

# 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.

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## 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.”.*

Union Calendar No. 395

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 4957**

[Report No. 116-493]

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## **A BILL**

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

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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