

## NATIVE AMERICAN CHILD PROTECTION ACT

SEPTEMBER 14, 2023.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,  
submitted the following

### R E P O R T

[To accompany H.R. 663]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 663) to amend the Indian Child Protection and Family Violence Prevention Act, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

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

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

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

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

“(A) in any case in which—

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

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

“(ii) a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution; and”.

(2) In section 409 (25 U.S.C. 3208)—

(A) in subsection (a)—

(i) by striking “The Secretary of Health and Human Services, acting through the Service and in cooperation with the Bureau” and inserting “The Service, in cooperation with the Bureau”; and

(ii) by striking “sexual abuse” and inserting “abuse or neglect”;

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

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

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

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

“(c) CULTURALLY APPROPRIATE TREATMENT.—In awarding grants under this section, the Service shall encourage the use of culturally appropriate treatment services and programs that respond to the unique cultural values, customs, and traditions of applicant Indian Tribes.”;

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

(G) by redesignating subsection (e) as subsection (f); and

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

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

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

“(2) any other information that the Service requires.”.

(3) In section 410 (25 U.S.C. 3209)—

(A) in the heading—

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

(ii) by striking “**CENTERS**” and inserting “**CENTER**”;

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

“(a) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of the Native American Child Protection Act, the Secretary shall establish a National Indian Child Resource and Family Services Center.

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

(C) in subsection (c)—

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

(ii) by striking “multidisciplinary”;

(D) in subsection (d)—

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

(ii) in paragraph (1), by striking “and inter-tribal consortia” and inserting “inter-tribal consortia, and urban Indian organizations”;

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

(iv) in paragraph (3)—

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

(II) by striking “and to tribal organizations” and inserting “, Tribal organizations, and urban Indian organizations”;

(v) in paragraph (4)—

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

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

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

“(5) develop model intergovernmental agreements between Tribes and States, and other materials that provide examples of how Federal, State, and Tribal governments can develop effective relationships and provide for maximum cooperation in the furtherance of prevention, investigation, treatment, and prosecution of incidents of family violence and child abuse and child neglect involving Indian children and families.”;

(E) in subsection (e)—

(i) in the heading, by striking “**MULTIDISCIPLINARY TEAM**” and inserting “**TEAM**”;

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

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

“(f) CENTER ADVISORY BOARD.—The Secretary shall establish an advisory board to advise and assist the National Indian Child Resource and Family Services Center in carrying out its activities under this section. The advisory board shall consist of 12 members appointed by the Secretary from Indian Tribes, Tribal organizations, and urban Indian organizations with expertise in child abuse and child neglect. Members shall serve without compensation, but may be reimbursed for travel and

other expenses while carrying out the duties of the board. The advisory board shall assist the Center in coordinating programs, identifying training and technical assistance materials, and developing intergovernmental agreements relating to family violence, child abuse, and child neglect.

“(g) APPLICATION OF INDIAN SELF-DETERMINATION ACT TO THE CENTER.—The National Indian Child Resource and Family Services Center shall be subject to the provisions of the Indian Self-Determination Act. The Secretary may also contract for the operation of the Center with a nonprofit Indian organization governed by an Indian-controlled board of directors that have substantial experience in child abuse, child neglect, and family violence involving Indian children and families.”.

(4) In section 411 (25 U.S.C. 3210)—

(A) in subsection (d)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking “abuse and child neglect” and inserting “abuse, neglect, or both”;

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

(III) by inserting after subparagraph (C), the following:

“(D) development of agreements between Tribes, States, or private agencies on the coordination of child abuse and neglect prevention, investigation, and treatment services;

“(E) child protective services operational costs including transportation, risk and protective factors assessments, family engagement and kinship navigator services, and relative searches, criminal background checks for prospective placements, and home studies; and

“(F) development of a Tribal child protection or multidisciplinary team to assist in the prevention and investigation of child abuse and neglect.”;

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting “in culturally appropriate ways” after “incidents of family violence”; and

(II) in subparagraph (C), by inserting “that may include culturally appropriate programs” after “training programs”; and

(iii) in paragraph (3)—

(I) in subparagraph (A), by inserting “and neglect” after “abuse”; and

(II) in subparagraph (B), by striking “cases, to the extent practicable,” and inserting “and neglect cases”;

(B) in subsection (f)—

(i) in paragraph (2), by striking “develop, in consultation with Indian tribes, appropriate caseload standards and staffing requirements which are comparable to standards developed by the National Association of Social Work, the Child Welfare League of America and other professional associations in the field of social work and child welfare” and inserting “develop, not later than one year after the date of the enactment of the Native American Child Protection Act, in consultation with Indian Tribes, appropriate caseload standards and staffing requirements”;

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

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

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

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

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

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

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

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

#### PURPOSE OF THE LEGISLATION

The purpose of H.R. 663 is to amend the Indian Child Protection and Family Violence Prevention Act.

