

103^D CONGRESS
2^D SESSION

S. 2075

AN ACT

To amend the Indian Child Protection and Family
Violence Prevention Act to reauthorize and im-
prove programs under the Act.

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To amend the Indian Child Protection and Family Violence Prevention Act to reauthorize and improve programs under the Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCES.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Indian Child Protection and Family Violence Prevention
6 Act Amendments of 1994”.

1 (b) REFERENCES.—Whenever in this Act an amend-
 2 ment is expressed in terms of an amendment to, or repeal
 3 of, a section or other provision, the reference shall be con-
 4 sidered to be made to a provision of the Indian Child Pro-
 5 tection and Family Violence Prevention Act (25 U.S.C.
 6 3201 et seq.).

7 **SEC. 2. FINDINGS AND PURPOSE.**

8 Section 402(1) (25 U.S.C. 3201(1)) is amended—

9 (1) by striking “and” at the end of subpara-
 10 graph (F); and

11 (2) by adding at the end the following new sub-
 12 paragraph:

13 “(G) it is necessary to address the scope of
 14 family violence in order to break the cycle of
 15 intrafamily child abuse and neglect; and”.

16 **SEC. 3. REAUTHORIZATION AND IMPROVEMENT OF INDIAN**
 17 **CHILD PROTECTION AND VIOLENCE PREVEN-**
 18 **TION PROGRAMS.**

19 (a) DEFINITION.—Section 403 (25 U.S.C. 3202) is
 20 amended—

21 (1) by striking “and” at the end of paragraph
 22 (17);

23 (2) by striking the period at the end of para-
 24 graph (18) and inserting “; and”; and

1 (3) by adding at the end the following new
2 paragraph:

3 “(19) ‘Director’ means the Director of the In-
4 dian Health Service of the Department of Health
5 and Human Services.”.

6 (b) CENTRAL REGISTER.—Section 405 (25 U.S.C.
7 3204) is amended—

8 (1) in subsection (c), by striking “, together
9 with recommendations and draft legislation to imple-
10 ment such regulations,”; and

11 (2) by adding at the end the following new sub-
12 sections:

13 “(d) If the Secretary establishes in the Bureau of In-
14 dian Affairs a Central Register described in the study con-
15 ducted under this section, the Central Register shall, if
16 feasible, be connected to existing tribal, Federal, or State
17 central registries.

18 “(e)(1) The Secretary of the Interior may establish
19 a grant program to award grants to Indian tribes that
20 submit an application that is approved by the Secretary
21 to establish, operate, and maintain a central registry sys-
22 tem for the tribe that contains information regarding child
23 abuse with respect to the tribe.

24 “(2) An application submitted under paragraph (1)
25 shall—

1 “(A) be in such form as the Secretary may pre-
2 scribe; and

3 “(B) specify the nature of the central registry
4 proposed by the applicant.

5 “(3) Each tribe that receives a grant under para-
6 graph (1) shall furnish the Secretary with such informa-
7 tion as the Secretary may require to evaluate the imple-
8 mentation of the central registry and ensure that the
9 grant funds are expended for the purpose for which the
10 grant was made.

11 “(4) There are authorized to be appropriated to the
12 Department of the Interior such sums as may be necessary
13 to carry out this subsection.”.

14 (c) PROVISION OF RECORDS AND INFORMATION TO
15 TRIBES.—Section 406 (25 U.S.C. 3205) is amended—

16 (1) in the first sentence, by striking “may” and
17 inserting “shall”;

18 (2) by inserting after the first sentence, the fol-
19 lowing new sentence: “Federal law enforcement
20 agencies that investigate incidents of child abuse in
21 Indian country shall provide information and records
22 to Indian tribal law enforcement agencies requiring
23 such information and records in order to fulfill the
24 duties of such tribes under this Act.”; and

25 (3) in the last sentence—

1 (A) by striking “governments” and insert-
2 ing “agencies”; and

3 (B) by striking “entities” and inserting
4 “agencies”.

5 (d) MEDICAL EXAMINATIONS IN CONNECTION WITH
6 CHILD ABUSE REPORTS.—Section 407 (25 U.S.C. 3206)
7 is amended by adding at the end the following new sub-
8 section:

9 “(e) MEDICAL EXAMINATIONS IN CONNECTION WITH
10 CHILD ABUSE REPORTS.—

11 “(1) IN GENERAL.—As soon as practicable
12 after the date of enactment of this subsection, the
13 Secretary, acting through the Service, shall develop
14 and publish suggested guidelines for physicians em-
15 ployed by the Service concerning the appropriate use
16 of a medical examination in an investigation of a re-
17 port of child abuse in Indian country.

