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2d Session }

SENATE

{ REPORT
{ 108-228

AMENDING THE INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT TO PROVIDE FOR THE REPORTING AND REDUCTION OF CHILD ABUSE AND FAMILY VIOLENCE INCIDENCES ON INDIAN RESERVATIONS, AND FOR OTHER PURPOSES

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MARCH 9, 2004.—Ordered to be printed
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Mr. CAMPBELL, from the Committee on Indian Affairs,
submitted the following

R E P O R T

[To accompany S. 1601]

The Committee on Indian Affairs, to which was referred the bill (S. 1601) to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes and having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill (as amended) do pass.

PURPOSE

The Indian Child Protection and Family Violence Prevention Reauthorization Act of 2003 (S. 1601) provides a series of amendments to the Act to address the continuing problems of child abuse and family violence on Indian lands. The primary purposes of S. 1601 are to: (1) build and improve comprehensive tribal programs for child abuse prevention, prosecution and treatment, (2) establish more rigorous criteria for background checks, and (3) identify impediments to reducing child abuse.

S. 1601 is intended to improve program effectiveness by augmenting community outreach efforts, encouraging establishment of safety measures for child protection workers, and promoting cultural perspectives through tribal demonstration projects. These demonstration projects are intended to demonstrate the effectiveness of traditional healing methods in treating victims of child abuse and family violence.

To assist tribal programs, S. 1601 proposes an integrated approach to service delivery by authorizing tribal demonstration projects consolidating administrative functions for Federally-funded

Indian child protection programs. This approach is intended to substantially reduce the administrative costs resulting from compliance with the numerous individual grant or contract requirements.

BACKGROUND

The Act was enacted in 1990 in response to findings by the Committee on Indian Affairs and the Special Committee on Investigations regarding increasing numbers of Federal prosecutions of Federal, State and tribal employees for crimes of child abuse on Indian reservations and high incidences of Indian family violence. The findings and related graphic accounts of that abuse are well-documented in the Committee Reports accompanying the legislation resulting in the Act's enactment. See for example Senate Reports 101-203 and 101-403. In response, the Act established a framework and the first mandatory Federal Indian child abuse reporting law to address the high incidences of child abuse and family violence on Indian reservations.

THE 1995 REAUTHORIZATION

The Act was last reauthorized in 1995, Pub. L. 104-16. During the hearings on the reauthorization in 1995, both the U.S. Departments of Interior (DoI) and Justice (DoJ) testified that child abuse and family violence occur at alarmingly high rates on Indian reservations. Likewise, the U.S. Department of Health and Human Services (DHHS) indicated that it engaged in continual efforts to address the prevention and treatment of child abuse.

The DoI reported that the feasibility study for the central registry, as required by the Act, was completed in October, 1994, and that a review of the costs, benefits and program duplication was underway at the time of reauthorization.

The DoJ indicated that the Act generated the need for extensive coordination and expenditure of resources, and recommended additional treatment for the victims and families and proper training for investigators and child protection workers.

CURRENT STATE OF CHILD PROTECTION

Rates of Abuse and Violence. Available information indicates that high rates of child abuse and family violence continue to exist on Indian reservations. At the legislative hearing on S. 1601 the Committee received testimony that approximately 4,500 Indian Health Service (IHS) clinical contacts related to child abuse and its psychological effects occurred per year over the course of several years—indicating the rates have not decreased.

The rates of such violence were also much higher in Native communities than other populations in the United States. Additionally, Federal data suggest an increase in overall cases of child abuse and neglect for Indian children. Thus, a need still exists to examine the impediments to reducing child abuse.

The Committee also received testimony which indicated that comprehensive data on the incidences of child abuse on Indian reservations was difficult to obtain. The existing information may account for only 61 percent of all Indian child abuse cases—suggesting that the rates may be even higher than reported and that more data is needed to capture cases that are now unreported.

Effects of Child Abuse. The Committee received testimony that child abuse generates both short- and long-term effects and results in substantial health care costs. Besides physical injuries, child abuse is associated with substance abuse, obesity, suicide, delinquency and risk taking behavior, depression and other mental pathologies.

Violence associated with abuse profoundly affects the health and well-being of the victims, families, and the community as a whole. Child abuse increases the burdens and costs of law enforcement, health care, child welfare, and adult and juvenile justice systems. These burdens translate into higher caseloads, more stress and higher staff turnover, particularly when resources are scarce.

Child Protection Personnel. The Committee also received testimony regarding the enormous caseloads tribal child protection teams are called on to manage. In one instance, tribal child protection staff consisted of only 15 persons, including four caseworkers who were handling more than 110 cases a year. At the same time, the tribe projected the number of children in the custody of its child protection services to have increased by 14 percent from the prior year.

Child protection workers face additional hardships in carrying out their responsibilities because the nature of child protection work is stressful and often dangerous. As part of case management, social workers are required to conduct home visits or respond to reports of child abuse at all hours of the day or night—sometimes accompanied by law enforcement personnel and sometimes alone.

The Committee received testimony regarding an alarming increase in methamphetamine use on tribal lands which is causing an increase in child protection cases. The use of this drug and presence of illegal labs for its manufacture create a high level of risk to the child protection worker that must visit any home where the drugs are manufactured, stored, sold, or used. This additional stress and danger results in high turnover of personnel and diminishes the overall effectiveness of tribal programs. Thus, there is a compelling need for safety strategies.

Child Protection Programs. Despite the multitude of programs and services, the Committee received testimony that there remains a need for an effective, comprehensive approach to reducing child abuse.

Experience demonstrates that effective strategies are most often built on prevention, prosecution and treatment. These key components require competent social programs including trained personnel, appropriate case management and case services. These programs must also be equipped to conduct sufficient community outreach, enabling community members to identify and report child abuse or family violence.

Prevention requires that individuals having regular contact with children are adequately screened prior to contact. Currently, the Act requires certain Federal and tribal employees to undergo character investigations. However, the Committee received testimony that not all individuals having contact with children are subject to the character investigations. These individuals include program volunteers and contractors.

An effective prosecutorial regime includes reporting and investigation functions which, in turn, require extensive involvement

from law enforcement, health, social workers, courts, and education personnel to coordinate responses and engage in comprehensive case management.

Adequate tribal infrastructure is critical to managing this system. Training is essential to gaining expertise, particularly in managing child sexual abuse cases which require specialized training to preserve forensic evidence and to avoid further trauma to the victim.

The ability to build and access data bases is sorely needed to promote cooperative prosecutions, identify trends, needs or areas for improvement, and to secure additional funding. The Committee received testimony that the central registry recommended by the study completed in 1994 would provide little benefit because only criminal convictions, not unsubstantiated reports, could be included in the registry. Such information was already available through the criminal background checks.

The Committee also received testimony that there are other sources for data reporting such as the National Child Abuse and Neglect Data System (NCANDS), but the information was not analyzed to make specific determinations relative to child abuse on Indian reservations. In addition, this system collected data primarily from states and not from Indian tribes or the Bureau of Indian Affairs (BIA).

Indian tribal justice systems must also be well equipped. The Committee received testimony that one Indian tribe had only two criminal investigators to handle all criminal cases, including child abuse, serving a population of more than 8,000 members.

Intergovernmental cooperation is also sorely needed to facilitate the delicate investigation and jurisdictional issues that arise in child abuse cases. According to a 2001 report by the Office for Victims of Crime within the DoJ, the jurisdictional maze for investigating and prosecuting child abuse in Indian communities can produce confusion among all entities and diminish the effectiveness of child protection programs.

Nonetheless, Indian tribes have been resourceful in creating responsive programs which also include appropriate treatment. The Act recognized the need for mental health treatment as part of a comprehensive program. Since then, a gradual evolution has occurred which has begun recognizing the viability and importance of incorporating Native cultural perspectives into treatment methods.

The Committee received testimony that prevention and treatment methodologies incorporating cultural awareness and family strengths produce better results than those without these components. In 1999, the IHS began implementing culturally-appropriate mental health services for Indian children through a partnership with the Substance Abuse and Mental Health Services Administration (SAMHSA) within the DHHS. According to IHS testimony, evaluations of these programs indicate a high rate of success in addressing many mental health problems arising from child abuse.

Adequate funding for Indian child protection programs was the primary concern aired during the hearing on S. 1601. The National Indian Child Welfare Association testified that the greatest impediment to reducing child abuse was the lack of funding.

The Act requires character investigations, a component of which may be fingerprint checks. The Committee received testimony that

the fingerprint checks may cost an average of \$22, but alone would not suffice to comply with the Act's requirements. The total cost of a comprehensive character investigation was estimated to be \$1,500 or more.

Written testimony submitted by the DoJ indicated that several Federal grants are available to tribes for child protection services. The IHS testified that it has developed several initiatives to provide funding either directly or indirectly to Indian tribes to address these cases, including specialized training in forensic and telemedicine equipment for child sexual abuse cases.

Despite these resources, the testimony indicated that both the tribal and Federal programs designed to assist Indian tribes were underfunded. The Committee also received testimony that, beyond improving services for child abuse victims, resources were needed to address the underlying economic and social problems that generate violence in Indian communities.

SUMMARY OF MAJOR PROVISIONS

Section 3. Definition of child abuse

The definition of child abuse was expanded to include children exposed to family violence. Children exposed to family violence may not be on the receiving end of such violence, but may witness or otherwise experience the violence committed against a family member. These children may also be in a position to observe the physical injuries of the family member or experience the stress between the family members caused by such violence.

Children exposed to family violence often suffer the same mental injuries as physically abused children. Many of the problems facing abused Indian children increase the likelihood that, as adults, they will suffer from various mental pathologies, illnesses and diseases. For instance, Native adults—victimized as children—are more than twice as likely to abuse substances than their non-Native counterparts.

In addition, childhood abuse increases the likelihood that the victim will one day become a perpetrator of abuse. To break this cycle, these children should be able to access the services, particularly mental health, available to children who are direct victims of violence.

Section 4. Cooperative reporting

Complex jurisdictional issues may arise in child abuse cases and significant intergovernmental cooperation is necessary to address incidences of child abuse. In instances where the alleged abuser is non-Indian, the tribal justice system may be limited in addressing the matter and must rely on state agencies. S. 1601 recognizes the need to include state law enforcement agencies in the reporting process in such instances.

