

The resolution, with its preamble, reads as follows:

S. RES. 444

Whereas the organization now known as the Veterans of Foreign Wars of the United States ("VFW") was founded in Columbus, Ohio, on September 29, 1899;

Whereas the VFW represents approximately 2,000,000 veterans of the Armed Forces who served overseas in World War I, World War II, Korea, Vietnam, the Persian Gulf War, Bosnia, Iraq, and Afghanistan; and

Whereas the VFW has, for the past 105 years, provided voluntary and unselfish service to the Armed Forces and to veterans, communities, States, and the United States, and has worked toward the betterment of veterans in general and society as a whole: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic significance of the 105th anniversary of the founding of the Veterans of Foreign Wars of the United States ("VFW");

(2) congratulates the VFW on achieving that milestone;

(3) commends the approximately 2,000,000 veterans who belong to the VFW and thanks them for their service to their fellow veterans and the United States; and

(4) recognizes the VFW's national Commander-in-Chief, John Furgess, for his service and dedication to the veterans of the United States.

BINDING ARBITRATION FOR SALT RIVER PIMA-MARICOPA INDIAN RESERVATION CONTRACTS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 652, H.R. 4115.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4115) to amend the Act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4115) was read the third time and passed.

INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT OF 2003

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 438, S. 1601.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (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.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following: (Strike the part shown in black brackets and insert the part shown in italic.)

S. 1601

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 "Indian Child Protection and Family Violence Prevention Reauthorization Act of 2003".

SEC. 2. FINDINGS AND PURPOSE.

[Section 402 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201) is amended—

[(1) in subsection (a)—

[(A) by striking paragraph (1) and inserting the following:

["(1) finds that—

["(A) Indian children are the most precious resource of Indian tribes and need special protection by the United States;

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

["(i) community awareness in identification and reporting methods;

["(ii) interagency coordination for reporting, investigating, and prosecuting; and

["(iii) tribal infrastructure for managing, preventing, and treating child abuse cases;

["(C) improvements are needed to combat the continuing child abuse on Indian reservations, including—

["(i) education to identify symptoms consistent with child abuse;

["(ii) extensive background investigations of Federal and tribal employees, volunteers, and contractors who care for, teach, or otherwise have regular contact with Indian children;

["(iii) strategies to ensure the safety of child protection workers; and

["(iv) support systems for the victims of child abuse and their families; and

["(D) funds spent by the United States on Indian reservations for the benefit of Indian victims of child abuse or family violence are inadequate to combat child abuse and to meet the growing needs for mental health treatment and counseling for those victims and their families.";

[(B) in paragraph (2)—

[(i) by striking "two" and inserting "the";

[(ii) in subparagraph (B)—

[(I) by inserting after "provide funds for" the following: "developing a comprehensive tribal child abuse and family violence program including training and technical assistance for identifying, addressing, and decreasing such incidents and for"; and

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

[(iii) by adding at the end the following:

["(C) implement strategies to increase the safety of child protection workers;

["(D) assist tribes in developing the necessary infrastructure to combat and reduce child abuse on Indian reservations; and

["(E) identify and remove impediments to the prevention and reduction of child abuse on Indian reservations, including elimination of existing barriers, such as difficulties in sharing information among agencies and differences between the values and treatment protocols of the different agencies.";

and

[(2) in subsection (b)—

[(A) in paragraph (1), by striking "prevent further abuse" and inserting "prevent and prosecute child abuse";

[(B) in paragraph (2), by striking "authorize a study to determine the need for a central registry for reported incidents of abuse" and inserting "build tribal infrastructure needed to maintain and coordinate databases";

[(C) by striking paragraph (3);

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

[(E) in paragraph (3) (as redesignated by subparagraph (D)), by striking "sexual";

[(F) in paragraph (5) (as redesignated by subparagraph (D)), by striking "Area" and inserting "Regional";

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

[(i) by inserting "child abuse and" after "incidents of"; and

[(ii) by inserting "through tribally-operated programs" after "family violence";

[(H) by inserting after paragraph (6) (as redesignated by subparagraph (D)) the following:

["(7) conduct a study to identify the impediments to effective prevention, investigation, prosecution, and treatment of child abuse"; and

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

["(8) develop strategies to protect the safety of the child protection workers while performing responsibilities under this title; and".

SEC. 3. DEFINITIONS.

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

[(1) in subparagraph (A), by striking "and" at the end;

[(2) in subparagraph (B), by adding "and" at the end; and

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

["(C) any case in which a child is subjected to family violence";.

