

108TH CONGRESS  
1ST SESSION

# H. R. 2770

To amend part A of title IV of the Social Security Act to reauthorize and improve the operation of temporary assistance to needy families programs operated by Indian tribes, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2003

Mr. PALLONE introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Resources, Transportation and Infrastructure, Education and the Workforce, Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend part A of title IV of the Social Security Act to reauthorize and improve the operation of temporary assistance to needy families programs operated by Indian tribes, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “American Indian Welfare Reform Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Funding for tribal TANF programs.
- Sec. 4. Economic development.
- Sec. 5. Tribal job training programs.
- Sec. 6. Child care and development block grant funds for Indian tribes.
- Sec. 7. Equitable access.
- Sec. 8. Areas of Indian country or Alaskan Native villages of high joblessness.
- Sec. 9. Parity in treatment of Alaskan Natives.
- Sec. 10. Authority of Indian tribes to receive Federal funds for foster care and adoption assistance.
- Sec. 11. Demonstration program to allow Indian tribes to determine eligibility for the food stamp, medicaid, and State children's health insurance programs.
- Sec. 12. Tribal child support enforcement programs.
- Sec. 13. Break the cycle demonstration grants.
- Sec. 14. Reservation of funds under the Social Services Block Grant.
- Sec. 15. Research on tribal welfare programs and poverty among Indians.
- Sec. 16. Effective date.

3 **SEC. 2. FINDINGS.**

4 Congress makes the following findings:

5 (1) The Federal Government bears a unique  
 6 trust responsibility for American Indians.

7 (2) Despite this responsibility, Indians remain  
 8 remarkably impoverished. According to the Bureau  
 9 of the Census, 25.9 percent of American Indians live  
 10 in poverty, more than twice the national poverty  
 11 rate. The average household income for Indians in  
 12 2000 was only 75 percent of that of the rest of  
 13 Americans.

14 (3) In some States with substantial Indian pop-  
 15 ulations, the percentage of the welfare caseload that  
 16 is made up of Indians has increased since the enact-

1       ment of the Personal Responsibility and Work Op-  
2       portunity Reconciliation Act of 1996 because some  
3       Indians face substantial barriers in moving from  
4       welfare to work.

5           (4) A General Accounting Office review of data  
6       from the Bureau of the Census found that 25 of the  
7       26 counties in the United States with a majority of  
8       American Indians had poverty rates “significantly”  
9       higher than average.

10          (5) Many Indian tribes are located in isolated  
11       rural areas that lack sufficient economic opportuni-  
12       ties, including jobs and economic development,  
13       transportation services, child care, and other services  
14       necessary to ensure a successful transition from wel-  
15       fare to work.

16          (6) Tribal temporary assistance to needy fami-  
17       lies programs have demonstrated remarkable success  
18       in moving Indians from welfare to work.

19          (7) Tribal governments, unlike State govern-  
20       ments, have not been afforded an opportunity to ad-  
21       minister and fully participate in the Federal entitle-  
22       ment program for foster care and adoption assist-  
23       ance, a program Congress recognizes as an impor-  
24       tant component of welfare services.

1           (8) Welfare reform has not brought enough  
2           change to Indian Country. Welfare reform has not,  
3           and will not, succeed unless it adequately addresses  
4           the unique barriers many Indians face in moving  
5           from welfare to work.

6 **SEC. 3. FUNDING FOR TRIBAL TANF PROGRAMS.**

7           (a) REAUTHORIZATION OF TRIBAL FAMILY ASSIST-  
8           ANCE GRANTS.—Section 412(a)(1)(A) of the Social Secu-  
9           rity Act (42 U.S.C. 612(a)(1)(A)) is amended by striking  
10          “1997” and all that follows through “2002” and inserting  
11          “2004 through 2008”.

12          (b) TRIBAL TANF IMPROVEMENT FUND.—

13                 (1) IN GENERAL.—Section 412(a) of the Social  
14                 Security Act (42 U.S.C. 612(a)) is amended by  
15                 striking paragraph (2) and inserting the following:

16                         “(2) TRIBAL TANF IMPROVEMENT GRANTS.—

17                                 “(A) TRIBAL CAPACITY GRANTS.—

18   “(i) IN GENERAL.—Of the amount ap-  
19   propriated under subparagraph (E) for the  
20   period of fiscal years 2004 through 2008,  
21   \$185,000,000 of such amount shall be  
22   used by the Secretary to award grants for  
23   tribal human services program infrastruc-  
24   ture improvement (as defined in clause (v))  
25   to—

1           “(I) Indian tribes that have ap-  
2           plied for approval of a tribal family  
3           assistance plan and that meet the re-  
4           quirements of clause (ii)(I);

5           “(II) Indian tribes with an ap-  
6           proved tribal family assistance plan  
7           and that meet the requirements of  
8           clause (ii)(II);

9           “(III) Indian tribes that have ap-  
10          plied for approval of a foster care and  
11          adoption assistance program under  
12          section 479B or that plan to enter  
13          into, or have in place, a tribal-State  
14          cooperative agreement under section  
15          479B(c) and that meet the require-  
16          ments of clause (ii)(III); and

17          “(IV) Indian tribes that are con-  
18          ducting a tribal employment services  
19          program under a grant made under  
20          paragraph (4) and that meet the re-  
21          quirements of clause (ii)(IV).

22          “(ii) PRIORITIES FOR AWARDING OF  
23          GRANTS.—The Secretary shall give priority  
24          in awarding grants under this subpara-  
25          graph as follows:

1           “(I) First, for grants to Indian  
2           tribes that have applied for approval  
3           of a tribal family assistance plan, that  
4           have not operated such a plan as of  
5           the date of enactment of the Amer-  
6           ican Indian Welfare Reform Act, that  
7           will have such plan approved, and that  
8           include in the plan submission provi-  
9           sions for tribal human services pro-  
10          gram infrastructure improvement and  
11          related management information sys-  
12          tems training.

13           “(II) Second, for Indian tribes  
14          with an approved tribal family assist-  
15          ance plan that are not described in  
16          subclause (I) and that submit an ad-  
17          dendum to such plan that includes  
18          provisions for tribal human services  
19          program infrastructure improvement  
20          that includes implementing or improv-  
21          ing management information systems  
22          of the tribe (including management  
23          information systems training), as such  
24          systems relate to the operation of the  
25          tribal family assistance plan.

1           “(III) Third, for Indian tribes  
2           that have applied for approval of a  
3           foster care and adoption assistance  
4           program under section 479B or that  
5           plan to enter into, or have in place, a  
6           tribal-State cooperative agreement  
7           under section 479B(c) and that in-  
8           clude in the plan submission under  
9           section 471 (or in an addendum to  
10          such plan) provisions for tribal human  
11          services program infrastructure im-  
12          provement and related management  
13          information systems training.

14           “(IV) Fourth, for Indian tribes  
15          that are conducting a tribal employ-  
16          ment services program under a grant  
17          made under paragraph (4) and that  
18          provide the Secretary with a plan for  
19          tribal human services program infra-  
20          structure improvement and related  
21          management information systems  
22          training.

23           “(iii) OTHER REQUIREMENTS FOR  
24          AWARDING GRANTS.—In awarding grants  
25          under this subparagraph, the Secretary—

1           “(I) may not award an Indian  
2           tribe more than 1 grant under this  
3           subparagraph per fiscal year;

4           “(II) shall award grants in such  
5           a manner as to maximize the number  
6           of Indian tribes that receive grants  
7           under this subparagraph; and

8           “(III) shall consult with Indian  
9           tribes located throughout the United  
10          States.

11          “(iv) APPLICATION.—An Indian tribe  
12          desiring a grant under this subparagraph  
13          shall submit an application to the Sec-  
14          retary, at such time, in such manner, and  
15          containing such information as the Sec-  
16          retary may require.

17          “(v) DEFINITION OF HUMAN SERV-  
18          ICES PROGRAM INFRASTRUCTURE IM-  
19          PROVEMENT.—In this subparagraph, the  
20          term ‘human services program infrastruc-  
21          ture improvement’ includes (but is not lim-  
22          ited to) improvement of management infor-  
23          mation systems, management information  
24          systems-related training, management  
25          training, equipping offices, and renovating,



1 but not constructing, buildings, as de-  
2 scribed in an application for a grant under  
3 this subparagraph, and subject to approval  
4 by the Secretary.

5 “(B) ADJUSTED TRIBAL TANF GRANTS.—

6 “(i) IN GENERAL.—Of the amount ap-  
7 propriated under subparagraph (E) for the  
8 period of fiscal years 2005 through 2008,  
9 \$140,000,000 of such amount shall be  
10 used by the Secretary to make supple-  
11 mental grants for each of fiscal years 2005  
12 through 2008 to each Indian tribe that—

13 “(I) has an approved tribal fam-  
14 ily assistance plan; and

15 “(II) demonstrates that the num-  
16 ber of Indian families receiving cash  
17 assistance under the tribal family as-  
18 sistance plan as of the first quarter of  
19 the third year of the operation of such  
20 plan has increased by at least 20 per-  
21 cent over such number for the first  
22 quarter of the first year of the oper-  
23 ation of such plan.

24 “(ii) ALLOCATION OF FUNDS.—The  
25 Secretary, in consultation with Indian

1 tribes with approved tribal family assist-  
2 ance plans, shall determine a formula for  
3 the allocation of \$35,000,000 of the funds  
4 described in clause (i) for each fiscal year  
5 described in that clause in a manner that  
6 is proportionate to the size, service popu-  
7 lation, and percentage increase in the num-  
8 ber of Indian families served by each In-  
9 dian tribe eligible for an adjusted grant  
10 under this subparagraph for that fiscal  
11 year. If the amount available for allocation  
12 for a fiscal year is less than the total  
13 amount of funds requested for allocation  
14 among the Indian tribes for that fiscal  
15 year, the Secretary shall allocate the funds  
16 among such tribes on a pro rata basis.