The Committee encourages the agencies of jurisdiction to review their processes and levels of cooperation for areas which may be appropriate for intergovernmental agreements or protocols. S. 1601 authorizes funding for tribal personnel to obtain the necessary training, certifications or licenses to reduce concerns regarding tribal qualifications in entering or executing cooperative agreements or protocols. The Committee believes that tribal child protection per-

sonnel are dedicated to reducing child abuse and encourages the involved agencies to work together for the best interests of the children.

Section 5. Impediments study

S. 1601 requires a Federal study of the impediments to reducing child abuse in Native communities. The Committee is concerned that the rates of child abuse have not been significantly reduced and, in fact, have increased.

Under S. 1601 the length of time to conduct the impediments study has been extended to 18 months and the Secretary of the Interior is required to submit recommendations as she deems appropriate on ways to eliminate those impediments. With this extended period the Committee anticipates a thorough study of all matters relative to such impediments.

The agency cooperation and jurisdictional matters are merely starting points for review and the DoI should consider other factors, particularly those raised at the hearing, in this study. The Committee is concerned that the DoI has established social programs which require tribes to enter agreements with other agencies over which neither the Indian tribes nor DoI have control. The Committee is mindful that the social services funding is limited. However, the Committee expects the DoI to review those program requirements and, with the affected agencies, develop cooperative solutions to assist tribal programs—prior to imposing any further requirements on the tribes.

The Committee believes that the impediments study is critical to finding solutions for reducing child abuse. The Committee is aware that the DoI has been conducting a study regarding an overview of child abuse on Indian reservations and believes that this overview should expedite the completion of the impediments study.

Section 6. Character investigations

S. 1601 expands the scope of character investigations to contractors and volunteers, in addition to employees, who have regular contact with Indian children—making the scope consistent with other Federal law.

The Committee received testimony that the IHS acknowledges the need for an expanded scope of character investigations by including volunteers and contractors in the IHS interim final rule governing the requirements for background investigations. The DoI indicated that positions with a “preponderance of contact” with children require a background check.

The Committee is concerned about how “regular contact” is being interpreted by both departments and has not received a clear indication whether seasonal or temporary employees, contractors or volunteers would fall within the scope and whether the contact must be direct or merely involve a physical presence in the same general area as the children.

For example, contractors performing repairs or construction on Indian schools may not have face-to-face contact with children, but may be in the same buildings, rooms, bathrooms or other areas for a significant period of time. The Committee believes the Departments should scrutinize their policies to address these situations.

The Committee is also concerned that implementation of the Act may be viewed as only covering BIA and IHS employees despite the plain language of the Act covering “all” employees within the departments. The Committee believes both departments should review all positions, even those outside the BIA and IHS in determining the proper scope of character investigations.

In conducting background checks, tribal criminal repositories should also be reviewed and the Federal Bureau of Investigation is authorized to assist in conducting the background checks. In conducting these checks, the FBI may coordinate with the BIA to expedite the processing as needed. Background checks, licenses or approvals conducted under S. 1601 for certain employee, volunteer or contracted positions would satisfy other statutory background check requirements for those positions such as for foster or adoptive homes, thereby eliminating duplication of work generated by other laws.

Section 7. Traditional healing

S. 1601 authorizes tribal projects that demonstrate the efficacy of traditional healing methods for child abuse and family violence. The Committee received testimony that child abuse treatment methodologies vary widely and treatment methodologies incorporating cultural awareness and build on family strengths produce better results than those without these components.

S. 1601 provides special consideration for tribal projects relating to behavioral and emotional effects, eliminating abuse by parents and reunification of the family. These projects may benefit others through the development of educational materials.

However, the Committee is mindful that Indian tribes hold their traditions sacred and that some traditions may not be revealed to others. In addition, the Committee does not want to expose tribal traditions to exploitation. Consequently, the development of these projects should protect the integrity of tribal traditions and the Secretary should review the projects with these considerations in mind.

Section 8. Interagency cooperation

Current law incorporates the DoI and DHHS, but not DoJ, as part of the Indian child protection system. S. 1601 recognizes the importance of DoJ involvement in implementing the Act, including the Indian Child Resource and Family Services Centers.

The IHS is committed to seeking expansion of services by consulting with tribes and collaborating with other Federal agencies because reducing child abuse and violence in Indian communities requires comprehensive efforts. The Committee commends the IHS for its commitment.

Section 9. Program enhancements

S. 1601 seeks to improve many program functions such as developing safety strategies for child protection workers, building data bases, and providing training programs. Adequate databases are important investigative tools and S. 1601 authorizes programs to establish data tracking systems, including the necessary hardware and software infrastructure.

The Committee believes that training and interagency cooperation is critical to developing such data bases, and the tribes should be able to access national or state databases for tracking child abuse offenses. The Committee encourages those agencies managing the data bases to interface with tribes. The DoJ has recommended that the FBI be consulted on database management efforts. The Committee encourages such cooperation and commends the DoJ for making its expertise available to tribes.

Effective safety strategies may require cooperation, protocols and agreements from all child protection agencies, thus it is an important component to any multi-disciplinary program. These safety strategies are an inherent part of an overall program, including the employment of personnel. Tribal personnel must often handle a variety of duties including child protection and family violence. The incidences of child abuse and family violence overlap so frequently that safety strategies for the child protection personnel will necessarily include family violence personnel.

Child abuse affects the entire community and it is essential that the community be part of prevention efforts, including awareness of child abuse symptoms and reporting procedures. Therefore, the Committee encourages the tribes to focus on outreach efforts as part of their programs.

Section 10. Consolidation

At the Committee hearing, several witnesses testified that child abuse and family violence programs are uncoordinated and severely underfunded. Following the hearing, the Committee determined that a more efficient method for administering the numerous child protection programs would be to integrate the services and consolidate administrative functions.

Under S. 1601, tribes, tribal organizations and intertribal consortia may participate in demonstration projects in which the services are integrated and administrative functions consolidated for child abuse related programs pursuant to a plan submitted to and approved by the coordinating agency in consultation with other affected agencies.

The tribal demonstration projects authorized by S. 1601 are intended to increase the aggregate funding resources for tribal child protection services. In these demonstration projects, program administrative functions may be streamlined and coordinated through integration and consolidation of funding mechanisms, thereby reducing administrative costs and increasing resources available for service delivery.

The demonstration projects authorized by S. 1601 are modeled after Pub. L. 102-477, the Indian Employment, Training and Related Services Demonstration Act of 1992, as amended, which is implemented by the Bureau of Indian Affairs in cooperation with the Departments of Labor, Health and Human Services, and Education. See S. Rpt. No. 102-188. It is also modeled after S. 285, the Native American Alcohol and Substance Abuse Program Consolidation Act of 2003, favorably passed by this Committee on June 18, 2003, and the full Senate on July 23, 2003. See S. Rpt. No. 108-75.

The Committee intends for the affected agencies and tribes to identify programs for inclusion and an effective reporting system

soon after enactment. The tribes should only be required to submit a single plan, budget and report in implementing these projects. The integration should also result in greater flexibility from the affected agencies in reviewing and approving plans, including granting waivers.

The goal of integration is to reduce costs and increase services so that scarce resources can be re-directed to service delivery. The Committee received testimony regarding concerns about child protection funding being included within the tribal priority allocation (TPA) system in the consolidation project. The Committee realizes that in the consolidation project, not every source of funding will be subject to the TPA system, but some may be considered "pass-through" funds. Nonetheless, the Committee believes that tribal governments are in the best position to determine their own needs and will prioritize accordingly.

The Committee notes that since its enactment, the Act has not been fully funded. Both the Act and S. 1601 are ambitious in approach and the Committee understands that not every social ill can be addressed with the limited funds available. Accordingly, the Committee encourages the Congress and the Administration to make every effort to provide funding to reduce child abuse and family violence on Indian reservations.

Section 11. Awareness grants

S. 1601 includes a technical amendment correcting an oversight regarding grant award authorization for non-profit tribal coalitions providing violence awareness and response services. This provision will authorize the coalitions to access all unexpended funds available to assist them in providing awareness and response services to Indian women.

LEGISLATIVE HISTORY

S. 1601 was introduced on September 9, 2003, by Senator Campbell for himself and for Senator Inouye and was referred to the Senate Select Committee on Indian Affairs. Senators Johnson and Domenici were added as co-sponsors on September 11, 2003. On October 29, 2003, Senator Hatch was added as a cosponsor.

A hearing on S. 1601 was held on September 24, 2003, testimony was provided by the DoI, the DHHS, the Hopi Tribe, the Warm Springs Confederated Tribes and the National Indian Child Welfare Association. The DoJ submitted a written statement. All witnesses expressed support for the bill and most of the recommendations are addressed in the substitute amendment.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

In an open business session on October 29, 2003, the Committee considered a substitute amendment proposed by Senator Campbell. By a unanimous vote, the Committee ordered the substitute amendment favorably reported to the full Senate with the recommendation that the bill do pass.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. The Act may be cited as the “Indian Child Protection and Family Violence Prevention Reauthorization Act of 2003”.

Section 2. Findings and Purpose. In section 2, Congress finds that Indian children are precious resources in need of special protection; that child abuse continues to rise in Indian country; and that improvements are needed. The purposes of the bill are to identify impediments to effective programs; to assist tribal child abuse programs; and to mandate reporting of child abuse.

Section 3. Definitions. Section 3 expands the definition of “child abuse” to include cases where children are exposed to family violence on Indian reservations.

Section 4. Reporting Procedures. Section 4 includes state law enforcement agencies in the reporting process.

Section 5. Central Registry. Section 5 eliminates the requirement of feasibility studies for a central registry. It is replaced with a required federal study regarding barriers to the investigation and prosecution of child abuse cases including jurisdictional impediments. The results of the study are to be reported to Congress within eighteen (18) months of enactment to include recommendations deemed appropriate by the Secretary of the Interior.

