

Union Calendar No. 395

116TH CONGRESS
2D SESSION

H. R. 4957

[Report No. 116–493]

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 31, 2019

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

SEPTEMBER 8, 2020

Additional sponsors: Ms. BASS, Mr. YOUNG, Mr. SOTO, Mrs. RADEWAGEN,
Mr. O'HALLERAN, Mr. CASE, Mr. COLE, Mr. CARTWRIGHT, Miss
GONZÁLEZ-COLÓN of Puerto Rico, and Ms. HAALAND

SEPTEMBER 8, 2020

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on October 31, 2019]

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 Pre-*
 9 *vention Act (25 U.S.C. 3202 et seq.) is amended as follows:*

10 (1) *By amending section 403(3)(A) (25 U.S.C.*
 11 *3202(3)(A)) to read as follows:*

12 “(A) *in any case in which—*

13 “(i)(I) *a child is dead or exhibits evi-*
 14 *dence of skin bruising, bleeding, malnutri-*
 15 *tion, failure to thrive, burns, fracture of any*
 16 *bone, subdural hematoma, soft tissue swell-*
 17 *ing; and*

18 “(II) *such condition is not justifiably*
 19 *explained or may not be the product of an*
 20 *accidental occurrence;*

21 “(ii) *psychological or verbal abuse that*
 22 *causes serious emotional or mental injury to*
 23 *a child; or*

1 “(iii) a child is subjected to sexual as-
2 sault, sexual molestation, sexual exploi-
3 tation, sexual contact, or prostitution;”.

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

5 (A) in subsection (a)—

6 (i) by striking “The Secretary of
7 Health and Human Services, acting
8 through the Service and in cooperation with
9 the Bureau” and inserting “The Service, in
10 cooperation with the Bureau”; and

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

13 (B) in subsection (b) through the end of the
14 section, by striking “Secretary of Health and
15 Human Services” each place it appears and in-
16 serting “Service”;

17 (C) in subsection (b)(1), by inserting after
18 “Any Indian tribe or intertribal consortium” the
19 following: “, on its own or in partnership with
20 an urban Indian organization,”;

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

24 (E) by amending subsection (c) to read as
25 follows:

1 “(c) *CULTURALLY APPROPRIATE TREATMENT.*—In
 2 *awarding grants under this section, the Service shall en-*
 3 *courage the use of culturally appropriate treatment services*
 4 *and programs that respond to the unique cultural values,*
 5 *customs, and traditions of applicant Indian Tribes.”;*

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

8 (G) by redesignating subsection (e) as sub-
 9 section (f);

10 (H) by inserting after subsection (d) the fol-
 11 lowing:

12 “(e) *REPORT.*—Not later than 2 years after the date
 13 of the enactment of the Native American Child Protection
 14 Act, the Service shall submit a report to Congress on the
 15 award of grants under this section. The report shall con-
 16 tain—

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

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

22 (I) by amending subsection (f) (as so redesi-
 23 gnated by subparagraph (G) of this paragraph),
 24 to read as follows:

1 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
 2 *authorized to be appropriated to carry out this section*
 3 *\$30,000,000 for each of fiscal years 2021 through 2026.*”.

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

5 (A) *in the heading—*

6 (i) *by inserting “**NATIONAL**” before*
 7 *“**INDIAN**”; and*

8 (ii) *by striking “**CENTERS**” and in-*
 9 *serting “**CENTER**”;*

10 (B) *by amending subsections (a) and (b) to*
 11 *read as follows:*

12 “(a) *ESTABLISHMENT.*—*Not later than one year after*
 13 *the date of the enactment of the Native American Child Pro-*
 14 *tection Act, the Secretary shall establish a National Indian*
 15 *Child Resource and Family Services Center.*

16 “(b) *REPORT.*—*Not later than 2 years after the date*
 17 *of the enactment of the Native American Child Protection*
 18 *Act, the Secretary of the Interior, acting through the Bureau*
 19 *of Indian Affairs, shall submit a report to Congress on the*
 20 *status of the National Indian Child Resource and Family*
 21 *Services Center.*”;

22 (C) *in subsection (c)—*

23 (i) *by striking “Each” and inserting*
 24 *“The”; and*

25 (ii) *by striking “multidisciplinary”;*

1 (D) in subsection (d)—

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

4 (ii) in paragraph (1), by striking “and
5 inter-tribal consortia” and inserting “inter-
6 tribal consortia, and urban Indian organi-
7 zations”;

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

11 (iv) in paragraph (3)—

12 (I) by inserting “and technical as-
13 sistance” after training; and

14 (II) by striking “and to tribal or-
15 ganizations” and inserting “, Tribal
16 organizations, and urban Indian orga-
17 nizations”;

18 (v) in paragraph (4)—

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

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

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

1 “(5) develop model intergovernmental agreements
 2 *between Tribes and States, and other materials that*
 3 *provide examples of how Federal, State, and Tribal*
 4 *governments can develop effective relationships and*
 5 *provide for maximum cooperation in the furtherance*
 6 *of prevention, investigation, treatment, and prosecu-*
 7 *tion of incidents of family violence and child abuse*
 8 *and child neglect involving Indian children and fami-*
 9 *lies.”; and*

