

108TH CONGRESS
1ST SESSION

S. 1601

To amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 9, 2003

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

A BILL

To amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, 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.**

4 This Act may be cited as the “Indian Child Protec-
5 tion and Family Violence Prevention Reauthorization Act
6 of 2003”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 Section 402 of the Indian Child Protection and Fam-
3 ily Violence Prevention Act (25 U.S.C. 3201) is amend-
4 ed—

5 (1) in subsection (a)—

6 (A) by striking paragraph (1) and insert-
7 ing the following:

8 “(1) finds that—

9 “(A) Indian children are the most precious
10 resource of Indian tribes and need special pro-
11 tection by the United States;

12 “(B) the number of reported incidences of
13 child abuse on Indian reservations continues to
14 rise at an alarming rate, but the reduction of
15 such incidences is hindered by the lack of—

16 “(i) community awareness in identi-
17 fication and reporting methods;

18 “(ii) interagency coordination for re-
19 porting, investigating, and prosecuting;
20 and

21 “(iii) tribal infrastructure for man-
22 aging, preventing, and treating child abuse
23 cases;

24 “(C) improvements are needed to combat
25 the continuing child abuse on Indian reserva-
26 tions, including—

1 “(i) education to identify symptoms
2 consistent with child abuse;

3 “(ii) extensive background investiga-
4 tions of Federal and tribal employees, vol-
5 unteers, and contractors who care for,
6 teach, or otherwise have regular contact
7 with Indian children;

8 “(iii) strategies to ensure the safety of
9 child protection workers; and

10 “(iv) support systems for the victims
11 of child abuse and their families; and

12 “(D) funds spent by the United States on
13 Indian reservations for the benefit of Indian
14 victims of child abuse or family violence are in-
15 adequate to combat child abuse and to meet the
16 growing needs for mental health treatment and
17 counseling for those victims and their fami-
18 lies.”;

19 (B) in paragraph (2)—

20 (i) by striking “two” and inserting
21 “the”;

22 (ii) in subparagraph (B)—

23 (I) by inserting after “provide
24 funds for” the following: “developing
25 a comprehensive tribal child abuse

1 and family violence program including
2 training and technical assistance for
3 identifying, addressing, and decreas-
4 ing such incidents and for”; and

5 (II) by striking the period at the
6 end and inserting a semicolon; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(C) implement strategies to increase the
10 safety of child protection workers;

11 “(D) assist tribes in developing the nec-
12 essary infrastructure to combat and reduce
13 child abuse on Indian reservations; and

14 “(E) identify and remove impediments to
15 the prevention and reduction of child abuse on
16 Indian reservations, including elimination of ex-
17 isting barriers, such as difficulties in sharing
18 information among agencies and differences be-
19 tween the values and treatment protocols of the
20 different agencies.”; and

21 (2) in subsection (b)—

22 (A) in paragraph (1), by striking “prevent
23 further abuse” and inserting “prevent and pros-
24 ecute child abuse”;

1 (B) in paragraph (2), by striking “author-
2 ize a study to determine the need for a central
3 registry for reported incidents of abuse” and in-
4 serting “build tribal infrastructure needed to
5 maintain and coordinate databases”;

6 (C) by striking paragraph (3);

7 (D) by redesignating paragraphs (4), (5),
8 (6), and (7) as paragraphs (3), (4), (5), and
9 (6), respectively;

10 (E) in paragraph (3) (as redesignated by
11 subparagraph (D)), by striking “sexual”;

12 (F) in paragraph (5) (as redesignated by
13 subparagraph (D)), by striking “Area” and in-
14 serting “Regional”;

15 (G) in paragraph (6) (as redesignated by
16 subparagraph (D))—

17 (i) by inserting “child abuse and”
18 after “incidents of”; and

19 (ii) by inserting “through tribally-op-
20 erated programs” after “family violence”;

21 (H) by inserting after paragraph (6) (as
22 redesignated by subparagraph (D)) the fol-
23 lowing:

1 “(7) conduct a study to identify the impedi-
2 ments to effective prevention, investigation, prosecu-
3 tion, and treatment of child abuse;”; and

4 (I) by striking paragraph (8) and inserting
5 the following:

6 “(8) develop strategies to protect the safety of
7 the child protection workers while performing re-
8 sponsibilities under this title; and”.

9 **SEC. 3. DEFINITIONS.**

10 Section 403(3) of the Indian Child Protection and
11 Family Violence Prevention Act (25 U.S.C. 3202(3)) is
12 amended—

13 (1) in subparagraph (A), by striking “and” at
14 the end;

15 (2) in subparagraph (B), by adding “and” at
16 the end; and

17 (3) by adding at the end the following:

18 “(C) any case in which a child is subjected
19 to family violence;”.