Section 6. Character Investigations. Section 6 expands the positions subject to character investigations to include volunteer and contracted positions. Investigations may include a review of applicable State and tribal criminal history repositories. Section 6 allows background checks conducted by tribes under S. 1601 to suffice for any other statutory background check requirement in connection with the placement of an Indian child in a foster or adoptive home or an institution. This section allows tribally certified licenses or approval of guardianships, foster or adoptive homes or institutions to be considered equivalent to State requirements for placement and funding so long as the provisions of the Act are met for background checks.

Section 7. Indian Child Abuse Treatment Grant Program. Section 7 authorizes demonstration projects for a culturally-sensitive tribal treatment program and reauthorizes appropriations for these projects and other grant programs.

Section 8. Indian Child Resource and Family Services Centers. Section 8 provides technical amendments to reflect the BIA organizational structure and authorizes appropriations for the family service centers.

Section 9. Indian Child Protection and Family Violence Prevention Program. Section 9 requires added measures to ensure the safety of child protection workers while performing their responsibilities. Section 9 also authorizes funds to be used for enhancing tribal infrastructure.

Section 10. Integration of Services. This section authorizes demonstration projects that consolidates child abuse related service programs into a single, coordinated, comprehensive program to better manage services, costs, and reporting requirements.

Section 11. Tribal Partnerships for Awareness and Responses. This section amends Sections 2001 and 2007 of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90–351, by author-

izing the Attorney General to provide grant awards to tribal coalitions for the purpose of providing awareness of and response to domestic violence and sexual assault against Indian women.

COST AND BUDGETARY CONSIDERATIONS

The cost estimate for S. 1601, as evaluated by the Congressional Budget Office, is set forth below:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 21, 2004.

Hon. BEN NIGHTHORSE CAMPBELL,
Chairman, Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1601, the Indian Child Protection and Family Violence Prevention Reauthorization Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Lanette J. Walker.

Sincerely,

ELIZABETH ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

S. 1601—Indian Child Protection and Family Violence Prevention Reauthorization Act of 2003

Summary: S. 1601 would authorize appropriations to operate Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) programs aimed at preventing abuse of Indian children. CBO estimates that implementing S. 1601 would cost about \$210 million over the 2004–2008 period, assuming appropriation of the necessary amounts.

S. 1601 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA), because it would impose additional reporting requirements on local and tribal law enforcement agencies. CBO estimates that the cost of that mandate would be well below the threshold established by UMRA (\$60 million in 2004, adjusted annually for inflation). Other provisions in S. 1601 would benefit Indian tribes by authorizing federal grant funds. The bill contains no new private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1601 is shown in the following table. The cost of this legislation falls within budget functions 450 (community and regional development) and 550 (health).

	By fiscal year, in millions of dollars—				
	2004	2005	2006	2007	2008
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Indian Child Abuse Treatment Grants:					
Estimated Authorization Level	0	12	12	13	13
Estimated Outlays	0	6	9	13	13
Indian Child Resources and Family Services Centers:					
Estimated Authorization Level	0	4	4	4	4
Estimated Outlays	0	4	4	4	4

	By fiscal year, in millions of dollars—				
	2004	2005	2006	2007	2008
Indian Child Protection and Family Violence Prevention Program:					
Estimated Authorization Level	0	40	41	42	43
Estimated Outlays	0	30	41	42	42
Total Changes:					
Estimated Authorization Level	0	56	57	59	60
Estimated Outlays	0	40	54	59	59

Basis of Estimate: For this estimate, CBO assumes that S. 1601 will be enacted in calendar year 2004 and that the necessary amounts will be appropriated for each fiscal year. Based on information from BIA and the IHS, CBO estimates that implementing S. 1601 would cost about \$210 million over the 2005–2008 period to operate programs that would be authorized under the bill.

Indian Child Abuse Treatment Grants

Section 7 of the bill would authorize the appropriation of such sums as necessary for fiscal years 2005 through 2010 to provide grants to Indian tribes to treat child abuse. The grants would be administered by the IHS. CBO estimates that the grants would cost \$6 million in 2005 and \$41 million over the 2005–2008 period, assuming appropriation of the necessary funds.

Indian Child Resource and Family Services Centers

Section 8 would authorize the appropriation of such sums as are necessary for Indian Child Resource and Family Services Centers. Such centers would provide technical assistance, develop training materials, and provide consultation to Indian tribes regarding family violence, child abuse, and child neglect. Based on information from BIA, CBO estimates that implementing this section would cost about \$4 million a year to staff such centers, assuming appropriation of the necessary amounts.

Indian Child Protection and Family Violence Prevention Program

Section 9 would authorize the appropriation of such sums as are necessary for the BIA to provide assistance to tribes to establish child protection services. Based on information from BIA, CBO estimates that implementing this section would cost about \$155 million over the 2005–2008 period to staff child protection centers for federally recognized tribes, assuming appropriation of the necessary amounts. Funds would be distributed to all tribes based on a formula established by BIA.

Estimated Impact on state, local, and tribal governments: S. 1601 contains an intergovernmental mandate as defined in UMRA, but CBO estimates that the cost of that mandate would not exceed the threshold established in that act (\$60 million in 2004, adjusted annually for inflation).

The bill would expand an existing mandate that now requires reporting of child abuse cases on tribal lands. It would add a specific new requirement that local law enforcement agencies report such cases to the state when the alleged abuser is a non-Indian and that person appears to have committed a crime. This would apply primarily to tribal agencies, who already report most such cases to state and/or federal agencies. We expect that this additional re-

quirement would not impose a significant new burden on the tribes.

S. 1601 would benefit tribes by authorizing federal funds for programs, including grants, on Indian lands. It would create a new demonstration project under which tribes could consolidate federal funds from different sources to develop integrated child abuse programs. The bill also includes some additional grant conditions, however. It would require tribes receiving certain federal funds to conduct background investigations of contractors and volunteers who have regular contact with Indian children. Federal law now requires such investigations only for tribal employees.

Estimated impact on the private sector: This bill contains no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Lanette J. Walker and Eric Rollins; Impact on State, Local, and Tribal Governments: Marjorie Miller; and Impact on the Private Sector: Cecil McPherson.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 1601 will have minimal regulatory or paperwork impact.

EXECUTIVE COMMUNICATIONS

The Committee received oral testimony from the U.S. Departments of Interior and Health and Human Services at the hearing on S. 1601 held on September 24, 2003. The Committee also received the following written testimony from the U.S. Departments of Health and Human Services and Justice.

STATEMENT OF U.S. DEPARTMENT OF JUSTICE

Mr. Chairman, Mr. Vice-Chairman and Members of the Committee, this is the Department of Justice's statement for the record supporting S. 1601, a bill to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations. The Department of Justice remains committed to addressing child abuse, neglect, and domestic violence in Indian country.

The Department applauds the changes proposed in S. 1601. They will encourage more effective recognition of the enormous problems of child abuse and family violence in Indian country as well as more effective prevention and intervention approaches. Reflecting the Department's recognition of the gravity of these problems, the United States Attorneys in Indian country expend significant resources prosecuting violent crimes generally, including child abuse and domestic violence cases. One of the top priorities of the Attorney General's Advisory Committee, Native American Issues Subcommittee is Indian country

law enforcement, particularly violent crime issues such as domestic violence, child abuse, and sexual offenses. One important tool of the U.S. Attorneys' Offices in this area is the multi-disciplinary teams (MDT) or child protection teams (CPT). These teams usually consist of an Assistant U.S. Attorney and representatives from the FBI, BIA law enforcement, Indian Health Services, tribal health services, BIA Social Services and Education Office, tribal law enforcement officials, and sometimes school officials. The broad representation found in these MDTs and CPTs is critical to the discovery, documentation, and reporting of child abuse cases as required by 25 U.S.C. 3203. Further efforts to improve upon this type of inter-agency cooperation and information sharing can only improve prevention as well as facilitate effective investigations and prosecutions. Background investigations that include fingerprint checks will be an important, additional tool for prevention. The Department also suggests a review of tribal as well as state criminal history data sources.

We note that this legislative proposal calls for a study, in consultation with the Secretary of Health and Human Services and the Attorney General, "to identify impediments to the reduction of child abuse on Indian reservations." A prior section of the proposal calls for improved tribal infrastructures "to maintain and coordinate databases." Given the importance of accurate information for any study of this type, and the vital role played by the FBI in Indian country law enforcement, we suggest consultation with the FBI in any law enforcement database management efforts. In addition, to avoid any conflict with the Recommendations Clause of the Constitution, we recommend that proposed section 405(c)(2)(B) of the bill be amended to direct the Secretary to include in her report only those recommendations that she deems appropriate. In a similar vein, the reporting requirements in § 3203 are quite robust on paper. Unfortunately, the reality of Indian country is that the detailed and important information of this type is not always available. Perhaps additional, parallel steps should be considered to improve the quality of reporting. Certainly, the development of strategies to shield child protection workers from retribution is an essential step in that direction.

The Department also supports the goals of S. 1601 through grants and other programs. The Office of Justice Programs' Office for Victims of Crime administers up to 25 grants annually under the Children's Justice Act (CJA) to improve the investigation, prosecution, and handling of child abuse cases in Indian country. Tribal communities nationwide have used these grants for activities such as training law enforcement and court staff on how to work with child abuse victims, and establishing protocols for handling these cases. CJA funds can also be used for court advocacy of child abuse victims and revising tribal codes to better address this crime. Also important is the work of the Department's Office on Violence Against Women

(OVW). The OVW spearheads several initiatives to support American Indian and Alaskan Native efforts to address family violence. OVW's STOP Violence Against Indian Women Discretionary Grant Program supports tribes' efforts to investigate and prosecute violent crimes against women and to strengthen services for victims of these crimes. Under this program, OVW currently supports over 125 Indian tribal governments, including consortia, which represent a total of 200 tribes nationwide. In addition, OVW's Tribal Domestic Violence and Sexual Assault Coalitions Grant Program helps non-profit tribal coalitions improve systemic and community responses to victims in Indian country. This program helps tribal communities identify gaps in services so that domestic violence and sexual assault victims do not fall through the cracks. OVW also provides training and technical assistance to tribes on a wide range of issues, including training judges, prosecutors, attorneys, and legal advocates about how to improve the tribal justice system's response to domestic violence.