17 “(C) INCENTIVE GRANTS TO STATES THAT  
18 PROVIDE MAINTENANCE OF EFFORT SUPPORT  
19 TO INDIAN TRIBES.—

20 “(i) IN GENERAL.—Subject to clause  
21 (ii), of the amount appropriated under sub-  
22 paragraph (E), \$40,000,000 of such  
23 amount for each of fiscal years 2005  
24 through 2008 shall be used by the Sec-  
25 retary to pay a State an amount equal to

1 50 percent of the total amount of qualified  
2 State expenditures (as defined in section  
3 409(a)(7)(B)(i)) incurred by the State for  
4 each such fiscal year for support of tribal  
5 family assistance plans.

6 “(ii) PRO RATA REDUCTIONS.—If the  
7 amount available for making payments  
8 under clause (i) for a fiscal year is less  
9 than the total amount of payments other-  
10 wise required to be made under clause (i)  
11 for the fiscal year, then the amount other-  
12 wise payable to any State for the fiscal  
13 year under clause (i) shall be reduced by a  
14 percentage equal to the amount available  
15 divided by the total amount of payments  
16 required for that fiscal year.

17 “(D) TECHNICAL ASSISTANCE.—

18 “(i) IN GENERAL.—Of the amount ap-  
19 propriated under subparagraph (E) for the  
20 period of fiscal years 2004 through 2008,  
21 \$15,000,000 shall be used by the Secretary  
22 to provide technical assistance to Indian  
23 tribes—

1           “(I) considering applying for or  
2 carrying out a grant made under this  
3 paragraph;

4           “(II) considering applying for or  
5 carrying out a tribal family assistance  
6 plan under this section; or

7           “(III) related to best practices  
8 and approaches for State and tribal  
9 coordination on the transfer of the ad-  
10 ministration of social services pro-  
11 grams to Indian tribes.

12           “(ii) RESERVATION OF FUNDS.—Not  
13 less than—

14           “(I) \$5,000,000 of the amount  
15 described in clause (i) shall be used by  
16 the Secretary to support through  
17 grants or contracts peer-learning pro-  
18 grams among tribal administrators;  
19 and

20           “(II) \$5,000,000 of such amount  
21 shall be used by the Secretary for  
22 making grants to Indian tribes to con-  
23 duct feasibility studies of the capacity  
24 of Indian tribes to operate tribal fam-  
25 ily assistance plans under this part.

1           “(E) APPROPRIATION.—Out of any money  
2           in the Treasury of the United States not other-  
3           wise appropriated, there are appropriated  
4           \$500,000,000 for the period of fiscal years  
5           2004 through 2008 to carry out this paragraph.  
6           Amounts appropriated under this subparagraph  
7           shall remain available until expended.”.

8           (2) CONFORMING AMENDMENT.—Section  
9           405(a) of the Social Security Act (42 U.S.C. 605(a))  
10          is amended by striking “section 403” and inserting  
11          “sections 403 and 412(a)(2)(C)”.

12          (c) ELIGIBILITY FOR HIGH PERFORMANCE BONUS  
13          AND CONTINGENCY FUND.—

14           (1) BONUS TO REWARD HIGH PERFORMANCE.—

15           (A) REAUTHORIZATION OF BONUS.—Sec-  
16           tion 403(a)(4) of the Social Security Act (42  
17           U.S.C. 603(a)(4)) is amended—

18                   (i) in subparagraph (E)(i), by striking  
19                   “1999” and all that follows through  
20                   “2003” and inserting “2005, 2006, 2007,  
21                   2008, and 2009”; and

22                   (ii) in subparagraph (F) by striking  
23                   “1999 through 2003” and inserting “2005  
24                   through 2009”.

1 (B) RESERVATION FOR DISTRIBUTION TO  
2 INDIAN TRIBES.—Section 403(a)(4) of the So-  
3 cial Security Act (42 U.S.C. 603(a)(4)) is  
4 amended—

5 (i) in subparagraph (A), by striking  
6 “The” and inserting “Subject to subpara-  
7 graph (G), the”; and

8 (ii) by adding at the end the fol-  
9 lowing:

10 “(G) RESERVATION OF FUNDS FOR DIS-  
11 TRIBUTION TO INDIAN TRIBES.—

12 “(i) IN GENERAL.—Of the amount  
13 available for grants under this paragraph  
14 for a bonus year, the Secretary shall re-  
15 serve an amount equal to 3 percent of such  
16 amount to make grants pursuant to this  
17 subparagraph to each Indian tribe with an  
18 approved tribal family assistance plan that  
19 is a high performing Indian tribe for that  
20 bonus year.

21 “(ii) CRITERIA FOR DETERMINING  
22 TRIBAL PERFORMANCE.—

23 “(I) IN GENERAL.—Subject to  
24 subclause (II), the Secretary, in con-  
25 sultation with Indian tribes with ap-

1           proved tribal family assistance plans  
2           located throughout the United States,  
3           shall determine the criteria for deter-  
4           mining which such tribes are high  
5           performing Indian tribes with respect  
6           to a bonus year.

7                   “(II) INCLUSION OF CERTAIN  
8                   FACTORS.—Such criteria shall include  
9                   factors related to the employment of  
10                  recipients of assistance under a tribal  
11                  family assistance plan and to moving  
12                  such recipients to self-sufficiency.”.

13           (2) ELIGIBILITY FOR CONTINGENCY FUND.—

14                   (A) REAUTHORIZATION OF CONTINGENCY  
15                  FUND.—Section 403(b) of the Social Security  
16                  Act (42 U.S.C. 603(b)), as amended by section  
17                  617 of the Job Creation and Worker Assistance  
18                  Act of 2002 (Public Law 107–147), is amend-  
19                  ed—

20                           (i) in paragraph (2), by striking “fis-  
21                           cal years 1997, 1998, 1999, 2000, 2001,  
22                           and 2002” and inserting “the period of fis-  
23                           cal years 2004 through 2008”; and

1 (ii) in paragraph (3)(C)(ii), by strik-  
2 ing “1997 through 2002” and inserting  
3 “2004 through 2008”.

4 (B) RESERVATION OF FUNDS FOR TRIBAL  
5 PROGRAMS.—Section 403(b)(3) of the Social  
6 Security Act (42 U.S.C. 603(b)(3)) is amended  
7 by adding at the end the following:

8 “(D) PAYMENTS TO INDIAN TRIBES.—

9 “(i) IN GENERAL.—Of the total  
10 amount appropriated pursuant to para-  
11 graph (2), \$50,000,000 of such amount  
12 shall be reserved for making payments to  
13 Indian tribes with approved tribal family  
14 assistance plans that are operating in situ-  
15 ations of increased economic hardship.

16 “(ii) DETERMINATION OF CRITERIA  
17 FOR TRIBAL ACCESS.—

18 “(I) IN GENERAL.—Subject to  
19 subclause (II), the Secretary, in con-  
20 sultation with Indian tribes with ap-  
21 proved tribal family assistance plans,  
22 shall determine the criteria for access  
23 by Indian tribes to the amount re-  
24 served under clause (i).



1                   “(II) INCLUSION OF CERTAIN  
2 FACTORS.—Such criteria shall include  
3 factors related to increases in unem-  
4 ployment, loss of employers, and loss  
5 of qualified State expenditures (as de-  
6 fined in section 409(a)(7)(B)(i)) in  
7 support of tribal family assistance  
8 plans.

9                   “(iii) APPLICATION OF REQUIRE-  
10 MENTS FOR PAYMENTS TO STATES.—The  
11 Secretary, in consultation with Indian  
12 tribes with approved tribal family assist-  
13 ance plans located throughout the United  
14 States, shall determine the extent to which  
15 requirements of States for payments from  
16 the Fund shall apply to Indian tribes re-  
17 ceiving payments under this subpara-  
18 graph.”.

19                   (3) CLARIFICATION OF AUTHORITY OF STATES  
20 AND INDIAN TRIBES TO USE TANF FUNDS CARRIED  
21 OVER FROM PRIOR YEARS TO PROVIDE TANF BENE-  
22 FITS AND SERVICES.—Section 404(e) of the Social  
23 Security Act (42 U.S.C. 604(e)) is amended—

1 (A) in the subsection heading, by striking  
2 “Assistance” and inserting “Benefits or Serv-  
3 ices”; and

4 (B) by striking “assistance” and inserting  
5 “any benefit or service that may be provided”.

6 **SEC. 4. ECONOMIC DEVELOPMENT.**

7 (a) TEMPORARY EXPANSION OF AUTHORITY FOR IN-  
8 DIAN TRIBES TO ISSUE TAX-EXEMPT PRIVATE ACTIVITY  
9 BONDS.—

10 (1) IN GENERAL.—Section 7871(c) of the Inter-  
11 nal Revenue Code of 1986 (relating to additional re-  
12 quirements for tax-exempt bonds) is amended by  
13 adding at the end the following new paragraph:

14 “(4) EXCEPTION FOR QUALIFIED INDIAN PRI-  
15 VATE ACTIVITY BONDS.—

16 “(A) IN GENERAL.—In the case of any  
17 qualified Indian private activity bond—

18 “(i) paragraph (2) shall not apply,

19 “(ii) such bond shall be treated as a  
20 qualified bond under section 141(e), and

21 “(iii) section 146 shall not apply.