## BACKGROUND AND NEED FOR LEGISLATION

H.R. 663 would reauthorize three programs administered by the Department of Health and Human Services and the Department of the Interior, including the Indian Child Abuse Treatment Grant Program, the Indian Child Protection and Family Violence Prevention Program, and the Indian Child Resource and Family Service Centers. The Indian Child Resource and Family Service Centers are consolidated and renamed in H.R. 663 to the National Indian Child Resource and Family Service Center. These programs are intended to prevent cases within Indian communities where child abuse, neglect, family violence, and trauma may occur, and to provide treatment for victims of Indian child sexual abuse. The authorization of appropriations for the programs expired in 1997.<sup>1</sup> The bill also makes several technical changes to the underlying statute, requiring agency reports on grant awards and performance.

From 1988 to 1990, the Senate Select Committee on Indian Affairs, the Special Committee on Investigations, and the House Committee on Interior and Insular Affairs (now the Committee on Natural Resources) held hearings focusing on allegations of abuse and the protection of Indian children on the Navajo Nation and Hopi Reservations in Arizona, and in the Cherokee Nation of Oklahoma.<sup>2</sup> Testimony received at these hearings found that incidents of child abuse on Indian reservations were underreported, and that agency responses to incidents of child abuse by Bureau of Indian Affairs employees and teachers furthered the traumatization of victims and their families.

In response to these hearings, in 1989 Senator John McCain introduced legislation intended to improve the reporting of cases of child abuse in Indian Country and to provide resources for the treatment of victims of child sexual abuse.<sup>3</sup> The bill created two new grant programs, the Indian Child Abuse Treatment Grant Program and the Indian Child Protection and Family Violence Prevention Program. The bill further required the Department of Health and Human Services and the Department of the Interior to conduct character investigations of employees who are in close contact with or have control over Indian children.

After Senate passage in November 1989, the House Committee on Interior and Insular Affairs subsequently held three hearings on physical and sexual abuse of children in Indian Country and on S. 1783.<sup>4</sup> Senator McCain subsequently introduced a revised bill, which included provisions to provide technical assistance, training and other resources related to the investigation and treatment of cases of family violence, abuse and neglect. The bill further included the language for the establishment of regional child abuse resource centers located within each Bureau of Indian Affairs service region. The bill was included in a broader tribal bill and became law on November 28, 1990.<sup>5</sup>

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<sup>1</sup>At the time of this writing, the Indian Health Service testimony has indicated that Congress never appropriated funds for the program it was charged with administering, the Indian Child Abuse Treatment Grant Program.

<sup>2</sup>S. Rpt. 101-403, S. 2340 (1990). At 1.

<sup>3</sup>See S. 1783, Indian Child Protection and Family Violence Prevention Act, 101st Congress.

<sup>4</sup>H. Hrg 101-60 (1990). *Oversight and S. 1783*.

<sup>5</sup>P.L. 101-630.

Advocates cite the Indian Child Protection and Family Violence Prevention Act (ICPFVPA) as the only federal statute that would set aside funding for tribal governments dedicated to child abuse prevention and victim treatment. However, as of April 2017, Congress had only appropriated approximately \$5 million for ICPFVPA programs since 1990.<sup>6</sup> The Consolidated Appropriations Act of 2022 and the Consolidated Appropriations Act of 2023 included \$1 million each of fiscal years 2022 and 2023 for implementing the ICPFVPA.<sup>7</sup>

#### COMMITTEE ACTION

H.R. 663 was introduced on January 31, 2023, by Rep. Ruben Gallego (D–AZ). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Indian and Insular Affairs. On May 17, 2023, the Committee on Natural Resources met to consider the bill. The Subcommittee on Indian and Insular Affairs was discharged from further consideration of H.R. 663 by unanimous consent. Rep. Gallego (D–AZ) offered an amendment in the nature of a substitute, designated Gallego 042. The amendment in the nature of a substitute offered by Rep. Gallego was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

#### HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee for Indigenous Peoples of the United States (now the Subcommittee on Indian and Insular Affairs) on November 13, 2019.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

Section 1 establishes the short title of the bill as the “Native American Child Protection Act.”

