

Calendar No. 707

103^D CONGRESS
2^D SESSION

S. 2075

[Report No. 103-394]

A BILL

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

OCTOBER 3 (legislative day, SEPTEMBER 12), 1994

Reported with an amendment

Calendar No. 707103^D CONGRESS
2^D SESSION**S. 2075****[Report No. 103-394]**

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

IN THE SENATE OF THE UNITED STATES

MAY 4 (legislative day, MAY 2), 1994

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

OCTOBER 3 (legislative day, SEPTEMBER 12), 1994

Reported by Mr. INOUE, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

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

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

1 **SECTION 1. REAUTHORIZATION AND IMPROVEMENT OF IN-**
2 **DIAN CHILD PROTECTION AND VIOLENCE**
3 **PREVENTION PROGRAMS.**

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

8 (1) by striking “and” at the end of paragraph
9 (17);

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

12 (3) by adding at the end the following new
13 paragraph:

14 “(19) ‘Director’ means the Director of the In-
15 dian Health Service of the Department of Health
16 and Human Services.”.

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

25 (c) ISSUANCE OF MINIMUM CHARACTER STAND-
26 ARDS.—Not later than 1 year after the date of the enact-

1 ment of this Act, the Secretary of the Interior and the
2 Secretary of Health and Human Services shall—

3 (1) publish in the Federal Register regulations
4 containing the minimum standards of character that
5 are required under section 408(a)(3) of the Indian
6 Child Protection and Family Violence Prevention
7 Act (title IV of Public Law 101-630; 25 U.S.C.
8 3207(a)(3)); and

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

11 (d) INDIAN CHILD ABUSE TREATMENT GRANT PRO-
12 GRAM.—

13 (1) ADMINISTRATIVE RESPONSIBILITY.—Sub-
14 section (a) of section 409 of such Act (25 U.S.C.
15 3208) is amended by striking “and in cooperation
16 with the Bureau”.

17 (2) ELIMINATION OF MAXIMUM GRANT
18 AMOUNT.—Such section is further amended—

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

20 (B) by redesignating subsections (d) and
21 (e) as subsections (c) and (d), respectively.

22 (3) EXTENSION OF AUTHORIZATION OF APPRO-
23 PRIATIONS.—Subsection (d) of such section, as re-
24 designated by paragraph (2)(B), is amended by
25 striking “the fiscal years 1992, 1993, 1994, and

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

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

7 (e) INDIAN CHILD RESOURCE AND FAMILY SERVICES
8 CENTERS.—

9 (1) ADMINISTRATIVE RESPONSIBILITY.—Sec-
10 tion 410 of such Act (25 U.S.C. 3209) is amend-
11 ed—

12 (A) in subsection (a), by striking “The
13 Secretary” and inserting in lieu thereof “The
14 Director”;

15 (B) in subsection (b), by striking “The
16 Secretary and the Secretary of Health and
17 Human Services shall” and inserting in lieu
18 thereof “The Secretary and the Director may”;

19 (C) in subsection (d)(5), by inserting “in
20 consultation with the Bureau,” before “develop
21 policies”; and

22 (D) in subsection (f)—

23 (i) by striking “The Secretary, in con-
24 sultation with the Secretary of Health and
25 Human Services,” and inserting in lieu

1 thereof “The Secretary and the Director”;
2 and

3 (ii) by striking “the Secretary” in the
4 second sentence and inserting in lieu there-
5 of “the Director”.

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

10 (3) CENTER ADVISORY BOARDS.—Such section
11 is further amended—

12 (A) in subsection (f)—

13 (i) by striking “an area office of the
14 Bureau” in the second sentence and insert-
15 ing in lieu thereof “a service unit of the
16 Service”; and

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

23 (B) in the second sentence of subsection
24 (g), by striking “an area office of the Bureau”

1 and inserting in lieu thereof “a service unit of
2 the Service”.

