

Editorial Notes

CODIFICATION

Section 711 of Pub. L. 94-437 is based on section 181 of title I of S. 1790, One Hundred Eleventh Congress, as reported by the Committee on Indian Affairs of the Senate in Dec. 2009, which was enacted into law by section 10221(a) of Pub. L. 111-148.

PRIOR PROVISIONS

A prior section 1665j, Pub. L. 94-437, title VII, §711, as added Pub. L. 102-573, title VII, §702(a), Oct. 29, 1992, 106 Stat. 4580; amended Pub. L. 104-313, §2(f), Oct. 19, 1996, 110 Stat. 3822; Pub. L. 105-244, title IX, §901(d), Oct. 7, 1998, 112 Stat. 1828; Pub. L. 105-256, §13(a), Oct. 14, 1998, 112 Stat. 1900; Pub. L. 110-315, title IX, §941(k)(2)(D)(iii), Aug. 14, 2008, 122 Stat. 3467, authorized substance abuse counselor education demonstration projects, prior to the general amendment of this subchapter by Pub. L. 111-148.

§ 1665k. Fetal alcohol spectrum disorders programs**(a) Programs****(1) Establishment**

The Secretary, consistent with section 1665a of this title, acting through the Service, Indian Tribes, and Tribal Organizations, is authorized to establish and operate fetal alcohol spectrum disorders programs as provided in this section for the purposes of meeting the health status objectives specified in section 1602 of this title.

(2) Use of funds**(A) In general**

Funding provided pursuant to this section shall be used for the following:

(i) To develop and provide for Indians community and in-school training, education, and prevention programs relating to fetal alcohol spectrum disorders.

(ii) To identify and provide behavioral health treatment to high-risk Indian women and high-risk women pregnant with an Indian's child.

(iii) To identify and provide appropriate psychological services, educational and vocational support, counseling, advocacy, and information to fetal alcohol spectrum disorders-affected Indians and their families or caretakers.

(iv) To develop and implement counseling and support programs in schools for fetal alcohol spectrum disorders-affected Indian children.

(v) To develop prevention and intervention models which incorporate practitioners of traditional health care practices, cultural values, and community involvement.

(vi) To develop, print, and disseminate education and prevention materials on fetal alcohol spectrum disorders.

(vii) To develop and implement, in consultation with Indian Tribes and Tribal Organizations, and in conference with urban Indian Organizations, culturally sensitive assessment and diagnostic tools including dysmorphology clinics and multidisciplinary fetal alcohol spectrum disorders clinics for use in Indian communities and urban Centers.

(viii) To develop and provide training on fetal alcohol spectrum disorders to professionals providing services to Indians, including medical and allied health practitioners, social service providers, educators, and law enforcement, court officials and corrections personnel in the juvenile and criminal justice systems.

(B) Additional uses

In addition to any purpose under subparagraph (A), funding provided pursuant to this section may be used for 1 or more of the following:

(i) Early childhood intervention projects from birth on to mitigate the effects of fetal alcohol spectrum disorders among Indians.

(ii) Community-based support services for Indians and women pregnant with Indian children.

(iii) Community-based housing for adult Indians with fetal alcohol spectrum disorders.

(3) Criteria for applications

The Secretary shall establish criteria for the review and approval of applications for funding under this section.

(b) Services

The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall—

(1) develop and provide services for the prevention, intervention, treatment, and aftercare for those affected by fetal alcohol spectrum disorders in Indian communities; and

(2) provide supportive services, including services to meet the special educational, vocational, school-to-work transition, and independent living needs of adolescent and adult Indians with fetal alcohol spectrum disorders.

(c) Applied research projects

The Secretary, acting through the Substance Abuse and Mental Health Services Administration, shall make grants to Indian Tribes, Tribal Organizations, and urban Indian Organizations for applied research projects which propose to elevate the understanding of methods to prevent, intervene, treat, or provide rehabilitation and behavioral health aftercare for Indians and urban Indians affected by fetal alcohol spectrum disorders.

(d) Funding for urban Indian organizations

Ten percent of the funds appropriated pursuant to this section shall be used to make grants to urban Indian Organizations funded under subchapter IV.

(Pub. L. 94-437, title VII, §712, as added Pub. L. 111-148, title X, §10221(a), Mar. 23, 2010, 124 Stat. 935.)