##### *Section 2. Indian Child Protection and Family Violence Prevention Act Amendments*

*Amendments to 25 U.S.C. 3202 (ICPFVPA section 403).* Expands the definition of child abuse to include sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution.

*Amendments to 25 U.S.C. 3208 (ICPFVPA section 409).* Moves the authority to establish and operate the Indian Child Abuse Treatment Grant Program (ICATGP) directly to the Indian Health Service (IHS), rather than having the Department of Health and Human Services operating through IHS. Expands the use of the ICATGP for all abuse and neglect, not only sexual abuse. Expands

<sup>6</sup>Testimony of Natl Indian Child Welfare Assn., Natl Congress of American Indians, Natl. Indian Education Assn., and Natl. Indian Health Board, Senate Committee on Indian Affairs Oversight Field Hearing on “Safeguarding to the Seventh Generation: Protection and Justice for Indian Children and the Implementation of the Native American Children’s Safety Act of 2016,” Apr. 21, 2017. Available at: <https://www.nicwa.org/wp-content/uploads/2016/11/native-american-childrens-safety-act-field-hearing-testimony-2017-proofed.pdf>.

<sup>7</sup>Joint Explanatory Statement—Division G, P.L. 117–103; and Joint Explanatory Statement, Book 2, P.L. 117–328.

eligibility of grant awardees to include urban Indian organizations. Directs the Indian Health Service (IHS) to encourage grantees to use culturally appropriate treatment services. Mandates that the IHS submit a report to Congress after two years containing information regarding descriptions of treatment and services grantees have used.

*Amendments to 25 U.S.C. 3209 (ICPFVPA section 410).* Mandates establishment of a National Indian Child Resource and Family Center. Requires the Bureau of Indian Affairs (BIA) to report to Congress within 2 years on the status of the Center. Expands the Center's responsibilities and functions to include urban Indian organizations. Also requires the Center to develop model agreements between tribes and States to provide examples of how Federal, State, and tribes can develop effective partnerships and have maximum cooperation between those entities. Expands the Center advisory board to 12 members. Authorizes the Bureau of Indian Affairs to contract with an eligible Indian organization to operate the Center, provided the organization is governed by an Indian-controlled board of directors that have substantial experience in child abuse, child neglect, and family violence involving Indian children and families.

*Amendments to 25 U.S.C. 3210 (ICPFVPA section 411).* Expands the responsibilities of the Indian Child Protection and Family Violence Prevention Program to include the development of agreements between tribes, States, or private agencies on preventative child abuse actions. Funds may also now be used for child protective services operational costs, background checks, transportation and home studies. Funds may now be used for the development of a tribal child protection team to prevent and investigate child abuse and neglect. Requires the Department of the Interior to submit a report to Congress two years after enactment including information on the award of grants for this program.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

#### COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

At a Glance			
H.R. 663, Native American Child Protection Act			
As ordered reported by the House Committee on Natural Resources on May 17, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	0	33	not estimated
Increase net direct spending in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply? Yes	
Increase on-budget deficits in any of the four consecutive 10-year periods beginning in 2034?	No	Mandate Effects	
		Contains intergovernmental mandate? No	
		Contains private-sector mandate? No	

\* = between zero and \$500,000.

The bill would

- Require the Bureau of Indian Affairs and the Indian Health Service to provide grants to tribal governments and organizations to combat child abuse, child neglect, and family violence affecting tribes

Estimated budgetary effects would mainly stem from

- Establishment of the National Indian Child Resource and Family Services Center
  - Development of a team to investigate and help prevent the abuse and neglect of Tribal children
  - Expansion of the current web-based platform which provides training and technical assistance to Tribes in the field of human services

Bill summary: H.R. 663 would direct the Indian Health Service (IHS) and the Bureau of Indian Affairs (BIA) to carry out programs to help prevent child abuse, child neglect, and family violence affecting tribes.

