

116TH CONGRESS
1ST SESSION

H. R. 4957

To amend the Indian Child Protection and Family Violence Prevention Act.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 31, 2019

Mr. GALLEG0 (for himself and Mr. COOK) introduced the following bill; which
was referred to the Committee on Natural Resources

A BILL

To amend the Indian Child Protection and Family Violence
Prevention Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Native American Child
5 Protection Act”.

6 **SEC. 2. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE**
7 **PREVENTION ACT AMENDMENTS.**

8 The Indian Child Protection and Family Violence
9 Prevention Act (25 U.S.C. 3202 et seq.) is amended as
10 follows:

1 (1) By amending section 403(3)(A) (25 U.S.C.
2 3202(3)(A)) to read as follows:

3 “(A) in any case in which—

4 “(i)(I) a child is dead or exhibits evi-
5 dence of skin bruising, bleeding, malnutri-
6 tion, failure to thrive, burns, fracture of
7 any bone, subdural hematoma, soft tissue
8 swelling; and

9 “(II) such condition is not justifiably
10 explained or may not be the product of an
11 accidental occurrence;

12 “(ii) psychological or verbal abuse
13 that causes serious emotional or mental in-
14 jury to a child; or

15 “(iii) a child is subjected to sexual as-
16 sault, sexual molestation, sexual exploi-
17 tation, sexual contact, or prostitution;”.

18 (2) In section 409 (25 U.S.C. 3208)—

19 (A) in subsection (a)—

20 (i) by striking “The Secretary of
21 Health and Human Services, acting
22 through the Service and in cooperation
23 with the Bureau” and inserting “The Serv-
24 ice, in cooperation with the Bureau”; and

1 (ii) by striking “sexual abuse” and in-
2 serting “abuse or neglect”;

3 (B) in subsection (b) through the end of
4 the section, by striking “Secretary of Health
5 and Human Services” each place it appears and
6 inserting “Service”;

7 (C) in subsection (b)(1), by inserting after
8 “Any Indian tribe or intertribal consortium”
9 the following: “, on its own or in partnership
10 with an urban Indian organization,”;

11 (D) in subsections (b)(2)(B) and (d), by
12 striking “such Secretary” each place it appears
13 and inserting “the Service”;

14 (E) by amending subsection (c) to read as
15 follows:

16 “(c) CULTURALLY APPROPRIATE TREATMENT.—In
17 awarding grants under this section, the Service shall en-
18 courage the use of culturally appropriate treatment serv-
19 ices and programs that respond to the unique cultural val-
20 ues, customs, and traditions of applicant Indian Tribes.”;

21 (F) in subsection (d)(2), by striking “the
22 Secretary” and inserting “the Service”;

23 (G) by redesignating subsection (e) as sub-
24 section (f);

1 (H) by inserting after subsection (d) the
2 following:

3 “(e) REPORT.—Not later than 2 years after the date
4 of the enactment of the Native American Child Protection
5 Act, the Service shall submit a report to Congress on the
6 award of grants under this section. The report shall con-
7 tain—

8 “(1) a description of treatment and services for
9 which grantees have used funds awarded under this
10 section; and

11 “(2) any other information that the Service re-
12 quires.”; and

13 (I) by amending subsection (f) (as so re-
14 designated by subparagraph (G) of this para-
15 graph), to read as follows:

16 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out this section
18 \$30,000,000 for each of fiscal years 2021 through 2026.”.

19 (3) In section 410 (25 U.S.C. 3209)—

20 (A) in the heading—

21 (i) by inserting “**NATIONAL**” before
22 “**INDIAN**”; and

23 (ii) by striking “**CENTERS**” and in-
24 serting “**CENTER**”;

1 (B) by amending subsections (a) and (b) to
2 read as follows:

3 “(a) ESTABLISHMENT.—Not later than one year
4 after the date of the enactment of the Native American
5 Child Protection Act, the Secretary shall establish a Na-
6 tional Indian Child Resource and Family Services Center.

7 “(b) REPORT.—Not later than 2 years after the date
8 of the enactment of the Native American Child Protection
9 Act, the Secretary of the Interior, acting through the Bu-
10 reau of Indian Affairs, shall submit a report to Congress
11 on the status of the National Indian Child Resource and
12 Family Services Center.”;

13 (C) in subsection (c)—

14 (i) by striking “Each” and inserting
15 “The”; and

16 (ii) by striking “multidisciplinary”;

17 (D) in subsection (d)—

18 (i) in the text before paragraph (1),
19 by striking “Each” and inserting “The”;

20 (ii) in paragraph (1), by striking “and
21 inter-tribal consortia” and inserting “inter-
22 tribal consortia, and urban Indian organi-
23 zations”;

(iii) in paragraph (2), by inserting
“urban Indian organizations,” after “tribal
organizations,”;

(iv) in paragraph (3)—

(I) by inserting “and technical
assistance” after training; and

(II) by striking “and to tribal or-
ganizations” and inserting “Tribal or-
ganizations, and urban Indian organi-
zations”;

(v) in paragraph (4)—

(I) by inserting “, State,” after
“Federal”; and

(II) by striking “and tribal” and
inserting “Tribal, and urban Indian”;
and

(vi) by amending paragraph (5) to
read as follows:

