

116TH CONGRESS
2D SESSION

S. 4787

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 1, 2020

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

16 (A) in subsection (a)—

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

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

24 (B) in subsection (b) through the end of
25 the section, by striking “Secretary of Health

1 and Human Services” each place it appears and
2 inserting “Service”;

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

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

10 (E) by amending subsection (e) to read as
11 follows:

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

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

19 (G) by redesignating subsection (e) as sub-
20 section (f);

21 (H) by inserting after subsection (d) the
22 following:

23 “(e) REPORT.—Not later than 2 years after the date
24 of the enactment of the Native American Child Protection
25 Act, the Service shall submit a report to Congress on the

1 award of grants under this section. The report shall con-
2 tain—

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

6 “(2) any other information that the Service re-
7 quires.”; and

8 (I) by amending subsection (f) (as so re-
9 designated by subparagraph (G) of this para-
10 graph), to read as follows:

11 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this section
13 \$30,000,000 for each of fiscal years 2021 through 2026.”.

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

15 (A) in the heading—

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

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

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

22 “(a) ESTABLISHMENT.—Not later than one year
23 after the date of the enactment of the Native American
24 Child Protection Act, the Secretary shall establish a Na-
25 tional Indian Child Resource and Family Services Center.

1 “(b) 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 status of the National Indian Child Resource and
6 Family Services Center.”;

7 (C) in subsection (c)—

8 (i) by striking “Each” and inserting
9 “The”; and

10 (ii) by striking “multidisciplinary”;

11 (D) in subsection (d)—

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

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

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

21 (iv) in paragraph (3)—

22 (I) by inserting “and technical
23 assistance” after training; and

24 (II) by striking “and to tribal or-
25 ganizations” and inserting “, Tribal

1 organizations, and urban Indian orga-
2 nizations”;

3 (v) in paragraph (4)—

4 (I) by inserting “, State,” after
5 “Federal”; and

6 (II) by striking “and tribal” and
7 inserting “Tribal, and urban Indian”;

8 and

9 (vi) by amending paragraph (5) to
10 read as follows:

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

20 (E) in subsection (e)—

21 (i) in the heading, by striking “MUL-
22 TIDISCIPLINARY TEAM” and inserting
23 “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), (g), and
5 (h) to 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 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section
6 \$3,000,000 for each of fiscal years 2021 through 2026.”.

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 co-
19 ordination of child abuse and neglect preven-
20 tion, investigation, and treatment services;

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

1 searches, criminal background checks for pro-
2 spective 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 sserting “in culturally appropriate
10 ways” after “incidents of family vio-
11 lence”; and

12 (II) in subparagraph (C), by in-
13 sserting “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 sserting “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 staff-
4 ing 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
11 enactment of the Native American Child
12 Protection 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
21 subsection shall provide funding necessary to sup-
22 port not less than one child protective services or
23 family violence caseworker, including fringe benefits
24 and support costs, for each Indian Tribe.”; and

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

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 Bu-
8 reau of Indian Affairs, shall submit a report to Congress
9 on the award of grants under this section. The report shall
10 contain—

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
15 of the Interior requires.”; and

16 (D) by amending subsection (i) to read as
17 follows:

18 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to carry out this section
20 \$60,000,000 for each of fiscal years 2021 through 2026.”.

○