20 **SEC. 4. REPORTING PROCEDURES.**

21 Section 404(b) of the Indian Child Protection and
22 Family Violence Prevention Act (25 U.S.C. 3203(b)) is
23 amended by adding at the end the following:

24 “(3) COOPERATIVE REPORTING.—If—

1 “(A) a report of abuse or family violence
2 involves an alleged abuser who is a non-Indian;
3 and

4 “(B) a preliminary inquiry indicates a
5 criminal violation has occurred;
6 the local law enforcement agency (if other than the
7 State law enforcement agency) shall immediately re-
8 port the occurrence to the State law enforcement
9 agency.”.

10 **SEC. 5. CENTRAL REGISTRY.**

11 The Indian Child Protection and Family Violence
12 Prevention Act is amended by striking section 405 (25
13 U.S.C. 3204) and inserting the following:

14 **“SEC. 405. BARRIERS TO IMPLEMENTATION.**

15 “(a) IN GENERAL.—The Secretary, in consultation
16 with the Secretary of Health and Human Services and the
17 Attorney General, shall conduct a study to identify impedi-
18 ments to the reduction of child abuse on Indian reserva-
19 tions.

20 “(b) MATTERS TO BE EVALUATED.—In conducting
21 the study under subsection (a), the Secretary shall, at a
22 minimum, evaluate the interagency and intergovernmental
23 cooperation and jurisdictional impediments in investiga-
24 tions and prosecutions.

25 “(c) REPORT.—

1 “(1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this paragraph, the
3 Secretary shall submit to Congress a report that de-
4 scribes the results of the study under subsection (a).

5 “(2) CONTENTS.—The report under paragraph
6 (1) shall include—

7 “(A) any findings made in the study;

8 “(B) recommendations on ways to elimi-
9 nate impediments described in subsection (a);
10 and

11 “(C) cost estimates for implementing the
12 recommendations.”.

13 **SEC. 6. CHARACTER INVESTIGATIONS.**

14 Section 408 of the Indian Child Protection and Fam-
15 ily Violence Prevention Act (25 U.S.C. 3207) is amend-
16 ed—

17 (1) in subsection (a)—

18 (A) in paragraph (1), by inserting “(in-
19 cluding contracted and volunteer positions),”
20 after “authorized positions”; and

21 (B) in paragraph (3), by striking the pe-
22 riod at the end and inserting the following: “,
23 which—

24 “(A) shall include a background check,
25 based on a set of fingerprints of the employee,

1 volunteer or contractor that may be conducted
 2 through the Federal Bureau of Investigation;
 3 and

4 “(B) may include a review of applicable
 5 State criminal history repositories.”; and

6 (2) in subsection (c)—

7 (A) in paragraph (1), by inserting after
 8 “who is” the following: “a volunteer or con-
 9 tractor or is”; and

10 (B) in paragraph (2), by striking “employ”
 11 and inserting “contract with, accept, or em-
 12 ploy”.

13 **SEC. 7. INDIAN CHILD ABUSE TREATMENT GRANT PRO-**
 14 **GRAM.**

15 Section 409 of the Indian Child Protection and Fam-
 16 ily Violence Prevention Act (25 U.S.C. 3208) is amend-
 17 ed—

18 (1) in subsection (a), by striking “sexual”;

19 (2) by redesignating subsection (e) as sub-
 20 section (f);

21 (3) by inserting after subsection (d) the fol-
 22 lowing:

23 “(e) DEMONSTRATION PROJECT.—

24 “(1) IN GENERAL.—The Secretary of Health
 25 and Human Services shall establish demonstration

1 projects to facilitate the development of a culturally-
2 sensitive traditional healing treatment program for
3 child abuse and family violence to be operated by an
4 Indian tribe, tribal organization, or inter-tribal con-
5 sortium.

6 “(2) APPLICATION.—

7 “(A) IN GENERAL.—An Indian tribe, tribal
8 organization, or inter-tribal consortium may
9 submit an application to participate in a dem-
10 onstration project in such form as the Secretary
11 of Health and Human Services may prescribe.

12 “(B) CONTENTS.—As part of an applica-
13 tion under subparagraph (A), the Secretary of
14 Health and Human Services shall require—

15 “(i) the information described in sub-
16 section (b)(2)(C);

17 “(ii) a proposal for development of
18 educational materials and resources, to the
19 extent culturally appropriate; and

20 “(iii) proposed strategies to use and
21 maintain the integrity of traditional heal-
22 ing methods.