22 “(B) QUALIFIED INDIAN PRIVATE ACTIV-  
23 ITY BOND.—For purposes of this paragraph,  
24 the term ‘qualified Indian private activity bond’  
25 means any bond which—

1           “(i) is issued by a qualified Indian  
2 tribal government—

3           “(I) as part of an issue 95 per-  
4 cent or more of the net proceeds of  
5 which are to be used to provide quali-  
6 fied residential rental projects (as de-  
7 fined in section 142(d), except that  
8 for purposes of such section, statewide  
9 median gross income shall be used to  
10 determine tenant income),

11           “(II) as part of a qualified mort-  
12 gage issue (as defined in section  
13 143(a)(2)),

14           “(III) as part of an issue 95 per-  
15 cent or more of the net proceeds of  
16 which are to be used to provide any  
17 facility described in section  
18 1394(b)(1) for any business that  
19 would qualify as an enterprise zone  
20 business if the Indian reservation (as  
21 defined in section 168(j)(6)) over  
22 which the qualified Indian tribal gov-  
23 ernment exercises general govern-  
24 mental authority were treated as an  
25 empowerment zone, or

1                   “(IV) as part of an issue to be  
2                   used for more than 1 of the purposes  
3                   described in the preceding subclauses,  
4                   and

5                   “(ii) meets the requirements of sub-  
6                   paragraphs (D) and (E).

7                   “(C) QUALIFIED INDIAN TRIBAL GOVERN-  
8                   MENT.—For purposes of this paragraph, the  
9                   term ‘qualified Indian tribal government’ means  
10                  an Indian tribal government which exercises  
11                  general governmental authority over an Indian  
12                  reservation (as so defined) with a joblessness  
13                  rate among members of the tribe of at least 20  
14                  percent for the most recent calendar year pre-  
15                  ceding the issuance of a bond under this section  
16                  (as determined under the report for such year  
17                  published by the Bureau of Indian Affairs  
18                  under section 17(a) of the Indian Employment,  
19                  Training and Related Services Demonstration  
20                  Act of 1992 (25 U.S.C. 3416(a))).

21                  “(D) DESIGNATION REQUIREMENTS.—A  
22                  bond meets the requirements of this subpara-  
23                  graph if it is issued as part of an issue des-  
24                  ignated as a qualified Indian private activity  
25                  bond for a purpose described in subclause (I),

1 (II), or (III) of subparagraph (B)(i) by the  
2 qualified Indian tribal government.

3 “(E) VOLUME REQUIREMENTS.—A bond  
4 issued as part of an issue meets the require-  
5 ments of this subparagraph if such bond is  
6 issued after December 31, 2003, and before  
7 January 1, 2009, and the aggregate face  
8 amount of the bonds issued pursuant to such  
9 issue, when added to the aggregate face amount  
10 of qualified Indian private activity bonds pre-  
11 viously issued by such qualified Indian tribal  
12 government, does not exceed \$10,000,000 (ex-  
13 cluding bonds issued under paragraph (3)).

14 “(F) APPLICATION OF SECTION 42 TO RES-  
15 IDENTIAL RENTAL PROJECTS FINANCED BY  
16 BONDS UNDER THIS PARAGRAPH.—In the case  
17 of bonds described in subparagraph (B)(i)(I),  
18 issuance under the requirements of subpara-  
19 graph (E) shall be treated as issuance under  
20 the requirements of section 146 for purposes of  
21 determining the application of section 42 to  
22 projects financed by the net proceeds of such  
23 bonds.

24 “(G) SPECIAL RULE FOR DETERMINING  
25 ENTERPRISE ZONE BUSINESS.—For purposes of

1           subparagraph (B)(i)(III), an enterprise zone  
2           business shall not include any facility a prin-  
3           cipal business of which is the sale of tobacco  
4           products or highway motor fuels.

5           “(H) BOND INTEREST NOT AN AMT PREF-  
6           ERENCE ITEM.—For purposes of section  
7           57(a)(5), a bond designated under subpara-  
8           graph (D) as a qualified Indian private activity  
9           bond shall not be treated as a specified private  
10          activity bond.

11          “(I) REPORT.—The Secretary shall com-  
12          pile necessary data from reports relating to the  
13          issuance of bonds under this paragraph and  
14          shall report to Congress not later than Sep-  
15          tember 30 of any year following the calendar  
16          year in which Indian tribal governments issued  
17          bonds under this paragraph and the activities  
18          for which such bonds were issued.”.

19          (2) CONFORMING AMENDMENTS.—

20                (A) Section 7871(c)(2) of the Internal  
21                Revenue Code of 1986 is amended by striking  
22                “paragraph (3)” and inserting “paragraphs (3)  
23                and (4)”.

24                (B) Section 7871 of such Code is amend-  
25                ed—

1 (i) by striking clause (iii) of sub-  
2 section (c)(3)(E), and

3 (ii) by adding at the end the following  
4 new subsection:

5 “(f) NET PROCEEDS.—For purposes of this section,  
6 the term ‘net proceeds’ has the meaning given such term  
7 by section 150(a)(3).”.

8 (3) EFFECTIVE DATE.—The amendments made  
9 by this subsection shall apply to bonds issued after  
10 December 31, 2003.

11 (b) TRIBAL DEVELOPMENT GRANTS.—

12 (1) AUTHORITY TO AWARD GRANTS.—

13 (A) IN GENERAL.—The Secretary of  
14 Health and Human Services (in this subsection  
15 referred to as the “Secretary”), through the  
16 Commissioner of the Administration for Native  
17 Americans, shall award grants to Indian tribes,  
18 tribal organizations, and nonprofit organiza-  
19 tions to enable such tribes and organizations to  
20 provide technical assistance to Indian tribes and  
21 tribal organizations in any or all of the fol-  
22 lowing areas:

23 (i) The development and improvement  
24 of uniform commercial codes.

1 (ii) The creation or expansion of small  
2 business or micro-enterprise programs.

3 (iii) The development and improve-  
4 ment of tort liability codes.

5 (iv) The creation or expansion of trib-  
6 al marketing efforts.

7 (v) The creation or expansion of for-  
8 profit collaborative business networks.

9 (vi) The development of innovative  
10 uses of telecommunications to assist with  
11 distance learning or telecommuting.

12 (B) REQUIREMENTS.—In awarding grants  
13 under this subsection the Secretary shall—

14 (i) give priority to awarding grants to  
15 Indian tribes; and

16 (ii) consult with other Federal agen-  
17 cies with expertise in the areas described  
18 in subparagraph (A).

19 (C) APPLICATION.—An Indian tribe, tribal  
20 organization, or nonprofit organization desiring  
21 a grant under this subsection shall submit an  
22 application to the Secretary at such time, in  
23 such manner, and containing such information  
24 as the Secretary may require.



1           (2) APPROPRIATION.—Out of any money in the  
2       Treasury of the United States not otherwise appro-  
3       priated, there are appropriated \$50,000,000 for the  
4       period of fiscal years 2004 through 2008 to make  
5       the grants authorized under this subsection.

6       (c) JOB ACCESS AND REVERSE COMMUTE  
7       GRANTS.—Section 3037 of the Transportation Equity Act  
8       for the 21st Century (49 U.S.C. 5309 note) is amended—

9           (1) in subsection (b)—

10               (A) in paragraph (4)—

11                   (i) in subparagraph (A), by striking  
12                   “and” at the end;

13                   (ii) in subparagraph (B), by striking  
14                   the period and inserting “; and”; and

15                   (iii) by adding at the end the fol-  
16                   lowing:

17                   “(C) an Indian tribe or a tribal organiza-  
18                   tion (as defined in section 4 of the Indian Self-  
19                   Determination and Education Assistance Act  
20                   (25 U.S.C. 450b)).”; and

21                   (B) in paragraph (5), by inserting “or trib-  
22                   al” after “State”;

23           (2) in subsection (c), by adding at the end the  
24       following:

1           “(3) GRANTS TO INDIAN TRIBES AND TRIBAL  
2 ORGANIZATIONS.—The Secretary—

3           “(A) may modify the requirements applica-  
4 ble to grants made under this section in the  
5 case of a grant made to a qualified entity de-  
6 scribed in subsection (b)(4)(C); and

7           “(B) shall, with respect to the nongovern-  
8 mental share of the total cost of an eligible  
9 project, permit such share to be derived from  
10 Federal funds (other than funds provided under  
11 this section) or in-kind resources, fairly valued,  
12 including facilities, equipment, or services.”;

13           (3) in subsection (f), by striking “In awarding”  
14 and inserting “Subject to subsection (c)(3), in  
15 awarding”; and

16           (4) in subsection (l)—

17           (A) in the matter preceding subparagraph  
18 (A) of paragraph (3), by inserting “(after the  
19 application of paragraph (4))” after “fiscal  
20 year”; and

21           (B) by adding at the end the following:

22           “(4) SET-ASIDE FOR GRANTS TO INDIAN  
23 TRIBES AND TRIBAL ORGANIZATIONS.—Of the  
24 amounts made available by or appropriated under  
25 paragraph (1) to carry out this section for a fiscal

1 year, not less than 3 percent of such amounts shall  
2 be used to make grants to qualified entities de-  
3 scribed in subsection (b)(4)(C).”.

4 (d) GRANTS TO IMPROVE ACCESS TO TRANSPOR-  
5 TATION.—Section 412(a) of the Social Security Act (42  
6 U.S.C. 612(a)), as amended by section 5(a), is amended  
7 by adding at the end the following:

8 “(5) GRANTS TO IMPROVE ACCESS TO TRANS-  
9 PORTATION.—

10 “(A) PURPOSES.—The purposes of this  
11 paragraph are to—

12 “(i) assist Indian families with chil-  
13 dren obtain dependable, affordable auto-  
14 mobiles to improve their employment op-  
15 portunities and access to training; and

16 “(ii) provide incentives to Indian  
17 tribes, tribal organizations, States, local  
18 governments, and nonprofit entities to de-  
19 velop and administer programs that pro-  
20 vide assistance with automobile ownership  
21 for Indian families with children.

