

117TH CONGRESS
1ST SESSION

S. 2326

To amend the Indian Child Protection and Family Violence Prevention Act to reauthorize programs under that Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2021

Mr. LUJÁN (for himself and Mr. ROUNDS) 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 to reauthorize programs under that Act, and for other purposes.

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 of 2021”.

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

8 (a) DEFINITIONS.—Section 403 of the Indian Child
9 Protection and Family Violence Prevention Act (25 U.S.C.
10 3202) is amended—

1 (1) by striking paragraph (3) and inserting the
2 following:

3 “(3) ‘child abuse’ includes any case in which—

4 “(A)(i) a child is dead or exhibits evidence
5 of skin bruising, bleeding, malnutrition, failure
6 to thrive, burns, fracture of any bone, subdural
7 hematoma, or soft tissue swelling; and

8 “(ii) the applicable condition under clause
9 (i) is not justifiably explained or may not be the
10 product of an accidental occurrence; or

11 “(B) a child is subjected to sexual assault,
12 sexual molestation, sexual exploitation, sexual
13 contact, or prostitution;”;

14 (2) by striking paragraph (10) and inserting
15 the following:

16 “(10) ‘Indian tribe’, ‘Indian Tribe’, ‘tribal orga-
17 nization’, and ‘Tribal organization’ have the mean-
18 ings given those terms in section 4 of the Indian
19 Self-Determination and Education Assistance Act
20 (25 U.S.C. 5304).”;

21 (3) in paragraph (17), by striking “and” at the
22 end;

23 (4) in paragraph (18), by striking the period at
24 the end and inserting “; and”; and

25 (5) by adding at the end the following:

1 “(19) ‘urban Indian organization’ has the
2 meaning given the term in section 4 of the Indian
3 Health Care Improvement Act (25 U.S.C. 1603).”.

4 (b) INDIAN CHILD ABUSE TREATMENT GRANT PRO-
5 GRAM.—Section 409 of the Indian Child Protection and
6 Family Violence Prevention Act (25 U.S.C. 3208) is
7 amended—

8 (1) in subsection (a)—

9 (A) by striking “The Secretary of Health
10 and Human Services, acting through the Serv-
11 ice and” and inserting “The Service,”;

12 (B) by striking “intertribal” and inserting
13 “inter-tribal”; and

14 (C) by striking “sexual abuse” and insert-
15 ing “abuse or child neglect”;

16 (2) by striking subsections (b) and (c) and in-
17 serting the following:

18 “(b) GRANT APPLICATIONS.—

19 “(1) IN GENERAL.—Any Indian Tribe or inter-
20 tribal consortium, including an Indian Tribe or
21 inter-tribal consortium in partnership with an urban
22 Indian organization, may submit to the Service an
23 application for a grant under subsection (a).

24 “(2) REQUIREMENTS.—An application sub-
25 mitted under paragraph (1) shall—

1 “(A) be in such form as the Service may
2 prescribe;

3 “(B) be submitted to the Service on or be-
4 fore a date designated by the Service; and

5 “(C) specify—

6 “(i) the nature of the program pro-
7 posed by the applicant;

8 “(ii) the data and information on
9 which the program is based;

10 “(iii) the extent to which the program
11 plans to use or incorporate existing serv-
12 ices available on a reservation; and

13 “(iv) the specific treatment concepts
14 to be used under the program.

15 “(c) CULTURALLY APPROPRIATE TREATMENT.—In
16 awarding grants under subsection (a), the Service shall
17 encourage the use of culturally appropriate treatment
18 services and programs that respond to the unique cultural
19 values, customs, and traditions of the applicant Indian
20 Tribes.”;

21 (3) in subsection (d)—

22 (A) by striking “such Secretary” each
23 place it appears and inserting “the Service”;

24 (B) by striking “, and” each place it ap-
25 pears and inserting “; and”;

1 (C) in paragraph (1), in the matter pre-
2 ceeding subparagraph (A), by striking “Sec-
3 retary of Health and Human Services” and in-
4 serting “Service”; and

5 (D) in paragraph (2), by striking “the Sec-
6 retary” and inserting “the Service”; and

7 (4) by striking subsection (e) and inserting the
8 following:

9 “(e) REPORT.—

10 “(1) IN GENERAL.—Not later than 2 years
11 after the date of enactment of the Native American
12 Child Protection Act of 2021, the Service shall sub-
13 mit to Congress a report on grants awarded under
14 subsection (a).

