amounts to carry out the activities described in section
24 4107.

25 (c)(1) From the remainder of the amount appropriated to

1 carry out this subtitle for each fiscal year after amounts
2 are reserved under subsections (a) and (b) for such fiscal
3 year, the Secretary shall allot to each State an amount which
4 bears the same ratio to such remainder as the number of
5 children aged five to seventeen, inclusive, in the State
6 bears to the total number of such children in all States,
7 except that the allotment of each State under this subsection
8 shall not be less than \$500,000. For purposes of this
9 subsection, the number of children aged five to seventeen,
10 inclusive, in a State and in all the States shall be
11 determined by the Secretary on the basis of the most recent
12 available data satisfactory to the Secretary.

13 (2)(A) The Secretary may reallocate all or a portion of the
14 State's allotment under paragraph (1) for any fiscal year if
15 the State does not submit a State application under section
16 4106, or otherwise indicates to the Secretary that it does
17 not need or cannot use the full amount of its allotment for
18 that fiscal year. The Secretary may fix one or more dates
19 during a fiscal year upon which to make reallocations.

20 (B) The Secretary may reallocate amounts available under
21 subparagraph (A) for a fiscal year on a competitive basis to
22 one or more States that demonstrate a need for additional
23 amounts to carry out the activities described in section
24 4107. Any funds reallocated to a State under this subparagraph
25 shall be deemed to be part of its allotment under this

1 subtitle for the fiscal year in which the funds are
2 reallocated.

3 (3) For purposes of this subsection, the term "State"
4 means each of the several States, the District of Columbia,
5 and the Commonwealth of Puerto Rico.

6 SEC. 4106. PAYMENTS UNDER ALLOTMENTS TO STATES.

7 (a) For each fiscal year, the Secretary shall make
8 payments, as provided by section 6503(a) of title 31, United
9 States Code, to each State from its allotment under section
10 1205 from amounts appropriated for that fiscal year.

11 (b) Any amount paid to a State for a fiscal year and
12 remaining unobligated at the end of such year shall remain
13 available for the next fiscal year to such State for the
14 purposes for which it was made.

15 SEC. 4107. USE AND DISTRIBUTION OF FUNDS.

16 (a) At least 62 percent of the total amount paid to a
17 State under section 4106 for a fiscal year from its allotment
18 under section 4105 for such fiscal year shall be used by the
19 State educational agency in accordance with subsection (c).

20 (b)(1) After the application of subsection (a), the
21 remainder of the total amount paid to a State under section
22 4106 for a fiscal year from its allotment under section 4105
23 for a fiscal year shall be used by the chief executive
24 officer of a State for drug abuse and alcohol abuse
25 prevention and education activities, and to ensure the

1 coordination of local drug abuse and alcohol abuse prevention
2 and education activities. Activities by the chief executive
3 officer of a State under this subsection may include:

4 (A) Grants to local governments or other public and
5 nonprofit private entities, including parent groups, in
6 the State for the improvement of programs and activities
7 such as--

8 (i) local broad based programs for drug abuse and
9 alcohol abuse prevention, early intervention,
10 rehabilitation referral, and education directed
11 toward all age groups, and

12 (ii) training programs for teachers and other
13 school personnel, parents, local law enforcement
14 officials, and judges.

15 (B) The development and distribution of educational
16 and informational materials, including curricula, and
17 public information, including media campaigns, aimed at a
18 drug-free America.

19 (C) Activities to increase drug abuse and alcohol
20 abuse education and prevention efforts targeted at
21 children and youth in kindergarten through the twelfth
22 grade.

23 (2) In carrying out paragraph (1), the chief executive
24 officer of a State shall ensure that model, innovative,
25 community based programs of multiple coordinated services for

1 high risk youth are given the highest priority. For purposes
2 of this paragraph, the term "high risk youth" means an
3 individual who has not attained the age of 21 years, who is
4 at high risk of becoming, or who has become, a drug abuser or
5 an alcohol abuser, and who--

6 (A) is the child of a substance abuser;

7 (B) is a victim of physical, sexual, or psychological
8 abuse;

9 (C) has dropped out of school;

10 (D) has become pregnant;

11 (E) is economically disadvantaged;

12 (F) has committed a violent or delinquent act;

13 (G) has experienced mental health problems;

14 (H) has attempted suicide; or

15 (I) is disabled by injuries.

16 (c)(1) The State educational agency of a State shall use
17 90 percent of the amounts available to such agency under
18 subsection (a) for grants to, and contracts with, local
19 educational agencies in the State, pursuant to subsection
20 (d).

21 (2) Any amounts available to a State educational agency
22 after the application of paragraph (1) may be used by such
23 agency for drug abuse and alcohol abuse prevention and
24 education activities primarily directed toward elementary,
25 secondary, and postsecondary schools. Such activities may

1 include--

2 (A) programs for drug abuse and alcohol abuse
3 prevention, early intervention, rehabilitation referral,
4 and education which will be conducted in elementary,
5 secondary, and postsecondary schools;

6 (B) training and technical assistance programs for
7 local educational agencies, including teachers,
8 administrators, and other school personnel, parents,
9 local law enforcement officials, and judges;

10 (C) the development, dissemination, implementation,
11 and evaluation of drug abuse education curricula and
12 teaching materials in elementary and secondary schools
13 throughout the State; and

14 (D) demonstration projects in drug abuse education.

15 (3) The State educational agency shall submit to the
16 chief executive officer of the State a plan which--

17 (A) describes how the State will coordinate its
18 efforts with appropriate State health, law enforcement,
19 and drug abuse prevention agencies in particular, the
20 State authority which administers the Alcohol, Drug
21 Abuse, and Mental Health block grant;

22 (B) describes how funds will be allocated among local
23 educational agencies;

24 (C) provides for an annual evaluation of the
25 effectiveness of programs assisted under this subtitle;

1 (D) provides that the State educational agency will
2 keep such records and provide such information to the
3 chief executive officer of the State as may be required
4 for fiscal audit and program evaluation; and

5 (E) contains assurances that there is compliance with
6 the specific requirements of this subtitle.

7 (d)(1) Any amounts made available to a local educational
8 agency pursuant to a grant or contract under paragraph (1)
9 may be used by such agency for drug abuse and alcohol abuse
10 prevention and education activities primarily directed toward
11 elementary, secondary, and postsecondary schools. Such
12 activities may include--

13 (A) the development and implementation of drug abuse
14 and alcohol abuse education curricula for elementary and
15 secondary schools;

16 (B) drug abuse and alcohol abuse prevention
17 counseling programs including peer and professional
18 counseling;

19 (C) programs of drug abuse and alcohol abuse
20 treatment referral;

21 (D) programs of in-service and pre-service training
22 in drug abuse and alcohol abuse prevention for teachers,
23 counselors, and other educational personnel, public
24 service personnel (including law enforcement officials),
25 and community leaders, including cooperative programs

1 with higher education institutions;

2 (E) programs in primary prevention and early
3 intervention, such as the interdisciplinary school-team
4 approach developed by the Department of Education;

5 (F) community education programs and other activities
6 to involve parents and communities in the fight against
7 drug abuse and alcohol abuse;

8 (G) public education programs on drug abuse and
9 alcohol abuse, including programs utilizing
10 professionals, and former drug abusers and alcohol
11 abusers and drug dependent and alcohol dependent
12 individuals;

13 (H) on-site efforts in schools to enhance
14 identification and discipline of such drug abusers and
15 alcohol users, and to enable law officials to take
16 necessary action in cases of drug possession and of drug
17 and alcohol supplying to the student population; or

18 (I) other programs of drug abuse and alcohol abuse
19 education and prevention consistent with the purposes of
20 this subtitle.