3 (4) EXTENSION OF AUTHORIZATION OF APPRO-
4 PRIATIONS.—Subsection (h) of such section is
5 amended by striking “the fiscal years 1992, 1993,
6 1994, and 1995” and inserting in lieu thereof “fiscal
7 years 1995 through 2005”.

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

17 (f) INDIAN CHILD PROTECTION AND FAMILY VIO-
18 LENCE PREVENTION.—

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

21 (A) by striking “Secretary” each place it
22 appears and inserting in lieu thereof “Direc-
23 tor”; and

1 ~~(B)~~ in subsection (a), by striking “the
2 Bureau” and inserting in lieu thereof “the
3 Service”.

4 ~~(2)~~ EXTENSION OF AUTHORIZATION OF APPRO-
5 PRIATIONS.—Subsection (i) of such section is
6 amended by striking “the fiscal years 1992, 1993,
7 1994, and 1995” and inserting in lieu thereof “fiscal
8 years 1995 through 2005”.

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

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

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

22 (a) *SHORT TITLE.*—This Act may be cited as the “In-
23 dian Child Protection and Family Violence Prevention Act
24 Amendments of 1994”.

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

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

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

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

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

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

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

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

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

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

1 (3) by adding at the end the following new para-
2 graph:

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

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

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

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

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

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

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

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

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

5 “(3) Each tribe that receives a grant under paragraph
6 (1) shall furnish the Secretary with such information as
7 the Secretary may require to evaluate the implementation
8 of the central registry and ensure that the grant funds are
9 expended for the purpose for which the grant was made.
10 “(4) There are authorized to be appropriated to the
11 Department of the Interior such sums as may be necessary
12 to carry out this subsection.”.

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

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

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

24 (3) in the last sentence—

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

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

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

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

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

17 “(2) *CONTENT OF GUIDELINES.*—The guidelines
18 developed by the Secretary shall provide for protocols
19 that—

20 “(A) ensure against unnecessary and intru-
21 sive medical examinations; and

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

25 (e) *CHARACTER.*—

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

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

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

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

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

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

21 (A) publish in the Federal Register regula-
22 tions containing the minimum standards of
23 character that are required under section
24 408(a)(3) of the Indian Child Protection and

1 *Family Violence Prevention Act (25 U.S.C.*
2 *3207(a)(3)); and*

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

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

8 *(1) ADMINISTRATIVE RESPONSIBILITY.—Section*
9 *409(a) (25 U.S.C. 3208 (a)) is amended—*

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

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

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

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

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

25 *(A) by striking subsection (c); and*

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

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

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

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

17 (1) *by redesignating sections 410 through 412 as*
18 *sections 411 through 413, respectively; and*

19 (2) *by inserting after section 409 the following*
20 *new section:*

21 **“SEC. 410. INDIAN FAMILY VIOLENCE TREATMENT GRANT**
22 **PROGRAM.**

23 “(a) *ESTABLISHMENT OF GRANT PROGRAM.—The Sec-*
24 *retary of Health and Human Services, acting through the*
25 *Indian Health Service, shall establish a Family Violence*

1 *Grant Program. Such Program shall provide grants to any*
2 *Indian tribe or inter-tribal consortium that submits an ap-*
3 *plication that is approved by the Secretary, for the estab-*
4 *lishment on Indian reservations of treatment programs for*
5 *Indians who have been victims of family violence (including*
6 *Indians who have been victims of elder abuse).*

7 “(b) *GRANT APPLICATIONS.*—

8 “(1) *IN GENERAL.*—*An Indian tribe or inter-*
9 *tribal consortium may submit to the Secretary of*
10 *Health and Human Services an application for a*
11 *grant under subsection (a).*

12 “(2) *APPLICATION CONTENT.*—*An application*
13 *submitted under paragraph (1) shall—*

14 “(A) *be in such form as the Secretary of*
15 *Health and Human Services may prescribe; and*

16 “(B) *specify—*

17 “(i) *the nature of the program that the*
18 *applicant proposes to carry out, and the ex-*
19 *tent to which family violence (including*
20 *elder abuse) will be addressed in the pro-*
21 *gram;*