We understand that today's tribal communities face serious challenges in the area of child abuse and family violence. All of us must work together to ensure that predators can no longer abuse Indian children. The Department of Justice will continue to prosecute these cases and to work closely with the Committee and tribal governments to address the high rates of violence in Indian country. The Department applauds the Committee's attention to this extremely important subject.

Thank you for the opportunity to express our views on S. 1601.

STATEMENT OF CHARLES W. GRIM, D.D.S, M.H.S.A, DIRECTOR INDIAN HEALTH SERVICE, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. Chairman and Members of the Committee: Good morning, I am Dr. Charles Grim, Director of the Indian Health Service (IHS). Today, I am accompanied by Dr. Jon Perez, Director, Division of Behavioral Health, IHS. We are pleased to have this opportunity to testify on behalf of Secretary Thompson on S. 1601, the Indian Child Protection and Family Violence Prevention Act of 2003.

The IHS has the responsibility for the delivery of health services to more than 1.6 million Federally-recognized American Indians and Alaska Natives (AI/ANs) through a system of IHS, tribal, and urban (I/T/U) operated facilities and programs based on treaties, judicial determinations, and Acts of Congress. The mission of the agency is to raise the physical, mental, social, and spiritual health of AI/ANs to the highest level, in partnership with the population we serve. The agency goal is to assure that comprehensive, culturally acceptable personal and public health services are available and accessible to the service population. Our foundation is to promote healthy AI/AN people, commu-

nities, and cultures and to honor and protect the inherent sovereign rights of Tribes.

Secretary Thompson, too, has been extremely proactive in raising the awareness of tribal issues within the Department by contributing to our capacity to speak with one voice, as One Department, on behalf of tribes. As such, he has recognized the authority provided in the Native American Programs Act of 1974 and reestablished the Intradepartmental Council for Native American Affairs which considers cross cutting issues and seeks opportunities for collaboration and coordination among Department programs serving Native Americans. The Council serves as an advisory body to the Secretary and has responsibility to assure that Native American policy is implemented across all Divisions in the Department including human services programs. As Vice-Chair of the Secretary's Council, the IHS Director facilitates advocacy, promotes consultation, reports directly to the Secretary, collaborates directly with the Assistant Secretary for Health, advises the heads of all the Department's divisions and coordinates activities of the Department on Native American health and human services issues.

Our Indian families are strong, but besieged by the numbing effects of poverty, lack of resources, and limited opportunity. The Indian Child Abuse and Family Violence Prevention Act (P.L. 101-630) was passed in 1990 and the IHS has since endeavored to meet the spirit and intent of the Act. In 1996 the IHS instituted the Domestic Violence and Child Abuse Prevention Initiative to address more directly the concerns regarding violence against women and child abuse and neglect in AI/AN communities. The initiative's purpose is to improve the IHS, tribal, and urban Indian health care response to domestic violence by providing education, training, and support to health care providers. The overarching goal is to improve health care providers' capability to provide early identification and culturally appropriate responses to victims of familial violence, particularly women and children, in AI/AN communities.

In support of the initiative, the IHS works independently as well as collaboratively with other federal agencies concerned with domestic violence issues to:

1. Provide programs and products;
2. Provide training and training materials;
3. Identify other resources and potential funding streams for AI/AN programs;
4. Advocate for funding and services for IHS and AI/AN tribal community clinics and organizations that provide services to domestic violence victims and their children;
5. Facilitate the development of protocols on domestic violence that are being implemented in IHS clinics and hospitals to ensure that victims of domestic violence receive appropriate treatment and referrals; and

6. Insure the quality and character of the IHS staff providing services to our AI/AN families and children. Some of the actions taken to achieve these goals include:

- *The Indian Child Protection and Child Abuse Prevention Demonstration Projects for Mental Health/Social Services for AI/ANs*. Directly funded by IHS, this program initiative provided \$4,275,019 in financial assistance to federally-recognized Indian tribes or tribal organizations or to non-profit organizations serving primarily AI/ANs to establish programs for child protective services, child abuse prevention (including family violence prevention), and educational programs aimed at child abuse prevention, which were community based and culturally relevant to AI/ANs. The grants spanned the period from August 1997 through July 2002.

Included over this period were:

1. *Pueblo of Isleta*—provided interventions, activities and community awareness campaigns across the Pueblo. In cases of child abuse and neglect the program supported temporary placement of children out of the home with extended family placements. As a community based program, it collaborated with other treatment providers in the community (Tribal Courts, Isleta Substance Abuse Program, Mental Health, Diabetes Program, Isleta Elementary School and the Isleta Police Department) to provide a more comprehensive child abuse support and intervention safety net than had been possible before.

2. *Little Traverse Bay Bands of Odawa*—the Grandmother's Wisdom program offered the Odawa membership a counseling/therapy component that provided intensive therapeutic services: (1) A treatment protocol that focused on traditional Anishnabe childrearing practices; worked with the Human Services Department in the child protection program which is the first point of contact for Anishnabe families of child abuse or family violence, and (2) Provide educational outreach training to the public on topics of child abuse, domestic violence issues, anger management, positive parenting, self-esteem.

3. *Southern California Indian Center, Inc.*—provided both treatment services and prevention education through outreach, crisis intervention and referrals, professional counseling, assistance with emergency services, and educational workshops to the urban Indian population of Southern California, primarily the Los Angeles area.

4. *Indian Health Care Resource Center of Tulsa, Inc.*—provided individual and family counseling for victims of child abuse/neglect as well as those who have been convicted of child abuse or neglect. Psychiatric services were provided to children who had significant emotional or behavioral problems which would benefit from such treatment.

5. *Confederated Tribes of Siletz Indians*—conducted child developmental assessments, mental health evaluations, and provided therapy planning to address the children's needs. Therapy often included family therapy for assisting

adult care providers to meet their child's needs and promote health, safety and to strengthen parenting skills. This program also worked with 11 counties to allow for Police backup in the event such support was needed for conducting a child intervention/investigation and for emergency services.

- *The University of Oklahoma's Project Making Medicine* is funded through an Interagency Agreement with the Administration for Children and Families, Office of Child Abuse and Neglect, DHHS. Project Making Medicine is a 2 week culturally sensitive training program on the treatment of child physical and sexual abuse with consultation and follow-up. Once the participant completes the 2 week training, the Project Making Medicine staff schedule an on-site visit at the participant's local community and assists the participant in conducting a community wide training in the prevention and awareness of child abuse and neglect. Project Making Medicine has trained over 150 professionals working with Native children on reservations around the country.

- With funds provided by IHS, *The University of Oklahoma Health Sciences Center* is finalizing the development of a child protection manual available to the IHS, Bureau of Indian Affairs, Tribal and Urban Indian health staff involved with providing child abuse and neglect and domestic violence services in AI/AN communities. The Handbook will be in a format so it can serve dual purposes as a training manual (goals, objectives, agenda, small group activities, etc.) and/or as a technical manual (statistics, definitions, indicators, legal and ethical responsibilities, group dynamics, confidentiality, referrals, treatment issues, standard forms/templates, resources, etc.).

- The IHS entered into an Inter-Agency Agreement with the *Department of Justice, Office of Victims of Crime*, to provide \$414,000 in funding over a period of four years, from 1999 through 2003, to provide training for IHS physicians and nurse practitioners in the application of forensic and telemedicine equipment in child sexual abuse cases. The funding provided 5 day intensive trainings in forensic evaluation techniques and telemedicine, and included the purchase of telemedicine equipment, coloscopes, and accessories at many Indian health facilities.

- The IHS has developed the *Mental Health and Community Safety Initiative (MHCSI) for AI/AN Children, Youth, and Families*. This grant program for Fiscal Years 2003 through 2011 (assuming continued appropriations), funds \$500,000 annually for cooperative agreements to develop innovative strategies that focus on the mental health, behavioral, substance abuse, and community safety needs of AI/AN young people and their families who are involved in or at risk for involvement with the juvenile justice system. This effort was first initiated through the White House Domestic Policy Council to provide federally recognized Tribes and eligible Tribal organizations with assistance to plan, design, and assess the feasibility of im-

plementing a culturally appropriate system of care for AI/ANs. The MHCSI Planning Phase cooperative agreement program (years 1–3) will fund development of actual services. The Implementation Phase (years 4–8) will follow with the provision of program services planned in the first phase. An important focus will be to integrate traditional healing methods indigenous to the communities with conventional treatment methodologies. One of the primary foci of the program is child abuse and neglect: to identify and develop systems of care for victims of child abuse and neglect who are involved and/or at risk of being involved with the juvenile justice system. These cooperative agreements are established under the authority of 25 U.S.C. 1621h(m). There will be only one funding cycle during fiscal year (FY) 2003.

- Section 408 of P.L. 101–630 requires the IHS (and BIA) to compile a list of all authorized positions within the IHS where the duties and responsibilities of which involve regular contact with, or control over, Indian children; to conduct an investigation of the character of each individual who is employed, or is being considered for employment in a position having regular contact with, or control over, Indian children and; to prescribe by regulations the minimum standards of character that individual must meet to be appointed to positions having regular contact with, or control over, Indian children. The law also requires that the IHS regulations prescribing the minimum standards of character ensure that none of the individuals appointed to positions which involve regular contact with, or control over, Indian children have been found guilty of, or entered a plea of nolo contendere or guilty to, any felonious offense, or any two or more misdemeanor offenses under Federal, State, or Tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or offenses committed against children.

- Section 408(c) requires that Tribes or Tribal organizations who receive funds under the Indian Self-Determination and Education Assistance Act, P.L. 93–638, employ individuals in positions involving regular contact with or control over Indian children only if the individuals meet standards of character no less stringent than those prescribed under the IHS regulations.

- The IHS published an Interim Final Rule establishing minimum standards of character and the regulations became effective November 22, 2002. The final regulations incorporate technical amendments enacted by Congress on December 27, 2000, pursuant to section 814, the Native American Laws Technical Corrections Act of 2000. The final regulations established that the minimum standards of character have been met only after individuals, in positions involving regular contact with or control over Indian children, have been the subject of a satisfactory background investigation and it has been determined that these individuals have not been found guilty of, or entered

a plea of nolo contendere or guilty to, any felonious offense, or any two or more misdemeanor offenses under Federal, State, or Tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or offenses committed against children.