21 (2) A local educational agency may receive its allocation
22 of funds under this subtitle for any fiscal year for which
23 its application to the State educational agency has been
24 certified to meet the requirements of this subsection. The
25 State educational agency shall certify any such application

1 if such application--

2 (A) provides assurances of compliance with the
3 provisions of this subtitle;

4 (B) describes how drug and alcohol abuse prevention
5 curricula will be implemented in each elementary and
6 secondary school from the early elementary level through
7 grade twelve, including a description of provisions to
8 target education efforts to students most at risk of drug
9 abuse and to schools with the greatest need of drug abuse
10 prevention programs;

11 (C) provides assurances that the applicant's drug and
12 alcohol education and prevention programs will involve
13 school administrators, teachers, athletic staff, and
14 other school personnel, as well as parents, law
15 enforcement officials, medical professionals, and other
16 groups with interest and expertise in drug abuse and
17 alcohol abuse prevention;

18 (D) provides assurances that the applicant will
19 coordinate its efforts with appropriate State and local
20 drug abuse and alcohol abuse, health, and law enforcement
21 agencies, in order to effectively conduct drug and
22 alcohol abuse education, intervention, and referral for
23 treatment and rehabilitation for the student population;

24 (E) provides for an annual evaluation of the
25 effectiveness of programs assisted under this subtitle;

1 and

2 (F) agrees to keep such records and provide such
3 information to the State educational agency as reasonably
4 may be required for fiscal audit and program evaluation,
5 consistent with the responsibilities of the State agency
6 under this subtitle.

7 (e) Any program supported with amounts paid to a State
8 under section 4106 shall, where appropriate, provide
9 information to individuals about local drug abuse and alcohol
10 abuse treatment and rehabilitation programs.

11 (f) Any materials produced or distributed with amounts
12 paid to a State under section 4106 shall reflect the message
13 that the use of illegal drugs and the abuse of alcohol is
14 wrong and harmful. The Secretary shall not review curricula
15 and shall not promulgate regulations to carry out this
16 subsection.

17 SEC. 4108. STATE APPLICATIONS.

18 (a) In order to receive an allotment under subsection (b)
19 or (c) of section 4105 for a fiscal year, a State shall
20 submit an application to the Secretary. As part of such
21 application, the chief executive officer of the State shall
22 agree to use the amounts paid to the State under section 4106
23 in accordance with the requirements of this subtitle.

24 (b) Each application submitted under subsection (a)
25 shall--

- 1 (1) cover a period of three fiscal years;
- 2 (2) be submitted at a time, in such manner, and
3 contain such information, as the Secretary may require;
- 4 (3) contains assurances that no more than 2 per cent
5 of the total amount paid to a State under section 4106
6 for a fiscal year will be used by the State, and 2 per
7 cent by the State educational agency, to pay the costs of
8 administering programs under this subtitle;
- 9 (4) contain assurances that the Federal funds made
10 available under this subtitle for any period will be so
11 used as to supplement and increase the level of State,
12 local, and non-Federal funds that would in the absence of
13 such Federal funds be made available for the programs and
14 activities for which funds are provided under this
15 subtitle and will in no event supplant such State, local,
16 and other non-Federal funds; and
- 17 (5) designate the State educational agency as the
18 agency responsible for the administration and supervision
19 of programs assisted under subsections (c) and (d) of
20 section 4107 includes the plan for use of funds under
21 subsection (c)(3) of such section.

22 SEC. 4109. NATIONAL PROGRAMS.

23 (a) The Secretary shall use--

- 24 (1) \$10,000,000 of the amount reserved under section
25 4105(a) for a fiscal year to maintain the regional

1 centers authorized by subsection (c);

2 (2) \$8,000,000 of such reserved amount for a fiscal
3 year to carry out the national programs described in
4 subsection (b); and

5 (3) \$2,000,000 of such reserved amount for the grants
6 described in subsection (d).

7 (b)(1) The Secretary shall use the amount described in
8 subsection (a)(2) for a fiscal year for national programs
9 described in paragraph (2). Such programs shall be designed
10 to achieve and maintain a drug-free environment that is
11 conducive to learning in elementary and secondary schools.
12 The Secretary may carry out such programs directly, or
13 through grants, contracts, or cooperative agreements with
14 State or local educational agencies, institutions of higher
15 education, and other public and private agencies,
16 organizations, and institutions. The Secretary shall, when
17 appropriate, coordinate activities under this subsection with
18 activities conducted by the Secretary of Health and Human
19 Services, the Secretary of Labor, the Director of ACTION, and
20 the heads of other appropriate agencies.

21 (2) The Secretary shall use amounts available under this
22 subsection to--

23 (A) collect and disseminate information about drug
24 use and alcohol abuse among students in elementary and
25 secondary schools;

1 (B) develop curricula for schools which warn against
2 the use of drugs and the abuse of alcohol;

3 (C) provide training or technical assistance to
4 States consistent with the purposes of this subtitle;

5 (D) coordinate drug abuse and alcohol abuse education
6 and prevention efforts with similar efforts by other
7 Federal agencies; and

8 (E) collect data concerning, and evaluate, programs
9 that reduce drug abuse and alcohol abuse among students.

10 (3) The Secretary shall coordinate activities conducted
11 under this subsection with similar activities conducted by
12 the Secretary of Health and Human Services, particularly the
13 clearinghouse established under section 4013.

14 (c) The Secretary shall use the amount described in
15 subsection (a)(1) for a fiscal year to maintain at least 5
16 regional centers to--

17 (1) train school teams to assess the scope and nature
18 of their drug abuse and alcohol abuse problems, mobilize
19 the community to address such problems, design
20 appropriate curricula, identify students at highest risk
21 and refer them to appropriate treatment, and
22 institutionalize long term effective drug and alcohol
23 abuse programs, including long range technical
24 assistance, evaluation, and followup on such training;

25 (2) assist State educational agencies in coordinating

1 and strengthening drug abuse and alcohol abuse education
2 and prevention programs;

3 (3) assist local educational agencies and higher
4 education institutions in developing appropriate
5 preservice and inservice training programs for
6 educational personnel; and

7 (4) evaluate and disseminate information on effective
8 drug abuse and alcohol abuse education and prevention
9 programs and strategies.

10 (d)(1) From the amounts described in subsection (a)(3)
11 for a fiscal year, the Secretary shall reserve--

12 (A) \$1,700,000 for grants to Indian tribes and tribal
13 organizations, and

14 (B) \$300,000 for grants to Hawaiian natives.

15 (2) From the funds reserved pursuant to paragraph (1)(A),
16 the Secretary shall make grants to Indian tribes and tribal
17 organizations to plan, conduct, and administer programs, or
18 portions thereof, which are authorized and consistent with
19 the provisions of this subtitle for the benefit of tribal
20 members.