22 “(B) DEFINITIONS.—In this paragraph:

23 “(i) LOCALITY.—The term ‘locality’  
24 means a municipality that does not admin-

1           ister a State program funded under this  
2           part.

3           “(ii) INDIAN FAMILY WITH CHIL-  
4           DREN.—The term ‘Indian family with chil-  
5           dren’ means a household that is eligible for  
6           benefits or services funded under a tribal  
7           family assistance plan, the State program  
8           funded under this part, or under a pro-  
9           gram funded with qualified State expendi-  
10          tures (as defined in section  
11          409(a)(7)(B)(i)).

12          “(iii) NONPROFIT ENTITY.—The term  
13          ‘nonprofit entity’ means a school, local  
14          agency, organization, or institution owned  
15          and operated by 1 or more nonprofit cor-  
16          porations or associations, no part of the  
17          net earnings of which inures, or may law-  
18          fully inure, to the benefit of any private  
19          shareholder or individual.

20          “(C) AUTHORITY TO AWARD GRANTS.—

21          “(i) IN GENERAL.—The Secretary  
22          may award grants to Indian tribes, tribal  
23          organizations, States, counties, localities,  
24          and nonprofit entities to promote improv-

1 ing access to dependable, affordable auto-  
2 mobiles by Indian families with children.

3 “(ii) REQUIREMENTS.—

4 “(I) PRIORITY FOR INDIAN  
5 TRIBES.—In awarding grants under  
6 this paragraph, the Secretary shall  
7 give priority to awarding grants to In-  
8 dian tribes.

9 “(II) CONSULTATION.—The Sec-  
10 retary shall consult with Indian tribes  
11 regarding the establishment of criteria  
12 for giving priority to Indian tribes  
13 under subclause (I) and the grant ap-  
14 proval criteria under subparagraph  
15 (D).

16 “(D) GRANT APPROVAL CRITERIA.—The  
17 Secretary shall establish criteria for approval of  
18 an application for a grant under this paragraph  
19 that include consideration of—

20 “(i) the extent to which the proposal,  
21 if funded, is likely to improve access to  
22 training and employment opportunities and  
23 child care services by Indian families with  
24 children by means of car ownership;

1           “(ii) the level of innovation in the ap-  
2           plicant’s grant proposal; and

3           “(iii) any partnerships between the  
4           public and private sector in the applicant’s  
5           grant proposal.

6           “(E) USE OF FUNDS.—

7           “(i) IN GENERAL.—A grant awarded  
8           under this paragraph shall be used to ad-  
9           minister programs that assist Indian fami-  
10          lies with children with dependable auto-  
11          mobile ownership, and maintenance of, or  
12          insurance for, the purchased automobile.

13          “(ii) SUPPLEMENT NOT SUPPLANT.—  
14          Funds provided to an Indian tribe, tribal  
15          organization, State, county, locality, or  
16          nonprofit entity under a grant awarded  
17          under this paragraph shall be used to sup-  
18          plement and not supplant other tribal,  
19          State, county, or local public funds ex-  
20          pended for car ownership programs.

21          “(F) APPLICATION.—Each applicant desir-  
22          ing a grant under this paragraph shall submit  
23          an application to the Secretary at such time, in  
24          such manner, and accompanied by such infor-

1           mation as the Secretary may reasonably re-  
2           quire.

3           “(G) REVERSION OF FUNDS.—Any funds  
4           not expended by a grantee within 3 years after  
5           the date the grant is awarded under this para-  
6           graph shall be available for redistribution  
7           among other grantees in such manner and  
8           amount as the Secretary may determine, unless  
9           the Secretary extends by regulation the time pe-  
10          riod to expend such funds.

11          “(H) LIMITATION ON ADMINISTRATIVE  
12          COSTS OF THE SECRETARY.—Not more than an  
13          amount equal to 5 percent of the funds appro-  
14          priated to make grants under this paragraph  
15          for a fiscal year shall be expended for adminis-  
16          trative costs of the Secretary in carrying out  
17          this paragraph.

18          “(I) EVALUATION.—The Secretary shall,  
19          by grant, contract, or interagency agreement,  
20          conduct an evaluation of the programs adminis-  
21          tered with grants awarded under this para-  
22          graph.

23          “(J) AUTHORIZATION OF APPROPRIA-  
24          TIONS.—There is authorized to be appropriated  
25          to the Secretary to make grants under this

1 paragraph, \$10,000,000 for each of fiscal years  
2 2004 through 2008.”.

3 **SEC. 5. TRIBAL JOB TRAINING PROGRAMS.**

4 (a) TRIBAL EMPLOYMENT SERVICES PROGRAMS.—

5 (1) IN GENERAL.—Section 412(a) of the Social  
6 Security Act (42 U.S.C. 612(a)), as amended by sec-  
7 tion 3, is amended by adding at the end the fol-  
8 lowing:

9 “(4) GRANTS FOR TRIBAL EMPLOYMENT SERV-  
10 ICES PROGRAMS.—

11 “(A) PURPOSE.—The purpose of this para-  
12 graph is to support comprehensive services to  
13 enable Indian and Alaska Native individuals to  
14 support themselves through employment with-  
15 out requiring cash benefits from public assist-  
16 ance programs for themselves or their families.

17 “(B) STATEMENT OF POLICY.—The pro-  
18 grams funded under grants made under this  
19 paragraph shall be administered in a manner  
20 consistent with the principles of the Indian  
21 Self-Determination and Education Assistance  
22 Act (25 U.S.C. 450 et seq.) and the govern-  
23 ment-to-government relationship between the  
24 Federal Government and Indian tribal govern-  
25 ments.



1 “(C) DEFINITIONS.—In this paragraph:

2 “(i) ALASKA NATIVE ORGANIZA-  
3 TION.—The term ‘Alaska Native organiza-  
4 tion’ means an Indian tribe or tribal orga-  
5 nization in Alaska or an Alaska Native-  
6 controlled entity serving Alaska Natives at  
7 the Regional level (as Regions are defined  
8 for purposes of the Alaska Native Claims  
9 Settlement Act (43 U.S.C. 1601 et seq.)).

10 “(ii) DEPARTMENT.—Unless other-  
11 wise specified, the term ‘Department’  
12 means the Department of Labor.

13 “(iii) ELIGIBLE BENEFICIARY.—The  
14 term ‘eligible beneficiary’ means—

15 “(I) an individual who is an In-  
16 dian or Alaska Native receiving or eli-  
17 gible to receive cash benefits for the  
18 individual or the individual’s family  
19 under the State program funded  
20 under this part, a tribal family assist-  
21 ance program under this section, or  
22 the General Assistance program;

23 “(II) an individual who is an In-  
24 dian or Alaska Native transitioning

1 from receipt of cash benefits under  
2 any such programs to employment;

3 “(III) an individual who is an In-  
4 dian or Alaska Native with a history  
5 of long-term dependence (as defined  
6 in clause (vi)) on cash benefits under  
7 any such programs or under the aid  
8 for families with dependent children  
9 program under this part (as in effect  
10 before August 22, 1996);

11 “(IV) an individual who is an In-  
12 dian or Alaska Native who is a non-  
13 custodial parent of a minor child re-  
14 ceiving, eligible to receive, or with a  
15 history of receiving cash benefits  
16 under any such programs, or an indi-  
17 vidual who has an obligation to pro-  
18 vide support for such children; or

19 “(V) an individual who is an In-  
20 dian or Alaska Native and is a mem-  
21 ber of a family who is at risk of be-  
22 coming dependent on cash benefits  
23 under any such programs or who has  
24 exhausted eligibility for such benefits

1                   because of the application of time lim-  
2                   its on benefits.

3                   “(iv) GENERAL ASSISTANCE.—The  
4                   term ‘General Assistance’ means the Gen-  
5                   eral Assistance program supported through  
6                   the Bureau of Indian Affairs in the De-  
7                   partment of the Interior.

8                   “(v) LONG-TERM DEPENDENCE.—The  
9                   term ‘long-term dependence’ means receipt  
10                  of cash benefits under a program referred  
11                  to in clause (ii)(III) for at least 24  
12                  months, which need not be consecutive.

13                  “(vi) SECRETARY.—Unless otherwise  
14                  specified, the term ‘Secretary’ means the  
15                  Secretary of Labor.

16                  “(D) AUTHORITY TO MAKE GRANTS.—

17                  “(i) DIRECT SERVICES.—The Sec-  
18                  retary shall make grants to Indian tribes,  
19                  tribal organizations, and Alaska Native or-  
20                  ganizations on the basis of a formula de-  
21                  termined in accordance with subparagraph  
22                  (H)(ii) to carry out the activities described  
23                  in subparagraph (E).

24                  “(ii) PROGRAM SUPPORT.—The Sec-  
25                  retary shall, through grants or contracts

1 with entities, or interagency agreements,  
2 carry out the activities described in sub-  
3 paragraph (F).

4 “(iii) APPROPRIATION.—

5 “(I) IN GENERAL.—Out of any  
6 money in the Treasury of the United  
7 States not otherwise appropriated,  
8 there are appropriated \$37,000,000  
9 for each of fiscal years 2004 through  
10 2008 to carry out this paragraph.

11 “(II) RESERVATION OF FUNDS  
12 FOR PROGRAM SUPPORT.—The Sec-  
13 retary may reserve an amount equal  
14 to not more than 1.5 percent of the  
15 amount appropriated under subclause  
16 (I) for a fiscal year to make grants or  
17 enter into contracts under clause (ii).

