

have the consent of each of the other tribes to be served under the contract, except that, in the Juneau Area, only the consent of such tribes or tribal consortia that are engaged in contracting of Indian Child Protection and Family Violence Prevention programs pursuant to such Act shall be required. This section shall not preclude the designation of an existing child resource and family services center operated by a tribe or tribal organization as a Center if all of the tribes to be served by the Center agree to such designation.

**(h) Authorization of appropriations**

There are authorized to be appropriated to carry out the provisions of this section \$3,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, 1996, and 1997.

(Pub. L. 101-630, title IV, §410, Nov. 28, 1990, 104 Stat. 4552; Pub. L. 104-16, §1, June 21, 1995, 109 Stat. 190.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (f), was in the original “this Act” and was translated as reading “this title”, meaning title IV of Pub. L. 101-630, Nov. 28, 1990, 104 Stat. 4544, known as the Indian Child Protection and Family Violence Prevention Act, which is classified principally to this chapter, to reflect the probable intent of Congress. For complete classification of title IV to the Code, see Short Title note set out under section 3201 of this title and Tables.

The Indian Self-Determination Act, referred to in subsec. (g), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to part A (§450f et seq.) of subchapter II of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

AMENDMENTS

1995—Subsec. (h). Pub. L. 104-16 substituted “1995, 1996, and 1997” for “and 1995”.

TERMINATION OF ADVISORY BOARDS

Advisory boards established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3206 of this title.

**§ 3210. Indian Child Protection and Family Violence Prevention Program**

**(a) Establishment**

The Secretary shall establish within the Bureau an Indian Child Protection and Family Violence Prevention Program to provide financial assistance to any Indian tribe, tribal organization, or inter-tribal consortium for the development of an Indian Child Protection and Family Violence Prevention program.

**(b) Indian Self-Determination Act agreements**

The Secretary is authorized to enter into agreements with Indian tribes, tribal organiza-

tions, or inter-tribal consortia pursuant to the Indian Self-Determination Act [25 U.S.C. 450f et seq.] for the establishment of Indian Child Protection and Family Violence Prevention programs on Indian reservations.

**(c) Investigation and treatment and prevention of child abuse and family violence**

An Indian tribe operating an Indian Child Protection and Family Violence Prevention program established under this section shall designate the agency or officials which shall be responsible—

(1) for the investigation of reported cases of child abuse and child neglect; and

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

(3) for the provision of immediate shelter and related assistance for victims of family violence and their dependents.

**(d) Program responsibilities and functions**

Funds provided pursuant to this section may be used for—

(1) the establishment of a child protective services program which may include—

(A) the employment of child protective services staff to investigate cases of child abuse and child neglect,

(B) training programs for child protective services personnel, law enforcement personnel, and judicial personnel in the investigation, prevention, and treatment of cases of child abuse and child neglect, and

(C) purchase of equipment to assist in the investigation of cases of child abuse and child neglect;

(2) the establishment of a family violence prevention and treatment program which may include—

(A) the employment of family violence prevention and treatment staff to respond to incidents of family violence,

(B) the provision of immediate shelter and related assistance for victims of family violence and their dependents,

(C) training programs for family violence prevention and treatment personnel, law enforcement personnel, and judicial personnel in the investigation, prevention, and treatment of cases of family violence; and

(D) construction or renovation of facilities for the establishment of family violence shelters;

(3) the development and implementation of a multidisciplinary child abuse investigation and prosecution program which may—

(A) coordinate child abuse prevention, investigation, prosecution, treatment, and counseling services,

(B) develop protocols among related agencies to ensure that investigations of child abuse cases, to the extent practicable, minimize the trauma to the child victim, and

(C) provide for the coordination and cooperation of law enforcement agencies, courts of competent jurisdiction, and other tribal, Federal, and State agencies through intergovernmental or interagency agreements that define and specify each party's responsibilities;

(4) the development of tribal child protection codes and regulations;

(5) the establishment of training programs for—

(A) professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, investigation, and treatment of family violence, child abuse, and child neglect,

(B) instruction in methods of protecting children from abuse and neglect for persons responsible for the welfare of Indian children, including parents of, and persons who work with, Indian children, or

(C) educational, identification, prevention and treatment services for child abuse and child neglect in cooperation with preschool, elementary and secondary schools, or tribally controlled community colleges (within the meaning of section 1801 of this title);

(6) other community education efforts for tribal members (including school children) regarding issues of family violence, child abuse, and child neglect; and

(7) such other innovative and culturally relevant programs and projects as the Secretary may approve, including programs and projects for—

(A) parental awareness and self-help,

(B) prevention and treatment of alcohol and drug-related family violence, child abuse, and child neglect, or

(C) home health visitor programs,

that show promise of successfully preventing and treating cases of family violence, child abuse, and child neglect.