- Section 6 of S. 1601 amends section 408 to extend the character investigation requirements to “volunteer and contractor positions.” The IHS regulations, at 42 CFR 136.403, includes volunteers and contractors within the definition of individuals covered by section 408. Section 6 further amends section 408 to specifically require a background check, based on a set of fingerprints conducted by the Federal Bureau of Investigations (FBI) and a review of applicable State criminal history repositories. The IHS regulations, at 42 CFR 136.406, includes these requirements as part of the background investigation of an individual to determine whether minimum standards of character have been met. I have enclosed a copy of the Interim Final Rule as an addendum to my testimony.

The results of the efforts highlighted above, as well as the increased IHS and tribal emphasis on daily clinical identification of and care for victims of abuse have only served to stabilize an alarming problem. Data indicate an average of approximately 4,500 clinical contacts a year related to child abuse, neglect, and the psychological after effects of such victimization. The number of contacts has remained at approximately the same level for several years. It is high, it is unacceptable, it happens for many reasons, but it does not happen in isolation from the economic and social problems plaguing Indian Country. It will take resources, not only for IHS, but for a broad range of federal and tribal support to improve not just clinical services for abuse victims, but to positively affect the underlying economic and social cauldron of despair from which so much of the violence in Indian Country springs.

The IHS plans to continue its present projects and initiative efforts to address domestic violence and child abuse and neglect. It will also seek to expand services within AI/AN communities by consulting with IHS health care facilities, tribes, and urban Indian clinics as well as through collaboration and advocacy with other federal agencies because the goal of reducing and ultimately preventing violence among our families and against our children will require all our efforts. I am confident in IHS’s commitment to that goal and its ability to effectively and innovatively use the resources it is given to maximum positive effect. There is a long road ahead of us, but we are prepared to continue our efforts to address these important issues.

Mr. Chairman, that concludes my prepared remarks and I would be pleased to answer any questions you or other members of the Committee may have.

CHANGES IN EXISTING LAW

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes the following changes in existing law made by the bill, S. 1601, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

AN ACT TO AUTHORIZE THE RUMSEY INDIAN RANCHERIA TO CONVEY A CERTAIN PARCEL OF LAND

Public Law 101-630

AN ACT To authorize the Rumsey Indian Rancheria to convey a certain parcel of land

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

TITLE IV. INDIAN CHILD PROTECTION

* * * * *

SEC. 401. SHORT TITLE.

This title may be cited as the ‘Indian Child Protection and Family Violence Prevention Act’.

SEC. 402. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress, after careful review of the problem of child abuse on Indian reservations and the historical and special relationship of the Federal Government with Indian people,

[(1) finds that—

[(A) the incidents of abuse of children on Indian are grossly underreported;

[(B) such underreporting is often a result of the lack of a mandatory Federal reporting law;

[(C) multiple incidents of sexual abuse of children on Indian reservations have been perpetrated by persons employed or funded by the Federal Government;

[(D) Federal Government investigations of the background of Federal employees who care for, or teach, Indian children are often deficient;]

(1) *finds that—*

 (A) *Indian children are the most important resource of Indian tribes and need special protection by the United States;*

 (B) *the number of reported incidences of child abuse on Indian reservations continues to rise at an alarming rate, but the reduction of such incidences is hindered by the lack of—*

 (i) *community awareness in identification and reporting methods;*

 (ii) *interagency coordination for reporting, investigating and prosecuting; and*

 (iii) *tribal infrastructure for managing, preventing and treating child abuse cases;*

(C) *improvements are needed to combat the continuing child abuse on Indian reservations, including—*

(i) *education to identify symptoms consistent with child abuse;*

(ii) *extensive background investigations of Federal and tribal employees, volunteers, and contractors who care for, teach or otherwise have regular contact with Indian children;*

(iii) *strategies to ensure the safety of child protection workers; and*

(iv) *support systems for the victims of child abuse and their families; and*

[(E)] (D) funds spent by the United States on Indian reservations [or otherwise spent] for the benefit of [Indians who are] *Indian* victims of child abuse or family violence are inadequate to *combat child abuse and to meet the growing needs for mental health treatment and counseling for those victims [of child abuse or family violence] and their families;*

[(F)] there is no resource more vital to the continued existence and integrity of Indian tribes than their children and the United States has a direct interest, as trustee, in protecting Indian children who are members of, or are eligible for membership in, an Indian tribe;]

(2) declares that *the [two]* major goals of the United States are to—

(A) identify the scope of incidents of abuse of children and family violence in Indian country and to reduce such incidents;

(B) provide funds for *developing a comprehensive tribal child abuse and family violence program including training and technical assistance for identifying, addressing and decreasing such incidents and for mental health treatment for Indian victims of child abuse and family violence on Indian reservations[.];*

(C) *implement strategies to increase the safety of child protection workers;*

(D) *assist tribes in developing the necessary infrastructure to combat and reduce child abuse on Indian reservations;*

(E) *identify and remove impediments to the prevention and reduction of child abuse on Indian reservations, including elimination of existing barriers, such as difficulties in sharing information among agencies and differences between the values and treatment protocols of the different agencies.*

(b) PURPOSE.—The purposes of this chapter are to—

(1) require that reports of abused Indian children are made to the appropriate authorities in an effort to prevent *and prosecute child [further] abuse;*

(2) establish a reliable data base for statistical purposes and to *build tribal infrastructure needed to maintain and coordinate data bases [authorize a study to determine the need for a central registry for reported incidents of abuse];*

[(3) authorize such other actions as are necessary to ensure effective child protection in Indian country;]

[(4)] (3) establish the Indian Child Abuse Prevention and Treatment Grant Program to provide funds for the establishment on Indian reservations of treatment programs for victims of child [sexual] abuse;

[(5)] (4) provide for technical assistance and training related to the investigation, prevention and treatment of cases of child abuse and neglect;

[(6)] (5) establish Indian Child Resource and Family Services Centers in each Bureau of Indian Affairs *Regional* [Area] Office which will consist of multi-disciplinary teams of personnel with experience and training in the prevention, identification, investigation, and treatment of child abuse and neglect;

[(7)] (6) provide for the treatment and prevention of incidents of *child abuse and family violence through tribally operated programs*;

(7) *conduct a study to identify the impediments to effective prevention, investigation, prosecution and treatment of child abuse*;

[(8) establish tribally-operated program to protect Indian children and reduce the incidents of family violence in Indian country; and]

(8) *develop strategies to protect the safety of the child protection workers while performing responsibilities under this title; and*

(9) authorize other actions necessary to ensure effective child protection on Indian reservations.

SEC. 403. DEFINITIONS.

For the purposes of this chapter, the term—

(1) “Bureau” means the Bureau of Indian Affairs of the Department of the Interior;

(2) “child” means an individual who—

(A) is not married, and

(B) has not attained 18 years of age;

(3) “child abuse” includes but is not limited to

(A) any case in which—

(i) a child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, and

(ii) such condition is not justifiably explained or may not be the product of an accidental occurrence; [and]

(B) any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution; *and*

(C) *any case in which a child is exposed to family violence*;

(4) “child neglect” includes but is not limited to, negligent treatment or maltreatment of a child by a person, including a person responsible for the child’s welfare, under circumstances which indicate that the child’s health or welfare is harmed or threatened thereby;

(5) “family violence” means any act, or threatened act, of violence, including any forceful detention of an individual, which—

(A) results, or threatens to result, in physical or mental injury, and

(B) is committed by an individual against another individual—

(i) to whom such person is, or was, related by blood or marriage or otherwise legally related, or

(ii) with whom such person is, or was, residing;

(6) “Indian” means any individual who is a member of an Indian tribe;

(7) “Indian child” has the meaning given to such term by section 1903(4) of this title;

(8) “Indian country” has the meaning given to such term by section 1151 of title 18;

(9) “Indian reservation” means any Indian reservation, public domain Indian allotment, former Indian reservation in Oklahoma, or lands held by incorporated Native groups, regional corporations, or village corporations under the provisions of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) ;

(10) “Indian tribe” and “tribal organization” have the respective meanings given to each of such terms under section 450b of this title;

(11) “inter-tribal consortium” means a partnership between—

(A) an Indian tribe or tribal organization of an Indian tribe, and

(B) one or more Indian tribes or tribal organizations of one or more other Indian tribes;

(12) “local child protective services agency” means that agency of the Federal Government, of a State, or of an Indian tribe that has the primary responsibility for child protection on any Indian reservation or within any community in Indian country;

(13) “local law enforcement agency” means that Federal, tribal, or State law enforcement agency that has the primary responsibility for the investigation of an instance of alleged child abuse within the portion of Indian country involved;

(14) “persons responsible for a child’s welfare” means any person who has legal or other recognized duty for the care and safety of a child, including—

(A) any employee or volunteer of a children’s residential facility, and

(B) any person providing out-of-home care, education, or services to children;

(15) “related assistance”—

(A) includes counseling and self-help services to abusers, victims, and dependents in family violence situations (which shall include counseling of all family members to the extent feasible) and referrals for appropriate healthcare services (including alcohol and drug abuse treatment), and

(B) may include food, clothing, child care, transportation, and emergency services for victims of family violence and their dependents;

(16) "Secretary" means the Secretary of the Interior;

(17) "shelter" means the provision of temporary refuge and related assistance in compliance with applicable Federal and tribal laws and regulations governing the provision, on a regular basis, of shelter, safe homes, meals, and related assistance to victims of family violence or their dependents; and

(18) "Service" means the Indian Health Service of the Department of Health and Human Services.

SEC. 404. REPORTING PROCEDURES.

(a) OMITTED.

(b) NOTIFICATION OF CHILD ABUSE REPORTS.—

(1) When a local law enforcement agency or local child protective services agency receives an initial report from any person of—

(A) the abuse of a child in Indian country, or

(B) actions which would reasonably be expected to result in abuse of a child in Indian country, the receiving agency shall immediately notify appropriate officials of the other agency of such report and shall also submit, when prepared, a copy of the written report required under subsection (c) of this section to such agency.