18 “(E) DIRECT SERVICE ACTIVITIES.—

19 “(i) IN GENERAL.—A recipient of a  
20 grant made under subparagraph (D)(i)  
21 shall use the funds provided under the  
22 grant to provide any services which may be  
23 useful in preparing eligible beneficiaries to  
24 enter or reenter the workforce, to retain  
25 employment or to advance to positions

1 which may enable the eligible beneficiary  
2 and the beneficiary's family to become eco-  
3 nomically self-sufficient.

4 “(ii) SERVICES PERMITTED.—Services  
5 provided with funds made available under  
6 a grant made under subparagraph (D)(i)  
7 may include—

8 “(I) assessment;

9 “(II) education;

10 “(III) job readiness and place-  
11 ment;

12 “(IV) occupational training (in-  
13 cluding on-the-job training);

14 “(V) work experience;

15 “(VI) wage subsidies;

16 “(VII) job retention;

17 “(VIII) job creation specifically  
18 for eligible beneficiaries;

19 “(IX) case management;

20 “(X) counseling;

21 “(XI) supportive services, includ-  
22 ing (but not limited to) child care,  
23 transportation, mental health and  
24 substance abuse treatment and pre-

1                   vention services important to employ-  
2                   ability; and

3                   “(XII) counseling and other serv-  
4                   ices to promote marriage, discourage  
5                   teen pregnancies, assist in the forma-  
6                   tion and stabilization of 2-parent fam-  
7                   ilies, and address situations involving  
8                   domestic violence.

9                   “(iii) RETENTION OF ELIGIBILITY  
10                  FOR OTHER SERVICES.—An eligible bene-  
11                  ficiary who receives services under sub-  
12                  paragraph (D)(i) shall not be precluded  
13                  from receiving other services from any  
14                  State, local or tribal government agency or  
15                  any other entity.

16                  “(iv) DISREGARD.—Income or services  
17                  received by an eligible beneficiary under  
18                  this paragraph shall be disregarded for  
19                  purposes of determining eligibility for ben-  
20                  efits under any means-tested program for  
21                  which the eligibility requirements are es-  
22                  tablished under Federal law.

23                  “(F) PROGRAM SUPPORT ACTIVITIES.—

24                  “(i) IN GENERAL.—In order to im-  
25                  prove the effectiveness of services provided

1 by Indian tribes, tribal organizations, and  
2 Alaska Native organizations under grants  
3 made under this paragraph, the Secretary  
4 shall, through grants, contracts, or inter-  
5 agency agreements, support activities  
6 that—

7 “(I) enhance the capacity of In-  
8 dian tribes, tribal organizations, and  
9 Alaska Native organizations under  
10 this section to deliver the services au-  
11 thorized under subparagraph (D); and

12 “(II) test or demonstrate new or  
13 improved methods of providing such  
14 services.

15 “(ii) PREFERENCE.—In awarding  
16 grants or contracts under subparagraph  
17 (D)(ii) to carry out this subparagraph, the  
18 Secretary shall implement a preference pol-  
19 icy consistent with the terms of section  
20 7(b) of the Indian Self-Determination and  
21 Education Assistance Act (25 U.S.C.  
22 450e(b)).

23 “(G) ADDITIONAL REQUIREMENTS.—

24 “(i) DIRECT SERVICE ACTIVITIES.—

1           “(I) AUTHORITY TO CONSOLI-  
2           DATE FUNDS.—An Indian tribe, tribal  
3           organization, or Alaska Native organi-  
4           zation receiving a grant under sub-  
5           paragraph (D)(i) may consolidate  
6           funds received under the grant with  
7           assistance received from other pro-  
8           grams in accordance with the provi-  
9           sions of the Indian Employment,  
10          Training and Related Services Dem-  
11          onstration Act of 1992 (25 U.S.C.  
12          3401 et seq.) or the provisions of the  
13          Tribal Self-Governance Act of 1994  
14          (25 U.S.C. 458aa et seq.).

15           “(II) OPTION TO EXCLUDE PAR-  
16           TICIPANTS FROM DETERMINATION OF  
17           WORK PARTICIPATION RATES.—A  
18           State, Indian tribe, or tribal organiza-  
19           tion may exclude individuals partici-  
20           pating in a direct services program  
21           funded under a grant made under  
22           subparagraph (D)(i) for a month from  
23           the calculation of the work partici-  
24           pation rate for the State or tribe for  
25           such month.



1           “(ii) APPLICABLE RULES.—Any  
2 amount paid to an Indian tribe or tribal  
3 organization under this part that is used to  
4 carry out the activities described in sub-  
5 paragraph (E) or (F) shall not be subject  
6 to the requirements of this part, but shall  
7 be subject to the requirements specified in  
8 the regulations required under subpara-  
9 graph (H)(iii), and the expenditure of any  
10 amount so used shall not be considered to  
11 be an expenditure under this part.

12           “(iii) AVAILABILITY OF FUNDS.—  
13 Funds provided to a recipient of a grant or  
14 contract under subparagraph (D)(ii) shall  
15 remain available for obligation for 2 suc-  
16 ceeding fiscal years after the fiscal year in  
17 which the grant is made or the contract is  
18 entered into.

19           “(H) PROGRAM ADMINISTRATION.—

20           “(i) DESIGNATION OF OFFICE WITH  
21 PRIMARY RESPONSIBILITY.—The Secretary  
22 shall designate a single organizational unit  
23 within the Department that shall have as  
24 its primary responsibility the administra-  
25 tion of the activities authorized under this

1 paragraph and of any related Indian pro-  
2 grams administered by the Department.

3 “(ii) CONSULTATION.—

4 “(I) IN GENERAL.—The Sec-  
5 retary shall consult with Indian tribes  
6 and tribal organizations located  
7 throughout the United States and  
8 Alaska Native organizations on all as-  
9 pects of the operation and administra-  
10 tion of the activities authorized under  
11 this paragraph, including the promul-  
12 gation of regulations, the design of a  
13 formula for the allocation of funds  
14 among Indian tribes, tribal organiza-  
15 tions, and Alaska Native organiza-  
16 tions, and the implementation of pro-  
17 gram support activities described in  
18 subparagraph (F).

19 “(II) ADVISORY COMMITTEE.—

20 The Secretary may utilize a broadly  
21 based advisory committee whose mem-  
22 bers are nominated by Indian tribes,  
23 tribal organizations, and Alaska Na-  
24 tive organizations as part of the con-  
25 sultation required under subclause (I),

1                   except that the consultation process  
2                   shall not be limited to discussions  
3                   with such committee.

4                   “(iii) REGULATIONS.—The Secretary  
5                   may issue regulations for the conduct of  
6                   activities under this paragraph. All re-  
7                   quirements imposed by such regulations,  
8                   including reporting requirements, shall  
9                   take into full consideration tribal cir-  
10                  cumstances and conditions.”.

11                  (2) TRANSITION FROM OTHER TANF INDIAN  
12                  EMPLOYMENT PROGRAMS.—

13                  (A) IN GENERAL.—Subject to subpara-  
14                  graph (B), the Secretary of Health and Human  
15                  Services shall provide for an orderly close-out of  
16                  activities under the work program authorized in  
17                  section 412(a)(2) of the Social Security Act (42  
18                  U.S.C. 612(a)(2)) (commonly referred to as  
19                  “the Native Employment Works program” or  
20                  the “NEW” program) as such section is in ef-  
21                  fect on September 30, 2003.

22                  (B) REQUIREMENT.—In closing out the ac-  
23                  tivities referred to in subparagraph (A), the  
24                  Secretary of Health and Human Services shall  
25                  provide that grantees under a program referred

1 to in that subparagraph shall be permitted to  
2 provide services through June 30, 2004, and  
3 shall be permitted to spend funds on adminis-  
4 trative activities related to the close-out of  
5 grants under programs for up to 6 months  
6 after that date.

7 (b) APPLICATION OF INDIAN EMPLOYMENT, TRAIN-  
8 ING, AND RELATED SERVICES DEMONSTRATION ACT OF  
9 1992.—Section 412(a)(4) of the Social Security Act (42  
10 U.S.C. 612(a)), as added by subsection (a), is amended  
11 by adding at the end the following:

12 “(I) APPLICATION OF INDIAN EMPLOY-  
13 MENT, TRAINING, AND RELATED SERVICES  
14 DEMONSTRATION ACT OF 1992.—Notwith-  
15 standing any other provision of law, if an In-  
16 dian tribe elects to incorporate the services it  
17 provides under this paragraph into a plan under  
18 section 6 of the Indian Employment, Training,  
19 and Related Services Demonstration Act of  
20 1992 (25 U.S.C. 3405), the programs author-  
21 ized to be conducted with grants made under  
22 this paragraph shall be—

23 “(i) considered to be programs subject  
24 to section 5 of the Indian Employment,

1 Training, and Related Services Demonstra-  
2 tion Act of 1992 (25 U.S.C. 3404); and

3 “(ii) subject to the single plan and  
4 single budget requirements of section 6 of  
5 that Act (25 U.S.C. 3405) and the single  
6 report format required under section 11 of  
7 that Act (25 U.S.C. 3410).”.

8 **SEC. 6. CHILD CARE AND DEVELOPMENT BLOCK GRANT**  
9 **FUNDS FOR INDIAN TRIBES.**

10 (a) INCREASE IN RESERVATION.—Section  
11 6580(a)(2) of the Child Care and Development Block  
12 Grant Act of 1990 (42 U.S.C. 9858m(a)(2)) is amended  
13 by striking “1 percent, and not more than 2 percent,” and  
14 inserting “5 percent”.