15 “(2) REQUIREMENTS.—The report required
16 under paragraph (1) shall include—

17 “(A) a description of treatment and serv-
18 ices for which recipients of grants awarded
19 under this section have used the grant funds;
20 and

21 “(B) any other information that the Serv-
22 ice may require.

23 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
24 is authorized to be appropriated to carry out this section
25 \$30,000,000 for each of fiscal years 2022 through 2027.”.

1 (c) NATIONAL INDIAN CHILD RESOURCE AND FAM-
2 ILY SERVICES CENTER.—Section 410 of the Indian Child
3 Protection and Family Violence Prevention Act (25 U.S.C.
4 3209) is amended—

5 (1) in the section heading—

6 (A) by inserting “**NATIONAL**” before “**IN-**
7 **DIAN**”; and

8 (B) by striking “**CENTERS**” and inserting
9 “**CENTER**”;

10 (2) by striking subsections (a) and (b) and in-
11 serting the following:

12 “(a) ESTABLISHMENT.—Not later than 1 year after
13 the date of enactment of the Native American Child Pro-
14 tection Act of 2021, the Secretary shall establish a center,
15 to be known as the ‘National Indian Child Resource and
16 Family Services Center’ (referred to in this section as the
17 ‘Center’).”;

18 (3) by redesignating subsections (c) through (e)
19 as subsections (b) through (d), respectively;

20 (4) in subsection (b) (as so redesignated), by
21 striking “Each Center” and all that follows through
22 “multidisciplinary team” and inserting “The Center
23 shall be staffed by a team”;

24 (5) in subsection (c) (as so redesignated)—

1 (A) in the matter preceding paragraph (1),
2 by striking “Each Center established under
3 subsection (a)” and inserting “The Center”;

4 (B) in paragraph (1), by striking “and
5 inter-tribal consortia upon request” and insert-
6 ing “inter-tribal consortia, and urban Indian or-
7 ganizations on request”;

8 (C) in paragraph (2), by striking “Indian
9 tribes, tribal organizations, the Bureau and the
10 Service” and inserting “Indian Tribes, Tribal
11 organizations, urban Indian organizations, the
12 Bureau, and the Service”;

13 (D) in paragraph (3)—

14 (i) by inserting “and technical assist-
15 ance” after “training materials”; and

16 (ii) by striking “and to tribal organi-
17 zations” and inserting “, Tribal organiza-
18 tions, and urban Indian organizations”;

19 (E) in paragraph (4)—

20 (i) by inserting “, State,” after “Fed-
21 eral”; and

22 (ii) by inserting “and personnel of
23 urban Indian organizations” after “tribal
24 personnel”; and

1 (F) by striking paragraph (5) and insert-
2 ing the following:

3 “(5) develop model intergovernmental agree-
4 ments between Indian Tribes and States and other
5 materials that provide examples of how Federal,
6 State, and Tribal governments can develop effective
7 relationships and provide for maximum cooperation
8 in the furtherance of the prevention, investigation,
9 treatment, and prosecution of incidents of family vi-
10 olence, child abuse, and child neglect involving In-
11 dian children and Indian families.”; and

12 (6) in subsection (d) (as so redesignated)—

13 (A) in the subsection heading, by striking
14 “MULTIDISCIPLINARY”;

15 (B) in the matter preceding paragraph (1),
16 by striking “Each multidisciplinary” and all
17 that follows through “personnel” and inserting
18 “The team required under subsection (b) shall
19 include personnel”; and

20 (C) in paragraphs (1) through (3), by
21 striking the comma each place it appears and
22 inserting a semicolon; and

23 (7) by striking subsections (f) through (h) and
24 inserting the following:

25 “(e) CENTER ADVISORY BOARD.—

1 “(1) IN GENERAL.—The Secretary shall estab-
2 lish an advisory board to advise and assist the Cen-
3 ter in carrying out the activities of the Center under
4 this section (referred to in this subsection as the ‘ad-
5 visory board’).

6 “(2) MEMBERSHIP.—

7 “(A) IN GENERAL.—The advisory board
8 shall consist of 12 members appointed by the
9 Secretary from Indian Tribes, Tribal organiza-
10 tions, and urban Indian organizations.