Estimated federal cost: The estimated budgetary effect of H.R. 663 is shown in Table 1. The costs of the legislation fall within budget functions 450 (community and regional development) and 550 (health).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 663

	By fiscal year, millions of dollars—						
	2023	2024	2025	2026	2027	2028	2023–2028
Indian Child Protection and Family Violence Protection Program							
Estimated Authorization .....	0	6	3	3	3	4	19
Estimated Outlays .....	0	4	3	3	3	4	17
National Indian Child Resource and Family Services Center							
Estimated Authorization .....	0	3	3	3	4	4	17
Estimated Outlays .....	0	2	3	3	4	4	16
Total Changes							
Estimated Authorization .....	0	9	6	6	7	8	36
Estimated Outlays .....	0	6	6	6	7	8	33

CBO estimates that enacting H.R. 663 would increase direct spending by an insignificant amount over the 2023–2033 period.

Basis of estimate: For this estimate, CBO assumes that H.R. 663 will be enacted near the end of fiscal year 2023. Estimated outlays are based on the historical spending patterns for similar programs and activities.

Spending subject to appropriation: CBO estimates that implementing H.R. 663 would cost \$33 million over the 2023–2028 pe-

riod. Such spending would be subject to the availability of appropriated funds.

**Indian Child Protection and Family Violence Protection Program:** H.R. 663 would direct BIA to establish a program to investigate, treat, and prevent child abuse, child neglect, and family violence affecting tribes. The bill would authorize BIA to either provide those services directly or to enter into agreements with tribal agencies to carry out services funded by federal grants. Using information from the agency, CBO estimates that implementing H.R. 663 would cost \$17 million over the 2023–2028 period.

**National Indian Child Resources and Family Services Center:** H.R. 663 also would direct BIA to establish a National Indian Child Resource and Family Services Center to provide training and technical assistance to tribal governments and federal personnel on how to respond to cases of child abuse, child neglect, and family violence affecting tribes. The bill would direct the agency to create an advisory board, consisting of members from tribal governments and organizations with expertise in those issues to advise the center on how to implement its programs. Using information from the agency, CBO estimates that implementing H.R. 663 would cost \$16 million over the 2023–2028 period.

**Direct spending:** H.R. 663 would direct IHS to encourage the use of treatment services that are culturally appropriate for Indian tribes. The bill also would require IHS to report annually to the Congress on the treatment and services for which grantees have used funds awarded. The administrative costs for IHS are classified in the budget as direct spending; however, CBO estimates that the costs the agency would incur under H.R. 663 would not be significant.

**Pay-As-You-Go Considerations:** The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. CBO estimates that enacting the bill would increase direct spending by less than \$500,000 over the 2023–2033 period.

**Increase in long-term net direct spending and deficits:** None.

**Mandates:** None.

**Previous CBO estimate:** On June 23, 2023, CBO transmitted a cost estimate for H.R. 663, the Native American Child Protection Act, as introduced in the House of Representatives on January 31, 2023. The two versions of the bill are similar. Both versions would reauthorize and revise certain programs related to the prevention, investigation, treatment, and prosecution of family violence, child abuse, and child neglect involving Indian children and families. The introduced version of the bill would authorize the appropriation of specific amounts for fiscal years 2023 through 2028 for each program; the ordered reported version of the bill does not specify any authorization of appropriations.

**Estimate prepared by Federal Costs:** Julia Aman (Bureau of Indian Affairs); Rob Stewart (Indian Health Service).

**Mandates:** Rachel Austin.

**Estimate reviewed by:** Sean Dunbar, Chief, Low-Income Health Programs and Prescription Drugs Cost Estimates Unit; Justin Humphrey, Chief, Finance, Housing, and Education Cost Estimates Unit; Kathleen FitzGerald, Chief, Public and Private Mandates Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis.

Estimate approved by: Phillip L. Swagel, Director, Congressional Budget Office.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend the Indian Child Protection and Family Violence Prevention Act.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### UNFUNDED MANDATES REFORM ACT STATEMENT

According to the Congressional Budget Office, H.R. 663 contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

#### EXISTING PROGRAMS

*Directed Rule Making.* This bill does not contain any directed rule makings.