SEC. 4. REPORTING PROCEDURES.

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

["(3) COOPERATIVE REPORTING.—If—

["(A) a report of abuse or family violence involves an alleged abuser who is a non-Indian; and

["(B) a preliminary inquiry indicates a criminal violation has occurred;

the local law enforcement agency (if other than the State law enforcement agency) shall immediately report the occurrence to the State law enforcement agency.".

SEC. 5. CENTRAL REGISTRY.

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

["SEC. 405. BARRIERS TO IMPLEMENTATION.

["(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services and the Attorney General, shall conduct a study to identify impediments to the reduction of child abuse on Indian reservations.

["(b) MATTERS TO BE EVALUATED.—In conducting the study under subsection (a), the Secretary shall, at a minimum, evaluate the interagency and intergovernmental cooperation and jurisdictional impediments in investigations and prosecutions.

["(c) REPORT.—

["(1) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall submit to Congress a report that describes the results of the study under subsection (a).

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

“(A) any findings made in the study;

“(B) recommendations on ways to eliminate impediments described in subsection (a); and

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

[SEC. 6. CHARACTER INVESTIGATIONS.]

[Section 408 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207) is amended—

“(1) in subsection (a)—

“(A) in paragraph (1), by inserting “(including contracted and volunteer positions),” after “authorized positions”; and

“(B) in paragraph (3), by striking the period at the end and inserting the following: “, which—

“(A) shall include a background check, based on a set of fingerprints of the employee, volunteer or contractor that may be conducted through the Federal Bureau of Investigation; and

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

“(2) in subsection (c)—

“(A) in paragraph (1), by inserting after “who is” the following: “a volunteer or contractor or is”; and

“(B) in paragraph (2), by striking “employ” and inserting “contract with, accept, or employ”.

[SEC. 7. INDIAN CHILD ABUSE TREATMENT GRANT PROGRAM.]

[Section 409 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3208) is amended—

“(1) in subsection (a), by striking “sexual”; (2) by redesignating subsection (e) as subsection (f);

“(3) by inserting after subsection (d) the following:

“(e) DEMONSTRATION PROJECT.—

“(1) IN GENERAL.—The Secretary of Health and Human Services shall establish demonstration projects to facilitate the development of a culturally-sensitive traditional healing treatment program for child abuse and family violence to be operated by an Indian tribe, tribal organization, or inter-tribal consortium.

“(2) APPLICATION.—

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

“(B) CONTENTS.—As part of an application under subparagraph (A), the Secretary of Health and Human Services shall require—

“(i) the information described in subsection (b)(2)(C);

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

“(iii) proposed strategies to use and maintain the integrity of traditional healing methods.

“(3) CONSIDERATIONS.—In selecting the participants in demonstration projects established under this subsection, the Secretary of Health and Human Services shall give special consideration to projects relating to behavioral and emotional effects of child abuse, elimination of abuse by parents, and reunification of the family.”; and

“(4) in subsection (f) (as redesignated by paragraph (2))—

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

“(B) by striking “\$10,000,000 for each of the years 1992, 1993, 1994, 1995, 1996 and 1997” and inserting “such sums as are necessary to carry out this section for each of fiscal years 2005 through 2010, of which a specific sum

shall be specifically set aside each year for the demonstration projects established under subsection (e).”.

[SEC. 8. INDIAN CHILD RESOURCE AND FAMILY SERVICES CENTERS.]

[Section 410 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3209) is amended—

“(1) in subsection (a) by striking “area” and inserting “Regional”; (2) in subsection (b)—

“(A) by striking “Secretary and” and inserting “Secretary,”; and

“(B) by striking “Services” and inserting “Services, and the Attorney General”; (3) in subsection (d)(5), by striking “area” and inserting “Region”; (4) in subsection (f)—

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

“(B) in the last sentence, by inserting “developing strategies,” after “Center in”; (5) in the second sentence of subsection (g)—

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

“(B) by striking “Juneau Area” and inserting “Alaska Region”; and

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

[SEC. 9. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION PROGRAM.]

