



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

February 9, 2015

S. 184

Native American Children's Safety Act

As ordered reported by the Senate Committee on Indian Affairs on February 4, 2015

S. 184 would expand the background check requirements for people who hold tribal positions related to the foster care of Native American children. The bill would require tribal social services agencies to complete criminal records checks of each individual who resides in or is employed by a foster care institution that serves Native American children. Under current law, those checks are required only if the tribal agency receives federal funds. S. 184 also would require tribal agencies to develop procedures to recertify the safety of foster care institutions. Under the bill, the Secretary of the Interior would promulgate guidance to tribes regarding procedures to conduct criminal records checks and to certify foster care institutions.

Based on information provided by the Bureau of Indian Affairs, CBO estimates that implementing the legislation would have no significant effect on the federal budget. CBO estimates that promulgating the procedural guidance required by the legislation would cost less than \$500,000 over the 2015-2020 period, and would be subject to the availability of appropriated funds. Enacting S. 184 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 184 would impose an intergovernmental mandate, as defined in the Unfunded Mandates Reform Act (UMRA) because it would require tribal social services agencies to complete criminal records checks and to recertify existing foster homes and institutions periodically. The bill also would impose private-sector mandates by requiring individuals to submit to criminal records checks and requiring foster care homes and institutions to comply with recertification procedures.

Tribes could incur costs associated with paying background check fees to federal and state governments as well as administrative costs for processing background check applications and recertifying existing foster care homes. However, because many tribal social services agencies are required to conduct criminal records checks as a condition of receiving federal foster care payments and other federal assistance from the Bureau of Indian Affairs, we estimate that the costs of the mandates to tribal governments would fall well below the annual threshold established in UMRA (\$77 million in 2015, adjusted annually for inflation).

Individuals and entities in the private-sector could also incur costs associated with the requirement to submit to a background check or comply with recertification procedures. However, many institutions and foster care providers already meet requirements that are similar to those in the bill. Further, according to agency officials and professionals in the field, most tribal social services agencies would probably absorb the cost of conducting the check of criminal records to avoid imposing a burden on potential foster parents. Therefore, CBO estimates that the incremental cost to the private sector of complying with the mandates in the bill would fall well below the annual threshold established in UMRA (\$154 million in 2015, adjusted annually for inflation).

The CBO staff contacts for this estimate are Martin von Gnechten (for federal costs), J'nell Blanco Suchy (for state and local effects), and Amy Petz (for private-sector effects). The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.