21 (3) From the funds reserved pursuant to paragraph (1)(B),
22 the Secretary shall enter into contracts with organizations
23 primarily serving and representing Hawaiian natives which are
24 recognized by the Governor of the State of Hawaii to plan,
25 conduct, and administer programs, or portions thereof, which

1 are authorized by and consistent with the provisions of this
2 subtitle for the benefit of Hawaiian natives.

3 (4) For the purposes of this subsection, the terms--

4 (A) "Indian tribe" and "tribal organization" have
5 the same meaning given such terms in sections 4(b) and
6 4(c) of the Indian Self-Determination and Education
7 Assistance Act, and

8 (B) "Hawaiian native" means any individual any of
9 whose ancestors were natives, prior to 1778, of the area
10 which now comprises the State of Hawaii.

11 SEC. 4110. INTERAGENCY COORDINATION.

12 The Secretary of Health and Human Services, the Secretary
13 of Labor, the Secretary of Education, and the Director of
14 ACTION shall each designate an officer or employee of the
15 Departments of Education, Health and Human Services, and
16 Labor, and ACTION, respectively, to coordinate interagency
17 drug abuse activities..

18 SEC. 4111. TRAINING, TECHNICAL ASSISTANCE, AND DATA

19 COLLECTION.

20 (a) The Secretary of Health and Human Services and the
21 Secretary of Education shall provide training and technical
22 assistance to States and public and nonprofit private
23 entities in planning and operating activities to be carried
24 out under this subtitle.

25 (b) The Secretary of Health and Human Services and the

1 Secretary of Education may conduct data collection activities
2 to enable the Secretary to carry out this subtitle.

3 SEC. 4112. REPORT.

4 Within 6 months after the date of enactment of this Act,
5 the Secretary of Education and the Secretary of Health and
6 Human Services shall prepare and transmit to the appropriate
7 committees of the Congress a report on the implementation of
8 this subtitle. The report shall include a description of the
9 manner in which activities conducted under this subtitle are
10 being coordinated with activities conducted under subtitle A.

11 SEC. 4113. CONFORMING AMENDMENTS.

12 Section 583(b) of the Education Consolidation and
13 Improvement Act of 1981 (20 U.S.C. 3851(b)) is amended by--

14 (1) inserting ``and`` at the end of paragraph (2);

15 (2) striking out paragraph (3); and

16 (3) redesignating paragraph (4) as paragraph (3).

17 SEC. 4114. DEFINITIONS.

18 The definitions of terms contained in section 595 of the
19 Education Consolidation and Improvement Act of 1981 shall
20 apply to this subtitle.

21 SEC. 4115. PRIVATE SCHOOLS.

22 The provisions of section 557 of the Education
23 Consolidation and Improvement Act of 1981 shall apply to this
24 subtitle.

25 SEC. 4116. SENSE OF THE SENATE URGING THE MOTION PICTURE

1 ASSOCIATION TO LABEL PRO-DRUG FILMS.

2 (a) The Senate finds that--

3 (1) the abuse of alcohol and the use of drugs has
4 become a societal problem of epidemic proportions;

5 (2) it is in the interest of all citizens to
6 contribute to the reduction of alcohol abuse and drug
7 use, particularly among youth;

8 (3) the entertainment industry, particularly the
9 motion picture industry's production of youth-oriented
10 films, often depicts alcohol abuse and drug use in a
11 benign, even glamorous way;

12 (4) the motion picture industry has a profound impact
13 on societal norms and is a powerful medium which exerts
14 great influence on the values of youth; and

15 (5) the motion industry has recognized the need to
16 inform parents about the content of movies regarding
17 violence, theme, sex, language, and nudity; and therefore
18 currently employs a voluntary rating system.

19 (b) It is the sense of the Senate that the Motion Picture
20 Association of America should incorporate a subcategory in
21 its voluntary movie rating system to identify clearly films
22 which depict alcohol abuse and drug use in a benign or
23 favorable light, and give a special rating to movies that so
24 depict alcohol abuse and drug use, in order that parents can
25 make an informed choice about the movies their children

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19

S.I.C.

1 attend.

1 Subtitle C--Indians and Alaska Natives

2 SEC. 4201. SHORT TITLE.

3 This subtitle may be cited as the ``Indian Alcohol and
4 Substance Abuse Prevention and Treatment Act of 1986``.

5 PART I--GENERAL PROVISIONS

6 SEC. 4202. FINDINGS.

7 The Congress finds and declares that--

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

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

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

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

1 5 times that of the United States,

2 (5) 4 of the top 10 causes of death among Indians are
3 alcohol and drug related injuries (18 percent of all
4 deaths), chronic liver disease and cirrhosis (5 percent),
5 suicide (3 percent), and homicide (3 percent),

6 (6) primarily because deaths from unintentional
7 injuries and violence occur disproportionately among
8 young people, the age-specific death rate for Indians is
9 approximately double the United States rate for the 15 to
10 45 age group,

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

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

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

23 (10) the Bureau of Indian Affairs, which has
24 responsibility for programs in education, social
25 services, law enforcement, and other areas, has assumed

1 little responsibility for coordinating its various
2 efforts to focus on the epidemic of alcohol and substance
3 abuse among Indian people,

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

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

15 SEC. 4203. PURPOSE.

16 It is the purpose of this subtitle to--

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

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

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

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

9 SEC. 42Ø4. DEFINITIONS.

1Ø For purposes of this subtitle--

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

15 (2) The term "youth" shall have the meaning given
16 it in any particular Tribal Action Plan adopted pursuant
17 to section 42Ø5, except that, for purposes of statistical
18 reporting under this subtitle, it shall mean a person who
19 is 19 years or younger or who is in attendance at a
2Ø secondary school.

21 (3) The term "Indian tribe" means any Indian tribe,
22 band, nation, or other organized group or community of
23 Indians (including any Alaska Native village or regional
24 or village corporation as defined in, or established
25 pursuant to, the Alaska Native Claims Settlement Act (43

1 U.S.C. 1601 et seq.)) which is recognized as eligible for
2 special programs and services provided by the United
3 States to Indians because of their status as Indians.

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

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

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

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

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

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

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

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

1 (5) The term "service unit" means an administrative
2 entity within the Indian Health Service or a tribe or
3 tribal organization operating health care programs or
4 facilities with funds from the Indian Health Service
5 under the Indian Self-Determination Act through which the
6 services are provided, directly or by contract, to the
7 eligible Indian population within a defined geographic
8 area.

9 PART II--COORDINATION OF RESOURCES AND PROGRAMS

10 SEC. 42Ø5. INTER-DEPARTMENTAL MEMORANDUM OF AGREEMENT.

11 (a) In General.--The Secretary of the Interior and the
12 Secretary of Health and Human Services shall develop and
13 enter into a Memorandum of Agreement which shall, among other
14 things--

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

20 (2) identify--

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

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

25 which would be relevant to a coordinated effort to combat

1 alcohol and substance abuse among Indian people,
2 including those programs and resources made available by
3 this subtitle,

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

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

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

12 (4) coordinate the Bureau of Indian Affairs and
13 Indian Health Service alcohol and substance abuse
14 programs existing on the date of the enactment of this
15 subtitle with programs or efforts established by this
16 subtitle,

17 (5) delineate the responsibilities of the Bureau of
18 Indian Affairs and the Indian Health Service to
19 coordinate alcohol and substance abuse-related services
20 at the central, area, agency, and service unit levels,

21 (6) direct Bureau of Indian Affairs agency and
22 education superintendents, where appropriate, and the
23 Indian Health Service service unit directors to cooperate
24 fully with tribal requests made pursuant to section 4206,
25 and

1 (7) provide for an annual review of such agreements
2 by the Secretary of the Interior and the Secretary of
3 Health and Human Services.