23 “(3) CONSIDERATIONS.—In selecting the par-
24 ticipants in demonstration projects established under
25 this subsection, the Secretary of Health and Human

1 Services shall give special consideration to projects
2 relating to behavioral and emotional effects of child
3 abuse, elimination of abuse by parents, and reunifi-
4 cation of the family.”; and

5 (4) in subsection (f) (as redesignated by para-
6 graph (2))—

7 (A) by striking “there” and inserting
8 “There”; and

9 (B) by striking “\$10,000,000 for each of
10 the years 1992, 1993, 1994, 1995, 1996 and
11 1997” and inserting “such sums as are nec-
12 essary to carry out this section for each of fis-
13 cal years 2005 through 2010, of which a spe-
14 cific sum shall be specifically set aside each
15 year for the demonstration projects established
16 under subsection (e).”.

17 **SEC. 8. INDIAN CHILD RESOURCE AND FAMILY SERVICES**
18 **CENTERS.**

19 Section 410 of the Indian Child Protection and Fam-
20 ily Violence Prevention Act (25 U.S.C. 3209) is amend-
21 ed—

22 (1) in subsection (a) by striking “area” and in-
23 serting “Regional”;

24 (2) in subsection (b)—

1 (A) by striking “Secretary and” and in-
2 serting “Secretary,”; and

3 (B) by striking “Services” and inserting
4 “Services, and the Attorney General”;

5 (3) in subsection (d)(5), by striking “area” and
6 inserting “Region”;

7 (4) in subsection (f)—

8 (A) in the second sentence, by striking “an
9 area” and inserting “a Regional”; and

10 (B) in the last sentence, by inserting “de-
11 veloping strategies,” after “Center in”;

12 (5) in the second sentence of subsection (g)—

13 (A) by striking “an area” and inserting “a
14 Regional”; and

15 (B) by striking “Juneau Area” and insert-
16 ing “Alaska Region”; and

17 (6) in subsection (h), by striking “\$3,000,000
18 for each of the fiscal years 1992, 1993, 1994, 1995,
19 1996 and 1997” and inserting “such sums as are
20 necessary to carry out this section for each of fiscal
21 years 2005 through 2010”.

1 **SEC. 9. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE**
2 **PREVENTION PROGRAM.**

3 Section 411 of the Indian Child Protection and Fam-
4 ily Violence Prevention Act (25 U.S.C. 3210) is amend-
5 ed—

6 (1) in subsection (c)—

7 (A) in paragraph (1), by inserting “coordi-
8 nation, reporting and” before “investigation”;

9 (B) in paragraph (2) by inserting “child
10 abuse and” after “incidents of”;

11 (2) in subsection (d)—

12 (A) in paragraph (1)(C), by inserting “and
13 other related items” after “equipment”; and

14 (B) in paragraph (3)—

15 (i) in subparagraph (B), by striking “,
16 and” at the end and inserting a semicolon;

17 (ii) in subparagraph (C), by inserting
18 after “responsibilities” the following: “and
19 specify appropriate measures for ensuring
20 child protection worker safety while per-
21 forming responsibilities under this title”;
22 and

23 (iii) by adding at the end the fol-
24 lowing:

25 “(D) provide for training programs or ex-
26 penses for child protection services personnel,

1 law enforcement personnel or judicial personnel
2 to meet any certification requirements nec-
3 essary to fulfill the responsibilities under any
4 intergovernmental or interagency agreement;
5 and

6 “(E) develop and implement strategies de-
7 signed to ensure the safety of child protection
8 workers while performing responsibilities under
9 this Act;”;

10 (3) in paragraph (6), by striking “and” at the
11 end;

12 (4) by redesignating paragraph (7) as para-
13 graph (8);

14 (5) by inserting after paragraph (6) the fol-
15 lowing:

16 “(7) infrastructure enhancements to improve
17 tribal data systems to monitor the progress of fami-
18 lies, evaluate service and treatment outcomes, and
19 determine the most effective approaches and activi-
20 ties; and”

21 (6) by redesignating subsections (f), (g), (h),
22 and (i) as paragraphs (e), (f), (g), and (h), respec-
23 tively;

1 (7) in paragraph (1) of subsection (g) (as re-
2 designated by paragraph (6)), by striking subpara-
3 graph (A) and inserting the following:

4 “(A) evaluate the program for which the
5 award is made, including examination of—

6 “(i) the range and scope of training
7 opportunities, including numbers and per-
8 centage of child protection workers en-
9 gaged in the training programs;

10 “(ii) the threats to child protection
11 workers, if any, and the strategies used to
12 address the safety of child protection work-
13 ers; and

14 “(iii) the community outreach and
15 awareness programs including any strate-
16 gies to increase the ability of the commu-
17 nity to contact appropriate reporting offi-
18 cials regarding occurrences of child
19 abuse.”; and

20 (8) in subsection (h) (as redesignated by para-
21 graph (6)), by striking “\$30,000,000 for each of fis-
22 cal years 1992, 1993, 1994, 1995, 1996 and 1997”
23 and inserting “such sums as are necessary to carry

1 out this section for each of fiscal years 2005 through
2 2010.”.

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