(2) Where a report of abuse involves an Indian child or where the alleged abuser is an Indian and where a preliminary inquiry indicates a criminal violation has occurred, the local law enforcement agency, if other than the Federal Bureau of Investigation, shall immediately report such occurrence to the Federal Bureau of Investigation.

(3) *COOPERATIVE REPORTING.—If—*

(A) a report of abuse or family violence involves an alleged abuser who is a non-Indian; and

(B) a preliminary inquiry indicates a criminal violation has occurred;

the local law enforcement agency (if other than the State law enforcement agency) shall immediately report the occurrence to the State law enforcement agency.

(c) WRITTEN REPORT OF CHILD ABUSE.—

(1) Within 36 hours after receiving an initial report described in subsection (b) of this section, the receiving agency shall prepare a written report which shall include, if available—

(A) the name, address, age, and sex of the child that is the subject of the report;

(B) the grade and the school in which the child is currently enrolled;

(C) the name and address of the child's parents or other person responsible for the child's care;

(D) the name and address of the alleged offender;

(E) the name and address of the person who made the report to the agency;

(F) a brief narrative as to the nature and extent of the child's injuries, including any previously known or suspected abuse of the child or the child's siblings and the suspected date of the abuse; and

(G) any other information the agency or the person who made the report to the agency believes to be important to the investigation and disposition of the alleged abuse.

(2)(A) Any local law enforcement agency or local child protective services agency that receives a report alleging abuse described in section 3202(3) of this title shall immediately initiate an investigation of such allegation and shall take immediate, appropriate steps to secure the safety and well-being of the child or children involved.

(B) Upon completion of the investigation of any report of alleged abuse that is made to a local law enforcement agency or local child protective services agency, such agency shall prepare a final written report on such allegation;

(d) CONFIDENTIALITY OF INFORMANT.—The identity of any person making a report described in subsection (b)(1) of this section shall not be disclosed, without the consent of the individual, to any person other than a court of competent jurisdiction or an employee of an Indian tribe, a State or the Federal Government who needs to know the information in the performance of such employee's duties.

[SEC. 405. CENTRAL REGISTRY.

[(a) PREPARATION OF STUDY.—The Secretary, in consultation with the Secretary of Health and Human Services and the Attorney General of the United States, is hereby authorized and directed to prepare a written study on the feasibility of and need for, the establishment of a Central Register for reports or information on the abuse of children in Indian country.

[(b) CONTENT OF STUDY.—The study conducted pursuant to subsection (a) of this section shall include, but shall not be limited to—

[(1) the need for, and purpose of, a Central Register;

[(2) the examination of due process implication of the maintenance of such a register;

[(3) the extension of access to information contained in the Register;

[(4) the need and process for expunging information from the Register;

[(5) the types, and duration of maintenance, of information in the Register; and

[(6) the classes of persons who should be covered by such Register.

[(c) SUBMISSION TO CONGRESS.—The Secretary shall complete the study conducted pursuant to this section and shall submit such study, together with recommendations and draft legislation to implement such recommendations, to the Congress within 180 days after November 28, 1990.]

SEC. 405. BARRIERS TO IMPLEMENTATION.

(a) *IN GENERAL.*—*The Secretary, in consultation with the Secretary of Health and Human Services and the Attorney General, shall conduct a study to identify impediments to the reduction of child abuse on Indian reservations.*

(b) *MATTERS TO BE EVALUATED.*—*In conducting the study under subsection (a), the Secretary shall, at a minimum, evaluate the interagency and intergovernmental cooperation and jurisdictional impediments in investigations and prosecutions.*

(c) *REPORT.*—

(1) *IN GENERAL.*—*Not later than 18 months after the date of enactment of this paragraph, the Secretary shall submit to Con-*

gress a report that describes the results of the study under subsection (a).

(2) *CONTENTS.*—The report under paragraph (1) shall include—

(A) any findings made in the study;

(B) any recommendations that the Secretary considers appropriate on ways to eliminate impediments described in subsection (a); and

(C) cost estimates for implementing the recommendations.

SEC. 406. CONFIDENTIALITY.

Pursuant to section 552a of title 5, the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), or any other provision of law, agencies of any Indian tribe, of any State, or of the Federal Government that investigate and treat incidents of abuse of children may provide information and records to those agencies of any Indian tribe, any State, or the Federal Government that need to know the information in performance of their duties. For purposes of this section, Indian tribal governments shall be treated the same as other Federal Government entities.

SEC. 407. WAIVER OF PARENTAL CONSENT.

(a) *EXAMINATIONS AND INTERVIEWS.*—Photographs, x-rays, medical examinations, psychological examinations, and interviews of an Indian child alleged to have been subject to abuse in Indian country shall be allowed without parental consent if local child protective services or local law enforcement officials have reason to believe the child has been subject to abuse.

(b) *INTERVIEWS BY LAW ENFORCEMENT AND CHILD PROTECTIVE SERVICES OFFICIALS.*—In any case in which officials of the local law enforcement agency or local child protective services agency have reason to believe that an Indian child has been subject to abuse in Indian country, the officials of those agencies shall be allowed to interview the child without first obtaining the consent of the parent, guardian, or legal custodian.

(c) *PROTECTION OF CHILD.*—Examinations and interviews of a child who may have been the subject of abuse shall be conducted under such circumstances and with such safeguards as are designed to minimize additional trauma to the child and, where time permits, shall be conducted with the advice, or under the guidance, of a local multidisciplinary team established pursuant to section 3210 of this title or, in the absence of a local team, a multidisciplinary team established pursuant to section 3209 of this title.

(d) *COURT ORDERS.*—Upon a finding of reasonable suspicion that an Indian child has been the subject of abuse in Indian country, a Federal magistrate judge or United States District Court may issue an order enforcing any provision of this section.

SEC. 408. CHARACTER INVESTIGATIONS.

(a) *BY SECRETARY OF THE INTERIOR AND SECRETARY OF HEALTH AND HUMAN SERVICES.*—The Secretary and the Secretary of Health and Human Services shall—

(1) compile a list of all authorized positions (*including contracted and volunteer positions*) within their respective departments the duties and responsibilities of which involve regular contact with, or control over, Indian children,

(2) conduct an investigation of the character of each individual who is employed, or is being considered for employment, by the respective Secretary in a position listed pursuant to paragraph (1), and

(3) prescribe by regulations minimum standards of character that each of such individuals must meet to be appointed to such positions. **■** *which—*

(A) *shall include a background check, based on a set of fingerprints of the employee, volunteer or contractor that may be conducted through the Federal Bureau of Investigation; and*

(B) *may include a review of applicable State and tribal criminal history repositories.*

(b) **CRIMINAL RECORDS.**—The minimum standards of character that are to be prescribed under this section shall ensure that none of the individuals appointed to positions described in subsection (a) of this section have been found guilty of, or entered a plea of nolo contendere or guilty to, any felonious offense, or any of two or more misdemeanor offenses, under Federal, State, or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or offenses committed against children.

(c) **INVESTIGATIONS BY INDIAN TRIBES AND TRIBAL ORGANIZATIONS.**—

(1) **IN GENERAL.**—Each Indian tribe or tribal organization that receives funds under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) shall—

■ (1) (A) conduct an investigation of the character of each individual who is a *volunteer or contractor or is employed, or is being considered for employment, by such tribe or tribal organization in a position that involves regular contact with, or control over, Indian children, and*

■ (2) (B) *contract with, accept or employ individuals in those positions only if the individuals meet standards of character, no less stringent than those prescribed under subsection (a) of this section, as the Indian tribe or tribal organization shall establish.*

(2) **SATISFACTION OF REQUIREMENTS.**—

(A) **INVESTIGATIONS.**—*An investigation conducted under paragraph (1)(A) shall be considered to satisfy any requirement under any other Federal law for a background check in connection with the placement of an Indian child in a foster or adoptive home, or an institution.*

(B) **LICENSING OR APPROVAL.**—*On certification by an Indian tribe that the Indian tribe is in compliance with paragraph (1), the licensing or approval of guardianships, foster or adoptive homes, or institutions by an Indian tribe in accordance with tribal law shall be considered to be equivalent to licensing or approval by a State for the purposes of any law that authorizes placement in or provides funding for guardianships, foster or adoptive homes, or institutions.*

SEC. 409. INDIAN CHILD ABUSE TREATMENT GRANT PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary of Health and Human Services, acting through the Service and in cooperation with the Bu-

reau, shall establish an Indian Child Abuse Treatment Grant Program that provides grants to any Indian tribe or intertribal consortium for the establishment on Indian reservations of treatment programs for Indians who have been victims of child [sexual] abuse.

(b) GRANT APPLICATIONS.—

(1) Any Indian tribe or intertribal consortium may submit to the Secretary of Health and Human Services an application for a grant under subsection (a) of this section.

(2) Any application submitted under paragraph (1)—

(A) shall be in such form as the Secretary of Health and Human Services may prescribe;

(B) shall be submitted to such Secretary on or before the date designated by such Secretary; and

(C) shall specify—

(i) the nature of the program proposed by the applicant,

(ii) the data and information on which the program is based,

(iii) the extent to which the program plans to use or incorporate existing services available on the reservation, and

(iv) the specific treatment concepts to be used under the program.

(c) MAXIMUM GRANT AMOUNT.—The maximum amount of any grant awarded under subsection (a) of this section shall not exceed \$500,000.

(d) GRANT ADMINISTRATION AND FINAL REPORT.—Each recipient of a grant awarded under subsection (a) of this section shall—

(1) furnish the Secretary of Health and Human Services with such information as such Secretary may require to—

(A) evaluate the program for which the grant is made, and

(B) ensure that the grant funds are expended for the purposes for which the grant was made, and

(2) submit to such Secretary at the close of the term of the grant a final report which shall include such information as the Secretary may require.