4 (b) Character of Activities.--To the extent that there
5 are new activities undertaken pursuant to this subtitle,
6 those activities shall supplement, not supplant, activities,
7 programs, and local actions that are ongoing on the date of
8 the enactment of this subtitle. Such activities shall be
9 undertaken in the manner least disruptive to tribal control,
10 in accordance with the Indian Self-Determination and
11 Education Assistance Act (25 U.S.C. 45Ø et seq.), and local
12 control, in accordance with section 113Ø of the Education
13 Amendments of 1978 (25 U.S.C. 2Ø1Ø).

14 (c) Consultation.--The Secretary of the Interior and the
15 Secretary of Health and Human Services shall, in developing
16 the Memorandum of Agreement under subsection (a), consult
17 with and solicit the comments of--

18 (1) interested Indian tribes,
19 (2) Indian individuals,
20 (3) Indian organizations, and
21 (4) professionals in the treatment of alcchol and
22 substance abuse.

23 (d) Publication.--The Memorandum of Agreement under
24 subsection (a) shall be submitted to Congress and published
25 in the Federal Register not later than 9Ø days after the date

1 of enactment of this subtitle. At the same time as
2 publication in the Federal Register, the Secretary of the
3 Interior shall provide a copy of this subtitle and the
4 Memorandum of Agreement under subsection (a) to each Indian
5 tribe.

6 SEC. 42Ø6. TRIBAL ACTION PLANS.

7 (a) In General.--The governing body of any Indian tribe
8 may, at its discretion, adopt a resolution for the
9 establishment of a Tribal Action Plan to coordinate available
10 resources and programs, including programs and resources made
11 available by this subtitle, in an effort to combat alcohol
12 and substance abuse among its members. Such resolution shall
13 be the basis for the implementation of this subtitle and of
14 the Memorandum of Agreement under section 42Ø5.

15 (b) Cooperation.--At the request of any Indian tribe
16 pursuant to a resolution adopted under subsection (a), the
17 Bureau of Indian Affairs agency and education
18 superintendents, where appropriate, and the Indian Health
19 Service service unit director providing services to such
20 tribe shall cooperate with the tribe in the development of a
21 Tribal Action Plan to coordinate resources and programs
22 relevant to alcohol and substance abuse prevention and
23 treatment. Upon the development of such a plan, such
24 superintendents and director, as directed by the Memorandum
25 of Agreement established under section 42Ø5, shall enter into

1 an agreement with the tribe for the implementation of the
2 Tribal Action Plan under subsection (a).

3 (c) Provisions.--

4 (1) Any Tribal Action Plan entered into under
5 subsection (b) shall provide for--

6 (A) the establishment of a Tribal Coordinating
7 Committee which shall--

8 (i) at a minimum, have as members a tribal
9 representative who shall serve as Chairman and
10 the Bureau of Indian Affairs agency and education
11 superintendents, where appropriate, and the
12 Indian Health Service service unit director, or
13 their representatives,

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

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

20 (iv) have the responsibility for scheduling
21 Federal, tribal or other personnel for training
22 in the prevention and treatment of alcohol and
23 substance abuse among Indians as provided under
24 section 4228, and

25 (B) the incorporation of the minimum standards

1 for those programs and services which it encompasses
2 which shall be--

3 (i) the Federal or State standards as
4 provided in section 4205(a)(3), or

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

8 (2) Any Tribal Action Plan may, among other things,
9 provide for--

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

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

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

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

22 (d) Grants.--The Secretary of the Interior may make
23 grants to Indian tribes adopting a resolution pursuant to
24 subsection (a) to provide technical assistance in the
25 development of a Tribal Action Plan. The Secretary shall

1 allocate funds based on need. There is authorized to be
2 appropriated such sums as may be necessary for each of the
3 fiscal years 1987, 1988, and 1989 for grants under this
4 subsection.

5 (e) Federal Action.--If any Indian tribe does not adopt a
6 resolution as provided in subsection (a) within 90 days after
7 the publication of the Memorandum of Agreement in the Federal
8 Register as provided in section 4205, the Secretary of the
9 Interior and the Secretary of Health and Human Services shall
10 require the Bureau of Indian Affairs agency and education
11 superintendents, where appropriate, and the Indian Health
12 Service service unit director serving such tribe to enter
13 into an agreement to identify and coordinate available
14 programs and resources to carry out the purposes of this
15 subtitle for such tribe. After such an agreement has been
16 entered into for a tribe such tribe may adopt a resolution
17 under subsection (a).

18 SEC. 4207. DEPARTMENTAL RESPONSIBILITY.

19 (a) Implementation.--The Secretary of the Interior,
20 acting through the Bureau of Indian Affairs, and the
21 Secretary of Health and Human Services, acting through the
22 Indian Health Service, shall bear equal responsibility for
23 the implementation of this subtitle in cooperation with
24 Indian tribes.

25 (b) Office of Alcohol and Substance Abuse.--

1 (1) In order to better coordinate the various
2 programs of the Bureau of Indian Affairs in carrying out
3 this subtitle, there is established within the Office of
4 the Assistant Secretary of Indian Affairs an Office of
5 Alcohol and Substance Abuse. The director of such office
6 shall be appointed by the Assistant Secretary on a
7 permanent basis at no less than a grade GS-15 of the
8 General Schedule.

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

11 (A) monitoring the performance and compliance of
12 programs of the Bureau of Indian Affairs in meeting
13 the goals and purposes of this subtitle and the
14 Memorandum of Agreement entered into under section
15 4205, and

16 (B) serving as a point of contact within the
17 Bureau of Indian Affairs for Indian tribes and the
18 Tribal Coordinating Committees regarding the
19 implementation of this subtitle, the Memorandum of
20 Agreement, and any Tribal Action Plan established
21 under section 4206.

22 (c) Indian Youth Programs Officer.--

23 (1) There is established in the Office of Alcohol and
24 Substance Abuse the position to be known as the Indian
25 Youth Programs Officer.

1 (2) The position of Indian Youth Programs Officer
2 shall be established on a permanent basis at no less than
3 the grade of GS-14 of the General Schedule.

4 (3) In addition to other responsibilities which may
5 be assigned to the Indian Youth Programs Officer relating
6 to Indian Youth, such Officer shall be responsible for--

7 (A) monitoring the performance and compliance of
8 programs of the Bureau of Indian Affairs in meeting
9 the goals and purposes of this subtitle and the
10 Memorandum of Agreement entered into under section
11 4205 as they relate to Indian youth efforts, and

12 (B) providing advice and recommendations,
13 including recommendations submitted by Indian tribes
14 and Tribal Coordinating Committees, to the Director
15 of the Office of Alcohol and Substance Abuse as they
16 relate to Indian youth.

