

118TH CONGRESS
1ST SESSION

H. R. 3403

To amend part B of title IV of the Social Security Act to require States to comply with Federal standards established under the Indian Child Welfare Act of 1978.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2023

Mr. BACON (for himself, Mr. SCHWEIKERT, Mr. LAMALFA, Ms. DAVIDS of Kansas, Mr. KILDEE, Mrs. PELTOLA, and Mr. COLE) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend part B of title IV of the Social Security Act to require States to comply with Federal standards established under the Indian Child Welfare Act of 1978.

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 “Strengthening Tribal
5 Families Act of 2023”.

6 **SEC. 2. STATE PLAN REQUIREMENTS.**

7 (a) STATE PLAN REQUIREMENT RELATING TO
8 CHILD WELFARE SERVICES.—Section 422(b)(9) of the
9 Social Security Act (42 U.S.C. 622(b)(9)) is amended—

1 (1) by inserting “(A)” after “(9)”;

2 (2) by striking “Act;” and inserting “Act of
3 1978; and”; and

4 (3) by adding at the end the following:

5 “(B) provide that the agency administering or
6 supervising the administration of the plan shall com-
7 ply with Federal standards established under the In-
8 dian Child Welfare Act of 1978;”.

9 (b) STATE PLAN REQUIREMENT RELATING TO PRO-
10 MOTING SAFE AND STABLE FAMILIES.—Section 432(a) of
11 such Act (42 U.S.C. 629b(a)) is amended—

12 (1) in paragraph (9), by striking “and” at the
13 end;

14 (2) in paragraph (10), by striking the period
15 and inserting “; and”; and

16 (3) by adding at the end the following:

17 “(11) provides that the agency administering or
18 supervising the administration of the plan shall com-
19 ply with Federal standards established under the In-
20 dian Child Welfare Act of 1978.”.

21 (c) MEASURING COMPLIANCE.—Subpart 3 of part B
22 of title IV of such Act (42 U.S.C. 629m) is amended by
23 adding at the end the following:

1 **“SEC. 441. MEASURING COMPLIANCE WITH THE INDIAN**
2 **CHILD WELFARE ACT OF 1978.**

3 “(a) IN GENERAL.—Not later than January 1, 2024,
4 the Secretary and the Secretary of the Interior, in con-
5 sultation with Indian tribal organizations and States, shall
6 develop a memorandum of understanding that specifies
7 the factors to be used in measuring compliance by State
8 agencies with sections 422(b)(9) and 432(a)(11) of this
9 title, which shall include requirements sufficient to assess
10 State strengths and areas for improvement in imple-
11 menting the Indian Child Welfare Act of 1978, including
12 the following:

13 “(1) Timely identification of Indian children
14 and extended family members.

15 “(2) Timely tribal notice of State child custody
16 proceedings.

17 “(3) Quantitative agency reports of cases under
18 such Act in which a transfer of jurisdiction (as de-
19 fined by such Act) was granted or was not granted,
20 and whether good cause (as defined in such Act) was
21 applied.

22 “(4) Quantitative agency reports on how many
23 times a court returned such a case to the agency
24 based on insufficient active efforts (as defined by
25 such Act).

1 “(5) Foster care or adoptive placements in such
2 cases (as defined by such Act).

3 “(6) Quantitative agency reports on how many
4 times a court terminated parental rights in such
5 cases.

6 “(b) CONSULTATION.—On request of the Secretary,
7 the Secretary of the Interior shall provide the Secretary
8 with such guidance as may be necessary to facilitate in-
9 forming States and public child welfare agencies on how
10 to correctly and efficiently comply with sections 422(b)(9)
11 and 432(a)(11).”.

12 (d) BIENNIAL REPORTS TO THE CONGRESS.—Sec-
13 tion 422 of such Act (42 U.S.C. 622) is amended by add-
14 ing at the end the following:

15 “(d) BIENNIAL REPORTS TO THE CONGRESS.—The
16 Secretary shall biennially submit to the Committee on
17 Ways and Means of the House of Representatives and the
18 Committee on Finance of the Senate a written report on
19 how the States and the Secretary are addressing the re-
20 quirement in subsection (b)(9).”.

21 **SEC. 3. EFFECTIVE DATE.**

22 (a) IN GENERAL.—Except as provided in subsection
23 (b), this Act and the amendments made by this Act shall
24 take effect on the 1st day of the 1st calendar quarter that
25 begins after the date of the enactment of this Act.

1 (b) DELAY PERMITTED IF STATE LEGISLATION RE-
2 QUIRED.—If the Secretary of Health and Human Services
3 determines that State legislation (other than legislation
4 appropriating funds) is required in order for a State plan
5 developed pursuant to part B of title IV of the Social Se-
6 curity Act to meet the additional requirements imposed
7 by the amendments made by this Act, the plan shall not
8 be regarded as failing to meet any of the additional re-
9 quirements before the 1st day of the 1st calendar quarter
10 beginning after the first regular session of the State legis-
11 lature that begins after the date the Secretary publishes
12 the memorandum of understanding required by section
13 441 of the Social Security Act. For purposes of the pre-
14 ceding sentence, if the State has a 2-year legislative ses-
15 sion, each year of the session is deemed to be a separate
16 regular session of the State legislature.

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