

funds available for similar kinds of work or by furnishing or sharing materials, supplies, facilities or equipment without regard to the provisions of section 3324, title 31, relating to the advance of public moneys.

**(b) Supervision**

In any agreement authorized by this section, Indian tribes and their employees may perform cooperative work under the supervision of the Department of the Interior in emergencies or otherwise as mutually agreed to, but shall not be deemed to be Federal employees other than for purposes of section<sup>1</sup> 2671 through 2680 of title 28 and section<sup>1</sup> 8101 through 8193 of title 5.

**(c) Savings provision**

Nothing in this chapter shall be construed to limit the authority of the Secretary to enter into cooperative agreements otherwise authorized by law.

(Pub. L. 101-630, title III, §316, Nov. 28, 1990, 104 Stat. 4543.)

**§ 3116. Obligated service; breach of contract**

**(a) Obligated service**

Where an individual enters into an agreement for obligated service in return for financial assistance under any provision of this chapter, the Secretary shall adopt such regulations as are necessary to provide for the offer of employment to the recipient of such assistance as required by such provision. Where an offer of employment is not reasonably made, the regulations shall provide that such service shall no longer be required.

**(b) Breach of contract; repayment**

Where an individual fails to accept a reasonable offer of employment in fulfillment of such obligated service or unreasonably terminates or fails to perform the duties of such employment, the Secretary shall require a repayment of the financial assistance provided, prorated for the amount of time of obligated service performed, together with interest on such amount which would be payable if at the time the amounts were paid they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States.

(Pub. L. 101-630, title III, §317, Nov. 28, 1990, 104 Stat. 4544.)

**§ 3117. Authorization of appropriations**

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this chapter.

(Pub. L. 101-630, title III, §318, Nov. 28, 1990, 104 Stat. 4544.)

**§ 3118. Regulations**

Except as otherwise provided by this chapter, the Secretary is directed to promulgate final regulations for the implementation of the<sup>1</sup> chapter within eighteen months from November 28, 1990. All regulations promulgated pursuant to

this chapter shall be developed by the Secretary with the participation of the affected Indian tribes.

(Pub. L. 101-630, title III, §319, Nov. 28, 1990, 104 Stat. 4544.)

**§ 3119. Severability**

If any provision of this chapter, or the application of any provision of this chapter to any person or circumstance, is held invalid, the application of such provision or circumstance and the remainder of this chapter shall not be affected thereby.

(Pub. L. 101-630, title III, §320, Nov. 28, 1990, 104 Stat. 4544.)

**§ 3120. Trust responsibility**

Nothing in this chapter shall be construed to diminish or expand the trust responsibility of the United States toward Indian forest lands, or any legal obligation or remedy resulting therefrom.

(Pub. L. 101-630, title III, §321, Nov. 28, 1990, 104 Stat. 4544.)

**CHAPTER 34—INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION**

Sec.	Findings and purpose.
3201.	Findings and purpose. <ul style="list-style-type: none"> <li>(a) Findings.</li> <li>(b) Purpose.</li> </ul>
3202.	Definitions.
3203.	Reporting procedures. <ul style="list-style-type: none"> <li>(a) Omitted.</li> <li>(b) Notification of child abuse reports.</li> <li>(c) Written report of child abuse.</li> <li>(d) Confidentiality of informant.</li> </ul>
3204.	Central registry. <ul style="list-style-type: none"> <li>(a) Preparation of study.</li> <li>(b) Content of study.</li> <li>(c) Submission to Congress.</li> </ul>
3205.	Confidentiality.
3206.	Waiver of parental consent. <ul style="list-style-type: none"> <li>(a) Examinations and interviews.</li> <li>(b) Interviews by law enforcement and child protective services officials.</li> <li>(c) Protection of child.</li> <li>(d) Court orders.</li> </ul>
3207.	Character investigations. <ul style="list-style-type: none"> <li>(a) By Secretary of the Interior and Secretary of Health and Human Services.</li> <li>(b) Criminal records.</li> <li>(c) Investigations by Indian tribes and tribal organizations.</li> </ul>
3208.	Indian Child Abuse Treatment Grant Program. <ul style="list-style-type: none"> <li>(a) Establishment.</li> <li>(b) Grant applications.</li> <li>(c) Maximum grant amount.</li> <li>(d) Grant administration and final report.</li> <li>(e) Authorization of appropriations.</li> </ul>
3209.	Indian Child Resource and Family Services Centers. <ul style="list-style-type: none"> <li>(a) Establishment.</li> <li>(b) Memorandum of Agreement.</li> <li>(c) Center staffing.</li> <li>(d) Center responsibilities and functions.</li> <li>(e) Multidisciplinary team personnel.</li> <li>(f) Center advisory board.</li> <li>(g) Application of Indian Self-Determination Act to Centers.</li> <li>(h) Authorization of appropriations.</li> </ul>

<sup>1</sup> So in original. Probably should be "sections".

