

With that, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 404.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATIVE AMERICAN CHILDREN'S SAFETY ACT

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1168) to amend the Indian Child Protection and Family Violence Prevention Act to require background checks before foster care placements are ordered in tribal court proceedings, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1168

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Children's Safety Act".

SEC. 2. CRIMINAL RECORDS CHECKS.

Section 408 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207) is amended by adding at the end the following:

"(d) BY TRIBAL SOCIAL SERVICES AGENCY FOR FOSTER CARE PLACEMENTS IN TRIBAL COURT PROCEEDINGS.—

"(1) DEFINITIONS.—In this subsection:

"(A) COVERED INDIVIDUAL.—The term 'covered individual' includes—

"(i) any individual 18 years of age or older; and

"(ii) any individual who the tribal social services agency determines is subject to a criminal records check under paragraph (2)(A).

"(B) FOSTER CARE PLACEMENT.—The term 'foster care placement' means any action removing an Indian child from a parent or Indian custodian for temporary placement in a foster home or institution or the home of a guardian or conservator if—

"(i) the parent or Indian custodian cannot have the child returned on demand; and

"(ii)(I) parental rights have not been terminated; or

"(II) parental rights have been terminated but the child has not been permanently placed.

"(C) INDIAN CUSTODIAN.—The term 'Indian custodian' means any Indian—

"(i) who has legal custody of an Indian child under tribal law or custom or under State law; or

"(ii) to whom temporary physical care, custody, and control has been transferred by the parent of the child.

"(D) PARENT.—The term 'parent' means—

"(i) any biological parent of an Indian child; or

"(ii) any Indian who has lawfully adopted an Indian child, including adoptions under tribal law or custom.

"(E) TRIBAL COURT.—The term 'tribal court' means a court—

"(i) with jurisdiction over foster care placements; and

"(ii) that is—

"(I) a Court of Indian Offenses;

"(II) a court established and operated under the code or custom of an Indian tribe; or

"(III) any other administrative body of an Indian tribe that is vested with authority over foster care placements.

"(F) TRIBAL SOCIAL SERVICES AGENCY.—The term 'tribal social services agency' means the agency of an Indian tribe that has the primary responsibility for carrying out foster care licensing or approval (as of the date on which the proceeding described in paragraph (2)(A) commences) for the Indian tribe.

"(2) CRIMINAL RECORDS CHECK BEFORE FOSTER CARE PLACEMENT.—

"(A) IN GENERAL.—Except as provided in paragraph (3), no foster care placement shall be finally approved and no foster care license shall be issued until the tribal social services agency—

"(i) completes a criminal records check of each covered individual who resides in the household or is employed at the institution in which the foster care placement will be made; and

"(ii) concludes that each covered individual described in clause (i) meets such standards as the Indian tribe shall establish in accordance with subparagraph (B).

"(B) STANDARDS OF PLACEMENT.—The standards described in subparagraph (A)(ii) shall include—

"(i) requirements that each tribal social services agency described in subparagraph (A)—

"(I) perform criminal records checks, including fingerprint-based checks of national crime information databases (as defined in section 534(f)(3) of title 28, United States Code);

"(II) check any abuse registries maintained by the Indian tribe; and

"(III) check any child abuse and neglect registry maintained by the State in which the covered individual resides for information on the covered individual, and request any other State in which the covered individual resided in the preceding 5 years, to enable the tribal social services agency to check any child abuse and neglect registry maintained by that State for such information; and

"(ii) any other additional requirement that the Indian tribe determines is necessary and permissible within the existing authority of the Indian tribe, such as the creation of voluntary agreements with State entities in order to facilitate the sharing of information related to the performance of criminal records checks.

"(C) RESULTS.—Except as provided in paragraph (3), no foster care placement shall be ordered in any proceeding described in subparagraph (A) if an investigation described in clause (i) of that subparagraph reveals that a covered individual described in that clause has been found by a Federal, State, or tribal court to have committed any crime listed in clause (i) or (ii) of section 471(a)(20)(A) of the Social Security Act (42 U.S.C. 671(a)(20)(A)).