*Duplication of Existing Programs.* This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**INDIAN CHILD PROTECTION AND FAMILY VIOLENCE  
PREVENTION ACT**

**TITLE IV—INDIAN CHILD PROTECTION**

\* \* \* \* \*

**SEC. 403. DEFINITIONS.**

For the purposes of this title, the term—

- (1) “Bureau” means the Bureau of Indian Affairs of the Department of the Interior;
- (2) “child” means an individual who—
  - (A) is not married, and
  - (B) has not attained 18 years of age;
- (3) “child abuse” includes but is not limited to—
  - [(A) any case in which—
    - [(i) a child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, and
    - [(ii) such condition is not justifiably explained or may not be the product of an accidental occurrence; and]
  - (A) *in any case in which—*
    - (i) *(I) a child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling; and*
    - (II) such condition is not justifiably explained or may not be the product of an accidental occurrence; or*
    - (ii) *a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution; and*
  - (B) any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution;
- (4) “child neglect” includes but is not limited to, negligent treatment or maltreatment of a child by a person, including a person responsible for the child’s welfare, under circumstances which indicate that the child’s health or welfare is harmed or threatened thereby;
- (5) “family violence” means any act, or threatened act, of violence, including any forceful detention of an individual, which—
  - (A) results, or threatens to result, in physical or mental injury, and
  - (B) is committed by an individual against another individual—
    - (i) to whom such person is, or was, related by blood or marriage or otherwise legally related, or
    - (ii) with whom such person is, or was, residing;
- (6) “Indian” means any individual who is a member of an Indian tribe;

(7) “Indian child” has the meaning given to such term by section 4(4) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(4));

(8) “Indian country” has the meaning given to such term by section 1151 of title 18, United States Code;

(9) “Indian reservation” means any Indian reservation, public domain Indian allotment, former Indian reservation in Oklahoma, or lands held by incorporated Native groups, regional corporations, or village corporations under the provisions of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(10) “Indian tribe” and “tribal organization” have the respective meanings given to each of such terms under section 4 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b);

(11) “inter-tribal consortium” means a partnership between—

(A) an Indian tribe or tribal organization of an Indian tribe, and

(B) one or more Indian tribes or tribal organizations of one or more other Indian tribes;

(12) “local child protective services agency” means that agency of the Federal Government, of a State, or of an Indian tribe that has the primary responsibility for child protection on any Indian reservation or within any community in Indian country;

(13) “local law enforcement agency” means that Federal, tribal, or State law enforcement agency that has the primary responsibility for the investigation of an instance of alleged child abuse within the portion of Indian country involved;

(14) “persons responsible for a child’s welfare” means any person who has legal or other recognized duty for the care and safety of a child, including—

(A) any employee or volunteer of a children’s residential facility, and

(B) any person providing out-of-home care, education, or services to children;

(15) “related assistance”—

(A) includes counseling and self-help services to abusers, victims, and dependents in family violence situations (which shall include counseling of all family members to the extent feasible) and referrals for appropriate health-care services (including alcohol and drug abuse treatment), and

(B) may include food, clothing, child care, transportation, and emergency services for victims of family violence and their dependents;

(16) “Secretary” means the Secretary of the Interior;

(17) “shelter” means the provision of temporary refuge and related assistance in compliance with applicable Federal and tribal laws and regulations governing the provision, on a regular basis, of shelter, safe homes, meals, and related assistance to victims of family violence or their dependents; and

(18) “Service” means the Indian Health Service of the Department of Health and Human Services.

\* \* \* \* \*

**SEC. 409. INDIAN CHILD ABUSE TREATMENT GRANT PROGRAM.**

(a) ESTABLISHMENT OF GRANT PROGRAM.—[The Secretary of Health and Human Services, acting through the Service and in cooperation with the Bureau] *The Service, in cooperation with the Bureau,* shall establish an Indian Child Abuse Treatment Grant Program that provides grants to any Indian tribe or intertribal consortium for the establishment on Indian reservations of treatment programs for Indians who have been victims of child [sexual abuse] *abuse or neglect.*

(b) GRANT APPLICATIONS.—(1) Any Indian tribe or intertribal consortium, *on its own or in partnership with an urban Indian organization,* may submit to the [Secretary of Health and Human Services] *Service* an application for a grant under subsection (a).