17 SEC. 4208. CONGRESSIONAL INTENT.

18 It is the intent of Congress that--

19 (1) specific Federal laws, and administrative
20 regulations promulgated thereunder, establishing programs
21 of the Bureau of Indian Affairs, the Indian Health
22 Service, and other Federal agencies, and

23 (2) general Federal laws, including laws limiting
24 augmentation of Federal appropriations or encouraging
25 joint or cooperative funding,

1 shall be liberally construed and administered to achieve the
2 purposes of this subtitle.

3 SEC. 42Ø9. FEDERAL FACILITIES, PROPERTY, AND EQUIPMENT.

4 (a) Facility Availability.--In the furtherance of the
5 purposes and goals of this subtitle, the Secretary of the
6 Interior and the Secretary of Health and Human Services shall
7 make available for community use, to the extent permitted by
8 law and as may be provided in a Tribal Action Plan, local
9 Federal facilities, property, and equipment, including school
10 facilities. Such facility availability shall include school
11 facilities under the Secretary of the Interior's
12 jurisdiction: Provided, That the use of any school facilities
13 shall be conditioned upon approval of the local school board
14 with jurisdiction over such school.

15 (b) Costs.--Any additional cost associated with the use
16 of Federal facilities, property, or equipment under
17 subsection (a) may be borne by the Secretary of the Interior
18 and the Secretary of Health and Human Services out of
19 available Federal, tribal, State, local, or private funds, if
20 not otherwise prohibited by law. This subsection does not
21 require the Secretary of the Interior nor the Secretary of
22 Health and Human Services to expend additional funds to meet
23 the additional costs which may be associated with the
24 provision of such facilities, property, or equipment for
25 community use. Where the use of Federal facilities, property,

1 or equipment under subsection (a) furthers the purposes and
2 goals of this subtitle, the use of funds other than those
3 funds appropriated to the Department of the Interior or the
4 Department of Health and Human Services to meet the
5 additional costs associated with such use shall not
6 constitute an augmentation of Federal appropriations.

7 SEC. 421Ø. NEWSLETTER.

8 The Secretary of the Interior shall, not later than 12Ø
9 days after the date of the enactment of this subtitle,
1Ø publish an alcohol and substance abuse newsletter in
11 cooperation with the Secretary of Health and Human Services
12 and the Secretary of Education to report on Indian alcohol
13 and substance abuse projects and programs. The newsletter
14 shall--

15 (1) be published once in each calendar quarter,

16 (2) include reviews of programs determined by the
17 Secretary of the Interior to be exemplary and provide
18 sufficient information to enable interested persons to
19 obtain further information about such programs, and

2Ø (3) be circulated without charge to--

21 (A) schools,

22 (B) tribal offices,

23 (C) Bureau of Indian Affairs' agency and area
24 offices,

25 (D) Indian Health Service area and service unit

1 offices,
2 (E) Indian Health Service alcohol programs, and
3 (F) other entities providing alcohol and
4 substance abuse related services or resources to
5 Indian people.

6 PART III--INDIAN YOUTH PROGRAMS

7 SEC. 4211. REVIEW OF PROGRAMS.

8 (a) Review.--In the development of the Memorandum of
9 Agreement required by section 4205, the Secretary of the
10 Interior and the Secretary of Health and Human Services, in
11 cooperation with the Secretary of Education shall review and
12 consider--

13 (1) Federal programs providing education services or
14 benefits to Indian children,

15 (2) tribal, State, local, and private educational
16 resources and programs,

17 (3) Federal programs providing family and social
18 services and benefits for Indian families and children,

19 (4) Federal programs relating to youth employment,
20 recreation, cultural, and community activities, and

21 (5) tribal, State, local, and private resources for
22 programs similar to those cited in paragraphs (3) and

23 (4),

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

1 (b) Publication.--The results of the review conducted
2 under subsection (a) shall be provided to each Indian tribe
3 as soon as possible for their consideration and use in the
4 development or modification of a Tribal Action Plan under
5 section 4206.

6 SEC. 4212. INDIAN EDUCATION PROGRAMS.

7 (a) Pilot Programs.--The Assistant Secretary of Indian
8 Affairs shall develop and implement pilot programs in
9 selected schools to determine the effectiveness of summer
10 youth programs in furthering the purposes and goals of the
11 Indian Alcohol and Substance Abuse Prevention and Treatment
12 Act of 1986. For the pilot programs there are authorized to
13 be appropriated such sums as may be necessary for each of the
14 fiscal years 1987, 1988, and 1989."

15 (b) Use of Funds.--Federal financial assistance made
16 available to public or private schools because of the
17 enrollment of Indian children pursuant to--

18 (1) the Act of April 16, 1934, as amended by the
19 Indian Education Assistance Act (25 U.S.C. 452 et seq.),

20 (2) the Indian Elementary and Secondary School
21 Assistance Act (20 U.S.C. 241aa et seq.), and

22 (3) the Indian Education Act (20 U.S.C. 3385),
23 may be used to support a program of instruction relating to
24 alcohol and substance abuse prevention and treatment.

25 SEC. 4213. EMERGENCY SHELTERS.

1 (a) In General.--A Tribal Action Plan adopted pursuant to
2 section 4206 may make such provisions as may be necessary and
3 practical for the establishment, funding, licensing, and
4 operation of emergency shelters or half-way houses for Indian
5 youth who are alcohol or substance abusers, including youth
6 who have been arrested for offenses directly or indirectly
7 related to alcohol or substance abuse.

8 (b) Referrals.--

9 (1) In any case where an Indian youth is arrested or
10 detained by the Bureau of Indian Affairs or tribal law
11 enforcement personnel for an offense relating to alcohol
12 or substance abuse, other than for a status offense as
13 defined by the Juvenile Justice and Delinquency
14 Prevention Act of 1974, under circumstances where such
15 youth may not be immediately restored to the custody of
16 his parents or guardians and where there is space
17 available in an appropriately licensed and supervised
18 emergency shelter or half-way house, such youth shall be
19 referred to such facility in lieu of incarceration in a
20 secured facility unless such youth is deemed a danger to
21 himself or to other persons.

22 (2) In any case where there is a space available in
23 an appropriately licensed and supervised emergency
24 shelter or half-way house, the Bureau of Indian Affairs
25 and tribal courts are encouraged to refer Indian youth

1 convicted of offenses directly or indirectly related to
2 alcohol and substance abuse to such facilities in lieu of
3 sentencing to incarceration in a secured juvenile
4 facility.

5 (c) Direction to States.--In the case of any State that
6 exercises criminal jurisdiction over any part of Indian
7 country under section 1162 of title 18 of the United States
8 Code or section 4Ø1 of the Act of April 11, 1968 (25 U.S.C.
9 1321), such State is urged to require its law enforcement
1Ø officers to--

11 (1) place any Indian youth arrested for any offense
12 related to alcohol or substance abuse in a temporary
13 emergency shelter described in subsection (d) or a
14 community-based alcohol or substance abuse treatment
15 facility in lieu of incarceration to the extent such
16 facilities are available, and

17 (2) observe the standards promulgated under
18 subsection (d):

19 (d) Standards.--The Assistant Secretary of Indian Affairs
2Ø shall, as part of the development of the Memorandum of
21 Agreement set out in section 42Ø5, promulgate standards by
22 which the emergency shelters established under a program
23 pursuant to subsection (a) shall be established and operated.