[Section 411 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3210) is amended—

“(1) in subsection (c)—

“(A) in paragraph (1), by inserting “coordination, reporting and” before “investigation”; (B) in paragraph (2) by inserting “child abuse and” after “incidents of”; (2) in subsection (d)—

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

“(B) in paragraph (3)—

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

“(ii) in subparagraph (C), by inserting after “responsibilities” the following: “and specify appropriate measures for ensuring child protection worker safety while performing responsibilities under this title”; and

“(iii) by adding at the end the following:

“(D) provide for training programs or expenses for child protection services personnel, law enforcement personnel or judicial personnel to meet any certification requirements necessary to fulfill the responsibilities under any intergovernmental or interagency agreement; and

“(E) develop and implement strategies designed to ensure the safety of child protection workers while performing responsibilities under this Act;”; (3) in paragraph (6), by striking “and” at the end;

“(4) by redesignating paragraph (7) as paragraph (8); (5) by inserting after paragraph (6) the following:

“(7) infrastructure enhancements to improve tribal data systems to monitor the progress of families, evaluate service and treatment outcomes, and determine the most effective approaches and activities; and”

“(6) by redesignating subsections (f), (g), (h), and (i) as paragraphs (e), (f), (g), and (h), respectively;

“(7) in paragraph (1) of subsection (g) (as redesignated by paragraph (6)), by striking subparagraph (A) and inserting the following:

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

“(i) the range and scope of training opportunities, including numbers and percentage of child protection workers engaged in the training programs;

“(ii) the threats to child protection workers, if any, and the strategies used to address the safety of child protection workers; and

“(iii) the community outreach and awareness programs including any strategies to increase the ability of the community to contact appropriate reporting officials regarding occurrences of child abuse.”; and

“(8) in subsection (h) (as redesignated by paragraph (6)), by striking “\$30,000,000 for each of fiscal years 1992, 1993, 1994, 1995, 1996 and 1997” and inserting “such sums as are necessary to carry out this section for each of fiscal years 2005 through 2010.”.]

SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Child Protection and Family Violence Prevention Reauthorization Act of 2004”.

SEC. 2. FINDINGS AND PURPOSE.

Section 402 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

“(1) finds that—

“(A) Indian children are the most precious resource of Indian tribes and need special protection by the United States;

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

“(i) community awareness in identification and reporting methods;

“(ii) interagency coordination for reporting, investigating, and prosecuting; and

“(iii) tribal infrastructure for managing, preventing, and treating child abuse cases;

“(C) improvements are needed to combat the continuing child abuse on Indian reservations, including—

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

“(ii) extensive background investigations of Federal and tribal employees, volunteers, and contractors who care for, teach, or otherwise have regular contact with Indian children;

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

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

“(D) funds spent by the United States on Indian reservations for the benefit of Indian victims of child abuse or family violence are inadequate to combat child abuse and to meet the growing needs for mental health treatment and counseling for those victims and their families.”;

(B) in paragraph (2)—

(i) by striking “two” and inserting “the”; (ii) in subparagraph (B)—

(I) by inserting after “provide funds for” the following: “developing a comprehensive tribal child abuse and family violence program including training and technical assistance for identifying, addressing, and decreasing such incidents and for”; and

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

(iii) by adding at the end the following:

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

“(D) assist tribes in developing the necessary infrastructure to combat and reduce child abuse on Indian reservations; and

“(E) identify and remove impediments to the prevention and reduction of child abuse on Indian reservations, including elimination of existing barriers, such as difficulties in sharing information among agencies and differences between the values and treatment protocols of the different agencies.”; and

(C) in paragraph (3), by striking “and” at the end and inserting a semicolon; and

(D) in paragraph (4), by striking “and” at the end and inserting a semicolon; and

(E) in paragraph (5), by striking “and” at the end and inserting a semicolon; and

(F) in paragraph (6), by striking “and” at the end and inserting a semicolon; and

(G) in paragraph (7), by striking “and” at the end and inserting a semicolon; and

(H) in paragraph (8), by striking “and” at the end and inserting a semicolon; and

(I) in paragraph (9), by striking “and” at the end and inserting a semicolon; and

(J) in paragraph (10), by striking “and” at the end and inserting a semicolon; and

(K) in paragraph (11), by striking “and” at the end and inserting a semicolon; and

(L) in paragraph (12), by striking “and” at the end and inserting a semicolon; and

(M) in paragraph (13), by striking “and” at the end and inserting a semicolon; and

(N) in paragraph (14), by striking “and” at the end and inserting a semicolon; and

(O) in paragraph (15), by striking “and” at the end and inserting a semicolon; and

(P) in paragraph (16), by striking “and” at the end and inserting a semicolon; and

(Q) in paragraph (17), by striking “and” at the end and inserting a semicolon; and

(R) in paragraph (18), by striking “and” at the end and inserting a semicolon; and

(S) in paragraph (19), by striking “and” at the end and inserting a semicolon; and

(T) in paragraph (20), by striking “and” at the end and inserting a semicolon; and