11 “(B) REQUIREMENT.—Each member of
12 the advisory board shall have expertise in child
13 abuse or child neglect.

14 “(C) NO COMPENSATION.—A member of
15 the advisory board shall serve without com-
16 pensation, but may be reimbursed for travel
17 and other expenses while carrying out the du-
18 ties of the advisory board.

19 “(3) DUTIES.—The advisory board shall assist
20 the Center with—

21 “(A) coordinating programs of the Center;

22 “(B) identifying training and technical as-
23 sistance materials that may be of use to the
24 Center; and

1 “(C) developing intergovernmental agree-
2 ments relating to family violence, child abuse,
3 and child neglect.

4 “(f) APPLICATION OF INDIAN SELF-DETERMINATION
5 AND EDUCATION ASSISTANCE ACT TO THE CENTER.—

6 “(1) IN GENERAL.—The Center shall be subject
7 to title I of the Indian Self-Determination and Edu-
8 cation Assistance Act (25 U.S.C. 5321 et seq.).

9 “(2) OPERATION OF CENTER.—The Secretary
10 may enter into a contract under the Indian Self-De-
11 termination and Education Assistance Act (25
12 U.S.C. 5301 et seq.) for the operation of the Center
13 with a nonprofit Indian organization governed by an
14 Indian-controlled board of directors that has sub-
15 stantial experience in child abuse, child neglect, and
16 family violence involving Indian children and Indian
17 families.

18 “(g) REPORT.—Not later than 2 years after the date
19 of enactment of the Native American Child Protection Act
20 of 2021, the Secretary, acting through the Director of the
21 Bureau, shall submit to Congress a report on the status
22 of the Center.

23 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
24 is authorized to be appropriated to carry out this section
25 \$3,000,000 for each of fiscal years 2022 through 2027.”.

1 (d) INDIAN CHILD PROTECTION AND FAMILY VIO-
2 LENCE PREVENTION PROGRAM.—Section 411 of the In-
3 dian Child Protection and Family Violence Prevention Act
4 (25 U.S.C. 3210) is amended—

5 (1) in subsection (d)—

6 (A) in paragraph (1)—

7 (i) in subparagraph (A), by striking
8 “child abuse and child neglect,” and in-
9 serting “child abuse, child neglect, or
10 both;”;

11 (ii) in subparagraph (B), by striking
12 “, and” at the end and inserting a semi-
13 colon; and

14 (iii) by inserting after subparagraph
15 (C) the following:

16 “(D) the development of agreements be-
17 tween Indian Tribes, States, or private agencies
18 for the coordination of child abuse and child ne-
19 glect prevention, investigation, and treatment
20 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) the development of a Tribal child pro-
4 tection or multidisciplinary team to assist in the
5 prevention and investigation of child abuse and
6 child neglect;”;

7 (B) in paragraph (2)—

8 (i) in subparagraph (A), by striking
9 the comma at the end and inserting “in
10 culturally appropriate ways;”;

11 (ii) in subparagraph (B), by striking
12 the comma at the end and inserting a
13 semicolon; and

14 (iii) in subparagraph (C), by inserting
15 “, which may include culturally appro-
16 priate programs,” after “training pro-
17 grams”;

18 (C) in paragraph (3)—

19 (i) in subparagraph (A)—

20 (I) by inserting “and child ne-
21 glect” after “child abuse”; and

22 (II) by striking the comma at the
23 end and inserting a semicolon; and

24 (ii) in subparagraph (B)—

1 (I) by striking “cases, to the ex-
2 tent practicable,” and inserting “cases
3 and child neglect cases”; and

4 (II) by striking “, and” at the
5 end and inserting “; and”;

6 (D) in paragraph (5)—

7 (i) in subparagraph (A), by striking
8 the comma at the end and inserting a
9 semicolon;

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

12 (iii) in subparagraph (C)—

13 (I) by striking “preschool” and
14 inserting “preschools”; and

15 (II) by striking “college or uni-
16 versity (within the meaning of section
17 2 of the Tribally Controlled Colleges
18 and Universities Assistance Act of
19 1978)” and inserting “colleges and
20 universities (as defined in section 2(a)
21 of the Tribally Controlled Colleges
22 and Universities Assistance Act of
23 1978 (25 U.S.C. 1801(a))”; and