22 “(ii) *the data and information on*
23 *which the proposed program is based;*

24 “(iii) *the extent to which the proposed*
25 *program would use or incorporate existing*

1 *services that are available on the Indian*
2 *reservation; and*

3 *“(iv) the specific treatment concepts to*
4 *be used under the program.*

5 *“(c) GRANT ADMINISTRATION AND FINAL REPORT.—*
6 *Each recipient of a grant made under subsection (a) shall—*

7 *“(1) furnish the Secretary of Health and Human*
8 *Services with such information as the Secretary may*
9 *require to—*

10 *“(A) evaluate the program for which the*
11 *grant is made; and*

12 *“(B) ensure that the funds provided under*
13 *the grant are expended for the purposes for*
14 *which the grant was made; and*

15 *“(2) submit to the Secretary of Health and*
16 *Human Services on the termination of the period of*
17 *the grant, a final report that shall include such infor-*
18 *mation as such Secretary may require.*

19 *“(d) AUTHORIZATION OF APPROPRIATIONS.—There*
20 *are authorized to be appropriated to the Department of*
21 *Health and Human Services to carry out this section*
22 *\$4,000,000 for each of fiscal years 1995 through 2005.”.*

23 *(h) INDIAN CHILD RESOURCE AND FAMILY SERVICES*
24 *CENTERS.—*

1 (1) *ADMINISTRATIVE RESPONSIBILITY.*—Section
2 411 (as redesignated by subsection (g)(1)) is amend-
3 ed—

4 (A) in subsection (a), by striking “The Sec-
5 retary” and inserting “The Director”;

6 (B) in subsection (b)—

7 (i) by striking “The Secretary and the
8 Secretary of Health and Human Services
9 shall” and inserting “The Secretary and the
10 Director may”; and

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

22 (C) in subsection (d)(2)—

23 (i) by inserting “including” after
24 “family violence”; and

1 (ii) by inserting “and provide incen-
2 tives for Indians pursuing college degrees in
3 social work” after “trainees”;

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

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

9 *“In each area served by a school of the Bureau, an employee
10 of the Office of Indian Education shall serve on the multi-
11 disciplinary team established for the area pursuant to this
12 section.”;*

13 (F) in subsection (f)—

14 (i) by striking “The Secretary, in con-
15 sultation with the Secretary of Health and
16 Human Services, shall establish,” and in-
17 serting “The Director, or the Director and
18 the Secretary (acting jointly in accordance
19 with any Memorandum of Agreement en-
20 tered into under subsection (b)), shall estab-
21 lish,”; and

22 (ii) by striking “the Secretary” in the
23 second sentence and inserting “the Direc-
24 tor”;

1 (G) in the second sentence of subsection (g),
2 by inserting “pursuant to such Act” after “con-
3 tract”.

4 (2) *CENTER SERVICE AREAS.*—Subsection (a) of
5 section 411 (as redesignated by subsection (g)(1), and
6 as amended by paragraph (1)(A)) is further amended
7 by striking “each area office of the Bureau” and in-
8 serting “each area of the Service”.

9 (3) *CENTER ADVISORY BOARDS.*—Section 411 (as
10 redesignated by subsection (g)(1), and as amended by
11 paragraph (1)) is further amended—

12 (A) in subsection (f)—

13 (i) by striking “an area office of the
14 Bureau” in the second sentence and insert-
15 ing “an area of the Service”; and

16 (ii) by adding at the end the following
17 new sentence: “The advisory board shall
18 provide such assistance in accordance with
19 the provisions of the Memorandum of Agree-
20 ment, if any, entered into under subsection
21 (b) of this section.”; and

22 (B) in the second sentence of subsection (g),
23 by striking “an area office of the Bureau” and
24 inserting “an area of the Service”.