(U) in paragraph (21), by striking “and” at the end and inserting a semicolon; and

(V) in paragraph (22), by striking “and” at the end and inserting a semicolon; and

(W) in paragraph (23), by striking “and” at the end and inserting a semicolon; and

(X) in paragraph (24), by striking “and” at the end and inserting a semicolon; and

(Y) in paragraph (25), by striking “and” at the end and inserting a semicolon; and

(Z) in paragraph (26), by striking “and” at the end and inserting a semicolon; and

(AA) in paragraph (27), by striking “and” at the end and inserting a semicolon; and

(AB) in paragraph (28), by striking “and” at the end and inserting a semicolon; and

(AC) in paragraph (29), by striking “and” at the end and inserting a semicolon; and

(AD) in paragraph (30), by striking “and” at the end and inserting a semicolon; and

(AE) in paragraph (31), by striking “and” at the end and inserting a semicolon; and

(AF) in paragraph (32), by striking “and” at the end and inserting a semicolon; and

(AG) in paragraph (33), by striking “and” at the end and inserting a semicolon; and

(AH) in paragraph (34), by striking “and” at the end and inserting a semicolon; and

(AI) in paragraph (35), by striking “and” at the end and inserting a semicolon; and

(AJ) in paragraph (36), by striking “and” at the end and inserting a semicolon; and

(AK) in paragraph (37), by striking “and” at the end and inserting a semicolon; and

(AL) in paragraph (38), by striking “and” at the end and inserting a semicolon; and

(AM) in paragraph (39), by striking “and” at the end and inserting a semicolon; and

(AN) in paragraph (40), by striking “and” at the end and inserting a semicolon; and

(AO) in paragraph (41), by striking “and” at the end and inserting a semicolon; and

(AP) in paragraph (42), by striking “and” at the end and inserting a semicolon; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “prevent further abuse” and inserting “prevent and prosecute child abuse”;

(B) in paragraph (2), by striking “authorize a study to determine the need for a central registry for reported incidents of abuse” and inserting “build tribal infrastructure needed to maintain and coordinate databases”;

(C) by striking paragraph (3);

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

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

(F) in paragraph (5) (as redesignated by subparagraph (D)), by striking “Area” and inserting “Regional”;

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

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

(ii) by inserting “through tribally-operated programs” after “family violence”;

(H) by inserting after paragraph (6) (as redesignated by subparagraph (D)) the following:

“(7) conduct a study to identify the impediments to effective prevention, investigation, prosecution, and treatment of child abuse;”;

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

“(8) develop strategies to protect the safety of the child protection workers while performing responsibilities under this title; and”.

SEC. 3. DEFINITIONS.

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

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

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

(3) by adding at the end the following:

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

SEC. 4. REPORTING PROCEDURES.

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

“(3) COOPERATIVE REPORTING.—If—

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

“(B) a preliminary inquiry indicates a criminal violation has occurred;

the local law enforcement agency (if other than the State law enforcement agency) shall immediately report the occurrence to the State law enforcement agency.”.

SEC. 5. BARRIERS TO REDUCING CHILD ABUSE.

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

“SEC. 405. BARRIERS TO REDUCING CHILD ABUSE.

“(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services and the Attorney General, shall conduct a study to identify impediments to the reduction of child abuse on Indian reservations.

“(b) MATTERS TO BE EVALUATED.—In conducting the study under subsection (a), the Secretary shall, at a minimum, evaluate the inter-agency and intergovernmental cooperation and jurisdictional impediments in investigations and prosecutions.

“(c) REPORT.—

“(1) IN GENERAL.—Not later than 18 months after the date of enactment of this paragraph, the Secretary shall submit to Congress a report that describes the results of the study under subsection (a).

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

“(A) any findings made in the study;

“(B) any recommendations that the Secretary considers appropriate on ways to eliminate impediments described in subsection (a); and

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

SEC. 6. CHARACTER INVESTIGATIONS.

Section 408 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “(including contracted and volunteer positions),” after “authorized positions”; and

(B) in paragraph (3), by striking the period at the end and inserting the following: “, which—

“(A) shall include a background check, based on a set of fingerprints of the employee, volunteer or contractor that may be conducted through the Federal Bureau of Investigation; and

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

(2) in subsection (c)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(B) by striking “Each” and inserting the following:

“(1) IN GENERAL.—Each”;

(C) in subparagraph (A) (as redesignated by subparagraph (A)), by inserting after “who is” the following: “a volunteer or contractor or is”;

(D) in subparagraph (B) (as redesignated by subparagraph (A)), by striking “employ” and inserting “contract with, accept, or employ”;

(E) by adding at the end the following:

“(2) SATISFACTION OF REQUIREMENTS.—

“(A) INVESTIGATIONS.—An investigation conducted under paragraph (1)(A) shall be considered to satisfy any requirement under any other Federal law for a background check in connection with the placement of an Indian child in a foster or adoptive home, or an institution.