24 (E) in paragraph (7)—

1 (i) in the matter preceding subpara-
 2 graph (A), by inserting “that show promise
 3 of successfully preventing and treating
 4 cases of family violence, child abuse, and
 5 child neglect” before “as the Secretary”;

6 (ii) in subparagraph (A), by striking
 7 the comma at the end and inserting a
 8 semicolon;

9 (iii) in subparagraph (B), by striking
 10 “, or” at the end and inserting “; or”; and

11 (iv) by striking the comma at the end
 12 of subparagraph (C) and all that follows
 13 through “neglect.” in the undesignated
 14 matter following that subparagraph and in-
 15 serting a period;

16 (2) by striking subsections (g) and (i);

17 (3) by redesignating subsections (f) and (h) as
 18 subsections (e) and (g), respectively;

19 (4) in subsection (e) (as so redesignated)—

20 (A) in paragraph (1), by striking “(1) The
 21 Secretary” and inserting the following:

22 “(1) IN GENERAL.—The Secretary”;

23 (B) by striking paragraph (2) and insert-
 24 ing the following:

1 “(2) CASELOAD STANDARDS; STAFFING RE-
2 QUIREMENTS.—

3 “(A) IN GENERAL.—In the development of
4 regulations for base support funding for the
5 programs described in paragraph (1), the Sec-
6 retary, in consultation with Indian Tribes, shall
7 develop, not later than 1 year after the date of
8 enactment of the Native American Child Pro-
9 tection Act of 2021, appropriate caseload stand-
10 ards and staffing requirements.

11 “(B) STAFFING REQUIREMENTS.—Each
12 level of funding assistance shall correspond to
13 the staffing requirements established by the
14 Secretary under subparagraph (A).”;

15 (C) in paragraph (3)—

16 (i) by striking “(3) Factors to be”
17 and all that follows through “limited to—
18 ” in the matter preceding subparagraph
19 (A) and inserting the following:

20 “(3) FACTORS.—In the development of the base
21 support funding formula under paragraph (1), the
22 Secretary shall take into consideration factors in-
23 cluding—”;

24 (ii) by indenting subparagraphs (A)
25 through (D) appropriately; and

1 (iii) in subparagraph (D), by striking
2 “sexual abuse” and inserting “abuse and
3 child neglect, high incidence of family vio-
4 lence,”;

5 (D) by striking paragraph (4) and insert-
6 ing the following:

7 “(4) REQUIREMENT.—The formula established
8 pursuant to this subsection shall provide funding
9 necessary to support not less than 1 child protective
10 services or family violence caseworker, including
11 fringe benefits and support costs, for each Indian
12 Tribe.”; and

13 (E) in paragraph (5)—

14 (i) by striking “(5) In any” and in-
15 serting the following:

16 “(5) INSUFFICIENT FUNDING.—In any”; and

17 (ii) by striking “tribes” and inserting
18 “Indian Tribes”;

19 (5) by inserting after subsection (e) (as so re-
20 designated) the following:

21 “(f) REPORT.—

22 “(1) IN GENERAL.—Not later than 2 years
23 after the date of enactment of the Native American
24 Child Protection Act of 2021, the Secretary, acting
25 through the Bureau, shall submit to Congress a re-

1 port on the use of funds provided pursuant to this
2 section.

3 “(2) REQUIREMENTS.—The report required
4 under paragraph (1) shall include—

5 “(A) a description of the treatments and
6 services for which recipients of the grants have
7 used the funds; and

8 “(B) any other information that the Sec-
9 retary, acting through the Bureau, may re-
10 quire.”; and

11 (6) by adding at the end the following:

12 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
13 is authorized to be appropriated to carry out this section
14 \$60,000,000 for each of fiscal years 2022 through 2027.”.

15 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) Section 404(c)(2)(A) of the Indian Child
17 Protection and Family Violence Prevention Act (25
18 U.S.C. 3203(c)(2)(A)) is amended by striking
19 “abuse described in section 503(3)” and inserting
20 “child abuse”.

21 (2) Section 407(c) of the Indian Child Protec-
22 tion and Family Violence Prevention Act (25 U.S.C.
23 3206(c)) is amended—

24 (A) by striking “advise” and inserting “ad-
25 vice”; and

1 (B) by striking “a multidisciplinary team
2 established pursuant to section 410” and in-
3 serting “the team described in section 410(b)”.

○