24 (e) Authorization.--For the planning and design,
25 construction, and renovation, of emergency shelters or half-

1 way houses to provide emergency care for Indian youth, there
2 is authorized to be appropriated \$5,000,000 for each of the
3 fiscal years 1987, 1988, and 1989. For the operation of
4 emergency shelters or half-way houses there is authorized to
5 be appropriated such sums as may be necessary for each of the
6 fiscal years 1987, 1988, and 1989. The Secretary of the
7 Interior shall allocate funds appropriated pursuant to this
8 subsection on the basis of priority of need of the various
9 Indian tribes and such funds, when allocated, shall be
10 subject to contracting pursuant to the Indian Self-
11 Determination Act.

12 SEC. 4214. SOCIAL SERVICES REPORTS.

13 (a) Data.--The Secretary of the Interior, with respect to
14 the administration of any family or social services program
15 by the Bureau of Indian Affairs directly or through contracts
16 under the Indian Self-Determination Act, shall require the
17 compilation of data relating to the number and types of child
18 abuse and neglect cases seen and the type of assistance
19 provided. Additionally, such data should also be categorized
20 to reflect those cases that involve, or appear to involve,
21 alcohol and substance abuse, those cases which are recurring,
22 and those cases which involve other minor siblings.

23 (b) Referral of Data.--The data compiled pursuant to
24 subsection (a) shall be provided annually to the affected
25 Indian tribe and Tribal Coordinating Committee to assist them

1 in developing or modifying a Tribal Action Plan and shall
2 also be submitted to the Indian Health Service service unit
3 director who will have responsibility for compiling a tribal
4 comprehensive report as provided in section 423Ø.

5 (c) Confidentiality.--In carrying out the requirements of
6 subsections (a) and (b), the Secretary shall insure that the
7 data is compiled and reported in a manner which will preserve
8 the confidentiality of the families and individuals.

9 PART IV--LAW ENFORCEMENT AND JUDICIAL SERVICES

10 SEC. 4215. REVIEW OF PROGRAMS.

11 (a) Law Enforcement and Judicial Services.--In the
12 development of the Memorandum of Agreement required by
13 section 42Ø5, the Secretary of the Interior and the Secretary
14 of Health and Human Services, in cooperation with the
15 Attorney General of the United States, shall review and
16 consider--

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

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

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

24 (b) Dissemination of Review.--The results of the review
25 conducted pursuant to subsection (a) shall be made available

1 to every Indian tribe as soon as possible for their
2 consideration and use in the development and modification of
3 a Tribal Action Plan.

4 SEC. 4216. ILLEGAL NARCOTICS TRAFFIC ON THE PAPAGO
5 RESERVATION.

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

14 (b) Authorizations.--For the purpose of providing the
15 assistance required by subsection (a), there is authorized to
16 be appropriated \$500,000 for each of the fiscal years 1987,
17 1988, and 1989.

18 PART V--BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT

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

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

1 of \$5,000, or both''.

2 SEC. 4218. LAW ENFORCEMENT SERVICES.

3 (a) For the purpose of maintaining law and order and of
4 protecting persons and property within Indian country as
5 defined in section 1151 of title 18, United States Code, the
6 Secretary of the Interior (hereinafter referred to as the
7 ''Secretary'') may charge any officer or employee of the
8 Department of the Interior with law enforcement
9 responsibilities and authorize such officer or employee to
10 exercise such of the following authorities as the Secretary
11 may deem appropriate:

12 (1) Carry firearms within Indian country and while
13 transporting prisoners or on other official duties
14 outside Indian country.

15 (2) Secure and execute or serve within Indian country
16 any order, warrant, subpoena, or other process which is
17 issued under the authority of the United States or of an
18 Indian tribe.

19 (3) Make an arrest without a warrant--

20 (A) for any offense committed within Indian
21 country against the United States committed in the
22 presence of the officer or employee;

23 (B) for any offense committed within Indian
24 country against the United States constituting a
25 felony if the officer or employee has reasonable

1 grounds to believe that the person to be arrested has
2 committed or is committing a felony; or

3 (C) for any offense committed within Indian
4 country against an Indian tribe that has commissioned
5 the officer or employee to enforce its laws if the
6 officer or employee has reasonable grounds to believe
7 that the person to be arrested is committing the
8 offense in the officer's or employee's presence or
9 view.

10 (4) Offer and pay a reward for services or
11 information assisting in the detection or investigation
12 of the commission of an offense committed within Indian
13 country or in the apprehension of an offender.

14 (5) Make inquiries, and administer to, or take from,
15 any person an oath, affirmation, or affidavit, concerning
16 any matter which is material or relevant to the
17 enforcement within Indian country of the laws of the
18 United States or of any Indian tribe that has
19 commissioned the officer to enforce its laws.

20 (6) Perform any other law enforcement duty that the
21 Secretary may designate.

22 (7) Upon request, assist (with or without
23 reimbursement) any Federal, tribal, State, or local law
24 enforcement agency in the enforcement of the laws,
25 ordinances, or regulations which they administer or

1 enforce, but no Indian tribe, State, or political
2 subdivision shall be deprived, by this section or by any
3 such request, of any civil or criminal jurisdiction it
4 may have.

5 (b)(1) The Secretary may utilize by agreements, with or
6 without reimbursement, the personnel services and facilities
7 of any Federal, tribal, State, or local Governmental agency
8 to the extent he deems is necessary and appropriate for
9 effective enforcement of any Federal or tribal laws or
10 regulations in Indian country. The Secretary may commission
11 law enforcement personnel of such agencies to exercise such
12 of the authorities set out in the first section of this Act
13 as the Secretary deems appropriate. Appropriate
14 representatives of Federal agencies are hereby authorized to
15 enter into and carry out such agreements with the Secretary
16 or with duly authorized tribal officials.

17 (2) While acting in the capacity of a person commissioned
18 by the Secretary pursuant to this section, any person who is
19 not otherwise a Federal employee, shall be deemed a Federal
20 employee for purposes of--

21 (A) section 3374(c)(2) of title 5, United States
22 Code, and

23 (B) sections 111 and 1114 of title 18, United States
24 Code.

25 (3) For purposes of subchapter III of chapter 81 of title

1 5, United State Code, an employee of a tribal, State, or
2 local governmental agency shall be considered an eligible
3 officer while acting in the capacity of an officer
4 commissioned pursuant to this section.

5 (c) The Secretary of the Interior may make and publish
6 such rules and regulations as the Secretary deems necessary
7 or proper for officers or employees of the Department of the
8 Interior charged with law enforcement responsibilities and
9 for employees of any Federal, tribal, State, or local
10 governmental agency whose services are being utilized
11 pursuant to subsection (b).

12 (d)(1) Nothing in this section shall be construed to
13 invalidate any delegations of authority or law enforcement
14 commissions issued by the Secretary, or the Secretary's
15 designates, prior to the date of enactment of this Act.