“(B) LICENSING OR APPROVAL.—On certification by an Indian tribe that the Indian tribe is in compliance with paragraph (1), the licensing or approval of guardianships, foster or adoptive homes, or institutions by an Indian tribe in accordance with tribal law shall be considered to be equivalent to licensing or approval by a State for the purposes of any law that authorizes placement in or provides funding for guardianships, foster or adoptive homes, or institutions.”.

SEC. 7. INDIAN CHILD ABUSE TREATMENT GRANT PROGRAM.

Section 409 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3208) is amended—

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

(2) by redesignating subsection (e) as subsection (f);

(3) by inserting after subsection (d) the following:

“(e) DEMONSTRATION PROJECT.—

“(1) IN GENERAL.—The Secretary of Health and Human Services shall establish demonstration projects to facilitate the development of a culturally-sensitive traditional healing treatment program for child abuse and family violence to be operated by an Indian tribe, tribal organization, or inter-tribal consortium.

“(2) APPLICATION.—

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

“(B) CONTENTS.—As part of an application under subparagraph (A), the Secretary of Health and Human Services shall require—

“(i) the information described in subsection (b)(2)(C);

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

“(iii) proposed strategies to use and maintain the integrity of traditional healing methods.

“(3) CONSIDERATIONS.—In selecting the participants in demonstration projects established under this subsection, the Secretary of Health and Human Services shall give special consideration to projects relating to behavioral and emotional effects of child abuse, elimination of abuse by parents, and reunification of the family.”; and

(4) in subsection (f) (as redesignated by paragraph (2))—

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

(B) by striking “\$10,000,000 for each of the years 1992, 1993, 1994, 1995, 1996 and 1997” and inserting “such sums as are necessary to carry out this section for each of fiscal years 2005 through 2010, of which a specific sum shall be specifically set aside each year for the demonstration projects established under subsection (e).”.

SEC. 8. INDIAN CHILD RESOURCE AND FAMILY SERVICES CENTERS.

Section 410 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3209) is amended—

(1) in subsection (a) by striking “area” and inserting “Regional”;

(2) in subsection (b)—

(A) by striking “Secretary and” and inserting “Secretary,”; and

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

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

(4) in subsection (f)—

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

(B) in the last sentence, by inserting “developing strategies,” after “Center in”;

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

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

(B) by striking “Juneau Area” and inserting “Alaska Region”; and

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

SEC. 9. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION PROGRAM.

Section 411 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3210) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by inserting “coordination, reporting and” before “investigation”;

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

(2) in subsection (d)—

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

(B) in paragraph (3)—

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

(ii) in subparagraph (C), by inserting after “responsibilities” the following: “and specify appropriate measures for ensuring child protection worker safety while performing responsibilities under this title”; and

(iii) by adding at the end the following:

“(D) provide for training programs or expenses for child protection services personnel, law enforcement personnel or judicial personnel to meet any certification requirements necessary to fulfill the responsibilities under any intergovernmental or interagency agreement; and

“(E) develop and implement strategies designed to ensure the safety of child protection workers while performing responsibilities under this Act.”;

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

(4) by redesignating paragraph (7) as paragraph (8);

(5) by inserting after paragraph (6) the following:

“(7) infrastructure enhancements to improve tribal data systems to monitor the progress of families, evaluate service and treatment outcomes, and determine the most effective approaches and activities; and”

(6) by redesignating subsections (f), (g), (h), and (i) as paragraphs (e), (f), (g), and (h), respectively;

(7) in paragraph (1) of subsection (g) (as redesignated by paragraph (6)), by striking subparagraph (A) and inserting the following:

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

“(i) the range and scope of training opportunities, including numbers and percentage of child protection workers engaged in the training programs;

“(ii) the threats to child protection workers, if any, and the strategies used to address the safety of child protection workers; and

“(iii) the community outreach and awareness programs including any strategies to increase the ability of the community to contact appropriate reporting officials regarding occurrences of child abuse.”; and

(8) in subsection (h) (as redesignated by paragraph (6)), by striking “\$30,000,000 for each of fiscal years 1992, 1993, 1994, 1995, 1996 and 1997” and inserting “such sums as are necessary to carry out this section for each of fiscal years 2005 through 2010.”