(e) DEMONSTRATION PROJECT.—

(1) *IN GENERAL.*—*The Secretary of Health and Human Services shall establish demonstration projects to facilitate the development of a culturally-sensitive traditional healing treatment program for child abuse and family violence to be operated by an Indian tribe, tribal organization, or inter-tribal consortium.*

(2) *APPLICATION.*—

(A) *IN GENERAL.*—*An Indian tribe, tribal organization, or inter-tribal consortium may submit an application to participate in a demonstration project in such form as the Secretary of Health and Human Services may prescribe.*

(B) *CONTENTS.*—*As part of an application under subparagraph (A), the Secretary of Health and Human Services shall require—*

(i) the information described in subsection (b)(2)(C);

(ii) a proposal for development of educational materials and resources, to the extent culturally appropriate; and

(iii) *proposed strategies to use and maintain the integrity of traditional healing methods.*

(3) *CONSIDERATIONS.—In selecting the participants in demonstration projects established under this subsection, the Secretary of Health and Human Services shall give special consideration to projects relating to behavioral and emotional effects of child abuse, elimination of abuse by parents, and reunification of the family.*

[(e)] (f) *AUTHORIZATION OF APPROPRIATIONS.—[there] There is hereby authorized to be appropriated to carry out the provisions of this section [\$10,000,000 for each of the years 1992, 1993, 1994, 1995, 1996 and 1997] such sums as are necessary to carry out this section for each of the fiscal years 2005 through 2010, or which a specific sum shall be specifically set aside each year for the demonstration projects established under subsection (e).*

SEC. 410. INDIAN CHILD RESOURCE AND FAMILY SERVICES CENTERS.

(a) *ESTABLISHMENT.—The Secretary shall establish within each Regional [area] office of the Bureau an Indian Child Resource and Family Services Center.*

(b) *MEMORANDUM OF AGREEMENT.—The Secretary, [and] the Secretary of Health and Human Services, and the Attorney General shall enter into a Memorandum of Agreement which provides for the staffing of the Centers established under this section.*

(c) *CENTER STAFFING.—Each Center established under subsection (a) of this section shall be staffed by a multidisciplinary team of personnel with experience and training in prevention, identification, investigation, and treatment of incidents of family violence, child abuse, and child neglect.*

(d) *CENTER RESPONSIBILITIES AND FUNCTIONS.—Each Center established under subsection (a) of this section shall—*

(1) *provide advice, technical assistance, and consultation to Indian tribes, tribal organizations, and inter-tribal consortia upon request;*

(2) *provide training to appropriate personnel of Indian tribes, tribal organizations, the Bureau and the Service on the identification and investigation of cases of family violence, child abuse, and child neglect and, to the extent practicable, coordinate with institutions of higher education, including tribally controlled community colleges, to offer college-level credit to interested trainees;*

(3) *develop training materials on the prevention, identification, investigation, and treatment of incidents of family violence, child abuse, and child neglect for distribution to Indian tribes and to tribal organizations;*

(4) *develop recommendations to assist Federal and tribal personnel to respond to cases of family violence, child abuse, and child neglect; and*

(5) *develop policies and procedures for each agency office of the Bureau and service unit of the Service within the Region [area] which, to the extent feasible, comply with tribal laws pertaining to cases of family violence, child abuse, and child neglect, including any criminal laws, and which provide for maximum cooperation with the enforcement of such laws.*

(e) **MULTIDISCIPLINARY TEAM PERSONNEL.**—Each multidisciplinary team established under this section shall include, but is not limited to, personnel with a background in—

- (1) law enforcement,
- (2) child protective services,
- (3) juvenile counseling and adolescent mental health, and
- (4) domestic violence.

(f) **CENTER ADVISORY BOARD.**—The Secretary, in consultation with the Secretary of Health and Human Services, shall establish, for each Indian Child Resource and Family Services Center, an advisory board to advise and assist such Center in carrying out its activities under this chapter. Each advisory board shall consist of 7 members appointed by the Secretary from Indian tribes and human service providers served by a *Regional* [an area] office of the Bureau. Members shall serve without compensation, but may be reimbursed for travel and other expenses while carrying out the duties of the board. The advisory board shall assist the Center in *developing strategies*, coordinating programs, identifying training materials, and developing policies and procedures relating to family violence, child abuse, and child neglect.

(g) **APPLICATION OF INDIAN SELF-DETERMINATION ACT TO CENTERS.**—Indian Child Resource and Family Services Centers established under subsection (a) of this section shall be subject to the provisions of the Indian Self-Determination Act (25 U.S.C. 450f et seq.). If a Center is located in a *Regional* [an area] office of the Bureau which serves more than one Indian tribe, any application to enter into a contract to operate the Center pursuant to such Act must have the consent of each of the other tribes to be served under the contract, except that, in the *Alaska Region* [Juneau Area], only the consent of such tribes or tribal consortia that are engaged in contracting of Indian Child Protection and Family Violence Prevention programs pursuant to such Act shall be required. This section shall not preclude the designation of an existing child resource and family services center operated by a tribe or tribal organization as a Center if all of the tribes to be served by the Center agree to such designation.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out the provisions of this section **[\$3,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, 1996 and 1997] such sums as are necessary to carry out this section for each of fiscal years 2005 through 2010.**

SEC. 411. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary shall establish within the Bureau an Indian Child Protection and Family Violence Prevention Program to provide financial assistance to any Indian tribe, tribal organization, or intertribal consortium for the development of an Indian Child Protection and Family Violence Prevention program.

(b) **INDIAN SELF-DETERMINATION ACT AGREEMENTS.**—The Secretary is authorized to enter into agreements with Indian tribes, tribal organizations, or intertribal consortia pursuant to the Indian Self-Determination Act (25 U.S.C. 450f et seq.) for the establishment of Indian Child Protection and Family Violence Prevention programs on Indian reservations.

(c) INVESTIGATION AND TREATMENT AND PREVENTION OF CHILD ABUSE AND FAMILY VIOLENCE.—An Indian tribe operating an Indian Child Protection and Family Violence Prevention program established under this section shall designate the agency or officials which shall be responsible—

(1) for the *coordination, reporting and* investigation of reported cases of child abuse and child neglect; and

(2) for the treatment and prevention of incidents of *child abuse and* family violence, including all members of any multidisciplinary child protection team; and

(3) for the provision of immediate shelter and related assistance for victims of family violence and their dependents.

(d) PROGRAM RESPONSIBILITIES AND FUNCTIONS.—Funds provided pursuant to this section may be used for—

(1) the establishment of a child protective services program which may include—

(A) the employment of child protective services staff to investigate cases of child abuse and child neglect;

(B) training programs for child protective services personnel, law enforcement personnel, and judicial personnel in the investigation, prevention, and treatment of cases of child abuse and child neglect; and

(C) purchase of equipment *and other related items* to assist in the investigation of cases of child abuse and child neglect;

(2) the establishment of a family violence prevention and treatment program which may include—

(A) the employment of family violence prevention and treatment staff to respond to incidents of family violence;

(B) the provision of immediate shelter and related assistance for victims of family violence and their dependents;

(C) training programs for family violence prevention and treatment personnel, law enforcement personnel, and judicial personnel in the investigation, prevention, and treatment of cases of family violence; and

(D) construction or renovation of facilities for the establishment of family violence shelters;

(3) the development and implementation of a multidisciplinary child abuse investigation and prosecution program which may—

(A) coordinate child abuse prevention, investigation, prosecution, treatment, and counseling services;

(B) develop protocols among related agencies to ensure that investigations of child abuse cases, to the extent practicable, minimize the trauma to the child victim; **[, and]**

(C) provide for the coordination and cooperation of law enforcement agencies, courts of competent jurisdiction, and other tribal, Federal, and State agencies through intergovernmental or interagency agreements that define and specify each party's responsibilities *and specify appropriate measures for ensuring child protection worker safety while performing responsibilities under this title;*

(D) *provide for training programs or expenses for child protection services personnel, law enforcement personnel or judicial personnel to meet any certification requirements*

necessary to fulfill the responsibilities of any intergovernmental or interagency agreement; and

(E) develop and implement strategies designed to ensure the safety of child protection workers while performing the responsibilities under this Act;

(4) the development of tribal child protection codes and regulations;

(5) the establishment of training programs for—

(A) professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, investigation, and treatment of family violence, child abuse, and child neglect;

(B) instruction in methods of protecting children from abuse and neglect for persons responsible for the welfare of Indian children, including parents of, and persons who work with, Indian children; or

(C) educational, identification, prevention and treatment services for child abuse and child neglect in cooperation with preschool, elementary and secondary schools, or tribally controlled community colleges (within the meaning of section 1801 of this title);

(6) other community education efforts for tribal members (including school children) regarding issues of family violence, child abuse, and child neglect; **and**

(7) infrastructure enhancements to improve tribal data systems to monitor the progress of families, evaluate service and treatment outcomes, and determine the most effective approaches and activities; and

[(7)] (8) such other innovative and culturally relevant programs and projects as the Secretary may approve, including programs and projects for—

(A) parental awareness and self-help,

(B) prevention and treatment of alcohol and drug-related family violence, child abuse, and child neglect, or

(C) home health visitor programs, that show promise of successfully preventing and treating cases of family violence, child abuse, and child neglect.

[(f)] *(e)* SECRETARIAL REGULATIONS; BASE SUPPORT FUNDING.—

(1) The Secretary, with the participation of Indian tribes, shall establish, and promulgate by regulations, a formula which establishes base support funding for Indian Child Protection and Family Violence Prevention programs.

(2) In the development of regulations for base support funding for such programs, the Secretary shall develop, in consultation with Indian tribes, appropriate caseload standards and staffing requirements which are comparable to standards developed by the National Association of Social Work, the Child Welfare League of America and other professional associations in the field of social work and child welfare. Each level of funding assistance shall correspond to the staffing requirements established by the Secretary pursuant to this section.