(2) Any application submitted under paragraph (1)—

(A) shall be in such form as the [Secretary of Health and Human Services] *Service* may prescribe;

(B) shall be submitted to [such Secretary] *the Service* on or before the date designated by [such Secretary] *the Service*; and

(C) shall specify—

(i) the nature of the program proposed by the applicant,

(ii) the data and information on which the program is based,

(iii) the extent to which the program plans to use or incorporate existing services available on the reservation, and

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

[(c) MAXIMUM GRANT AMOUNT.—The maximum amount of any grant awarded under subsection (a) shall not exceed \$500,000.]

(c) CULTURALLY APPROPRIATE TREATMENT.—*In awarding grants under this section, the Service shall encourage the use of culturally appropriate treatment services and programs that respond to the unique cultural values, customs, and traditions of applicant Indian Tribes.*

(d) GRANT ADMINISTRATION AND FINAL REPORT.—Each recipient of a grant awarded under subsection (a) shall—

(1) furnish the [Secretary of Health and Human Services] *Service* with such information as [such Secretary] *the Service* may require to—

(A) evaluate the program for which the grant is made, and

(B) ensure that the grant funds are expended for the purposes for which the grant was made, and

(2) submit to [such Secretary] *the Service* at the close of the term of the grant a final report which shall include such information as [the Secretary] *the Service* may require.

(e) REPORT.—*Not later than 2 years after the date of the enactment of the Native American Child Protection Act, the Service shall submit a report to Congress on the award of grants under this section. The report shall contain—*

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

(2) *any other information that the Service requires.*

[(e)] (f) there is hereby authorized to be appropriated to carry out the provisions of this section \$10,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, 1996, and 1997.

**SEC. 410. NATIONAL INDIAN CHILD RESOURCE AND FAMILY SERVICES [CENTERS] CENTER.**

[(a)] ESTABLISHMENT.—The Secretary shall establish within each area office of the Bureau an Indian Child Resource and Family Services Center.

[(b)] MEMORANDUM OF AGREEMENT.—The Secretary and the Secretary of Health and Human Services shall enter into a Memorandum of Agreement which provides for the staffing of the Centers established under this section.]

(a) ESTABLISHMENT.—*Not later than 1 year after the date of the enactment of the Native American Child Protection Act, the Secretary shall establish a National Indian Child Resource and Family Services Center.*

(b) REPORT.—*Not later than 2 years after the date of the enactment of the Native American Child Protection Act, the Secretary of the Interior, acting through the Bureau of Indian Affairs, shall submit a report to Congress on the status of the National Indian Child Resource and Family Services Center.*

(c) CENTER STAFFING.—[Each] The Center established under subsection (a) shall be staffed by a [multidisciplinary] team of personnel with experience and training in prevention, identification, investigation, and treatment of incidents of family violence, child abuse, and child neglect.

(d) CENTER RESPONSIBILITIES AND FUNCTIONS.—[Each] The Center established under subsection (a) shall—

(1) provide advice, technical assistance, and consultation to Indian tribes, tribal organizations, [and inter-tribal consortia] *inter-tribal consortia, and urban Indian organizations* upon request;

(2) provide training to appropriate personnel of Indian tribes, tribal organizations, *urban Indian organizations*, the Bureau and the Service on the identification and investigation of cases of family violence, child abuse, and child neglect and, to the extent practicable, coordinate with institutions of higher education, including tribally controlled community colleges, to offer college-level credit to interested trainees;

(3) develop training *and technical assistance* materials on the prevention, identification, investigation, and treatment of incidents of family violence, child abuse, and child neglect for distribution to Indian tribes [and to tribal organizations], *Tribal organizations, and urban Indian organizations*;

(4) develop recommendations to assist Federal, *State*, [and tribal] *Tribal, and urban Indian* personnel to respond to cases of family violence, child abuse, and child neglect; and

[(5)] develop policies and procedures for each agency office of the Bureau and service unit of the Service within the area which, to the extent feasible, comply with tribal laws pertaining to cases of family violence, child abuse, and child neglect, including any criminal laws, and which provide for maximum cooperation with the enforcement of such laws.]

