

**Indian Child Protection and Family Violence Prevention Act, Public Law 101-630,
Enumerated in Title 25 Section 3207**

104 STAT. 4544

Public Law 101-630 – Nov. 28, 1990

TITLE IV – INDIAN CHILD PROTECTION

Sec. 408. CHARACTER INVESTIGATIONS.

(a) ~~BY SECRETARY OF THE INTERIOR AND SECRETARY OF HEALTH AND HUMAN SERVICES -~~
The Secretary and the Secretary of Health and Human Services shall –

- (1) compile a list of all authorized positions within their respective departments the duties and responsibilities of which involve regular contact with, or control over, Indian children,
- (2) conduct an investigation of the character of each individual who is employed, or is being considered for employment, by the respective Secretary in a position listed pursuant to paragraph (1), and
- (3) prescribe by regulations minimum standards of character that each of such individuals must meet to be appointed to such positions.

~~(b) CRIMINAL RECORDS - The minimum standards of character that are to be prescribed under this section shall ensure that none of the individuals appointed to positions described in subsection (a) of this section have been found guilty of, or entered a plea of nolo contendere or guilty to, any offense under Federal, State, or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons.~~

(c) INVESTIGATIONS BY INDIAN TRIBES AND TRIBAL ORGANIZATIONS - Each Indian tribe or tribal organization that receives funds under the Indian Self-Determination and Education Assistance Act or the Tribally Controlled Schools Act of 1988 shall -

- (1) conduct an investigation of the character of each individual who is employed, or is being considered for employment, by such tribe or tribal organization in a position that involves regular contact with, or control over, Indian children, and
- (2) employ individuals in those positions only if the individuals meet standards of character, no less stringent than those prescribed under subsection (a) of this section, as the Indian tribe or tribal organization shall establish.

SEC. 814. TECHNICAL AMENDMENT TO THE INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT.

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

- (1) by striking “any offense” and inserting “any felonious offense, or any of two or more misdemeanor offenses,”; and
- (2) by striking “or crimes against persons” and inserting “crimes against persons; or offenses committed against children”.

Section 408(b) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207(b)) now reads –

CRIMINAL Records - The minimum standards of character that are to be prescribed under this section shall ensure that none of the individuals appointed to positions described in subsection (a) of this section have been found guilty of, or entered a plea of nolo contendere or guilty to, any felonious offense, or any of two or more misdemeanor offenses, under Federal, State, or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or offenses committed against children.