

environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969.

The information collection requirements contained in this part will be approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* This information is necessary to conduct background investigations of individuals in positions that involve regular contact with or control over Indian children. The information collected includes an annual program report and statistical data as required by the contract or grant award agreement.

Public reporting for this information collection is estimated to average 32 hours per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the information collected, and completing the required reports.

Drafting Information

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List of Subjects in 25 CFR Part 63

Child welfare, Employment, Indians, Maternal and child health.

For the reasons given in the preamble, part 63 of title 25, chapter I of the Code of Federal Regulations is proposed to be added as set forth below.

PART 63—INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION

Subpart A—Purpose, Policy, and Definitions

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Subpart C—Indian Child Protection and Family Violence Prevention Program

- 63.30 What is the purpose of the Indian child protection and family violence prevention program?
63.31 Can both the Bureau of Indian Affairs and tribes operate Indian child protection and family violence prevention programs?
63.32 Under what authority are Indian child protection and family violence prevention funds awarded?
63.33 What must an application for Indian child protection and family violence funds include?
63.34 How are Indian child protection and family violence prevention program funds distributed?
63.35 How may Indian child protection and family violence prevention program funds be used?
63.36 What are the special requirements for Indian child protection and family violence prevention programs?
63.37–63.50 [Reserved].

Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9, 13, 200, 3201 *et seq.*

Subpart A—Purpose, Policy, and Definitions

§ 63.1 Purpose.

The purpose of these regulations is to prescribe minimum standards of character and suitability for employment for individuals whose duties and responsibilities allow them regular contact with or control over Indian children, and to establish the method for distribution of funds to support tribally operated programs to protect Indian children and reduce the incidents of family violence in Indian

country as authorized by the Indian Child Protection and Family Violence Prevention Act of 1990, Pub. L. 101–630, 104 Stat. 4544, 25 U.S.C. 3201–3211.

§ 63.2 Policy.

In enacting the Indian Child Protection and Family Violence Prevention Act, the Congress recognized there is no resource more vital to the continued existence and integrity of Indian tribes than their children and that 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. The minimum standards of character and suitability of employment for individuals ensure that Indian children are protected, and the Indian child protection and family violence prevention programs will emphasize the unique values of Indian culture and community involvement in the prevention and treatment of child abuse, child neglect and family violence.

§ 63.3 Definitions.

Bureau means the Bureau of Indian Affairs of the Department of the Interior;

Child means an individual who is not married, and has not attained 18 years of age.

Child abuse includes but is not limited to any case in which a child is dead, or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, or soft tissue swelling, and this condition is not justifiably explained or may not be the product of an accidental occurrence; and any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution.

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 circumstances which indicate that the child's health or welfare is harmed or threatened.

Family violence means any act, or threatened act, of violence, including any forceful detention of an individual, which results, or threatens to result, in physical or mental injury, and is committed by an individual against another individual to whom such person is, or was, related by blood or marriage or otherwise legally related, or with whom such person is, or was, residing.

Indian means any individual who is a member of an Indian tribe.

Indian child means any unmarried person who is under age eighteen and