15 (b) PAYMENTS FOR THE BENEFIT OF INDIAN CHIL-  
16 DREN.—

17 (1) HEALTH AND SAFETY STANDARDS.—Sec-  
18 tion 6580(c)(2) of the Child Care and Development  
19 Block Grant Act of 1990 (42 U.S.C. 9858m(c)(2))  
20 is amended by adding at the end the following:

21 “(D) HEALTH AND SAFETY STANDARDS.—

22 The applicant will establish requirements de-  
23 signed to protect the health and safety of chil-  
24 dren, which shall—

25 “(i) be stated in the application; and

1                   “(ii) notwithstanding any other provi-  
2                   sion of law, including subparagraphs (F)  
3                   and (G) of section 658E(c)(2), be the  
4                   health and safety requirements applicable  
5                   to child care providers that receive funds  
6                   from the applicant to provide services  
7                   under this subchapter.”.

8                   (2)       NEGOTIATED       RULEMAKING.—Section  
9                   658O(c) of the Child Care and Development Block  
10                  Grant Act of 1990 (42 U.S.C. 9858m(c)) is amend-  
11                  ed—

12                   (A) by redesignating paragraphs (4), (5),  
13                   and (6) as paragraphs (5), (6), and (7), respec-  
14                   tively; and

15                   (B) by inserting after paragraph (3) the  
16                   following:

17                   “(4)   NEGOTIATED   RULEMAKING.—In deter-  
18                   mining the base amount provided to Indian tribes  
19                   and tribal organizations under this subsection, the  
20                   Secretary shall conduct a negotiated rulemaking.  
21                   The Secretary shall include in the negotiated rule-  
22                   making committee representatives of the Indian  
23                   tribes and tribal organizations that the Secretary de-  
24                   termines to be eligible to receive grants or contracts  
25                   under this subsection. The Secretary shall conduct

1 the negotiated rulemaking in accordance with sub-  
2 chapter III of chapter 5 of title 5, United States  
3 Code, as in effect on November 28, 1996.”.

4 (3) CONSTRUCTION OR RENOVATION.—Para-  
5 graph (7)(C) of section 6580(c) of the Child Care  
6 and Development Block Grant Act of 1990 (as re-  
7 designated in paragraph (2)(A)) is amended—

8 (A) by striking “The” and inserting the  
9 following:

10 “(i) IN GENERAL.—Except as pro-  
11 vided in clause (ii), the”;

12 (B) by adding at the end the following:

13 “(ii) TEMPORARY DECREASE.—The  
14 Secretary may permit an Indian tribe or  
15 tribal organization to use amounts pro-  
16 vided under this subsection for construc-  
17 tion or renovation even if such use will re-  
18 sult in a temporary decrease described in  
19 clause (i), if—

20 “(I) the Secretary determines  
21 that the construction or renovation  
22 will enable the tribe or organization to  
23 increase, in fiscal years subsequent to  
24 the year for which the determination  
25 under subparagraph (B) is made, the

1 level of child care services provided by  
2 the tribe or organization as compared  
3 to the level of such services provided  
4 by the tribe or organization in the fis-  
5 cal year for which the determination  
6 is made; and

7 “(II) the tribe or organization  
8 submits to the Secretary, and obtains  
9 approval of, a multiyear plan for the  
10 construction or renovation.”.

11 (c) CONFORMING AMENDMENT.—Section 658F(b)(1)  
12 of the Child Care and Development Block Grant Act of  
13 1990 (42 U.S.C. 9858d(b)(1)) is amended by striking  
14 “6580(e)(6)” and inserting “6580(e)(7)”.

15 **SEC. 7. EQUITABLE ACCESS.**

16 (a) ENSURING EQUITABLE ACCESS.—

17 (1) STATE PLAN REQUIREMENT.—Section  
18 402(a)(1)(B) of the Social Security Act (42 U.S.C.  
19 602(a)(1)(B)) is amended by adding at the end the  
20 following:

21 “(v) The document shall describe how  
22 the State will ensure equitable access to  
23 benefits and services provided under the  
24 program for each member of an Indian  
25 tribe or tribal organization, who is domi-



1 ciled in the State and is not eligible for as-  
2 sistance under a tribal family assistance  
3 plan approved under section 412.”.

4 (2) TRIBAL FAMILY ASSISTANCE PLAN RE-  
5 QUIREMENT.—Section 412(b)(1) of the Social Secu-  
6 rity Act (42 U.S.C. 612(b)(1)) is amended—

7 (A) in subparagraph (E), by striking  
8 “and” at the end;

9 (B) in subparagraph (F), by striking the  
10 period and inserting “; and”; and

11 (C) by adding at the end the following:

12 “(G) describes how the Indian tribe will  
13 ensure equitable access to benefits and services  
14 provided under the plan for each member of the  
15 population to be served by the plan.”.

16 (3) ANNUAL REPORT TO CONGRESS.—

17 (A) INCLUSION OF INFORMATION ON INDI-  
18 ANS SERVED BY STATE PROGRAMS.—Section  
19 411(b) of the Social Security Act (42 U.S.C.  
20 611(b)) is amended—

21 (i) in paragraph (3), by striking  
22 “and” at the end;

23 (ii) in paragraph (4), by striking the  
24 period and inserting “; and”; and

1 (iii) by adding at the end the fol-  
2 lowing:

3 “(5) State specific information on the demo-  
4 graphics and caseload characteristics of Indians  
5 served by each State program funded under this  
6 part.”.

7 (B) CONFORMING AMENDMENTS.—Section  
8 411(a) of the Social Security Act (42 U.S.C.  
9 611(a)) is amended—

10 (i) by redesignating paragraph (7) as  
11 paragraph (8); and

12 (ii) by inserting after paragraph (6),  
13 the following:

14 “(7) REPORT ON INDIANS SERVED BY THE  
15 STATE PROGRAM.—The report required by para-  
16 graph (1) for a fiscal quarter shall include informa-  
17 tion on the demographics and caseload characteris-  
18 tics of Indians served by the State program during  
19 the quarter.”.

20 (b) CONSULTATION BETWEEN STATES AND INDIAN  
21 TRIBES OR OTHER INDIANS RESIDING ON A RESERVA-  
22 TION.—

23 (1) STATE PLAN REQUIREMENT.—Section  
24 402(a)(5) of the Social Security Act (42 U.S.C.

1 602(a)(5)) is amended by striking “will” and all  
2 that follows through the period and inserting “will—

3 “(A) consult with each Indian tribe located  
4 within the State regarding the State plan in  
5 order to ensure equitable access to benefits and  
6 services provided under the plan for any mem-  
7 ber of such a tribe who is not eligible for assist-  
8 ance under a tribal family assistance plan ap-  
9 proved under section 412; and

10 “(B) provide each member of an Indian  
11 tribe, who is domiciled in the State and is not  
12 eligible for assistance under a tribal family as-  
13 sistance plan approved under section 412, with  
14 equitable access to assistance under the State  
15 program funded under this part attributable to  
16 funds provided by the Federal Government.”.

17 (2) TRIBAL FAMILY ASSISTANCE PLAN RE-  
18 QUIREMENT.—Section 412(b)(1) of the Social Secu-  
19 rity Act (42 U.S.C. 612(b)(1)), as amended by sub-  
20 section (a)(2), is amended—

21 (A) in subparagraph (F), by striking  
22 “and” at the end;

23 (B) in subparagraph (G), by striking the  
24 period and inserting “; and”; and

25 (C) by adding at the end the following:

1           “(H) provides that the Indian tribe will  
2           consult with each State in which a service area  
3           of the plan is located on the operation of the  
4           plan and the provision of assistance or services  
5           to families under the plan.”.

6           (c) ADVISORY COMMITTEE ON THE STATUS OF INDI-  
7           ANS WHO DO NOT RESIDE IN INDIAN COUNTRY.—

8           (1) IN GENERAL.—The Secretary of Health and  
9           Human Services shall convene an advisory com-  
10          mittee on the status of Indians who do not reside in  
11          Indian country (as defined in section 1151 of title  
12          18, United States Code).

13          (2) DUTIES.—The committee established under  
14          paragraph (1) shall make recommendations regard-  
15          ing how to ensure that Indians who do not reside in  
16          Indian country (as so defined) receive equitable ac-  
17          cess to benefits and services under the temporary as-  
18          sistance to needy families program under part A of  
19          title IV of the Social Security Act (42 U.S.C. 601  
20          et seq.) and other publicly funded assistance pro-  
21          grams.

22          (3) MEMBERSHIP.—

23                  (A) IN GENERAL.—The committee estab-  
24                  lished under paragraph (1) shall include rep-  
25                  resentatives of—

1 (i) Federal, State, and tribal govern-  
2 ments; and

3 (ii) Indians who do not reside in In-  
4 dian country (as so defined).

5 (B) MAJORITY.—A majority of the mem-  
6 bers of such committee shall be representatives  
7 of Indians who do not reside in Indian country  
8 (as so defined).

9 (d) GAO STUDY AND REPORT.—

10 (1) STUDY.—The Comptroller General of the  
11 United States shall conduct a study of the demo-  
12 graphics of Indians who do not reside in Indian  
13 country (as defined in section 1151 of title 18,  
14 United States Code) that includes economic and  
15 health information, as well as information regarding  
16 the access of such Indians to benefits or services  
17 available under publicly funded programs.

18 (2) REPORT.—Not later than June 30, 2004,  
19 the Comptroller General shall submit to Congress a  
20 report on the study conducted under paragraph (1).

