

118TH CONGRESS
1ST SESSION

H. R. 663

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2023

Received

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Native American Child
3 Protection Act”.

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

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

9 (1) By amending section 403(3)(A) (25 U.S.C.
10 3202(3)(A)) to read as follows:

11 “(A) in any case in which—

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

17 “(II) such condition is not justifiably
18 explained or may not be the product of an
19 accidental occurrence; or

20 “(ii) a child is subjected to sexual as-
21 sault, sexual molestation, sexual exploi-
22 tation, sexual contact, or prostitution;
23 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
4 with the Bureau” and inserting “The Serv-
5 ice, in 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
9 the section, by striking “Secretary of Health
10 and Human Services” each place it appears and
11 inserting “Service”;

12 (C) in subsection (b)(1), by inserting after
13 “Any Indian tribe or intertribal consortium”
14 the following: “, on its own or in partnership
15 with 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 serv-
24 ices and programs that respond to the unique cultural val-
25 ues, 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
6 following:

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
2 the date of the enactment of the Native American Child
3 Protection Act, the Secretary shall establish a National
4 Indian 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 Bu-
8 reau of Indian Affairs, shall submit a report to Congress
9 on the status of the National Indian Child Resource and
10 Family 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),
17 by 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
2 assistance” 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 agree-
16 ments between Tribes and States, and other mate-
17 rials that provide examples of how Federal, State,
18 and Tribal governments can develop effective rela-
19 tionships and provide for maximum cooperation in
20 the furtherance of prevention, investigation, treat-
21 ment, and prosecution of incidents of family violence
22 and child abuse and child neglect involving Indian
23 children and families.”;

24 (E) in subsection (e)—

1 (i) in the heading, by striking “MUL-
2 TIDISCIPLINARY 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
10 shall establish an advisory board to advise and assist the
11 National Indian Child Resource and Family Services Cen-
12 ter in carrying out its activities under this section. The
13 advisory board shall consist of 12 members appointed by
14 the Secretary from Indian Tribes, Tribal organizations,
15 and urban Indian organizations with expertise in child
16 abuse and child neglect. Members shall serve without com-
17 pensation, but may be reimbursed for travel and other ex-
18 penses while carrying out the duties of the board. The ad-
19 visory board shall assist the Center in coordinating pro-
20 grams, identifying training and technical assistance mate-
21 rials, and developing intergovernmental agreements relat-
22 ing to 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 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 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 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 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
24 each Indian Tribe.”; and

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

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

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 Secretary
16 of the Interior requires.”.

17 **SEC. 3. LIMITATION ON APPROPRIATIONS.**

18 No additional amounts are authorized to carry out
19 this Act or any of the amendments made by this Act. Each
20 program, project, and activity authorized by this Act or
21 the amendments made by this Act shall be subject to the

1 availability of appropriations made in advance for such
2 purposes.

Passed the House of Representatives September 18,
2023.

Attest: KEVIN F. MCCUMBER,
Clerk.