



OCT 16 2002

Dear Tribal Leader:

The Interim Final Rule implementing Section 408 of the Indian Child Protection and Family Violence Prevention Act, Public Law (P.L.) 101-630, as amended, was published in the Federal Register on September 23. This Interim Final Rule (copy enclosed) prescribes minimum standards of character for individuals who are employed or are being considered for employment in positions with duties and responsibilities that involve regular contact with, or control over, American Indian and Alaska Native (AI/AN) children.

Because the Indian Health Service (IHS) is committed to the Tribal consultation process, we are requesting your review and comment on the Interim Final Rule. The IHS will make the necessary changes to the Interim Final Rule to reflect the comments received within the 60-day comment period, ending November 22.

Section 408(c) of P.L. 101-630 is important to Tribes or Tribal organizations that receive funds under the Indian Self-Determination and Education Assistance Act because it requires them to develop minimum standards of character for individuals in positions involving regular contact or control over AI/AN children no less stringent than those established by this Interim Rule. Therefore, the Interim Final Rule prescribes the minimum standards of character that would be the basis for Tribes and Tribal organizations to use when developing minimum standards of character for their own programs.

Another important statute for the protection of Indian children is Section 814 of S. 3031, the Native American Laws Technical Corrections Act of 2000, which contains the technical amendments to P.L. 101-630. These technical amendments caused the IHS to further revise the regulations. Section 814 revised Section 408 to ensure that individuals in positions involving regular contact with, or control over, Indian children have not been found guilty of or entered a plea of *nolo contendere* or guilty to any *felonious* or *any of two or more misdemeanor* offenses under Federal, State, or Tribal law involving: crimes of

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violence; sexual assault, molestation, exploitation, contact, or prostitution; crimes against persons; or *offenses committed against children* [italicized language indicates statutory changes].

The IHS direct care programs as part of the Federal Government are required to apply the minimum standards of character. Tribal Leaders and the IHS have been working together on developing the best set of minimum standards of character to ensure the protection of American Indian and Alaska Native children when they are being cared for by individuals employed within our health care delivery system. Throughout our joint history of working on this regulation, the Tribal comments we received have been incorporated to the extent possible into the current regulations. As you review this Interim Final Rule, please focus your comments on the specific portions that have been revised to reflect the technical amendments.

Please submit comments on or before November 22 to:

Ms. Betty Gould
Regulations Officer
Division of Regulatory and Legal Affairs
Twinbrook Metro Plaza, Suite 450
12300 Twinbrook Parkway
Rockville, Maryland 20852

Should you have any questions or need additional information regarding these proposed regulations, please contact:

Ms. Ramona Williams
Child Protection Coordinator
Twinbrook Metro Plaza, Suite 605
12300 Twinbrook Parkway
Rockville, Maryland 20852
(301) 443-1539

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We look forward to receiving your comments.

Sincerely yours,

Charles W. Grim, DDS
Charles W. Grim, D.D.S., M.H.S.A.
Assistant Surgeon General
Interim Director

Enclosure