21 **SEC. 8. AREAS OF INDIAN COUNTRY OR ALASKAN NATIVE**  
22 **VILLAGES OF HIGH JOBLESSNESS.**

23 (a) TIME LIMIT FOR RECEIPT OF ASSISTANCE.—Sec-  
24 tion 408(a)(7)(D) of the Social Security Act (42 U.S.C.  
25 608(a)(7)(D)) is amended—

1           (1) in the subparagraph heading, by striking  
2           “by adult” and all that follows through “unemploy-  
3           ment” and inserting “in areas of Indian country or  
4           an Alaskan Native village with high joblessness”;

5           (2) by striking clause (i) and inserting the fol-  
6           lowing:

7                         “(i) IN GENERAL.—Subject to clause  
8                         (ii), in determining the number of months  
9                         for which an adult has received assistance  
10                        under a State or tribal program funded  
11                        under this part, the State or tribe shall  
12                        disregard any month during which the  
13                        adult lived in Indian country or an Alas-  
14                        kan Native village if the most reliable data  
15                        available (or such other data submitted by  
16                        a State or tribal program as the Secretary  
17                        may approve) with respect to the month  
18                        (or a period including the month) indicate  
19                        that at least 20 percent of the adult recipi-  
20                        ents who were living in Indian country or  
21                        in the village were jobless.”;

22           (3) by redesignating clause (ii) as clause (iii);

23           and

24           (4) by inserting after clause (i), the following:

1                   “(ii) REQUIREMENT.—A month may  
2                   only be disregarded under clause (i) with  
3                   respect to an adult recipient described in  
4                   that clause if the adult is in compliance  
5                   with program requirements.”.

6           (b) STATE FLEXIBILITY TO DEFINE WORK ACTIVI-  
7 TIES.—Section 407(c)(2) of the Social Security Act (42  
8 U.S.C. 607(c)(2)) is amended by adding at the end the  
9 following:

10                   “(E) OPTIONAL MODIFICATION OF WORK  
11                   REQUIREMENTS FOR RECIPIENTS RESIDING IN  
12                   AREAS OF INDIAN COUNTRY OR AN ALASKAN  
13                   NATIVE VILLAGE WITH HIGH JOBLESSNESS.—  
14                   Notwithstanding paragraph (1), if a State has  
15                   included in the State plan a description of the  
16                   State’s policies in areas of Indian country or an  
17                   Alaskan Native village described in section  
18                   408(a)(7)(D), the State may define the activi-  
19                   ties described in subsection (d) that a recipient  
20                   who resides in such an area and who is partici-  
21                   pating in activities in accordance with an indi-  
22                   vidual responsibility plan under section 408(b)  
23                   may engage in for purposes of satisfying work  
24                   requirements under the State program and for

1           purposes of determining monthly participation  
2           rates under subsection (b).”.

3 **SEC. 9. PARITY IN TREATMENT OF ALASKAN NATIVES.**

4           (a) **ELIMINATION OF SPECIAL RULE.**—Section 412  
5 of the Social Security Act (42 U.S.C. 612) is amended  
6 by striking subsection (i).

7           (b) **ELIMINATION OF SPECIAL DEFINITION.**—Section  
8 419(4) of the Social Security Act (42 U.S.C. 619(4)) is  
9 amended to read as follows:

10           “(4) **INDIAN, INDIAN TRIBE, AND TRIBAL ORGA-**  
11           **NIZATION.**—The terms ‘Indian’, ‘Indian tribe’, and  
12           ‘tribal organization’ have the meanings given such  
13           terms in section 4 of the Indian Self-Determination  
14           and Education Assistance Act (25 U.S.C. 450b).”.

15 **SEC. 10. AUTHORITY OF INDIAN TRIBES TO RECEIVE FED-**  
16                                   **ERAL FUNDS FOR FOSTER CARE AND ADOPT-**  
17                                   **ION ASSISTANCE.**

18           (a) **CHILDREN PLACED IN TRIBAL CUSTODY ELIGI-**  
19 **BLE FOR FOSTER CARE FUNDING.**—Section 472(a)(2) of  
20 the Social Security Act (42 U.S.C. 672(a)(2)) is amend-  
21 ed—

22           (1) by striking “or (B)” and inserting “(B)”;  
23           and

24           (2) by inserting before the semicolon the fol-  
25           lowing: “, or (C) an Indian tribe or tribal organiza-





1           “(A) in lieu of the requirement of section  
2 471(a)(3), identify the service area or areas and  
3 population to be served by the Indian tribe or  
4 tribal organization; and

5           “(B) in lieu of the requirement of section  
6 471(a)(10), provide for the approval of foster  
7 homes pursuant to tribal standards and in a  
8 manner that ensures the safety of, and account-  
9 ability for, children placed in foster care.

10       “(2) DETERMINATION OF FEDERAL SHARE.—

11           “(A) PER CAPITA INCOME.—

12           “(i) IN GENERAL.—For purposes of  
13 determining the Federal medical assistance  
14 percentage applicable to an Indian tribe or  
15 tribal organization under paragraphs (1)  
16 and (2) of section 474(a), the calculation  
17 of an Indian tribe’s or tribal organization’s  
18 per capita income shall be based upon the  
19 service population of the Indian tribe or  
20 tribal organization as defined in its plan in  
21 accordance with paragraph (1)(A).

22           “(ii) CONSIDERATION OF OTHER IN-  
23 FORMATION.—An Indian tribe or tribal or-  
24 ganization may submit to the Secretary  
25 such information as the Indian tribe or

1           tribal organization considers relevant to  
2           the calculation of the per capita income of  
3           the Indian tribe or tribal organization, and  
4           the Secretary shall consider such informa-  
5           tion before making the calculation.

6           “(B) ADMINISTRATIVE EXPENDITURES.—  
7           The Secretary shall, by regulation, determine  
8           the proportions to be paid to Indian tribes and  
9           tribal organizations pursuant to section  
10          474(a)(3), except that in no case shall an In-  
11          dian tribe or tribal organization receive a lesser  
12          proportion than the corresponding amount spec-  
13          ified for a State in that section.

14          “(C) SOURCES OF NON-FEDERAL  
15          SHARE.—An Indian tribe or tribal organization  
16          may use Federal or State funds to match pay-  
17          ments for which the Indian tribe or tribal orga-  
18          nization is eligible under section 474.

19          “(3) MODIFICATION OF OTHER REQUIRE-  
20          MENTS.—Upon the request of an Indian tribe, tribal  
21          organization, or a consortia of tribes or tribal orga-  
22          nizations, the Secretary may modify any requirement  
23          under this part if, after consulting with the Indian  
24          tribe, tribal organization, or consortia of tribes or  
25          tribal organizations, the Secretary determines that

1 modification of the requirement would advance the  
2 best interests and the safety of children served by  
3 the Indian tribe, tribal organization, or consortia of  
4 tribes or tribal organizations.

5 “(4) CONSORTIUM.—The participating Indian  
6 tribes or tribal organizations of an intertribal con-  
7 sortium may develop and submit a single plan under  
8 section 471 that meets the requirements of this sec-  
9 tion.

10 “(c) COOPERATIVE AGREEMENTS.—An Indian tribe,  
11 tribal organization, or intertribal consortium and a State  
12 may enter into a cooperative agreement for the adminis-  
13 tration or payment of funds pursuant to this part. In any  
14 case where an Indian tribe, tribal organization, or inter-  
15 tribal consortium and a State enter into a cooperative  
16 agreement that incorporates any of the provisions of this  
17 section, those provisions shall be valid and enforceable.  
18 Any such cooperative agreement that is in effect as of the  
19 date of enactment of this section, shall remain in full force  
20 and effect subject to the right of either party to the agree-  
21 ment to revoke or modify the agreement pursuant to the  
22 terms of the agreement.

23 “(d) REGULATIONS.—Not later than 1 year after the  
24 date of enactment of this section, the Secretary shall, in

1 full consultation with Indian tribes and tribal organiza-  
2 tions, promulgate regulations to carry out this section.

3 “(e) DEFINITIONS OF INDIAN TRIBE; TRIBAL ORGA-  
4 NIZATIONS.—In this section, the terms ‘Indian tribe’ and  
5 ‘tribal organization’ have the meanings given those terms  
6 in subsections (e) and (l) of section 4 of the Indian Self-  
7 Determination and Education Assistance Act (25 U.S.C.  
8 450b), respectively.”

9 (c) EFFECTIVE DATE.—The amendments made by  
10 this section take effect on the date of enactment of this  
11 Act without regard to regulations to implement such  
12 amendments being promulgated by such date.

13 **SEC. 11. DEMONSTRATION PROGRAM TO ALLOW INDIAN**  
14 **TRIBES TO DETERMINE ELIGIBILITY FOR**  
15 **THE FOOD STAMP, MEDICAID, AND STATE**  
16 **CHILDREN’S HEALTH INSURANCE PRO-**  
17 **GRAMS.**

18 (a) IN GENERAL.—Notwithstanding any other provi-  
19 sion of law, the Secretary of Health and Human Services,  
20 in consultation with the Secretary of Agriculture, shall  
21 conduct a demonstration program under which, not more  
22 than 10 Indian tribes (as defined in section 4 of the Indian  
23 Self-Determination and Education Assistance Act (25  
24 U.S.C. 450b)) with an approved tribal family assistance  
25 plan under part A of title IV of the Social Security Act

1 (42 U.S.C. 601 et seq.) (or the participating Indian tribes  
2 of an intertribal consortium with such an approved plan)  
3 shall be authorized to—

4 (1) determine the eligibility of Indian families  
5 for—

6 (A) benefits under the food stamp program  
7 under the Food Stamp Act of 1977 (7 U.S.C.  
8 2011 et seq.);

9 (B) medical assistance under the medicaid  
10 program under title XIX of the Social Security  
11 Act (42 U.S.C. 1396 et seq.); and

12 (C) child health assistance under the State  
13 children’s health insurance program under title  
14 XXI of the Social Security Act (42 U.S.C.  
15 1397aa et seq.);

16 (2) administer the provision of benefits or as-  
17 sistance under any or all of such programs to Indian  
18 families; or

19 (3) carry out both of the activities described in  
20 paragraphs (1) and (2).