SEC. 10. INTEGRATION OF SERVICES.

The Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201 et seq.) is amended by adding at the end the following:

“SEC. 412. INTEGRATION OF SERVICES.

“(a) DEMONSTRATION PROJECT.—In cooperation with the Secretary of Health and Human Services and Attorney General, the Secretary shall, on the receipt of a plan acceptable to the Secretary that is submitted by an Indian tribe, tribal organization, or inter-tribal consortium, authorize the Indian tribe, tribal organization, or inter-tribal consortium to carry out a demonstration project to coordinate, in accordance with the plan, its federally funded child abuse-related service programs in a manner that integrates the program services into a single coordinated, comprehensive program that reduces administrative costs by consolidating administrative functions.

“(b) INTEGRATION OF PROGRAMS.—

“(1) IN GENERAL.—Subject to paragraph (2), an Indian tribe, tribal organization, or inter-tribal consortium may integrate any program under which the Indian tribe, tribal organization, or inter-tribal consortium is eligible for receipt of funds under a statutory or administrative formula, competitive grant, or any other funding scheme for the purposes of addressing child abuse.

“(2) COMPETITIVE GRANT PROGRAMS.—In the case of a competitive grant program, the consent of the funding agency shall be required for integration of the program under paragraph (1).

“(c) PLAN REQUIREMENTS.—A plan under subsection (a) shall—

“(1) identify the programs to be integrated;

“(2) be consistent with the purposes of this Act;

“(3) describe a comprehensive strategy that identifies the full range of existing and potential child abuse and family violence prevention, treatment, and service programs available on or near the service area of the Indian tribe;

“(4) describe the manner in which services are to be integrated and delivered and the results expected from the plan;

“(5) identify the projected expenditures under the plan in a single budget;

“(6) identify the agency or agencies of the tribal government to be involved in the delivery of the services integrated under the plan;

“(7) identify any statutory provisions, regulations, policies, or procedures that the tribal gov-

ernment believes need to be waived in order to implement its plan; and

“(8) be approved by the governing body of the affected Indian tribe or tribes.

“(d) OTHER FEDERAL AGENCIES.—

“(1) CONSULTATION.—On receipt of the plan from an Indian tribe, tribal organization, or inter-tribal consortium, the Secretary shall consult with—

“(A) the head of each Federal agency providing funds to be used to implement the plan; and

“(B) the Indian tribe, tribal organization, or inter-tribal consortium.

“(2) WAIVER.—Notwithstanding any other provision of law, the Attorney General or appropriate Secretary shall waive any regulation, policy, or procedure promulgated by the agency identified in the plan, unless the waiver would be inconsistent with this Act or any statutory requirement applicable to the program to be integrated under the plan that is specifically applicable to Indian programs.

“(e) APPROVAL OR DISAPPROVAL.—

“(1) NOTICE.—Not later than 90 days after receipt of the plan, the Secretary shall notify the Indian tribe, tribal organization, or inter-tribal consortium, in writing, of the approval or disapproval of the plan.

“(2) DISAPPROVAL.—If the plan is disapproved—

“(A) the notice under paragraph (1) shall inform the Indian tribe, tribal organization, or inter-tribal consortium of the reasons for the disapproval; and

“(B) the Indian tribe, tribal organization, or inter-tribal consortium shall be given an opportunity to amend the plan or petition the Secretary to reconsider the disapproval.

“(f) RESPONSIBILITIES OF THE DEPARTMENT OF THE INTERIOR.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of Health and Human Services, and the Attorney General shall enter into a memorandum of agreement providing for the implementation of demonstration projects under this section.

“(2) COORDINATING AGENCY.—The coordinating agency in carrying out this section shall be the Bureau of Indian Affairs.

“(3) RESPONSIBILITIES.—

“(A) IN GENERAL.—The responsibilities of the coordinating agency shall include—

“(i) the development of a single report format which shall be used by the tribe, tribal organization, or inter-tribal consortium to report on all the plan activities and expenditures;

“(ii) the development of a single system of Federal oversight of demonstration projects, which shall be implemented by the coordinating agency; and

“(iii) the provision of, or arrangement for, technical assistance to an Indian tribe, tribal organization, or inter-tribal consortium.