<sup>1</sup> So in original. Probably should be "this".

- Sec.  
3210. Indian Child Protection and Family Violence Prevention Program.
- (a) Establishment.
  - (b) Indian Self-Determination Act agreements.
  - (c) Investigation and treatment and prevention of child abuse and family violence.
  - (d) Program responsibilities and functions.
  - (f) Secretarial regulations; base support funding.
  - (g) Maintenance of effort.
  - (h) Contract evaluation and annual report.
  - (i) Authorization of appropriations.
3211. Report to Congress.

### § 3201. Findings and purpose

#### (a) Findings

The Congress, after careful review of the problem of child abuse on Indian reservations and the historical and special relationship of the Federal Government with Indian people,

(1) finds that—

(A) incidents of abuse of children on Indian reservations are grossly underreported;

(B) such underreporting is often a result of the lack of a mandatory Federal reporting law;

(C) multiple incidents of sexual abuse of children on Indian reservations have been perpetrated by persons employed or funded by the Federal Government;

(D) Federal Government investigations of the background of Federal employees who care for, or teach, Indian children are often deficient;

(E) funds spent by the United States on Indian reservations or otherwise spent for the benefit of Indians who are victims of child abuse or family violence are inadequate to meet the growing needs for mental health treatment and counseling for victims of child abuse or family violence and their families; and

(F) there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children and the United States has a direct interest, as trustee, in protecting Indian children who are members of, or are eligible for membership in, an Indian tribe; and

(2) declares that two major goals of the United States are to—

(A) identify the scope of incidents of abuse of children and family violence in Indian country and to reduce such incidents; and

(B) provide funds for mental health treatment for Indian victims of child abuse and family violence on Indian reservations.

#### (b) Purpose

The purposes of this chapter are to—

(1) require that reports of abused Indian children are made to the appropriate authorities in an effort to prevent further abuse;

(2) establish a reliable data base for statistical purposes and to authorize a study to determine the need for a central registry for reported incidents of abuse;

(3) authorize such other actions as are necessary to ensure effective child protection in Indian country;

(4) establish the Indian Child Abuse Prevention and Treatment Grant Program to provide funds for the establishment on Indian reservations of treatment programs for victims of child sexual abuse;

(5) provide for technical assistance and training related to the investigation and treatment of cases of child abuse and neglect;

(6) establish Indian Child Resource and Family Services Centers in each Bureau of Indian Affairs Area Office which will consist of multidisciplinary teams of personnel with experience and training in the prevention, identification, investigation, and treatment of child abuse and neglect;

(7) provide for the treatment and prevention of incidents of family violence;

(8) establish tribally operated programs to protect Indian children and reduce the incidents of family violence in Indian country; and

(9) authorize other actions necessary to ensure effective child protection on Indian reservations.

(Pub. L. 101-630, title IV, § 402, Nov. 28, 1990, 104 Stat. 4544.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this title”, meaning title IV of Pub. L. 101-630, Nov. 28, 1990, 104 Stat. 4544, which is classified principally to this chapter. For complete classification of title IV to the Code, see Short Title note below and Tables.

#### SHORT TITLE

Section 401 of title IV of Pub. L. 101-630 provided that: “This title [enacting this chapter and section 1169 of Title 18, Crimes and Criminal Procedure] may be cited as the ‘Indian Child Protection and Family Violence Prevention Act’.”

### § 3202. Definitions

For the purposes of this chapter, the term—

(1) “Bureau” means the Bureau of Indian Affairs of the Department of the Interior;

(2) “child” means an individual who—

(A) is not married, and

(B) has not attained 18 years of age;

(3) “child abuse” includes but is not limited to—

(A) any case in which—

(i) a child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, and

(ii) such condition is not justifiably explained or may not be the product of an accidental occurrence; and

(B) any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution;

(4) “child neglect” includes but is not limited to, negligent treatment or maltreatment of a child by a person, including a person responsible for the child’s welfare, under circum-