18 “(2) CONTENT OF GUIDELINES.—The guide-
19 lines developed by the Secretary shall provide for
20 protocols that—

21 “(A) ensure against unnecessary and in-
22 trusive medical examinations; and

23 “(B) provide guidance for physicians in
24 treating children who are subject to child abuse
25 in Indian country.”.

1 (e) CHARACTER.—

2 (1) CHARACTER INVESTIGATIONS.—Section 408
3 (25 U.S.C. 3207) is amended—

4 (A) in subsection (a)(3), by inserting “with
5 the participation of Indian tribes,” before “pre-
6 scribe regulations”;

7 (B) in subsection (c)(1), by inserting “in-
8 cluding, at a minimum, an inquiry into the pre-
9 vious employment, residential, and academic
10 history of the individual who is employed or
11 being considered for employment” after “Indian
12 children”; and

13 (C) by adding at the end the following new
14 subsection:

15 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this section
17 \$3,000,000 for each of fiscal years 1995 through 2005.”.

18 (2) ISSUANCE OF MINIMUM CHARACTER STAND-
19 ARDS.—Not later than 1 year after the date of en-
20 actment of this Act, the Secretary of the Interior
21 and the Secretary of Health and Human Services
22 shall—

23 (A) publish in the Federal Register regula-
24 tions containing the minimum standards of
25 character that are required under section

1 408(a)(3) of the Indian Child Protection and
2 Family Violence Prevention Act (25 U.S.C.
3 3207(a)(3)); and

4 (B) provide a copy of the regulations con-
5 taining such minimum standards to each Indian
6 tribe.

7 (f) INDIAN CHILD ABUSE TREATMENT GRANT PRO-
8 GRAM.—

9 (1) ADMINISTRATIVE RESPONSIBILITY.—Sec-
10 tion 409(a) (25 U.S.C. 3208 (a)) is amended—

11 (A) by striking “and in cooperation with
12 the Bureau”; and

13 (B) by striking “intertribal” and inserting
14 “inter-tribal”.

15 (2) TREATMENT CONCEPTS.—Section 409(b)
16 (25 U.S.C. 3208(b)) is amended by adding at the
17 end the following new paragraph:

18 “(3) Nothing in the criteria referred to in paragraph
19 (2) may be construed to limit the ability of an Indian tribe
20 or an inter-tribal consortium to provide culturally relevant
21 child abuse treatment concepts that are consistent with
22 tribal values and customs.”.

23 (3) ELIMINATION OF MAXIMUM GRANT
24 AMOUNT.—Section 409 (25 U.S.C. 3208) is amend-
25 ed—

1 (A) by striking subsection (c); and

2 (B) by redesignating subsections (d) and
3 (e) as subsections (c) and (d), respectively.

4 (4) EXTENSION OF AUTHORIZATION OF APPRO-
5 PRIATIONS.—Subsection (d) of section 409, as reded-
6 igned by paragraph (3)(B), is amended by striking
7 “each of the fiscal years 1992, 1993, 1994, and
8 1995” and inserting “each of fiscal years 1995
9 through 2005”.

10 (5) CLERICAL AMENDMENT.—Subsection (d) of
11 section 409 (as so redesignated), as amended by
12 paragraph (3), is further amended by striking “there
13 is hereby” and inserting the following: “AUTHORIZA-
14 TION OF APPROPRIATIONS.—There are”.

15 (g) INDIAN FAMILY VIOLENCE TREATMENT GRANT
16 PROGRAM.—The Indian Child Protection and Family Vio-
17 lence Prevention Act (25 U.S.C. 3201 et seq.) is amend-
18 ed—

19 (1) by redesignating sections 410 through 412
20 as sections 411 through 413, respectively; and

21 (2) by inserting after section 409 the following
22 new section:

1 **“SEC. 410. INDIAN FAMILY VIOLENCE TREATMENT GRANT**
2 **PROGRAM.**

3 “(a) ESTABLISHMENT OF GRANT PROGRAM.—The
4 Secretary of Health and Human Services, acting through
5 the Indian Health Service, shall establish a Family Vio-
6 lence Grant Program. Such Program shall provide grants
7 to any Indian tribe or inter-tribal consortium that submits
8 an application that is approved by the Secretary, for the
9 establishment on Indian reservations of treatment pro-
10 grams for Indians who have been victims of family violence
11 (including Indians who have been victims of elder abuse).

12 “(b) GRANT APPLICATIONS.—

13 “(1) IN GENERAL.—An Indian tribe or inter-
14 tribal consortium may submit to the Secretary of
15 Health and Human Services an application for a
16 grant under subsection (a).