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CODIFICATION

Section 712 of Pub. L. 94-437 is based on section 181 of title I of S. 1790, One Hundred Eleventh Congress, as reported by the Committee on Indian Affairs of the Senate in Dec. 2009, which was enacted into law by section 10221(a) of Pub. L. 111-148.

PRIOR PROVISIONS

A prior section 1665k, Pub. L. 94-437, title VII, §712, as added Pub. L. 102-573, title VII, §702(a), Oct. 29, 1992, 106 Stat. 4581, provided for establishment of the Gila River alcohol and substance abuse treatment facility, prior to the general amendment of this subchapter by Pub. L. 111-148.

§ 1665l. Child sexual abuse prevention and treatment programs

(a) Establishment

The Secretary, acting through the Service, shall establish, consistent with section 1665a of this title, in every Service area, programs involving treatment for—

- (1) victims of sexual abuse who are Indian children or children in an Indian household; and
- (2) other members of the household or family of the victims described in paragraph (1).

(b) Use of funds

Funding provided pursuant to this section shall be used for the following:

- (1) To develop and provide community education and prevention programs related to sexual abuse of Indian children or children in an Indian household.
- (2) To identify and provide behavioral health treatment to victims of sexual abuse who are Indian children or children in an Indian household, and to their family members who are affected by sexual abuse.
- (3) To develop prevention and intervention models which incorporate traditional health care practices, cultural values, and community involvement.
- (4) To develop and implement culturally sensitive assessment and diagnostic tools for use in Indian communities and urban centers.

(c) Coordination

The programs established under subsection (a) shall be carried out in coordination with programs and services authorized under the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201 et seq.).

(Pub. L. 94-437, title VII, §713, as added Pub. L. 111-148, title X, §10221(a), Mar. 23, 2010, 124 Stat. 935.)

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REFERENCES IN TEXT

The Indian Child Protection and Family Violence Prevention Act, referred to in subsec. (c), is title IV of Pub. L. 101-630, Nov. 28, 1990, 104 Stat. 4544, which is classified principally to chapter 34 (§3201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3201 of this title and Tables.

CODIFICATION

Section 713 of Pub. L. 94-437 is based on section 181 of title I of S. 1790, One Hundred Eleventh Congress, as reported by the Committee on Indian Affairs of the Senate in Dec. 2009, which was enacted into law by section 10221(a) of Pub. L. 111-148.

PRIOR PROVISIONS

A prior section 1665l, Pub. L. 94-437, title VII, §713, as added Pub. L. 102-573, title VII, §702(a), Oct. 29, 1992, 106

Stat. 4581, provided for the conduct of the Alaska Native drug and alcohol abuse demonstration project, prior to the general amendment of this subchapter by Pub. L. 111-148.

§ 1665m. Domestic and sexual violence prevention and treatment

(a) In general

The Secretary, in accordance with section 1665a of this title, is authorized to establish in each Service area programs involving the prevention and treatment of—

- (1) Indian victims of domestic violence or sexual abuse; and
- (2) other members of the household or family of the victims described in paragraph (1).

(b) Use of funds

Funds made available to carry out this section shall be used—

- (1) to develop and implement prevention programs and community education programs relating to domestic violence and sexual abuse;
- (2) to provide behavioral health services, including victim support services, and medical treatment (including examinations performed by sexual assault nurse examiners) to Indian victims of domestic violence or sexual abuse;
- (3) to purchase rape kits; and
- (4) to develop prevention and intervention models, which may incorporate traditional health care practices.

(c) Training and certification

(1) In general

Not later than 1 year after March 23, 2010, the Secretary shall establish appropriate protocols, policies, procedures, standards of practice, and, if not available elsewhere, training curricula and training and certification requirements for services for victims of domestic violence and sexual abuse.

(2) Report

Not later than 18 months after March 23, 2010, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the means and extent to which the Secretary has carried out paragraph (1).

(d) Coordination

(1) In general

The Secretary, in coordination with the Attorney General, Federal and tribal law enforcement agencies, Indian health programs, and domestic violence or sexual assault victim organizations, shall develop appropriate victim services and victim advocate training programs—

- (A) to improve domestic violence or sexual abuse responses;
- (B) to improve forensic examinations and collection;
- (C) to identify problems or obstacles in the prosecution of domestic violence or sexual abuse; and
- (D) to meet other needs or carry out other activities required to prevent, treat, and improve prosecutions of domestic violence and sexual abuse.