“(5) develop model intergovernmental agree-
ments between Tribes and States, and other mate-
rials that provide examples of how Federal, State,
and Tribal governments can develop effective rela-
tionships and provide for maximum cooperation in
the furtherance of prevention, investigation, treat-
ment, and prosecution of incidents of family violence

1 and child abuse and child neglect involving Indian
2 children and families.”; and

3 (E) in subsection (e)—

4 (i) in the heading, by striking “MUL-
5 TIDISCIPLINARY TEAM” and inserting
6 “TEAM”;

7 (ii) in the text before paragraph (1),
8 by striking “Each multidisciplinary” and
9 inserting “The”; and

10 (iii) by amending subsections (f), (g),
11 and (h) to read as follows:

12 “(f) CENTER ADVISORY BOARD.—The Secretary
13 shall establish an advisory board to advise and assist the
14 National Indian Child Resource and Family Services Cen-
15 ter in carrying out its activities under this section. The
16 advisory board shall consist of 12 members appointed by
17 the Secretary from Indian Tribes, Tribal organizations,
18 and urban Indian organizations with expertise in child
19 abuse and child neglect. Members shall serve without com-
20 pensation, but may be reimbursed for travel and other ex-
21 penses while carrying out the duties of the board. The ad-
22 visory board shall assist the Center in coordinating pro-
23 grams, identifying training and technical assistance mate-
24 rials, and developing intergovernmental agreements relat-
25 ing to family violence, child abuse, and child neglect.

1 “(g) APPLICATION OF INDIAN SELF-DETERMINA-
 2 TION ACT TO THE CENTER.—The National Indian Child
 3 Resource and Family Services Center shall be subject to
 4 the provisions of the Indian Self-Determination Act. The
 5 Secretary may also contract for the operation of the Cen-
 6 ter with a nonprofit Indian organization governed by an
 7 Indian-controlled board of directors that have substantial
 8 experience in child abuse, child neglect, and family vio-
 9 lence involving Indian children and families.

10 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
 11 are authorized to be appropriated to carry out this section
 12 \$3,000,000 for each of fiscal years 2021 through 2026.”.

13 (4) In section 411 (25 U.S.C. 3210)—

14 (A) in subsection (d)—

15 (i) in paragraph (1)—

16 (I) in subparagraph (A), by strik-
 17 ing “abuse and child neglect” and in-
 18 serting “abuse, neglect, or both”;

19 (II) in subparagraph (B), by
 20 striking “and” at the end; and

21 (III) by inserting after subpara-
 22 graph (C), the following:

23 “(D) development of agreements between
 24 Tribes, States, or private agencies on the co-

ordination of child abuse and neglect prevention, investigation, and treatment services;

“(E) child protective services operational costs including transportation, risk and protective factors assessments, family engagement and kinship navigator services, and relative searches, criminal background checks for prospective placements, and home studies; and

“(F) development of a Tribal child protection or multidisciplinary team to assist in the prevention and investigation of child abuse and neglect;”;

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting “in culturally appropriate ways” after “incidents of family violence”; and

(II) in subparagraph (C), by inserting “that may include culturally appropriate programs” after “training programs”; and

(iii) in paragraph (3)—

(I) in subparagraph (A), by inserting “and neglect” after “abuse”; and

1 (II) in subparagraph (B), by
2 striking “cases, to the extent prac-
3 ticable,” and inserting “and neglect
4 cases”;

5 (B) in subsection (f)—

6 (i) in paragraph (2), by striking “de-
7 velop, in consultation with Indian tribes,
8 appropriate caseload standards and staff-
9 ing requirements which are comparable to
10 standards developed by the National Asso-
11 ciation of Social Work, the Child Welfare
12 League of America and other professional
13 associations in the field of social work and
14 child welfare” and inserting “develop, not
15 later than one year after the date of the
16 enactment of the Native American Child
17 Protection Act, in consultation with Indian
18 Tribes, appropriate caseload standards and
19 staffing requirements”;

20 (ii) in paragraph (3)(D), by striking
21 “sexual abuse” and inserting “abuse and
22 neglect, high incidents of family violence,”;

23 (iii) in paragraph (4)—

1 (I) in subparagraph (A), by striking
2 ing “tribe” and inserting “Indian
3 Tribe”; and

4 (II) in subparagraph (B), by
5 striking “level of assistance for which
6 an Indian tribe qualifies” and inserting
7 “Indian Tribe”; and

8 (iv) in paragraph (5), by striking
9 “tribes” and inserting “Indian Tribes”;

10 (C) by amending subsection (g) to read as
11 follows:

12 “(g) REPORT.—Not later than 2 years after the date
13 of the enactment of the Native American Child Protection
14 Act, the Secretary of the Interior, acting through the Bu-
15 reau of Indian Affairs, shall submit a report to Congress
16 on the award of grants under this section. The report shall
17 contain—

18 “(1) a description of treatment and services for
19 which grantees have used funds awarded under this
20 section; and

21 “(2) any other information that the Secretary
22 of the Interior requires.”; and

23 (D) by amending subsection (i) to read as
24 follows:

1 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 \$60,000,000 for each of fiscal years 2021 through 2026.”.

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