17 “(2) APPLICATION CONTENT.—An application
18 submitted under paragraph (1) shall—

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

21 “(B) specify—

22 “(i) the nature of the program that
23 the applicant proposes to carry out, and
24 the extent to which family violence (includ-
25 ing elder abuse) will be addressed in the
26 program;

1 “(ii) the data and information on
2 which the proposed program is based;

3 “(iii) the extent to which the proposed
4 program would use or incorporate existing
5 services that are available on the Indian
6 reservation; and

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

9 “(c) GRANT ADMINISTRATION AND FINAL RE-
10 PORT.—Each recipient of a grant made under subsection
11 (a) shall—

12 “(1) furnish the Secretary of Health and
13 Human Services with such information as the Sec-
14 retary may require to—

15 “(A) evaluate the program for which the
16 grant is made; and

17 “(B) ensure that the funds provided under
18 the grant are expended for the purposes for
19 which the grant was made; and

20 “(2) submit to the Secretary of Health and
21 Human Services on the termination of the period of
22 the grant, a final report that shall include such in-
23 formation as such Secretary may require.

24 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to the Department of

1 Health and Human Services to carry out this section
2 \$4,000,000 for each of fiscal years 1995 through 2005.”.

3 (h) INDIAN CHILD RESOURCE AND FAMILY SERV-
4 ICES CENTERS.—

5 (1) ADMINISTRATIVE RESPONSIBILITY.—Sec-
6 tion 411 (as redesignated by subsection (g)(1)) is
7 amended—

8 (A) in subsection (a), by striking “The
9 Secretary” and inserting “The Director”;

10 (B) in subsection (b)—

11 (i) by striking “The Secretary and the
12 Secretary of Health and Human Services
13 shall” and inserting “The Secretary and
14 the Director may”; and

15 (ii) by adding at the end the following
16 new sentence: “In making a determination
17 whether to enter into a Memorandum of
18 Agreement with the Secretary pursuant to
19 this subsection, the Director shall take into
20 consideration whether the Indian tribes
21 within an area to be served by the Director
22 have contracted for social service programs
23 or rely primarily on the Bureau for the di-
24 rect provision of child abuse and family vi-
25 olence counseling services.”;

1 (C) in subsection (d)(2)—

2 (i) by inserting “including” after
3 “family violence”; and

4 (ii) by inserting “and provide incen-
5 tives for Indians pursuing college degrees
6 in social work” after “trainees”;

7 (D) in subsection (d)(5), by inserting “in
8 consultation with the appropriate official of the
9 Bureau,” before “develop policies”;

10 (E) in subsection (e), by adding at the end
11 the following new flush sentence:

12 “In each area served by a school of the Bureau, an em-
13 ployee of the Office of Indian Education shall serve on
14 the multidisciplinary team established for the area pursu-
15 ant to this section.”;

16 (F) in subsection (f)—

17 (i) by striking “The Secretary, in con-
18 sultation with the Secretary of Health and
19 Human Services, shall establish,” and in-
20 sserting “The Director, or the Director and
21 the Secretary (acting jointly in accordance
22 with any Memorandum of Agreement en-
23 tered into under subsection (b)), shall es-
24 tablish,”; and

1 (ii) by striking “the Secretary” in the
2 second sentence and inserting “the Direc-
3 tor”; and

4 (G) in the second sentence of subsection
5 (g), by inserting “pursuant to such Act” after
6 “contract”.

7 (2) CENTER SERVICE AREAS.—Subsection (a)
8 of section 411 (as redesignated by subsection (g)(1),
9 and as amended by paragraph (1)(A)) is further
10 amended by striking “each area office of the Bu-
11 reau” and inserting “each area of the Service”.

12 (3) CENTER ADVISORY BOARDS.—Section 411
13 (as redesignated by subsection (g)(1), and as amend-
14 ed by paragraph (1)) is further amended—

15 (A) in subsection (f)—

16 (i) by striking “an area office of the
17 Bureau” in the second sentence and insert-
18 ing “an area of the Service”; and

19 (ii) by adding at the end the following
20 new sentence: “The advisory board shall
21 provide such assistance in accordance with
22 the provisions of the Memorandum of
23 Agreement, if any, entered into under sub-
24 section (b) of this section.”; and

1 (B) in the second sentence of subsection
2 (g), by striking “an area office of the Bureau”
3 and inserting “an area of the Service”.

4 (4) EXTENSION OF AUTHORIZATION OF APPRO-
5 PRIATIONS.—Subsection (h) of section 411 (as re-
6 designated by subsection (g)(1)) is amended by
7 striking “each of the fiscal years 1992, 1993, 1994,
8 and 1995” and inserting “each of fiscal years 1995
9 through 2005”.

10 (5) TRANSFER OF FUNDS.—Notwithstanding
11 any other provision of law, the Secretary of the Inte-
12 rior shall transfer any funds available to the Depart-
13 ment of the Interior on the date of the enactment
14 of this Act for the purposes of carrying out the func-
15 tions of the Indian Child Resource and Family Serv-
16 ices Centers to the Secretary of Health and Human
17 Services for the purposes of carrying out such func-
18 tions.