(5) *develop model intergovernmental agreements between Tribes and States, and other materials that provide examples*

*of how Federal, State, and Tribal governments can develop effective relationships and provide for maximum cooperation in the furtherance of prevention, investigation, treatment, and prosecution of incidents of family violence and child abuse and child neglect involving Indian children and families.*

(e) **[MULTIDISCIPLINARY TEAM] TEAM PERSONNEL.**—**[Each multidisciplinary]** *The team established under this section shall include, but is not limited to, personnel with a background in—*

- (1) law enforcement,
- (2) child protective services,
- (3) juvenile counseling and adolescent mental health, and
- (4) domestic violence.

**[(f) CENTER ADVISORY BOARD.]**—The Secretary, in consultation with the Secretary of Health and Human Services, shall establish, for each Indian Child Resource and Family Services Center, an advisory board to advise and assist such Center in carrying out its activities under this Act. Each advisory board shall consist of 7 members appointed by the Secretary from Indian tribes and human service providers served by an area office of the Bureau. Members shall serve without compensation, but may be reimbursed for travel and other expenses while carrying out the duties of the board. The advisory board shall assist the Center in coordinating programs, identifying training materials, and developing policies and procedures relating to family violence, child abuse, and child neglect.

**[(g) APPLICATION OF THE INDIAN SELF-DETERMINATION ACT TO CENTERS.]**—Indian Child Resource and Family Services Centers established under subsection (a) shall be subject to the provisions of the Indian Self-Determination Act. If a Center is located in an area office of the Bureau which serves more than one Indian tribe, any application to enter into a contract to operate the Center pursuant to such Act must have the consent of each of the other tribes to be served under the contract, except that, in the Juneau Area, only the consent of such tribes or tribal consortia that are engaged in contracting of Indian Child Protection and Family Violence Prevention programs pursuant to such Act shall be required. This section shall not preclude the designation of an existing child resource and family services center operated by a tribe or tribal organization as a Center if all of the tribes to be served by the Center agree to such designation.

*(f) CENTER ADVISORY BOARD.—The Secretary shall establish an advisory board to advise and assist the National Indian Child Resource and Family Services Center in carrying out its activities under this section. The advisory board shall consist of 12 members appointed by the Secretary from Indian Tribes, Tribal organizations, and urban Indian organizations with expertise in child abuse and child neglect. Members shall serve without compensation, but may be reimbursed for travel and other expenses while carrying out the duties of the board. The advisory board shall assist the Center in coordinating programs, identifying training and technical assistance materials, and developing intergovernmental agreements relating to family violence, child abuse, and child neglect.*

**(g) APPLICATION OF INDIAN SELF-DETERMINATION ACT TO THE CENTER.**—*The National Indian Child Resource and Family Services Center shall be subject to the provisions of the Indian Self-Deter-*

*mination Act. The Secretary may also contract for the operation of the Center with a nonprofit Indian organization governed by an Indian-controlled board of directors that have substantial experience in child abuse, child neglect, and family violence involving Indian children and families.*

(h) APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this section \$3,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, 1996, and 1997.

**SEC. 411. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION PROGRAM.**

(a) ESTABLISHMENT.—The Secretary shall establish within the Bureau an Indian Child Protection and Family Violence Prevention Program to provide financial assistance to any Indian tribe, tribal organization, or inter-tribal consortium for the development of an Indian Child Protection and Family Violence Prevention program.

(b) INDIAN SELF-DETERMINATION ACT AGREEMENTS.—The Secretary is authorized to enter into agreements with Indian tribes, tribal organizations, or inter-tribal consortia pursuant to the Indian Self-Determination Act for the establishment of Indian Child Protection and Family Violence Prevention programs on Indian reservations.

(c) INVESTIGATION AND TREATMENT AND PREVENTION OF CHILD ABUSE AND FAMILY VIOLENCE.—An Indian tribe operating an Indian Child Protection and Family Violence Prevention program established under this section shall designate the agency or officials which shall be responsible—

(1) for the investigation of reported cases of child abuse and child neglect; and

(2) for the treatment and prevention of incidents of family violence; and

(3) for the provision of immediate shelter and related assistance for victims of family violence and their dependents.