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

7 (5) *TRANSFER OF FUNDS.—Notwithstanding any*
8 *other provision of law, the Secretary of the Interior*
9 *shall transfer any funds available to the Department*
10 *of the Interior on the date of the enactment of this Act*
11 *for the purposes of carrying out the functions of the*
12 *Indian Child Resource and Family Services Centers*
13 *to the Secretary of Health and Human Services for*
14 *the purposes of carrying out such functions.*

15 (i) *INDIAN CHILD PROTECTION AND FAMILY VIOLENCE*
16 *PREVENTION.—*

17 (1) *ADMINISTRATIVE RESPONSIBILITY.—Section*
18 *412 (as redesignated by subsection (g)(1)) is amend-*
19 *ed—*

20 (A) *by striking “Secretary” each place it*
21 *appears and inserting “Director”; and*

22 (B) *in subsection (a), by striking “the*
23 *Bureau” and inserting in lieu thereof “the Serv-*
24 *ice”.*

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

7 (3) *MISCELLANEOUS AMENDMENTS.—Section*
8 *412 (as redesignated by subsection (g)(1), and as*
9 *amended by paragraph (1)) is further amended—*

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

14 (B) *in subsection (d)(3)—*

15 (i) *in the matter preceding subpara-*
16 *graph (A), by inserting “and family vio-*
17 *lence” after “multidisciplinary child*
18 *abuse”;*

19 (ii) *in subparagraph (A), by inserting*
20 *“and family violence” after “child abuse”;*
21 *and*

22 (iii) *in subparagraph (B)—*

23 (I) *by inserting “and family vio-*
24 *lence” after “child abuse”; and*

1 (II) by striking “child victim”
2 and inserting “victim”;

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

5 (D) by striking “(f) SECRETARIAL REGULA-
6 TIONS; BASE SUPPORT FUNDING.—” and insert-
7 ing the following:

8 “(e) COMPETITIVE GRANTS.—”; and

9 (E) in subsection (e) (as so redesignated)—

10 (i) in paragraph (1), by striking “,
11 and promulgate by regulations, a formula
12 which establishes base support funding” and
13 inserting “a competitive grant program”;

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

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

19 “(i) with respect to the applicant, and
20 among other criteria, the degree of need, preexist-
21 ing resources; and

22 “(ii) if feasible, the potential of the grant in
23 facilitating the development on a regional level of
24 intertribal cooperative programs.

1 “(B) In developing regulations for the competi-
2 tive grant program established under this subsection,
3 the Secretary of Health and Human Services, acting
4 through the Director, shall develop, in consultation
5 with Indian tribes, appropriate caseload standards
6 and staffing requirements that account for the re-
7 sources and needs of Indian tribes and tribal organi-
8 zations. ”;

9 (iii) in paragraph (3)—

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

15 (II) in subparagraph (A), by in-
16 serting before the semicolon the follow-
17 ing: “, including any projected re-
18 gional development of intertribal pro-
19 grams, if feasible”; and

20 (iv) in paragraph (4), by striking “for-
21 mula established” and inserting “grants
22 awarded”.

23 (4) *TRANSFER OF FUNDS.*—Notwithstanding any
24 other provision of law, the Secretary of the Interior
25 shall transfer any funds available to the Department

1 *of the Interior, on the date of the enactment of this*
2 *Act for the purposes of carrying out the Indian Child*
3 *Protection and Family Violence Prevention Program*
4 *established under section 412 of the Indian Child Pro-*
5 *tection and Family Violence Prevention Act (as redes-*
6 *ignated by subsection (g)(1)), to the Secretary of*
7 *Health and Human Services for the purposes of car-*
8 *rying out such program.*

9 *(j) RESPONSIBILITY FOR ANNUAL REPORT.—Section*
10 *413 (as redesignated by subsection (g)(1)) is amended by*
11 *striking “Secretary” and inserting “Director”.*

12 *(k) CONFORMING AMENDMENTS.—Section 407(c) (25*
13 *U.S.C. 3206) is amended—*

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

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

S 2075 RS—2