(3) Factors to be considered in the development of the base support funding formula shall include, but are not limited to—

- (A) projected service population of the program;
 - (B) projected service area of the program;
 - (C) projected number of cases per month; and
 - (D) special circumstances warranting additional program resources, such as high incidence of child sexual abuse, high incidence of violent crimes against women, or the existence of a significant victim population within the community.
- (4) The formula established pursuant to this subsection shall provide funding necessary to support—
- (A) one child protective services or family violence caseworker, including fringe benefits and support costs, for each tribe; and
 - (B) an additional child protective services and family violence caseworker, including fringe benefits and support costs, for each level of assistance for which an Indian tribe qualifies.
- (5) In any fiscal year that appropriations are not sufficient to fully fund Indian Child Protection and Family Violence Prevention programs at each level of assistance under the formula required to be established in this subsection, available funds for each level of assistance shall be evenly divided among the tribes qualifying for that level of assistance.
- [(g)] (f) MAINTENANCE OF EFFORT.**—Services provided under contracts made under this section shall supplement, not supplant, services from any other funds available for the same general purposes, including, but not limited to—
- (1) treatment, including, but not limited to—
 - (A) individual counseling,
 - (B) group counseling, and
 - (C) family counseling;
 - (2) social services and case management;
 - (3) training available to Indian tribes, tribal agencies, and Indian organizations regarding the identification, investigation, prevention, and treatment of family violence, child abuse, and child neglect; and
 - (4) law enforcement services, including investigations and prosecutions.
- [(h)] (g) CONTRACT EVALUATION AND ANNUAL REPORT.**—Each recipient of funds awarded pursuant to subsection (a) of this section shall—
- (1) furnish the Secretary with such information as the Secretary may require to—
 - (A) evaluate the program for which the award is made, **[and]** *including examination of—*
 - (i) *the range and scope of training opportunities, including numbers and percentage of child protection workers engaged in training programs;*
 - (ii) *the threats to child protection workers, if any, and the strategies used to address the safety of child protection workers; and*
 - (iii) *the community outreach and awareness programs including any strategies to increase the ability of the community to contact appropriate reporting officials regarding occurrences of child abuse;*

- (B) ensure that funds are expended for the purposes for which the award was made; and
- (2) submit to the Secretary at the end of each fiscal year an annual report which shall include such information as the Secretary may require.

[(i)] *(h) AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to carry out the provisions of this section **[\$30,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, 1996 and 1997]** *such sums as are necessary to carry out this section for each of fiscal years 2005 through 2010.*

SEC. 412. INTEGRATION OF SERVICES.

(a) DEMONSTRATION PROJECT.—*In cooperation with the Secretary of Health and Human Services and Attorney General, the Secretary shall, on the receipt of a plan acceptable to the Secretary that is submitted by an Indian tribe, tribal organization or inter-tribal consortium, authorize the Indian tribe, tribal organization or inter-tribal consortium to carry out a demonstration project to coordinate, in accordance with the plan, its federally funded child abuse related service programs in a manner that integrates the program services into a single coordinated, comprehensive program that reduces administrative costs by consolidating administrative functions.*

(b) INTEGRATION OF PROGRAMS.—

(1) IN GENERAL.—*Subject to paragraph (2), an Indian tribe, tribal organization or inter-tribal consortium may integrate any program under which the Indian tribe, tribal organization or inter-tribal consortium is eligible for receipt of funds under a statutory or administrative formula, competitive grant or any other funding scheme for the purposes of addressing child abuse.*

(2) COMPETITIVE GRANT PROGRAMS.—*In the case of a competitive grant program, the consent of the funding agency shall be required for integration of the program under paragraph (1).*

(c) PLAN REQUIREMENTS.—*A plan under subsection (a), shall—*

- (1) identify the programs to be integrated;*
- (2) be consistent with the purposes of this Act;*
- (3) describe a comprehensive strategy that identifies the full range of existing and potential child abuse and family violence prevention, treatment and service programs available on or near the service area of the Indian tribe;*
- (4) describe the manner in which services are to be integrated and delivered and the results expected from the plan;*
- (5) identify the projected expenditures under the plan in a single budget;*
- (6) identify the agency or agencies of the tribal government to be involved in the delivery of the services integrated under the plan;*
- (7) identify any statutory provisions, regulations, policies, or procedures that the tribal government believes need to be waived in order to implement its plan; and*
- (8) be approved by the governing body of the affected Indian tribe or tribes.*

(d) OTHER FEDERAL AGENCIES.—

(1) CONSULTATION.—*On receipt of the plan from an Indian tribe, tribal organization, or inter-tribal consortium, the Secretary shall consult with—*

(A) the head of each Federal agency providing funds to be used to implement the plan; and

(B) the Indian tribe, tribal organization or inter-tribal consortium.

(2) **WAIVER.**—Notwithstanding any other provision of law, the Attorney General or the appropriate Secretary shall waive any regulation, policy, or procedure promulgated by that agency identified in the plan, unless such waiver would be inconsistent with this Act or any statutory requirement applicable to the program to be integrated under the plan that is specifically applicable to Indian programs.

(e) **APPROVAL OR DISAPPROVAL.**—

(1) **NOTICE.**—Not later than 90 days after receipt of the plan, the Secretary shall notify the Indian tribe, tribal organization or inter-tribal consortium, in writing, of the approval or disapproval of the plan.

(2) **DISAPPROVAL.**—If the plan is disapproved—

(A) the notice under paragraph (1) shall inform the Indian tribe, tribal organization or inter-tribal consortium of the reasons for the disapproval; and

(B) the Indian tribe, tribal organization, or inter-tribal consortium shall be given an opportunity to amend the plan or to petition the Secretary to reconsider the disapproval.

(f) **RESPONSIBILITIES OF THE DEPARTMENT OF THE INTERIOR.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of Health and Human Services and the Attorney General shall enter into a memorandum of agreement providing for the implementation of demonstration projects under this section.

(2) **COORDINATING AGENCY.**—The coordinating agency in carrying out this section shall be the Bureau of Indian Affairs.

(3) **Responsibilities.**—

(A) **IN GENERAL.**—The responsibilities of the coordinating agency shall include—

(i) the development of a single report format which shall be used by the tribe, tribal organization or inter-tribal consortium to report on all the plan activities and expenditure;

(ii) the development of a single system of Federal oversight of demonstration projects, which shall be implemented by the coordinating agency; and

(iii) the provision of, or arrangement for, technical assistance to an Indian tribe, tribal organization, or intertribal consortium.

(B) **REQUIREMENTS.**—The report form developed under subparagraph (A)(i) shall require disclosure of such information as the Secretary determines will—

(i) allow a determination that the Indian tribe, tribal organization or inter-tribal consortium has complied with the requirements incorporated in the approved plan of the Indian tribe; and

(ii) provide assurances to each funding agency that the Indian tribe, tribal organization or inter-tribal con-

sortium has complied with all applicable statutory requirements that have not been waived.

(g) *NO REDUCTION.*—*In no case shall the amount of Federal funds made available to any tribal government conducting a demonstration project be reduced by reason of the conduct of the demonstration project.*

(h) *TRANSFER OF FUNDS.*—*The Secretary, Secretary of Health and Human Services, or Attorney General, as appropriate, may take such action as is necessary to provide for an interagency transfer of funds otherwise available to an Indian tribe, tribal organization or inter-tribal consortium to carry out this section immediately upon the request of the Indian tribe, tribal organization, or inter-tribal consortium.*

(i) *ADMINISTRATION OF FUNDS.*—

(1) *IN GENERAL.*—*The funds of programs that are integrated under this section shall be administered in such a manner as to allow for a determination that funds from specific programs (or an amount equal to the amount attracted from each program) are spent on allowable activities authorized under the program.*

(2) *SEPARATE RECORDS NOT REQUIRED.*—*Nothing in this section requires an Indian tribe, tribal organization or inter-tribal consortium to—*

(A) maintain separate records tracing any services or activities conducted under an approved plan to the individual programs under which funds were authorized; or

(B) allocate expenditures among individual programs.

(3) *ADMINISTRATIVE COSTS.*—

(A) COMMINGLING.—*All administrative costs under the approved plan may be commingled.*

(B) ENTITLEMENT TO FULL AMOUNT.—*An Indian tribe, tribal organization, or inter-tribal consortium shall be entitled to the full amount of funding of administrative costs in accordance with regulations applicable to each program.*

(C) EXCESS FUNDS.—*Any excess of funds available to pay administrative costs, shall not be counted for Federal audit purposes, if the funds are used for the purposes provided for under this title.*

(j) *FISCAL ACCOUNTABILITY.*—*Nothing in this section diminishes the duty of the Secretary to fulfill the responsibility of safeguarding Federal funds in accordance with chapter 75 of title 31, United States Code.*

(k) *REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.*—

(1) *PRELIMINARY REPORT.*—*Not later than 3 years after the date of the enactment of this section, the Secretary shall submit to Congress a preliminary report on the status of the implementation of the demonstration program authorized under this section.*

(2) *FINAL REPORT.*—*Not later than 6 years after the date of the enactment of this section, the Secretary shall submit to Congress a report that—*

(A) describes the results of the implementation of this section; and

(B) identifies statutory barriers to more effective integration of program services in a manner consistent with this section.

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OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Public Law No. 90-351

* * * * *

AN ACT To authorize the * * *

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

TITLE I. GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

SEC. 2001. PURPOSE OF PROGRAM AND GRANTS.

* * * * *

(d) TRIBAL COALITION GRANTS.—

(1) PURPOSE.—The Attorney General shall award grants to tribal domestic violence and sexual assault coalitions for purposes of—

(A) increasing awareness of domestic violence and sexual assault against Indian women;

(B) enhancing the response to violence against Indian women at the Federal, State and tribal levels; and

(C) identifying and providing technical assistance to coalition membership and tribal communities to enhance access to essential services to Indian women victimized by domestic and sexual violence.

(2) GRANTS TO TRIBAL COALITIONS.—The Attorney General shall award grants under paragraph (1) to—

(A) established nonprofit, nongovernmental tribal coalitions that address domestic violence and sexual assault against Indian women; and

(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against Indian women.

(3) ELIGIBILITY FOR OTHER GRANTS.—Receipt of an award under this subsection by a tribal domestic violence and sexual assault coalition shall not preclude the coalition from receiving additional grants under this title to carry out the purposes described in subsection (b).

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SEC. 2007. STATE GRANTS.

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(b) AMOUNTS.—Of the amounts appropriated for the purposes of this subchapter—

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(4) **1/54 shall be available for the development and operation of nonprofit tribal domestic violence and sexual assault coalitions in Indian country** *1/54 shall be available for grants under Section 2001(d);*

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