"(3) EMERGENCY PLACEMENT.—Paragraph (2) shall not apply to an emergency foster care placement, as determined by a tribal social services agency.

"(4) RECERTIFICATION OF FOSTER HOMES OR INSTITUTIONS.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, each Indian tribe shall establish procedures to recertify homes or institutions in which foster care placements are made.

"(B) CONTENTS.—The procedures described in subparagraph (A) shall include, at a minimum, periodic intervals at which the home or institution shall be subject to recertification to ensure—

"(i) the safety of the home or institution for the Indian child; and

"(ii) that each covered individual who resides in the home or is employed at the institution is subject to a criminal records check in accordance with this subsection, including any covered individual who—

"(I) resides in the home or is employed at the institution on the date on which the procedures established under subparagraph (A) commences; and

"(II) did not reside in the home or was not employed at the institution on the date on which the investigation described in paragraph (2)(A)(i) was completed.

"(C) GUIDANCE ISSUED BY THE SECRETARY.—The procedures established under subparagraph (A) shall be subject to any regulation or guidance issued by the Secretary that is in accordance with the purpose of this subsection.

"(5) GUIDANCE.—Not later than 2 years after the date of enactment of this subsection and after consultation with Indian tribes, the Secretary shall issue guidance regarding—

"(A) procedures for a criminal records check of any covered individual who—

"(i) resides in the home or is employed at the institution in which the foster care placement is made after the date on which the investigation described in paragraph (2)(A)(i) is completed; and

"(ii) was not the subject of an investigation described in paragraph (2)(A)(i) before the foster care placement was made;

"(B) self-reporting requirements for foster care homes or institutions in which any covered individual described in subparagraph (A) resides if the head of the household or the operator of the institution has knowledge that the covered individual—

"(i) has been found by a Federal, State, or tribal court to have committed any crime listed in clause (i) or (ii) of section 471(a)(20)(A) of the Social Security Act (42 U.S.C. 671(a)(20)(A)); or

"(ii) is listed on a registry described in clause (II) or (III) of paragraph (2)(B)(i);

"(C) promising practices used by Indian tribes to address emergency foster care placement procedures under paragraph (3); and

"(D) procedures for certifying compliance with this Act."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentleman from Virginia (Mr. BEYER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I yield such time as he may consume to the gentleman from North Dakota (Mr. CRAMER), the sponsor of this excellent piece of legislation, to explain his bill.

Mr. CRAMER. I thank the chairman for yielding and for his good work on this important legislation.

Mr. Speaker, during the last Congress, while I served on the Natural Resources Committee, we held an oversight hearing regarding the child protection crisis on the Spirit Lake Indian Reservation in North Dakota in response to the numerous child deaths, as well as whistleblower reports that were detailing unsafe tribal placement of almost 40 foster children in abusive homes, many of which were headed by known convicted child sex offenders.

In an effort to protect these children and children around the country, I introduced the Native American Children's Safety Act, a bill that Senator JOHN HOEVEN of North Dakota has also introduced in the United States Senate.

This bill implements across-the-board minimum protections for children placed in foster care at the direction of a tribal court. These standards, Mr. Speaker, mirror existing national requirements for nontribal foster care placements, ensuring that tribal children receive at least the same, if not higher, standards of foster care as nontribal children placed in foster care.

This bill is bipartisan. I believe it is noncontroversial. It was reported out of the Natural Resources Committee in both this Congress and the last Congress with unanimous consent.

I also want to take the time to thank several members of the administration, particularly the BIA, as well as Health and Human Services, for their assistance in refining the bill. I also want to thank the National Indian Child Welfare Association, which assisted in refining the bill, as well as the National Congress of American Indians.

All of these refinements to the bill help make the bill better. More importantly, it provides flexibility to the tribes in fulfilling the obligations of the bill, and I think it makes it a much better bill.

