

118TH CONGRESS
1ST SESSION

S. 2273

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

IN THE SENATE OF THE UNITED STATES

JULY 12, 2023

Mr. LUJÁN (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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; or

12 “(ii) a child is subjected to sexual as-
13 sault, sexual molestation, sexual exploi-
14 tation, sexual contact, or prostitution;
15 and”.

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

17 (A) in subsection (a)—

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

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

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

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

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

12 (E) by amending subsection (e) to read as
13 follows:

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

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

21 (G) by redesignating subsection (e) as sub-
22 section (f); and

23 (H) by inserting after subsection (d) the
24 following:

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

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

9 “(2) any other information that the Service re-
10 quires.”.

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

12 (A) in the heading—

13 (i) by inserting “**NATIONAL**” before
14 “**INDIAN**”; and

15 (ii) by striking “**CENTERS**” and in-
16 serting “**CENTER**”;

17 (B) by amending subsections (a) and (b) to
18 read as follows:

19 “(a) ESTABLISHMENT.—Not later than 1 year after
20 the date of the enactment of the Native American Child
21 Protection Act, the Secretary shall establish a National
22 Indian Child Resource and Family Services Center.

23 “(b) REPORT.—Not later than 2 years after the date
24 of the enactment of the Native American Child Protection
25 Act, the Secretary of the Interior, acting through the Bu-

1 reau of Indian Affairs, shall submit a report to Congress
2 on the status of the National Indian Child Resource and
3 Family Services Center.”;

4 (C) in subsection (c)—

5 (i) by striking “Each” and inserting
6 “The”; and

7 (ii) by striking “multidisciplinary”;

8 (D) in subsection (d)—

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

11 (ii) in paragraph (1), by striking “and
12 inter-tribal consortia” and inserting “inter-
13 tribal consortia, and urban Indian organi-
14 zations”;

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

18 (iv) in paragraph (3)—

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

21 (II) by striking “and to tribal or-
22 ganizations” and inserting “, Tribal
23 organizations, and urban Indian orga-
24 nizations”;

25 (v) in paragraph (4)—

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

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

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

8 “(5) develop model intergovernmental agree-
9 ments between Tribes and States, and other mate-
10 rials that provide examples of how Federal, State,
11 and Tribal governments can develop effective rela-
12 tionships and provide for maximum cooperation in
13 the furtherance of prevention, investigation, treat-
14 ment, and prosecution of incidents of family violence
15 and child abuse and child neglect involving Indian
16 children and families.”;

17 (E) in subsection (e)—

18 (i) in the heading, by striking “MUL-
19 TIDISCIPLINARY TEAM” and inserting
20 “TEAM”;

21 (ii) in the text before paragraph (1),
22 by striking “Each multidisciplinary” and
23 inserting “The”; and

24 (F) by amending subsections (f) and (g) to
25 read as follows:

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

15 “(g) APPLICATION OF INDIAN SELF-DETERMINA-
16 TION ACT TO THE CENTER.—The National Indian Child
17 Resource and Family Services Center shall be subject to
18 the provisions of the Indian Self-Determination Act. The
19 Secretary may also contract for the operation of the Cen-
20 ter with a nonprofit Indian organization governed by an
21 Indian-controlled board of directors that have substantial
22 experience in child abuse, child neglect, and family vio-
23 lence involving Indian children and families.”.

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

25 (A) in subsection (d)—

1 (i) in paragraph (1)—

2 (I) in subparagraph (A), by strik-
3 ing “abuse and child neglect” and in-
4 serting “abuse, neglect, or both”;

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

7 (III) by inserting after subpara-
8 graph (C), the following:

9 “(D) development of agreements between
10 Tribes, States, or private agencies on the co-
11 ordination of child abuse and neglect preven-
12 tion, investigation, and treatment services;

13 “(E) child protective services operational
14 costs including transportation, risk and protec-
15 tive factors assessments, family engagement
16 and kinship navigator services, and relative
17 searches, criminal background checks for pro-
18 spective placements, and home studies; and

19 “(F) development of a Tribal child protec-
20 tion or multidisciplinary team to assist in the
21 prevention and investigation of child abuse and
22 neglect;”;

23 (ii) in paragraph (2)—

24 (I) in subparagraph (A), by in-
25 serting “in culturally appropriate

1 ways” after “incidents of family vio-
2 lence”; and

3 (II) in subparagraph (C), by in-
4 serting “that may include culturally
5 appropriate programs” after “training
6 programs”; and

7 (iii) in paragraph (3)—

8 (I) in subparagraph (A), by in-
9 serting “and neglect” after “abuse”;
10 and

11 (II) in subparagraph (B), by
12 striking “cases, to the extent prac-
13 ticable,” and inserting “and neglect
14 cases”;

15 (B) in subsection (f)—

16 (i) in paragraph (2), by striking “de-
17 velop, in consultation with Indian tribes,
18 appropriate caseload standards and staff-
19 ing requirements which are comparable to
20 standards developed by the National Asso-
21 ciation of Social Work, the Child Welfare
22 League of America and other professional
23 associations in the field of social work and
24 child welfare” and inserting “develop, not
25 later than one year after the date of the

1 enactment of the Native American Child
2 Protection Act, in consultation with Indian
3 Tribes, appropriate caseload standards and
4 staffing requirements”;

5 (ii) in paragraph (3)(D), by striking
6 “sexual abuse” and inserting “abuse and
7 neglect, high incidence of family violence”;

8 (iii) by amending paragraph (4) to
9 read as follows:

10 “(4) The formula established pursuant to this
11 subsection shall provide funding necessary to sup-
12 port not less than one child protective services or
13 family violence caseworker, including fringe benefits
14 and support costs, for each Indian Tribe.”; and

15 (iv) in paragraph (5), by striking
16 “tribes” and inserting “Indian Tribes”;
17 and

18 (C) by amending subsection (g) to read as
19 follows:

20 “(g) REPORT.—Not later than 2 years after the date
21 of the enactment of the Native American Child Protection
22 Act, the Secretary of the Interior, acting through the Bu-
23 reau of Indian Affairs, shall submit a report to Congress
24 on the award of grants under this section. The report shall
25 contain—

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

4 “(2) any other information that the Secretary
5 of the Interior requires.”.

○