**(f)<sup>1</sup> Secretarial regulations; base support funding**

(1) The Secretary, with the participation of Indian tribes, shall establish, and promulgate by regulations, a formula which establishes base support funding for Indian Child Protection and Family Violence Prevention programs.

(2) In the development of regulations for base support funding for such programs, the Secretary shall develop, in consultation with Indian tribes, appropriate caseload standards and staffing requirements which are comparable to standards developed by the National Association of Social Work, the Child Welfare League of America and other professional associations in the field of social work and child welfare. Each level of funding assistance shall correspond to the staffing requirements established by the Secretary pursuant to this section.

(3) Factors to be considered in the development of the base support funding formula shall include, but are not limited to—

(A) projected service population of the program;

(B) projected service area of the program;

(C) projected number of cases per month; and

(D) special circumstances warranting additional program resources, such as high inci-

dence of child sexual abuse, high incidence of violent crimes against women, or the existence of a significant victim population within the community.

(4) The formula established pursuant to this subsection shall provide funding necessary to support—

(A) one child protective services or family violence caseworker, including fringe benefits and support costs, for each tribe; and

(B) an additional child protective services and family violence caseworker, including fringe benefits and support costs, for each level of assistance for which an Indian tribe qualifies.

(5) In any fiscal year that appropriations are not sufficient to fully fund Indian Child Protection and Family Violence Prevention programs at each level of assistance under the formula required to be established in this subsection, available funds for each level of assistance shall be evenly divided among the tribes qualifying for that level of assistance.

**(g) Maintenance of effort**

Services provided under contracts made under this section shall supplement, not supplant, services from any other funds available for the same general purposes, including, but not limited to—

(1) treatment, including, but not limited to—

(A) individual counseling,

(B) group counseling, and

(C) family counseling;

(2) social services and case management;

(3) training available to Indian tribes, tribal agencies, and Indian organizations regarding the identification, investigation, prevention, and treatment of family violence, child abuse, and child neglect; and

(4) law enforcement services, including investigations and prosecutions.

**(h) Contract evaluation and annual report**

Each recipient of funds awarded pursuant to subsection (a) of this section shall—

(1) furnish the Secretary with such information as the Secretary may require to—

(A) evaluate the program for which the award is made, and

(B) ensure that funds are expended for the purposes for which the award was made; and

(2) submit to the Secretary at the end of each fiscal year an annual report which shall include such information as the Secretary may require.

**(i) Authorization of appropriations**

There are authorized to be appropriated to carry out the provisions of this section \$30,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, 1996, and 1997.

(Pub. L. 101-630, title IV, § 411, Nov. 28, 1990, 104 Stat. 4553; Pub. L. 104-16, § 1, June 21, 1995, 109 Stat. 190; Pub. L. 105-244, title IX, § 901(d), Oct. 7, 1998, 112 Stat. 1828.)

REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in subsec. (b), is title I of Pub. L. 93-638, Jan. 4, 1975, 88

<sup>1</sup> So in original. No subsec. (e) has been enacted.

Stat. 2206, as amended, which is classified principally to part A (§450f et seq.) of subchapter II of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

#### AMENDMENTS

1998—Subsec. (d)(5)(C). Pub. L. 105-244 made technical amendment to reference in original act which appears in text as reference to section 1801 of this title.

1995—Subsec. (i). Pub. L. 104-16 substituted “1995, 1996, and 1997” for “and 1995”.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3206 of this title.

### § 3211. Repealed. Pub. L. 105-362, title VIII, § 801(a), Nov. 10, 1998, 112 Stat. 3287

Section, Pub. L. 101-630, title IV, §412, Nov. 28, 1990, 104 Stat. 4556, related to annual reports to Congress on administration of provisions concerning Indian child protection and family violence prevention.