I thank everybody who was involved, as well as my colleagues, and hope that we can pass it without objection today.

Mr. BEYER. Mr. Speaker, I yield myself such time as I may consume.

Currently, Native America tribes and their tribal courts use procedures and guidelines that vary significantly from tribe to tribe when placing a Native American child in a foster home.

Current law does not require that the Federal Government or Indian tribe perform vigorous background checks on foster parents or foster homes in order to ensure the safety, health, and protection of Native children.

Consequently, there have been appalling cases of Native American children ending up in dangerous and unsafe living conditions because they were placed in an overburdened foster care system that failed to ensure sufficient background checks of placement homes. We critically need background checks of individuals and institutions selected to foster Native youth.

H.R. 1168 strengthens background checks on prospective foster care parents prior to placement of Native chil-

dren into foster homes and sets forth a uniform manner in which Federal and tribal agencies serving tribes may conduct such checks.

I ask my colleagues to stand with me in support of Native American children by supporting passage of Mr. CRAMER's bill, H.R. 1168, and I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this has been fully explained. To protect Indian foster children and provide these background checks is a wonderful thing. It is well overdue. I appreciate and commend the gentleman from North Dakota, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 1168.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REVOCATION OF MIAMI TRIBE OF OKLAHOMA CHARTER

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 533) to revoke the charter of incorporation of the Miami Tribe of Oklahoma at the request of that tribe, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 533

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

SECTION 1. REVOCATION OF CHARTER OF INCORPORATION.

The request of the Miami Tribe of Oklahoma to surrender the charter of incorporation issued to that tribe and ratified by its members on June 1, 1940, pursuant to the Act of June 26, 1936 (25 U.S.C. 501 et seq.; commonly known as the "Oklahoma Welfare Act"), is hereby accepted and that charter of incorporation is hereby revoked.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentleman from Virginia (Mr. BEYER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have another piece of legislation that does wonderful

things. It should have been done earlier than this, but this time we are going to get it all the way through the system.

I yield such time as he may consume to the gentleman from Oklahoma (Mr. MULLIN) to explain his legislation.

Mr. MULLIN. I thank the chairman for yielding.

The Miami Tribe's current charter of incorporation is an outdated governing structure that harms business and economic development. We wrote this bill because these charters can only be removed literally by an act of Congress.

The Miami Tribe has said that the outdated charter is inoperable. It imposes restrictions on business operations that are unmanageable and unnecessary.

Oklahoma is known for its entrepreneurial spirit, especially among our State's tribes. It is important that Congress remove these hurdles for investors, business partners, and potential customers.

As lawmakers, it is our job in Congress to foster an atmosphere that promotes economic growth across the country. I take this responsibility very seriously, and I hope that you will join me today in eliminating a needless economic burden on the Miami Tribe in my home State of Oklahoma.

Mr. BEYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the request of the Miami Tribe of Oklahoma, H.R. 533 simply revokes a corporate charter issued to it by the Federal Government.

Under the Oklahoma Indian Welfare Act and the Indian Reorganization Act, many tribes were issued corporate charters in the 1930s and 1940s that were aimed at enabling them to better manage their own affairs and pursue business relationships with private entities.

For some tribes, these corporate charters have proven unnecessary and end up hindering their business opportunities, as they will inevitably come up in negotiations with private entities and are looked upon with suspicion.

The charter must be revoked by an act of Congress, and Mr. MULLIN, on behalf of his constituents, is simply being a good Congressman and complying with the tribe's request through this bill.

Similar legislation has passed over the years without event, and I ask my colleagues to stand with me in support of Mr. MULLIN's noncontroversial bill.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Let me say just a few words about this particular piece legislation by myself. It is a one-page piece of legislation that should be easy to read—and those are always dangerous because they are easy to read—that grants the request from the Miami Tribe of Oklahoma to revoke a charter of incorporation which was issued back in the New Deal era—a 1936 law that was implemented