

Calendar No. 227

118TH CONGRESS
1ST SESSION**S. 2273****[Report No. 118–106]**

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

OCTOBER 16, 2023

Reported by Mr. SCHATZ, without amendment

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”.

1 **SEC. 2. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE**
2 **PREVENTION ACT AMENDMENTS.**

3 The Indian Child Protection and Family Violence
4 Prevention Act (25 U.S.C. 3202 et seq.) is amended as
5 follows:

6 (1) By amending section 403(3)(A) (25 U.S.C.
7 3202(3)(A)) to read as follows:

8 “(A) in any case in which—

9 “(i)(I) a child is dead or exhibits evi-
10 dence of skin bruising, bleeding, malnutri-
11 tion, failure to thrive, burns, fracture of
12 any bone, subdural hematoma, soft tissue
13 swelling; and

14 “(II) such condition is not justifiably
15 explained or may not be the product of an
16 accidental occurrence; or

17 “(ii) a child is subjected to sexual as-
18 sault, sexual molestation, sexual exploi-
19 tation, sexual contact, or prostitution;
20 and”.

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

22 (A) in subsection (a)—

23 (i) by striking “The Secretary of
24 Health and Human Services, acting
25 through the Service and in cooperation

1 with the Bureau” and inserting “The Serv-
2 ice, in cooperation with the Bureau”; and

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

5 (B) in subsection (b) through the end of
6 the section, by striking “Secretary of Health
7 and Human Services” each place it appears and
8 inserting “Service”;

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

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

16 (E) by amending subsection (c) to read as
17 follows:

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

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

1 (G) by redesignating subsection (e) as sub-
2 section (f); and

3 (H) by inserting after subsection (d) the
4 following:

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

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

13 “(2) any other information that the Service re-
14 quires.”.

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

16 (A) in the heading—

17 (i) by inserting “**NATIONAL**” before
18 “**INDIAN**”; and

19 (ii) by striking “**CENTERS**” and in-
20 serting “**CENTER**”;

21 (B) by amending subsections (a) and (b) to
22 read as follows:

23 “(a) ESTABLISHMENT.—Not later than 1 year after
24 the date of the enactment of the Native American Child

1 Protection Act, the Secretary shall establish a National
2 Indian Child Resource and Family Services Center.

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

9 (C) in subsection (c)—

10 (i) by striking “Each” and inserting
11 “The”; and

12 (ii) by striking “multidisciplinary”;

13 (D) in subsection (d)—

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

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

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

23 (iv) in paragraph (3)—

24 (I) by inserting “and technical
25 assistance” after training; and

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

5 (v) in paragraph (4)—

6 (I) by inserting “, State,” after
 7 “Federal”; and

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

11 (vi) by amending paragraph (5) to
 12 read as follows:

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

22 (E) in subsection (e)—

23 (i) in the heading, by striking “MUL-
 24 TIDISCIPLINARY TEAM” and inserting
 25 “TEAM”;

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

4 (F) by amending subsections (f) and (g) to
5 read as follows:

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

20 “(g) APPLICATION OF INDIAN SELF-DETERMINA-
21 TION ACT TO THE CENTER.—The National Indian Child
22 Resource and Family Services Center shall be subject to
23 the provisions of the Indian Self-Determination Act. The
24 Secretary may also contract for the operation of the Cen-
25 ter with a nonprofit Indian organization governed by an

1 Indian-controlled board of directors that have substantial
2 experience in child abuse, child neglect, and family vio-
3 lence involving Indian children and families.”.

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

5 (A) in subsection (d)—

6 (i) in paragraph (1)—

7 (I) in subparagraph (A), by strik-
8 ing “abuse and child neglect” and in-
9 serting “abuse, neglect, or both”;

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

12 (III) by inserting after subpara-
13 graph (C), the following:

14 “(D) development of agreements between
15 Tribes, States, or private agencies on the co-
16 ordination of child abuse and neglect preven-
17 tion, investigation, and treatment services;

18 “(E) child protective services operational
19 costs including transportation, risk and protec-
20 tive factors assessments, family engagement
21 and kinship navigator services, and relative
22 searches, criminal background checks for pro-
23 spective placements, and home studies; and

24 “(F) development of a Tribal child protec-
25 tion or multidisciplinary team to assist in the

1 prevention and investigation of child abuse and
2 neglect;”;

3 (ii) in paragraph (2)—

4 (I) in subparagraph (A), by in-
5 serting “in culturally appropriate
6 ways” after “incidents of family vio-
7 lence”; and

8 (II) in subparagraph (C), by in-
9 serting “that may include culturally
10 appropriate programs” after “training
11 programs”; and

12 (iii) in paragraph (3)—

13 (I) in subparagraph (A), by in-
14 serting “and neglect” after “abuse”;
15 and

16 (II) in subparagraph (B), by
17 striking “cases, to the extent prac-
18 ticable,” and inserting “and neglect
19 cases”;

20 (B) in subsection (f)—

21 (i) in paragraph (2), by striking “de-
22 velop, in consultation with Indian tribes,
23 appropriate caseload standards and staff-
24 ing requirements which are comparable to
25 standards developed by the National Asso-

1 ciation of Social Work, the Child Welfare
2 League of America and other professional
3 associations in the field of social work and
4 child welfare” and inserting “develop, not
5 later than one year after the date of the
6 enactment of the Native American Child
7 Protection Act, in consultation with Indian
8 Tribes, appropriate caseload standards and
9 staffing requirements”;

10 (ii) in paragraph (3)(D), by striking
11 “sexual abuse” and inserting “abuse and
12 neglect, high incidence of family violence”;

13 (iii) by amending paragraph (4) to
14 read as follows:

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

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

22 and

23 (C) by amending subsection (g) to read as
24 follows:

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

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

10 “(2) any other information that the Secretary
11 of the Interior requires.”.

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