

§ 1680u. Traditional health care practices

Although the Secretary may promote traditional health care practices, consistent with the Service standards for the provision of health care, health promotion, and disease prevention under this chapter, the United States is not liable for any provision of traditional health care practices pursuant to this chapter that results in damage, injury, or death to a patient. Nothing in this subsection shall be construed to alter any liability or other obligation that the United States may otherwise have under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)¹ or this chapter.

(Pub. L. 94-437, title VIII, §831, as added Pub. L. 111-148, title X, §10221(a), Mar. 23, 2010, 124 Stat. 935.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 94-437, Sept. 30, 1976, 90 Stat. 1400, known as the Indian Health Care Improvement Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

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

CODIFICATION

Section 831 of Pub. L. 94-437 is based on section 199A 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.

§ 1680v. Director of HIV/AIDS Prevention and Treatment**(a) Establishment**

The Secretary, acting through the Service, shall establish within the Service the position of the Director of HIV/AIDS Prevention and Treatment (referred to in this section as the “Director”).

(b) Duties

The Director shall—

(1) coordinate and promote HIV/AIDS prevention and treatment activities specific to Indians;

(2) provide technical assistance to Indian tribes, tribal organizations, and urban Indian organizations regarding existing HIV/AIDS prevention and treatment programs; and

(3) ensure interagency coordination to facilitate the inclusion of Indians in Federal HIV/AIDS research and grant opportunities, with emphasis on the programs operated under the Ryan White Comprehensive Aids¹ Resources Emergency Act of 1990 (Public Law 101-381; 104

Stat. 576) and the amendments made by that Act.

(c) Report

Not later than 2 years after March 23, 2010, and not less frequently than once every 2 years thereafter, the Director shall submit to Congress a report describing, with respect to the preceding 2-year period—

(1) each activity carried out under this section; and

(2) any findings of the Director with respect to HIV/AIDS prevention and treatment activities specific to Indians.

(Pub. L. 94-437, title VIII, §832, as added Pub. L. 111-148, title X, §10221(a), Mar. 23, 2010, 124 Stat. 935.)

Editorial Notes

REFERENCES IN TEXT

The Ryan White Comprehensive AIDS Resources Emergency Act of 1990, referred to in subsec. (b)(3), is Pub. L. 101-381, Aug. 18, 1990, 104 Stat. 576, which enacted subchapter XXIV (§300ff et seq.) of chapter 6A of Title 42, The Public Health and Welfare, transferred section 300ee-6 of Title 42 to section 300ff-48 of Title 42, amended sections 284a, 286, 287a, 287c-2 (now 285q-2), 289f, 290aa-3a (now 290aa-1), 299c-5, 300ff-48, and 300aaa to 300aaa-13 (now 238 to 238m) of Title 42, and enacted provisions set out as notes under sections 201, 300x-4, 300ff-11, 300ff-46, and 300ff-80 of Title 42. For complete classification of this Act to the Code, see Short Title of 1990 Amendments note set out under section 201 of Title 42 and Tables.

CODIFICATION

Section 832 of Pub. L. 94-437 is based on section 199B 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.

§ 1681. Omitted**Editorial Notes**

CODIFICATION

Section, Pub. L. 104-134, title I, §101(c) [title II], Apr. 26, 1996, 110 Stat. 1321-156, 1321-190; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, which provided that the Indian Health Service was to neither bill nor charge those Indians who may have economic means to pay unless and until Congress directs Service to implement policy to do so, was from the Department of the Interior and Related Agencies Appropriations Act, 1996, and was not repeated in subsequent appropriations acts. Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 103-332, title II, Sept. 30, 1994, 108 Stat. 2529.

Pub. L. 103-138, title II, Nov. 11, 1993, 107 Stat. 1409.

Pub. L. 102-381, title II, Oct. 5, 1992, 106 Stat. 1409.

Pub. L. 102-154, title II, Nov. 13, 1991, 105 Stat. 1027.

Pub. L. 101-512, title II, Nov. 5, 1990, 104 Stat. 1952.

Pub. L. 101-121, title II, Oct. 23, 1989, 103 Stat. 734.

Pub. L. 100-446, title II, Sept. 27, 1988, 102 Stat. 1816.

Pub. L. 100-202, §101(g) [title II], Dec. 22, 1987, 101 Stat. 1329-213, 1329-245.

Pub. L. 99-500, §101(h) [title II], Oct. 18, 1986, 100 Stat. 1783-242, 1783-277, and Pub. L. 99-591, §101(h) [title II], Oct. 30, 1986, 100 Stat. 3341-242, 3341-277.

Pub. L. 99-190, §101(d) [title II], Dec. 19, 1985, 99 Stat. 1224, 1256.

Pub. L. 98-473, title I, §101(c) [title II], Oct. 12, 1984, 98 Stat. 1837, 1865.

¹ See References in Text note below.

¹ So in original. Probably should be “AIDS”.