19 (i) INDIAN CHILD PROTECTION AND FAMILY VIO-
20 LENCE PREVENTION.—

21 (1) ADMINISTRATIVE RESPONSIBILITY.—Sec-
22 tion 412 (as redesignated by subsection (g)(1)) is
23 amended—

24 (A) by striking “Secretary” each place it
25 appears and inserting “Director”; and

1 (B) in subsection (a), by striking “the Bu-
2 reau” and inserting in lieu thereof “the Serv-
3 ice”.

4 (2) EXTENSION OF AUTHORIZATION OF APPRO-
5 PRIATIONS.—Subsection (i) of section 412 (as reded-
6 icated by subsection (g)(1)) is amended by striking
7 “each of the fiscal years 1992, 1993, 1994, and
8 1995” and inserting “each of fiscal years 1995
9 through 2005”.

10 (3) MISCELLANEOUS AMENDMENTS.—Section
11 412 (as redesignated by subsection (g)(1), and as
12 amended by paragraph (1)) is further amended—

13 (A) in subsection (b), by striking “Indian
14 Self-Determination Act” and inserting “Indian
15 Self-Determination and Education Assistance
16 Act (25 U.S.C. 450 et seq.)”;

17 (B) in subsection (d)(3)—

18 (i) in the matter preceding subpara-
19 graph (A), by inserting “and family vio-
20 lence” after “multidisciplinary child
21 abuse”;

22 (ii) in subparagraph (A), by inserting
23 “and family violence” after “child abuse”;
24 and

25 (iii) in subparagraph (B)—

1 (I) by inserting “and family vio-
2 lence” after “child abuse”; and

3 (II) by striking “child victim”
4 and inserting “victim”;

5 (C) in subsection (d)(4), by inserting “and
6 family violence” after “child protection”;

7 (D) by striking “(f) SECRETARIAL REGU-
8 LATIONS; BASE SUPPORT FUNDING.—” and in-
9 serting the following:

10 “(e) COMPETITIVE GRANTS.—”; and

11 (E) in subsection (e) (as so redesign-
12 nated)—

13 (i) in paragraph (1), by striking “,
14 and promulgate by regulations, a formula
15 which establishes base support funding”
16 and inserting “a competitive grant pro-
17 gram”;

18 (ii) by striking paragraph (2), and in-
19 serting the following new paragraph:

20 “(2)(A) In awarding each competitive grant for
21 a program referred to in paragraph (1), the Director
22 shall consider—

23 “(i) with respect to the applicant, and
24 among other criteria, the degree of need, pre-
25 existing resources; and

1 “(ii) if feasible, the potential of the grant
2 in facilitating the development on a regional
3 level of intertribal cooperative programs.

4 “(B) In developing regulations for the competi-
5 tive grant program established under this sub-
6 section, the Secretary of Health and Human Serv-
7 ices, acting through the Director, shall develop, in
8 consultation with Indian tribes, appropriate caseload
9 standards and staffing requirements that account
10 for the resources and needs of Indian tribes and
11 tribal organizations. ”;

12 (iii) in paragraph (3)—

13 (I) in the matter preceding sub-
14 paragraph (A), by striking “develop-
15 ment of the base support funding for-
16 mula” and inserting “in awarding
17 grants under this subsection”; and

18 (II) in subparagraph (A), by in-
19 serting before the semicolon the fol-
20 lowing: “, including any projected re-
21 gional development of intertribal pro-
22 grams, if feasible”; and

23 (iv) in paragraph (4), by striking
24 “formula established” and inserting
25 “grants awarded”.

1 (4) TRANSFER OF FUNDS.—Notwithstanding
2 any other provision of law, the Secretary of the Inte-
3 rior shall transfer any funds available to the Depart-
4 ment of the Interior, on the date of the enactment
5 of this Act for the purposes of carrying out the In-
6 dian Child Protection and Family Violence Preven-
7 tion Program established under section 412 of the
8 Indian Child Protection and Family Violence Pre-
9 vention Act (as redesignated by subsection (g)(1)),
10 to the Secretary of Health and Human Services for
11 the purposes of carrying out such program.

12 (j) RESPONSIBILITY FOR ANNUAL REPORT.—Section
13 413 (as redesignated by subsection (g)(1)) is amended by
14 striking “Secretary” and inserting “Director”.

15 (k) CONFORMING AMENDMENTS.—Section 407(c)
16 (25 U.S.C. 3206) is amended—

17 (1) by striking “411” and inserting “412”; and

18 (2) by striking “410” and inserting “411”.

 Passed the Senate October 6 (legislative day, Sep-
tember 12), 1994.

Attest:

Secretary.

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