10 (E) in subsection (e)—

11 (i) in the heading, by striking “MULTI-
 12 DISCIPLINARY TEAM” and inserting
 13 “TEAM”;

14 (ii) in the text before paragraph (1),
 15 by striking “Each multidisciplinary” and
 16 inserting “The”; and

17 (F) by amending subsections (f), (g), and
 18 (h) to read as follows:

19 “(f) CENTER ADVISORY BOARD.—The Secretary shall
 20 establish an advisory board to advise and assist the Na-
 21 tional Indian Child Resource and Family Services Center
 22 in carrying out its activities under this section. The advi-
 23 sory board shall consist of 12 members appointed by the
 24 Secretary from Indian Tribes, Tribal organizations, and
 25 urban Indian organizations with expertise in child abuse

1 *and child neglect. Members shall serve without compensa-*
 2 *tion, but may be reimbursed for travel and other expenses*
 3 *while carrying out the duties of the board. The advisory*
 4 *board shall assist the Center in coordinating programs,*
 5 *identifying training and technical assistance materials,*
 6 *and developing intergovernmental agreements relating to*
 7 *family violence, child abuse, and child neglect.*

8 “(g) *APPLICATION OF INDIAN SELF-DETERMINATION*
 9 *ACT TO THE CENTER.*—*The National Indian Child Re-*
 10 *source and Family Services Center shall be subject to the*
 11 *provisions of the Indian Self-Determination Act. The Sec-*
 12 *retary may also contract for the operation of the Center*
 13 *with a nonprofit Indian organization governed by an In-*
 14 *dian-controlled board of directors that have substantial ex-*
 15 *perience in child abuse, child neglect, and family violence*
 16 *involving Indian children and families.*

17 “(h) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
 18 *are authorized to be appropriated to carry out this section*
 19 *\$3,000,000 for each of fiscal years 2021 through 2026.”.*

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

21 (A) *in subsection (d)—*

22 (i) *in paragraph (1)—*

23 (I) *in subparagraph (A), by strik-*
 24 *ing “abuse and child neglect” and in-*
 25 *serting “abuse, neglect, or both”;*

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

3 (III) by inserting after subpara-
4 graph (C), the following:

5 “(D) development of agreements between
6 Tribes, States, or private agencies on the coordi-
7 nation of child abuse and neglect prevention, in-
8 vestigation, and treatment services;

9 “(E) child protective services operational
10 costs including transportation, risk and protec-
11 tive factors assessments, family engagement and
12 kinship navigator services, and relative searches,
13 criminal background checks for prospective
14 placements, and home studies; and

15 “(F) development of a Tribal child protec-
16 tion or multidisciplinary team to assist in the
17 prevention and investigation of child abuse and
18 neglect;”;

19 (ii) in paragraph (2)—

20 (I) in subparagraph (A), by in-
21 serting “in culturally appropriate
22 ways” after “incidents of family vio-
23 lence”; and

24 (II) in subparagraph (C), by in-
25 serting “that may include culturally

1 *appropriate programs” after “training*
2 *programs”; and*

3 *(iii) in paragraph (3)—*

4 *(I) in subparagraph (A), by in-*
5 *serting “and neglect” after “abuse”;*
6 *and*

7 *(II) in subparagraph (B), by*
8 *striking “cases, to the extent prac-*
9 *ticable,” and inserting “and neglect*
10 *cases”;*

11 *(B) in subsection (f)—*

12 *(i) in paragraph (2), by striking “de-*
13 *velop, in consultation with Indian tribes,*
14 *appropriate caseload standards and staffing*
15 *requirements which are comparable to*
16 *standards developed by the National Asso-*
17 *ciation of Social Work, the Child Welfare*
18 *League of America and other professional*
19 *associations in the field of social work and*
20 *child welfare” and inserting “develop, not*
21 *later than one year after the date of the en-*
22 *actment of the Native American Child Pro-*
23 *tection Act, in consultation with Indian*
24 *Tribes, appropriate caseload standards and*
25 *staffing requirements”;*

1 (ii) in paragraph (3)(D), by striking
2 “sexual abuse” and inserting “abuse and
3 neglect, high incidence of family violence”;
4 (iii) by amending paragraph (4) to
5 read as follows:

6 “(4) The formula established pursuant to this
7 subsection shall provide funding necessary to support
8 not less than one child protective services or family
9 violence caseworker, including fringe benefits and
10 support costs, for each Indian Tribe.”; and

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

13 (C) by amending subsection (g) to read as
14 follows:

15 “(g) *REPORT*.—Not later than 2 years after the date
16 of the enactment of the Native American Child Protection
17 Act, the Secretary of the Interior, acting through the Bureau
18 of Indian Affairs, shall submit a report to Congress on the
19 award of grants under this section. The report shall con-
20 tain—

21 “(1) a description of treatment and services for
22 which grantees have used funds awarded under this
23 section; and

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

1 *(D) by amending subsection (i) to read as*
2 *follows:*

3 *“(i) AUTHORIZATION OF APPROPRIATIONS.—There are*
4 *authorized to be appropriated to carry out this section*
5 *\$60,000,000 for each of fiscal years 2021 through 2026.”.*

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