

Union Calendar No. 159

118TH CONGRESS
1ST SESSION

H. R. 663

[Report No. 118–196]

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2023

Mr. GALLEGO introduced the following bill; which was referred to the
Committee on Natural Resources

SEPTEMBER 14, 2023

Additional sponsors: Mr. NEWHOUSE, Ms. STANSBURY, Ms. PORTER, Mrs.
PELTOLA, Mr. MULLIN, Ms. PETTERSEN, Ms. SALINAS, and Ms.
KAMLAGER-DOVE

SEPTEMBER 14, 2023

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 January 31, 2023]

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; or*

21 “(ii) *a child is subjected to sexual as-*
22 *sault, sexual molestation, sexual exploi-*
23 *tation, sexual contact, or prostitution; and”.*

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

25 (A) *in subsection (a)—*

1 (i) by striking “The Secretary of
2 Health and Human Services, acting
3 through the Service and in cooperation with
4 the Bureau” and inserting “The Service, in
5 cooperation with the Bureau”; and

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

8 (B) in subsection (b) through the end of the
9 section, by striking “Secretary of Health and
10 Human Services” each place it appears and in-
11 serting “Service”;

12 (C) in subsection (b)(1), by inserting after
13 “Any Indian tribe or intertribal consortium” the
14 following: “, on its own or in partnership with
15 an urban Indian organization,”;

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

19 (E) by amending subsection (c) to read as
20 follows:

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

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

3 (G) by redesignating subsection (e) as sub-
4 section (f); and

5 (H) by inserting after subsection (d) the fol-
6 lowing:

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

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

15 “(2) any other information that the Service re-
16 quires.”.

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

18 (A) *in the heading*—

19 (i) by inserting “**NATIONAL**” before
20 “**INDIAN**”; and

21 (ii) by striking “**CENTERS**” and in-
22 serting “**CENTER**”;

23 (B) by amending subsections (a) and (b) to
24 read as follows:

1 “(a) *ESTABLISHMENT.*—Not later than 1 year after the
2 date of the enactment of the Native American Child Protec-
3 tion Act, the Secretary shall establish a National Indian
4 Child Resource and Family Services Center.

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

11 (C) in subsection (c)—

12 (i) by striking “Each” and inserting
13 “The”; and

14 (ii) by striking “multidisciplinary”;

15 (D) in subsection (d)—

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

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

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

25 (iv) in paragraph (3)—

1 (I) by inserting “and technical as-
2 sistance” after “training”; and

3 (II) by striking “and to tribal or-
4 ganizations” and inserting “, Tribal
5 organizations, and urban Indian orga-
6 nizations”;

7 (v) in paragraph (4)—

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

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

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

15 “(5) develop model intergovernmental agreements
16 between Tribes and States, and other materials that
17 provide examples of how Federal, State, and Tribal
18 governments can develop effective relationships and
19 provide for maximum cooperation in the furtherance
20 of prevention, investigation, treatment, and prosecu-
21 tion of incidents of family violence and child abuse
22 and child neglect involving Indian children and fami-
23 lies.”;

24 (E) in subsection (e)—

1 (i) in the heading, by striking “MULTI-
2 DISCIPLINARY TEAM” and inserting
3 “TEAM”;

4 (ii) in the text before paragraph (1),
5 by striking “Each multidisciplinary” and
6 inserting “The”; and

7 (F) by amending subsections (f) and (g) to
8 read as follows:

9 “(f) CENTER ADVISORY BOARD.—The Secretary shall
10 establish an advisory board to advise and assist the Na-
11 tional Indian Child Resource and Family Services Center
12 in carrying out its activities under this section. The advi-
13 sory board shall consist of 12 members appointed by the
14 Secretary from Indian Tribes, Tribal organizations, and
15 urban Indian organizations with expertise in child abuse
16 and child neglect. Members shall serve without compensa-
17 tion, but may be reimbursed for travel and other expenses
18 while carrying out the duties of the board. The advisory
19 board shall assist the Center in coordinating programs,
20 identifying training and technical assistance materials,
21 and developing intergovernmental agreements relating to
22 family violence, child abuse, and child neglect.

23 “(g) APPLICATION OF INDIAN SELF-DETERMINATION
24 ACT TO THE CENTER.—The National Indian Child Re-
25 source and Family Services Center shall be subject to the

1 *provisions of the Indian Self-Determination Act. The Sec-*
2 *retary may also contract for the operation of the Center*
3 *with a nonprofit Indian organization governed by an In-*
4 *dian-controlled board of directors that have substantial ex-*
5 *perience in child abuse, child neglect, and family violence*
6 *involving Indian children and families.”.*

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

8 (A) *in subsection (d)—*

9 (i) *in paragraph (1)—*

10 (I) *in subparagraph (A), by strik-*
11 *ing “abuse and child neglect” and in-*
12 *serting “abuse, neglect, or both”;*

13 (II) *in subparagraph (B), by*
14 *striking “and” at the end; and*

15 (III) *by inserting after subpara-*
16 *graph (C), the following:*

17 “(D) *development of agreements between*
18 *Tribes, States, or private agencies on the coordi-*
19 *nation of child abuse and neglect prevention, in-*
20 *vestigation, and treatment services;*

21 “(E) *child protective services operational*
22 *costs including transportation, risk and protec-*
23 *tive factors assessments, family engagement and*
24 *kinship navigator services, and relative searches,*

1 *criminal background checks for prospective*
2 *placements, and home studies; and*

3 *“(F) development of a Tribal child protec-*
4 *tion or multidisciplinary team to assist in the*
5 *prevention and investigation of child abuse and*
6 *neglect;”;*

7 *(ii) in paragraph (2)—*

8 *(I) in subparagraph (A), by in-*
9 *serting “in culturally appropriate*
10 *ways” after “incidents of family vio-*
11 *lence”; and*

12 *(II) in subparagraph (C), by in-*
13 *serting “that may include culturally*
14 *appropriate programs” after “training*
15 *programs”; and*

16 *(iii) in paragraph (3)—*

17 *(I) in subparagraph (A), by in-*
18 *serting “and neglect” after “abuse”;*
19 *and*

20 *(II) in subparagraph (B), by*
21 *striking “cases, to the extent prac-*
22 *ticable,” and inserting “and neglect*
23 *cases”;*

24 *(B) in subsection (f)—*

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

15 (ii) in paragraph (3)(D), by striking
16 “sexual abuse” and inserting “abuse and
17 neglect, high incidence of family violence”;

18 (iii) by amending paragraph (4) to
19 read as follows:

20 “(4) The formula established pursuant to this sub-
21 section shall provide funding necessary to support not less
22 than one child protective services or family violence case-
23 worker, including fringe benefits and support costs, for each
24 Indian Tribe.”; and

1 *(iv) in paragraph (5), by striking*
2 *“tribes” and inserting “Indian Tribes”; and*
3 *(C) by amending subsection (g) to read as*
4 *follows:*

5 *“(g) REPORT.—Not later than 2 years after the date*
6 *of the enactment of the Native American Child Protection*
7 *Act, the Secretary of the Interior, acting through the Bureau*
8 *of Indian Affairs, shall submit a report to Congress on the*
9 *award of grants under this section. The report shall con-*
10 *tain—*

11 *“(1) a description of treatment and services for*
12 *which grantees have used funds awarded under this*
13 *section; and*

14 *“(2) any other information that the Secretary of*
15 *the Interior requires.”.*

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