

REFERENCES IN TEXT

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

CODIFICATION

Section 708 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 1665g, Pub. L. 94-437, title VII, §708, as added Pub. L. 102-573, title VII, §702(a), Oct. 29, 1992, 106 Stat. 4578, provided for grants to Indian tribes and tribal organizations to establish fetal alcohol syndrome and fetal alcohol effect programs, prior to the general amendment of this subchapter by Pub. L. 111-148.

§ 1665h. Inpatient and community-based mental health facilities design, construction, and staffing

Not later than 1 year after March 23, 2010, the Secretary, acting through the Service, may provide, in each area of the Service, not less than 1 inpatient mental health care facility, or the equivalent, for Indians with behavioral health problems. For the purposes of this subsection,¹ California shall be considered to be 2 area offices, 1 office whose location shall be considered to encompass the northern area of the State of California and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California. The Secretary shall consider the possible conversion of existing, underused Service hospital beds into psychiatric units to meet such need.

(Pub. L. 94-437, title VII, §709, as added Pub. L. 111-148, title X, §10221(a), Mar. 23, 2010, 124 Stat. 935.)

CODIFICATION

Section 709 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 1665h, Pub. L. 94-437, title VII, §709, as added Pub. L. 102-573, title VII, §702(a), Oct. 29, 1992, 106 Stat. 4579, related to the Pueblo substance abuse treatment project for San Juan Pueblo, New Mexico, prior to the general amendment of this subchapter by Pub. L. 111-148.

§ 1665i. Training and community education

(a) Program

The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement or assist Indian tribes and tribal organizations to develop and implement, within each Service unit or tribal program, a program of community education and involvement which shall be designed to provide concise and timely

¹ So in original. Probably should be "section,".

information to the community leadership of each tribal community. Such program shall include education about behavioral health issues to political leaders, tribal judges, law enforcement personnel, members of tribal health and education boards, health care providers including traditional practitioners, and other critical members of each tribal community. Such program may also include community-based training to develop local capacity and tribal community provider training for prevention, intervention, treatment, and aftercare.

(b) Instruction

The Secretary, acting through the Service, shall provide instruction in the area of behavioral health issues, including instruction in crisis intervention and family relations in the context of alcohol and substance abuse, child sexual abuse, youth alcohol and substance abuse, and the causes and effects of fetal alcohol spectrum disorders to appropriate employees of the Bureau of Indian Affairs and the Service, and to personnel in schools or programs operated under any contract with the Bureau of Indian Affairs or the Service, including supervisors of emergency shelters and halfway houses described in section 2433 of this title.

(c) Training models

In carrying out the education and training programs required by this section, the Secretary, in consultation with Indian tribes, tribal organizations, Indian behavioral health experts, and Indian alcohol and substance abuse prevention experts, shall develop and provide community-based training models. Such models shall address—

(1) the elevated risk of alcohol abuse and other behavioral health problems faced by children of alcoholics;

(2) the cultural, spiritual, and multi-generational aspects of behavioral health problem prevention and recovery; and

(3) community-based and multidisciplinary strategies for preventing and treating behavioral health problems.

(Pub. L. 94-437, title VII, §710, as added Pub. L. 111-148, title X, §10221(a), Mar. 23, 2010, 124 Stat. 935.)

CODIFICATION

Section 710 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 1665i, Pub. L. 94-437, title VII, §710, as added Pub. L. 102-573, title VII, §702(a), Oct. 29, 1992, 106 Stat. 4580, provided for the completion of construction of the Thunder Child Treatment Center, prior to the general amendment of this subchapter by Pub. L. 111-148.

§ 1665j. Behavioral health program

(a) Innovative programs

The Secretary, acting through the Service, consistent with section 1665a of this title, may plan, develop, implement, and carry out programs to deliver innovative community-based behavioral health services to Indians.

(b) Awards; criteria

The Secretary may award a grant for a project under subsection (a) to an Indian tribe or tribal organization and may consider the following criteria:

- (1) The project will address significant unmet behavioral health needs among Indians.
- (2) The project will serve a significant number of Indians.
- (3) The project has the potential to deliver services in an efficient and effective manner.
- (4) The Indian tribe or tribal organization has the administrative and financial capability to administer the project.
- (5) The project may deliver services in a manner consistent with traditional health care practices.
- (6) The project is coordinated with, and avoids duplication of, existing services.

(c) Equitable treatment

For purposes of this subsection,¹ the Secretary shall, in evaluating project applications or proposals, use the same criteria that the Secretary uses in evaluating any other application or proposal for such funding.

(Pub. L. 94-437, title VII, §711, as added Pub. L. 111-148, title X, §10221(a), Mar. 23, 2010, 124 Stat. 935.)

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)(I)(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 after-care 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.

¹ So in original. Probably should be "section,".