16 (2) The authorities provided by this section are in
17 addition to, and not in derogation of, any existing
18 authorities. Nothing in this section shall be construed to
19 alter in any way the law enforcement, or investigative, or
20 judicial authorities of any Indian tribe, State, or political
21 subdivision thereof, or of any department, agency, court, or
22 official of the United States other than the Department of
23 the Interior and agencies or officials thereof.

24 (e) Notwithstanding section 5901(a) of title 5, United
25 States Code, the uniform allowance for Bureau of Indian

1 Affairs law enforcement officers shall not exceed \$400
2 annually.

3 SEC. 4219. BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT AND
4 JUDICIAL TRAINING.

5 (a) In General.--The Secretary of the Interior shall
6 ensure, through the establishment of a new training program
7 or through the supplement of existing training programs, that
8 all Bureau of Indian Affairs and tribal law enforcement and
9 judicial personnel shall have available training in the
10 investigation and prosecution of offenses relating to illegal
11 narcotics and in alcohol and substance abuse prevention and
12 treatment. Any training provided to Bureau of Indian Affairs
13 and tribal law enforcement and judicial personnel as provided
14 in subsection (a) shall specifically include training in the
15 problems of youth alcohol and substance abuse prevention and
16 treatment. Such training shall be coordinated with the Indian
17 Health Service in the carrying out of its responsibilities
18 under section 787.

19 (b) Authorization.--For the purpose of providing the
20 training required by subsection (a), there are authorized to
21 be appropriated \$3,000,000 for each of the fiscal years 1987,
22 1988, and 1989.

23 SEC. 4220. MEDICAL ASSESSMENT AND TREATMENT OF JUVENILE
24 OFFENDERS.

25 The Memorandum of Agreement entered into pursuant to

1 section 4205 shall include a specific provision for the
2 development and implementation at each Bureau of Indian
3 Affairs agency and Indian Health Service unit of a procedure
4 for the emergency medical assessment and treatment of every
5 Indian youth arrested or detained by Bureau of Indian Affairs
6 or tribal law enforcement personnel for an offense relating
7 to or involving alcohol or substance abuse. The medical
8 assessment required by this subsection--

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

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

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

17 SEC. 4221. JUVENILE DETENTION CENTERS.

18 (a) Plan.--The Secretary of the Interior shall construct
19 and renovate juvenile detention centers and shall ensure that
20 the construction of the centers is consistent with the
21 Juvenile Justice and Delinquency Prevention Act of 1974.

22 (b) Authorization.--For the purpose of subsection (a),
23 there are authorized to be appropriated \$10,000,000 for each
24 of the fiscal years 1987, 1988, and 1989.

25 SEC. 4222. MODEL INDIAN JUVENILE CODE.

1 The Secretary of the Interior, either directly or by
2 contract, shall provide for the development of a Model Indian
3 Juvenile Code which shall be consistent with the Juvenile
4 Justice and Delinquency Prevention Act of 1974 and which
5 shall include provisions relating to the disposition of cases
6 involving Indian youth arrested or detained by Bureau of
7 Indian Affairs or tribal law enforcement personnel for
8 alcohol or drug related offenses. The development of such
9 model code shall be accomplished in cooperation with Indian
10 organizations having an expertise or knowledge in the field
11 of law enforcement and judicial procedure and in consultation
12 with Indian tribes. Upon completion of the Model Code, the
13 Secretary shall make copies available to each Indian tribe.
14 SEC. 4223. LAW ENFORCEMENT AND JUDICIAL REPORT.

15 (a) Compilation of Law Enforcement Data.--The Secretary
16 of the Interior, with respect to the administration of any
17 law enforcement or judicial services program by the Bureau of
18 Indian Affairs, either directly or through contracts under
19 the Indian Self-Determination Act, shall require the
20 compilation of data relating to calls and encounters, arrests
21 and detentions, and disposition of cases by Bureau of Indian
22 Affairs or tribal law enforcement or judicial personnel
23 involving Indians where it is determined that alcohol or
24 substance abuse is a contributing factor.

25 (b) Referral of Data.--The data compiled pursuant to

1 subsection (a) shall be provided annually to the affected
2 Indian tribe and Tribal Coordinating Committee to assist them
3 in developing or modifying a Tribal Action Plan and shall
4 also be submitted to the Indian Health Service unit director
5 who will have the responsibility for compiling a tribal
6 comprehensive report as provided in section 4230.

7 (c) Confidentiality.--In carrying out this section, the
8 Secretary shall insure that the data is compiled and reported
9 in a manner which will preserve the confidentiality of the
10 families and individuals involved.

11 PART VI--INDIAN ALCOHOL AND SUBSTANCE ABUSE TREATMENT AND
12 REHABILITATION

13 SEC. 4224. REVIEW OF PROGRAMS.

14 (a) In General.--In the development of the Memorandum of
15 Agreement required by section 4205, the Secretary of the
16 Interior and the Secretary of Health and Human Services shall
17 review and consider--

18 (1) the various programs established by Federal law
19 providing health services and benefits to Indian tribes,
20 including those relating to mental health and alcohol and
21 substance abuse prevention and treatment, and

22 (2) tribal, State and local, and private health
23 resources and programs,

24 (3) where facilities to provide such treatment are or
25 should be located, and

1 (4) the effectiveness of public and private alcohol
2 and substance abuse treatment programs in operation on
3 the date of the enactment of this subtitle,
4 to determine their applicability and relevance in carrying
5 out the purposes of this subtitle.

6 (b) Dissemination.--The results of the review conducted
7 under subsection (a) shall be provided to every Indian tribe
8 as soon as possible for their consideration and use in the
9 development or modification of a Tribal Action Plan.

10 SEC. 4225. INDIAN HEALTH SERVICE RESPONSIBILITIES.

11 The Memorandum of Agreement entered into pursuant to
12 section 4205 shall include specific provisions pursuant to
13 which the Indian Health Service shall assume responsibility
14 for--

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

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

25 (3) an estimate of the funding necessary to

1 adequately support a program of prevention of alcohol and
2 substance abuse and treatment of Indians affected by
3 alcohol and substance abuse.

4 SEC. 4226. INDIAN HEALTH SERVICE PROGRAM.

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

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

11 (2) acute detoxification and treatment,

12 (3) community-based rehabilitation, and

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

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

21 SEC. 4227. INDIAN HEALTH SERVICE YOUTH PROGRAM.

22 (a) Detoxification and Rehabilitation.--The Secretary
23 shall develop and implement a program for acute
24 detoxification and treatment for Indian youth who are alcohol
25 and substance abusers. The program shall include regional

1 treatment centers designed to include detoxification and
2 rehabilitation for both sexes on a referral basis. These
3 regional centers shall be integrated with the intake and
4 rehabilitation programs based in the referring Indian
5 community.

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

17 (c) Federally Owned Structures.--

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

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

25 (B) establish guidelines for determining the

1 suitability of any such federally owned structure to
2 be used as a local residential or regional alcohol
3 and substance abuse treatment center for Indian
4 youth.

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

9 (3) There are authorized to be appropriated
10 \$3,000,000 for each of the fiscal years 1987, 1988, and
11 1989.