“(B) REQUIREMENTS.—The report form developed under subparagraph (A)(i) shall require disclosure of such information as the Secretary determines will—

“(i) allow a determination that the Indian tribe, tribal organization, or inter-tribal consortium has complied with the requirements incorporated in the approved plan of the Indian tribe; and

“(ii) provide assurances to each funding agency that the Indian tribe, tribal organization, or inter-tribal consortium has complied with all applicable statutory requirements that have not been waived.

“(g) NO REDUCTION.—In no case shall the amount of Federal funds made available to any tribal government conducting a demonstration project be reduced by reason of the conduct of the demonstration project.

“(h) TRANSFER OF FUNDS.—The Secretary, Secretary of Health and Human Services, or Attorney General, as appropriate, may take such action as is necessary to provide for an inter-

agency transfer of funds otherwise available to an Indian tribe, tribal organization, or inter-tribal consortium to carry out this section immediately upon the request of the Indian tribe, tribal organization, or inter-tribal consortium.

“(i) ADMINISTRATION OF FUNDS.—

“(1) IN GENERAL.—The funds of programs that are integrated under this section shall be administered in such a manner as to allow for a determination that funds from specific programs (or an amount equal to the amount attracted from each program) are spent on allowable activities authorized under the program.

“(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section requires an Indian tribe, tribal organization, or inter-tribal consortium to—

“(A) maintain separate records tracing any services or activities conducted under an approved plan to the individual programs under which funds were authorized; or

“(B) allocate expenditures among individual programs.

“(3) ADMINISTRATIVE COSTS.—

“(A) COMMINGLING.—All administrative costs under an approved plan may be commingled.

“(B) ENTITLEMENT TO FULL AMOUNT.—An Indian tribe, tribal organization, or inter-tribal consortium shall be entitled to the full amount of funding of administrative costs in accordance with regulations applicable to each program.

“(C) EXCESS FUNDS.—Any excess of funds available to pay administrative costs, shall not be counted for Federal audit purposes, if the funds are used for the purposes provided for under this title.

“(j) FISCAL ACCOUNTABILITY.—Nothing in this section diminishes the duty of the Secretary to fulfill the responsibility of safeguarding Federal funds in accordance with chapter 75 of title 31, United States Code.

“(k) REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.—

“(1) PRELIMINARY REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress a preliminary report on the status of the implementation of the demonstration program under this section.

“(2) FINAL REPORT.—Not later than 6 years after the date of enactment of this section, the Secretary shall submit to Congress a report that—

“(A) describes the results of the implementation of this section; and

“(B) identifies statutory barriers to more effective integration of program services in a manner consistent with this section.”.

SEC. 11. TRIBAL PARTNERSHIPS FOR AWARENESS AND RESPONSES.

(a) IN GENERAL.—Section 2001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is amended by adding at the end the following:

“(d) TRIBAL COALITION GRANTS.—

“(1) PURPOSE.—The Attorney General shall award grants to tribal domestic violence and sexual assault coalitions for purposes of—

“(A) increasing awareness of domestic violence and sexual assault against Indian women;

“(B) enhancing the response to violence against Indian women at the Federal, State, and tribal levels; and

“(C) identifying and providing technical assistance to coalition membership and tribal communities to enhance access to essential services to Indian women victimized by domestic and sexual violence.

“(2) GRANTS TO TRIBAL COALITIONS.—The Attorney General shall award grants under paragraph (1) to—

“(A) established nonprofit, nongovernmental tribal coalitions that address domestic violence and sexual assault against Indian women; and

“(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against Indian women.

“(3) **ELIGIBILITY FOR OTHER GRANTS.**—Receipt of an award under this subsection by a tribal domestic violence and sexual assault coalition shall not preclude the coalition from receiving additional grants under this title to carry out the purposes described in subsection (b).”.

(b) **FUNDING.**—Section 2007(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(b)) is amended by striking paragraph (4) and inserting the following:

“(4) 1/54 shall be available for grants under section 2001(d).”.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the committee-reported substitute be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, en bloc, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1601), as amended, was passed.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2005

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.J. Res. 107, the continuing resolution which is at the desk; provided that the joint resolution be read the third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 107) was read the third time and passed.

REAUTHORIZING NATIVE AMERICAN PROGRAMS ACT OF 1974

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 634, S. 2436.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2436) to reauthorize the Native American Programs Act of 1974.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 2436

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

SECTION 1. NATIVE AMERICAN PROGRAMS ACT OF 1974.