## CHAPTER 35—INDIAN HIGHER EDUCATION PROGRAMS

### SUBCHAPTER I—HIGHER EDUCATION TRIBAL GRANT AUTHORIZATION

- |       |                                                                            |
|-------|----------------------------------------------------------------------------|
| Sec.  |                                                                            |
| 3301. | Short title.                                                               |
| 3302. | Findings.                                                                  |
| 3303. | Program authority.                                                         |
|       | (a) In general.                                                            |
|       | (b) Limitation on Secretary's authority.                                   |
|       | (c) Effect on Federal responsibilities.                                    |
|       | (d) No termination for administrative convenience.                         |
| 3304. | Qualification for grants to tribes.                                        |
|       | (a) Contracting tribes.                                                    |
|       | (b) Noncontracting tribes.                                                 |
|       | (c) Termination of grants.                                                 |
| 3305. | Allocation of grant funds.                                                 |
|       | (a) Allocation of funds.                                                   |
|       | (b) Use of funds.                                                          |
| 3306. | Limitations on use of funds.                                               |
|       | (a) Use for religious purposes.                                            |
|       | (b) Interest on funds.                                                     |
|       | (c) Payments.                                                              |
|       | (d) Investment of funds.                                                   |
|       | (e) Recoveries.                                                            |
| 3307. | Administrative provisions.                                                 |
|       | (a) Omitted.                                                               |
|       | (b) Role of Director.                                                      |
|       | (c) Application of Indian Self-Determination and Education Assistance Act. |
|       | (d) Regulations.                                                           |
|       | (e) Retrocession.                                                          |
|       | (f) Definitions.                                                           |

### SUBCHAPTER II—CRITICAL NEEDS FOR TRIBAL DEVELOPMENT

- |       |                                                 |
|-------|-------------------------------------------------|
| 3321. | Short title.                                    |
| 3322. | Definitions.                                    |
| 3323. | Service conditions permitted.                   |
|       | (a) In general.                                 |
|       | (b) Critical area designation.                  |
| 3324. | Critical area service agreements.               |
|       | (a) Terms of agreements.                        |
|       | (b) Service limitations and conditions.         |
|       | (c) Waiver and suspension of service agreement. |
|       | (d) Pro rata reduction for partial services.    |

Sec.

(e) Certification of service.

3325. General provisions.

(a) Application of existing procedures.

(b) Additional, excess, and incremental costs.

### SUBCHAPTER III—TRIBAL DEVELOPMENT STUDENT ASSISTANCE REVOLVING LOAN PROGRAM

3331 to 3338. Repealed.

### SUBCHAPTER IV—AMERICAN INDIAN POST-SECONDARY ECONOMIC DEVELOPMENT SCHOLARSHIP

3351 to 3355. Repealed.

### SUBCHAPTER V—AMERICAN INDIAN TEACHER TRAINING

3371. Repealed.

## SUBCHAPTER I—HIGHER EDUCATION TRIBAL GRANT AUTHORIZATION

### SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 3322 of this title.

### § 3301. Short title

This subchapter may be cited as the “Higher Education Tribal Grant Authorization Act”.

(Pub. L. 102-325, title XIII, §1311, July 23, 1992, 106 Stat. 798.)

### § 3302. Findings

The Congress finds that—

(1) there are increasing numbers of Indian students qualifying for postsecondary education, and there are increasing numbers desiring to go to postsecondary institutions;

(2) the needs of these students far outpace the resources available currently;

(3) Indian tribes have shown an increasing interest in administering programs serving these individuals and making decisions on these programs reflecting their determinations of the tribal and human needs;

(4) the contracting process under the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450 et seq.] has provided a mechanism for the majority of the tribes to assume control over this program from the Bureau of Indian Affairs;

(5) however, inherent limitations in the contracting philosophy and mechanism, coupled with cumbersome administrative procedures developed by the Bureau of Indian Affairs have effectively limited the efficiency and effectiveness of these programs;

(6) the provision of these services in the most effective and efficient form possible is necessary for tribes, the country, and the individuals to be served; and

(7) these services are part of the Federal Government's continuing trust responsibility to provide education services to American Indian and Alaska Natives.

(Pub. L. 102-325, title XIII, §1312, July 23, 1992, 106 Stat. 798.)

#### REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in par. (4), is Pub. L. 93-638, Jan.