21 (b) REQUIREMENTS.—

22 (1) CONSISTENCY WITH STATE OPERATION OF  
23 PROGRAMS.—Except as provided in paragraph (2),  
24 an activity may not be authorized to be carried out  
25 by an Indian tribe (or consortium) under subsection

1 (a) unless the activity will be conducted in a manner  
2 that is consistent with the operation of such activity  
3 by any State in which the tribe (or consortium) is  
4 located.

5 (2) WAIVER OF MATCHING REQUIREMENTS.—  
6 The Secretary of Health and Human Services and  
7 the Secretary of Agriculture may waive such applica-  
8 ble matching requirements under the programs re-  
9 ferred to in subsection (a)(1) as may be necessary  
10 for a tribe or consortium to carry out an activity au-  
11 thorized under the demonstration program con-  
12 ducted under this section.

13 (3) NO WAIVER OF PROGRAM INTEGRITY RE-  
14 QUIREMENTS.—The Secretary of Health and Human  
15 Services and the Secretary of Agriculture may not  
16 waive any requirement under a program referred to  
17 in subsection (a)(1) that is related to ensuring the  
18 integrity of an activity authorized under the dem-  
19 onstration program conducted under this section, in-  
20 cluding any financial penalty for violation of such a  
21 requirement.

22 (c) REPORTS.—The Secretary of Health and Human  
23 Services and the Secretary of Agriculture jointly shall sub-  
24 mit periodic reports to Congress on the demonstration  
25 program conducted under this section.

1 **SEC. 12. TRIBAL CHILD SUPPORT ENFORCEMENT PRO-**  
2 **GRAMS.**

3 Not later than 1 year after the date of enactment  
4 of this Act, the Secretary of Health and Human Services  
5 shall—

6 (1) promulgate final regulations for making di-  
7 rect payments to Indian tribes and tribal organiza-  
8 tions under section 455(f) of the Social Security Act  
9 (42 U.S.C. 655(f)); and

10 (2) submit a report to Congress on the most  
11 appropriate methods of including tribal child support  
12 programs in the methodology used for child support  
13 incentive payments under section 458 of the Social  
14 Security Act (42 U.S.C. 658).

15 **SEC. 13. BREAK THE CYCLE DEMONSTRATION GRANTS.**

16 (a) **AUTHORITY TO AWARD GRANTS.**—

17 (1) **IN GENERAL.**—The Secretary of Health and  
18 Human Services, in consultation with the Secretary  
19 of Education, shall award grants to up to 10 Indian  
20 tribes (as defined in section 4 of the Indian Self-De-  
21 termination and Education Assistance Act (25  
22 U.S.C. 450b)) to carry out the activities described in  
23 subsection (b).

24 (2) **APPLICATION.**—An Indian tribe desiring a  
25 grant under this section shall submit—



1           (A) an application to the Secretary of  
2 Health and Human Services, at such time, in  
3 such manner, and containing such information  
4 as the Secretary may require; and

5           (B) a plan outlining how the tribe intends  
6 to use funds made available under the grant to  
7 carry out activities described in subsection (b)  
8 to help children of Indian families receiving as-  
9 sistance under the temporary assistance to  
10 needy families program under part A of title IV  
11 of the Social Security Act (42 U.S.C. 601 et  
12 seq.) (in this section referred to as “TANF”)  
13 obtain a secondary school diploma or its recog-  
14 nized equivalent.

15 (3) CRITERIA FOR AWARDING GRANTS.—

16           (A) CONSULTATION WITH INDIAN  
17 TRIBES.—The Secretary of Health and Human  
18 Services shall consult with Indian tribes regard-  
19 ing the establishment of criteria for awarding  
20 grants under this section.

21           (B) PRIORITY.—The criteria established  
22 under subparagraph (A) shall require the Sec-  
23 retary of Health and Human Services to give  
24 priority to awarding grants to those Indian  
25 tribes applying that have the highest percent-

1           ages of individuals that have not obtained a sec-  
2           ondary school diploma or its recognized equiva-  
3           lent.

4           (4) STATE PARTNERSHIPS.—An Indian tribe  
5           awarded a grant under this section may enter into  
6           a partnership with a State, a local educational agen-  
7           cy, or a private elementary or secondary school to  
8           carry out the activities described in subsection (b).

9           (5) DEFINITION OF CHILD.—In this section, the  
10          term “child” means an individual who has not at-  
11          tained age 21.

12          (b) ACTIVITIES DESCRIBED.—The activities de-  
13          scribed in this subsection include—

14                 (1) mentoring activities;

15                 (2) tutoring activities;

16                 (3) adjusting requirements applicable to the  
17          child or family under TANF;

18                 (4) teen pregnancy prevention activities; and

19                 (5) any other activities approved by the Sec-  
20          retary of Health and Human Services that are re-  
21          lated to achieving the purpose described in sub-  
22          section (a)(2)(B).

23          (c) EVALUATION AND REPORT.—

24                 (1) IN GENERAL.—Of the amount appropriated  
25          under subsection (d) for fiscal year 2005,

1       \$1,000,000 shall be reserved by the Secretary of  
2       Health and Human Services for the purpose of con-  
3       ducting, through grant, contract, or interagency  
4       agreement, an evaluation of the activities carried out  
5       under grants awarded under this section.

6           (2) REPORT.—The Secretary of Health and  
7       Human Services shall submit a report to Congress  
8       on the evaluation conducted under paragraph (1).

9           (d) AUTHORIZATION OF APPROPRIATIONS.—There  
10      are authorized to be appropriated to the Secretary of  
11      Health and Human Services to carry out this section,  
12      \$20,000,000 for each of fiscal years 2005 through 2008.

13      **SEC. 14. RESERVATION OF FUNDS UNDER THE SOCIAL**  
14                                      **SERVICES BLOCK GRANT.**

15           (a) ELIGIBILITY FOR PAYMENTS.—Section 2002 of  
16      the Social Security Act (42 U.S.C. 1397a) is amended by  
17      adding at the end the following:

18           “(g)(1) An Indian tribe or tribal organization (as  
19      such terms are defined in section 4 of the Indian Self-  
20      Determination and Education Assistance Act (25 U.S.C.  
21      450b)) that administers a social services program shall be  
22      eligible for payment under this title for each fiscal year  
23      in which funds are reserved for such purposes under sec-  
24      tion 2003(d), in an amount equal to the pro rata share

1 of the amount available for such payments for such fiscal  
2 year.

3 “(2) The Secretary, in consultation with Indian tribes  
4 and tribal organizations (as so defined) located throughout  
5 the United States, shall determine the extent to which the  
6 requirements applicable to payments to States under this  
7 title shall apply to payments made to Indian tribes and  
8 tribal organizations under paragraph (1).”.

9 (b) RESERVATION OF FUNDS.—Section 2003 of the  
10 Social Security Act (42 U.S.C. 1397b) is amended—

11 (1) in subsection (b)(2)—

12 (A) by striking “the total amount” and in-  
13 serting “(A) the total amount”;

14 (B) by striking the period and inserting “;  
15 and”; and

16 (C) by adding at the end the following:

17 “(B) the amount reserved in subsection (d) for  
18 that fiscal year.”; and

19 (2) by adding at the end the following:

20 “(d)(1) For purposes of subsection (b)(2)(B), the  
21 amount reserved in this subsection is, with respect to any  
22 fiscal year in which the amount specified in subsection (c)  
23 exceeds \$2,400,000,000, the amount in excess of such  
24 amount, not to exceed the sum of \$10,000,000, plus the

1 amount equal to 2 percent of the total amount in excess  
2 of \$2,400,000,000.

3 “(2) The amount reserved under paragraph (1) shall  
4 be used to make payments to Indian tribes and tribal or-  
5 ganizations described in section 2002(g)(1).”.

6 **SEC. 15. RESEARCH ON TRIBAL WELFARE PROGRAMS AND**  
7 **POVERTY AMONG INDIANS.**

8 Section 413 of the Social Security Act (42 U.S.C.  
9 613) is amended by adding at the end the following:

10 “(k) TRIBAL WELFARE PROGRAMS AND EFFORTS TO  
11 REDUCE POVERTY AMONG INDIANS.—

12 “(1) IN GENERAL.—The Secretary, directly or  
13 through grants, contracts, or interagency agree-  
14 ments, shall conduct research on tribal family assist-  
15 ance programs conducted under section 412 and  
16 other tribal welfare programs and on efforts to re-  
17 duce poverty among Indians.

18 “(2) PRIORITY FOR CERTAIN APPLICATIONS.—  
19 With respect to applications for grants under para-  
20 graph (1), the Secretary shall give priority to appli-  
21 cations to conduct research in cooperation with trib-  
22 al governments or tribally controlled colleges or uni-  
23 versities.

24 “(3) TECHNICAL ASSISTANCE.—The Secretary  
25 may use funds appropriated under paragraph (4) to

1 provide technical assistance concerning data report-  
2 ing and collection with respect to research conducted  
3 under this subsection.

4 “(4) APPROPRIATION.—Out of any money in  
5 the Treasury of the United States not otherwise ap-  
6 propriated, there are appropriated \$2,000,000 for  
7 fiscal year 2004 for the purpose of carrying out this  
8 subsection.”.

9 **SEC. 16. EFFECTIVE DATE.**

10 Unless otherwise provided, the amendments made by  
11 this Act take effect on October 1, 2003.

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