(a) **INTRA-DEPARTMENTAL COUNCIL ON NATIVE AMERICAN AFFAIRS.**—Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b-2(d)(1)) is amended by striking “There” and all that follows and inserting the following: “There is established in the Office of the Secretary the Intra-Departmental Council on Native American Affairs. The Commissioner and the Director of the Indian Health Service shall serve as co-chairpersons of the Council. The co-chairpersons shall advise the Secretary on all matters affecting Native Americans that involve the Department.”.

[(a) **IN GENERAL.**—] (b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) by striking subsections (a) through (c) and inserting the following:

“(a) **IN GENERAL.**—There are authorized to be appropriated—

“(1) to carry out section 803(d), \$8,000,000 for each of fiscal years 2005 through 2009; and

“(2) to carry out provisions of this title other than section 803(d) and any other provision having an express authorization of appropriations, such sums as are necessary for each of fiscal years 2005 through 2009.

“(b) **LIMITATION.**—Not less than 90 percent of the funds made available to carry out this title for a fiscal year (other than funds made available to carry out sections 803(d), 803A, 803C, and 804, and any other provision of this title having an express authorization of appropriations) shall be expended to carry out section 803(a).”;

(2) by redesignating subsection (d) as subsection (c); and

(3) by striking subsection (e).

[(b)] (c) **REPORTS.**—Section 811A of the Native American Programs Act of 1974 (42 U.S.C. 2992-1) is amended—

(1) by striking the section heading and all that follows through “each year,” and inserting the following:

“**SEC. 811A. REPORTS.**

“Every 5 years, the Secretary shall”; and

(2) by striking “an annual report” and inserting “a report”.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the committee-reported amendments be considered and agreed to. I understand Senator INOUE has an amendment at the desk, and I ask unanimous consent that the amendment be considered and agreed to; the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table without intervening action or debate, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 3783) was agreed to, as follows:

(Purpose: To authorize research and educational activities relating to Native Hawaiian law)

At the end, add the following:

SEC. 2. RESEARCH AND EDUCATIONAL ACTIVITIES.

Section 7205(a)(3) of the Native Hawaiian Education Act (20 U.S.C. 7515(a)(3)) is amended—

(1) by redesignating subparagraphs (K) and (L) as subparagraphs (L) and (M), respectively; and

(2) by inserting after subparagraph (J) the following:

“(K) research and educational activities relating to Native Hawaiian law”.

The bill (S. 2436), as amended, was read the third time and passed, as follows:

S. 2436

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

SECTION 1. NATIVE AMERICAN PROGRAMS ACT OF 1974.

(a) **INTRA-DEPARTMENTAL COUNCIL ON NATIVE AMERICAN AFFAIRS.**—Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b-2(d)(1)) is amended by striking “There” and all that follows and inserting the following: “There is established in the Office of the Secretary the Intra-Departmental Council on Native American Affairs. The Commissioner and the Director of the Indian Health Service shall serve as co-chairpersons of the Council. The co-chairpersons shall advise the Secretary on all matters affecting Native Americans that involve the Department.”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) by striking subsections (a) through (c) and inserting the following:

“(a) **IN GENERAL.**—There are authorized to be appropriated—

“(1) to carry out section 803(d), \$8,000,000 for each of fiscal years 2005 through 2009; and

“(2) to carry out provisions of this title other than section 803(d) and any other provision having an express authorization of appropriations, such sums as are necessary for each of fiscal years 2005 through 2009.

“(b) **LIMITATION.**—Not less than 90 percent of the funds made available to carry out this title for a fiscal year (other than funds made available to carry out sections 803(d), 803A, 803C, and 804, and any other provision of this title having an express authorization of appropriations) shall be expended to carry out section 803(a).”;

(2) by redesignating subsection (d) as subsection (c); and

(3) by striking subsection (e).

(c) **REPORTS.**—Section 811A of the Native American Programs Act of 1974 (42 U.S.C. 2992-1) is amended—

(1) by striking the section heading and all that follows through “each year,” and inserting the following:

“**SEC. 811A. REPORTS.**

“Every 5 years, the Secretary shall”; and

(2) by striking “an annual report” and inserting “a report”.

SEC. 2. RESEARCH AND EDUCATIONAL ACTIVITIES.

Section 7205(a)(3) of the Native Hawaiian Education Act (20 U.S.C. 7515(a)(3)) is amended—

(1) by redesignating subparagraphs (K) and (L) as subparagraphs (L) and (M), respectively; and

(2) by inserting after subparagraph (J) the following:

“(K) research and educational activities relating to Native Hawaiian law”.

ORDERS FOR THURSDAY, SEPTEMBER 30, 2004

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate adjourns today, it adjourn until 9:30 a.m. on Thursday, September 30; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time