12 (d) Rehabilitation and Follow-Up Services.--

13 (1) The Secretary, in cooperation with the Secretary
14 of the Interior, shall develop and implement within each
15 Indian Health Service service unit community-based
16 rehabilitation and follow-up services for Indian youth
17 who are alcohol or substance abusers which are designed
18 to integrate long-term treatment and to monitor and
19 support the Indian youth after their return to their home
20 community.

21 (2) Services under paragraph (1) shall be
22 administered within each service unit by trained staff
23 within the community who can assist the Indian youth in
24 continuing development of self-image, positive problem-
25 solving skills, and nonalcohol or substance abusing

1 behaviors. Such staff shall include alcohol and substance
2 abuse counselors, mental health professionals, and other
3 health professionals and paraprofessionals, including
4 community health representatives.

5 (3) For the purpose of providing the services
6 authorized by paragraph (1), there are authorized to be
7 appropriated \$9,000,000 for each of the fiscal years
8 1987, 1988, and 1989.

9 SEC. 4228. TRAINING AND COMMUNITY EDUCATION.

10 (a) Community Education.--The Secretary, in cooperation
11 with the Secretary of the Interior, shall develop and
12 implement within each service unit a program of community
13 education and involvement which shall be designed to provide
14 concise and timely information to the community leadership of
15 each tribal community. Such program shall include education
16 in alcohol and substance abuse to the critical core of each
17 tribal community, including political leaders, tribal judges,
18 law enforcement personnel, members of tribal health and
19 education boards, and other critical parties.

20 (b) Training.--The Secretary of Health and Human Services
21 shall, either directly or through contract, provide
22 instruction in the area of alcohol and substance abuse,
23 including instruction in crisis intervention and family
24 relations in the context of alcohol and substance abuse,
25 youth alcohol and substance abuse, and the causes and effects

1 of fetal alcohol syndrome to appropriate employees of the
2 Bureau of Indian Affairs and the Indian Health Service, and
3 personnel in schools or programs operated under any contract
4 with the Bureau of Indian Affairs or the Indian Health
5 Services, including supervisors of emergency shelters and
6 half-way houses described in section 4213.

7 (c) Authorization.--There are authorized to be
8 appropriated \$4,000,000 for the fiscal year 1987 and such
9 sums as are necessary to carry out the purposes of this
10 section for the fiscal years 1988 and 1989.

11 SEC. 4229. NAVAJO ALCOHOL REHABILITATION DEMONSTRATION
12 PROGRAM.

13 (a) Demonstration Program.--The Secretary of Health and
14 Human Services shall make grants to the Navajo tribe to
15 establish a demonstration program in the city of Gallup, New
16 Mexico, to rehabilitate adult Navajo Indians suffering from
17 alcoholism or alcohol abuse.

18 (b) Evaluation and Report.--The Secretary, acting through
19 the National Institute on Alcohol Abuse and Alcoholism, shall
20 evaluate the program established under subsection (a) and
21 submit a report on such evaluation to the appropriate
22 Committees of Congress by January 1, 1990.

23 (c) Authorization.--There are authorized to be
24 appropriated for the purposes of grants under subsection (a)
25 \$200,000 for each of the fiscal years 1988, 1989, and 1990.

1 Not more than 10 percent of the funds appropriated for any
2 fiscal year may be used for administrative purposes.

3 SEC. 4230. INDIAN HEALTH SERVICE REPORTS.

4 (a) Compilation of Data.--The Secretary of Health and
5 Human Services, with respect to the administration of any
6 health program by an Indian Health Service service unit,
7 directly or through contract, including a contract under the
8 Indian Self-Determination Act, shall require the compilation
9 of data relating to the number of cases or incidents which
10 any of the Indian Health Service personnel or services were
11 involved and which were related, either directly or
12 indirectly, to alcohol or substance abuse. Such report shall
13 include the type of assistance provided and the disposition
14 of these cases.

15 (b) Referral of Data.--The data compiled under subsection
16 (a) shall be provided annually to the affected Indian tribe
17 and Tribal Coordinating Committee to assist them in
18 developing or modifying a Tribal Action Plan.

19 (c) Comprehensive Report.--Each Indian Health Service
20 service unit director shall be responsible for assembling the
21 data compiled under this section and section 4204 into an
22 annual tribal comprehensive report which shall be provided to
23 the affected tribe and to the Director of the Indian Health
24 Service who shall develop and publish a biennial national
25 report on such tribal comprehensive reports.

1 Subtitle D--Action Grants

2 SEC. 43Ø1. ACTION GRANTS.

3 The Domestic Volunteer Service Act of 1973 is amended--

4 (1) in title I by adding after section 123 the

5 following new section:

6 ``SPECIAL INITIATIVES

7 ``Sec. 124. The Director is authorized to engage in
8 activities that mobilize and initiate private sector efforts
9 to increase voluntarism in preventing drug abuse through
10 public awareness and education (such as, but not limited to,
11 grants, contracts, conferences, public service announcements,
12 speakers bureau, public-private partnerships and technical
13 assistance to nonprofit and for-profit organizations). In
14 fulfilling the authority of this section, the Director is
15 authorized to (1) coordinate the agency efforts with the
16 White House and other Federal agencies, and (2) accept in the
17 name of the ACTION agency funds received through solicitation
18 of profit and nonprofit entities.'';

19 (2) by amending subsection (c) of section 5Ø1 to read
20 as follows:

21 `` (c) There is to be authorized to be appropriated to
22 carry out programs under part C of title I of this Act
23 \$4,484,ØØØ for the fiscal year 1987 (of which \$2,5ØØ,ØØØ
24 shall be available for drug abuse prevention), \$1,984,ØØØ for
25 fiscal year 1988, and \$1,984,ØØØ for fiscal year 1989.''; and

1 (3) by amending section 504 to read as follows:

2 "ADMINISTRATION AND COORDINATION

3 "Sec. 504. There is authorized to be appropriated for
4 the Administration of this Act, as authorized in title IV of
5 this Act, \$25,812,000 for fiscal year 1987 (of which \$500,000
6 shall be available for support of drug abuse prevention),
7 \$25,312,000 for fiscal year 1988, and \$25,312,000 for fiscal
8 year 1989."

9 Subtitle E--Amendment to the Rehabilitation Act of 1973
10 SEC. 4401. AMENDMENT TO THE REHABILITATION ACT OF 1973.

11 (a) Paragraph (7)(B) of section 7 of the Rehabilitation
12 Act of 1973 is amended by--

13 (1) in the first sentence, by striking out
14 "sentence" and inserting in lieu thereof "and third
15 sentences";

16 (2) in the second sentence by striking out "prevents
17 such individual from performing" and insert "interferes
18 with the ability of such individual to perform"; and

19 (3) inserting at the end thereof the following new
20 sentence: "For purposes of section 501 and section 504
21 as such section relates to Federal employment, such term
22 does not include any individual who is currently
23 unlawfully using illegal drugs with respect to any
24 adverse action based on such use."

25 (b) Section 7 of such Act is amended by adding at the end

1 thereof the following paragraph:

2 “(16) The illegal drugs” means controlled
3 substances, as defined by schedules I and II, section
4 802(6) of the United States Code, the possession of
5 of or distribution which is unlawful under chapter 13
6 of title 21, United States Code.”.