

103^D CONGRESS
2^D SESSION

S. 2075

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

IN THE SENATE OF THE UNITED STATES

MAY 4 (legislative day, MAY 2), 1994

Mr. MCCAIN (for himself and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

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. REAUTHORIZATION AND IMPROVEMENT OF IN-**
4 **DIAN CHILD PROTECTION AND VIOLENCE**
5 **PREVENTION PROGRAMS.**

6 (a) DEFINITION.—Section 403 of the Indian Child
7 Protection and Family Violence Prevention Act (title IV
8 of Public Law 101–630; 25 U.S.C. 3201 et seq.) is amend-
9 ed—

1 (1) by striking “and” at the end of paragraph
2 (17);

3 (2) by striking the period at the end of para-
4 graph (18) and inserting in lieu thereof “; and”; and

5 (3) by adding at the end the following new
6 paragraph:

7 “(19) ‘Director’ means the Director of the In-
8 dian Health Service of the Department of Health
9 and Human Services.”.

10 (b) PROVISION OF RECORDS AND INFORMATION TO
11 TRIBES.—Section 406 of such Act (25 U.S.C. 3205) is
12 amended by inserting after the first sentence the follow-
13 ing: “Federal law enforcement agencies that investigate
14 incidents of child abuse in Indian country shall provide
15 information and records to Indian tribes requiring such
16 information and records in order to fulfill the duties of
17 such tribes under this Act.”.

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

22 (1) publish in the Federal Register regulations
23 containing the minimum standards of character that
24 are required under section 408(a)(3) of the Indian
25 Child Protection and Family Violence Prevention

1 Act (title IV of Public Law 101-630; 25 U.S.C.
2 3207(a)(3)); and

3 (2) provide a copy of the regulations containing
4 such minimum standards to each Indian tribe.

5 (d) INDIAN CHILD ABUSE TREATMENT GRANT PRO-
6 GRAM.—

7 (1) ADMINISTRATIVE RESPONSIBILITY.—Sub-
8 section (a) of section 409 of such Act (25 U.S.C.
9 3208) is amended by striking “and in cooperation
10 with the Bureau”.

11 (2) ELIMINATION OF MAXIMUM GRANT
12 AMOUNT.—Such section is further amended—

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

14 (B) by redesignating subsections (d) and
15 (e) as subsections (c) and (d), respectively.

16 (3) EXTENSION OF AUTHORIZATION OF APPRO-
17 PRIATIONS.—Subsection (d) of such section, as re-
18 designated by paragraph (2)(B), is amended by
19 striking “the fiscal years 1992, 1993, 1994, and
20 1995” and inserting in lieu thereof “fiscal years
21 1995 through 2005”.

22 (4) CLERICAL AMENDMENT.—Subsection (d) of
23 such section, as so redesignated, is further amended
24 by striking “there is” and inserting in lieu thereof
25 “AUTHORIZATION OF APPROPRIATIONS.—There is”.

1 (e) INDIAN CHILD RESOURCE AND FAMILY SERVICES
2 CENTERS.—

3 (1) ADMINISTRATIVE RESPONSIBILITY.—Sec-
4 tion 410 of such Act (25 U.S.C. 3209) is amend-
5 ed—

6 (A) in subsection (a), by striking “The
7 Secretary” and inserting in lieu thereof “The
8 Director”;

9 (B) in subsection (b), by striking “The
10 Secretary and the Secretary of Health and
11 Human Services shall” and inserting in lieu
12 thereof “The Secretary and the Director may”;

13 (C) in subsection (d)(5), by inserting “in
14 consultation with the Bureau,” before “develop
15 policies”; and

16 (D) in subsection (f)—

17 (i) by striking “The Secretary, in con-
18 sultation with the Secretary of Health and
19 Human Services,” and inserting in lieu
20 thereof “The Secretary and the Director”;
21 and

22 (ii) by striking “the Secretary” in the
23 second sentence and inserting in lieu there-
24 of “the Director”.

1 (2) CENTER SERVICE AREAS.—Subsection (a)
2 of such sections is further amended by striking
3 “each area office of the Bureau” and inserting in
4 lieu thereof “each service unit of the Service”.

5 (3) CENTER ADVISORY BOARDS.—Such section
6 is further amended—

7 (A) in subsection (f)—

8 (i) by striking “an area office of the
9 Bureau” in the second sentence and insert-
10 ing in lieu thereof “a service unit of the
11 Service”; and

12 (ii) by adding at the end the following
13 new sentence: “The advisory board shall
14 provide such assistance in accordance with
15 the provisions of the Memorandum of
16 Agreement, if any, entered into under sub-
17 section (b) of this section.”; and

18 (B) in the second sentence of subsection
19 (g), by striking “an area office of the Bureau”
20 and inserting in lieu thereof “a service unit of
21 the Service”.

22 (4) EXTENSION OF AUTHORIZATION OF APPRO-
23 PRIATIONS.—Subsection (h) of such section is
24 amended by striking “the fiscal years 1992, 1993,

1 1994, and 1995” and inserting in lieu thereof “fiscal
2 years 1995 through 2005”.

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

12 (f) INDIAN CHILD PROTECTION AND FAMILY VIO-
13 LENCE PREVENTION.—

14 (1) ADMINISTRATIVE RESPONSIBILITY.—Sec-
15 tion 411 of such Act is amended—

16 (A) by striking “Secretary” each place it
17 appears and inserting in lieu thereof “Direc-
18 tor”; and

19 (B) in subsection (a), by striking “the
20 Bureau” and inserting in lieu thereof “the
21 Service”.

22 (2) EXTENSION OF AUTHORIZATION OF APPRO-
23 PRIATIONS.—Subsection (i) of such section is
24 amended by striking “the fiscal years 1992, 1993,

1 1994, and 1995” and inserting in lieu thereof “fiscal
2 years 1995 through 2005”.

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

12 (g) RESPONSIBILITY FOR ANNUAL REPORT.—Sec-
13 tion 412 of such Act is amended by striking “Secretary”
14 and inserting in lieu thereof “Director”.

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