(d) PROGRAM RESPONSIBILITIES AND FUNCTIONS.—Funds provided pursuant to this section may be used for—

(1) the establishment of a child protective services program which may include—

(A) the employment of child protective services staff to investigate cases of child **[abuse and child neglect]** *abuse, neglect, or both,*

(B) training programs for child protective services personnel, law enforcement personnel, and judicial personnel in the investigation, prevention, and treatment of cases of child abuse and child neglect, **[and]**

(C) purchase of equipment to assist in the investigation of cases of child abuse and child neglect;

(D) *development of agreements between Tribes, States, or private agencies on the coordination of child abuse and neglect prevention, investigation, and treatment services;*

(E) *child protective services operational costs including transportation, risk and protective factors assessments, family engagement and kinship navigator services, and relative searches, criminal background checks for prospective placements, and home studies; and*

- (F) *development of a Tribal child protection or multidisciplinary team to assist in the prevention and investigation of child abuse and neglect;*
- (2) the establishment of a family violence prevention and treatment program which may include—
- (A) the employment of family violence prevention and treatment staff to respond to incidents of family violence *in culturally appropriate ways,*
  - (B) the provision of immediate shelter and related assistance for victims of family violence and their dependents,
  - (C) training programs *that may include culturally appropriate programs* for family violence prevention and treatment personnel, law enforcement personnel, and judicial personnel in the investigation, prevention, and treatment of cases of family violence; and
  - (D) construction or renovation of facilities for the establishment of family violence shelters;
- (3) the development and implementation of a multidisciplinary child abuse investigation and prosecution program which may—
- (A) coordinate child abuse *and neglect* prevention, investigation, prosecution, treatment, and counseling services,
  - (B) develop protocols among related agencies to ensure that investigations of child abuse [cases, to the extent practicable,] *and neglect cases* minimize the trauma to the child victim, and
  - (C) provide for the coordination and cooperation of law enforcement agencies, courts of competent jurisdiction, and other tribal, Federal, and State agencies through intergovernmental or interagency agreements that define and specify each party's responsibilities;
- (4) the development of tribal child protection codes and regulations;
- (5) the establishment of training programs for—
- (A) professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, investigation, and treatment of family violence, child abuse, and child neglect,
  - (B) instruction in methods of protecting children from abuse and neglect for persons responsible for the welfare of Indian children, including parents of, and persons who work with, Indian children, or
  - (C) educational, identification, prevention and treatment services for child abuse and child neglect in cooperation with preschool, elementary and secondary schools, or tribally controlled college or university (within the meaning of section 2 of the Tribally Controlled Colleges and Universities Assistance Act of 1978);
- (6) other community education efforts for tribal members (including school children) regarding issues of family violence, child abuse, and child neglect; and

(7) such other innovative and culturally relevant programs and projects as the Secretary may approve, including programs and projects for—

(A) parental awareness and self-help,

(B) prevention and treatment of alcohol and drug-related family violence, child abuse, and child neglect, or

(C) home health visitor programs,

that show promise of successfully preventing and treating cases of family violence, child abuse, and child neglect.

(f) SECRETARIAL REGULATIONS; BASE SUPPORT FUNDING.—(1) The Secretary, with the participation of Indian tribes, shall establish, and promulgate by regulations, a formula which establishes base support funding for Indian Child Protection and Family Violence Prevention programs.

(2) In the development of regulations for base support funding for such programs, the Secretary shall **develop, in consultation with Indian tribes, appropriate caseload standards and staffing requirements which are comparable to standards developed by the National Association of Social Work, the Child Welfare League of America and other professional associations in the field of social work and child welfare** *develop, not later than one year after the date of the enactment of the Native American Child Protection Act, in consultation with Indian Tribes, appropriate caseload standards and staffing requirements.* Each level of funding assistance shall correspond to the staffing requirements established by the Secretary pursuant to this section.

(3) Factors to be considered in the development of the base support funding formula shall include, but are not limited to—

(A) projected service population of the program;

(B) projected service area of the program;

(C) projected number of cases per month; and

(D) special circumstances warranting additional program resources, such as high incidence of child **sexual abuse** *abuse and neglect, high incidence of family violence,* high incidence of violent crimes against women, or the existence of a significant victim population within the community.

**[(4) The formula established pursuant to this subsection shall provide funding necessary to support—**

**[(A) one child protective services or family violence caseworker, including fringe benefits and support costs, for each tribe; and**

**[(B) an additional child protective services and family violence caseworker, including fringe benefits and support costs, for each level of assistance for which an Indian tribe qualifies.]**

*(4) The formula established pursuant to this subsection shall provide funding necessary to support not less than one child protective services or family violence caseworker, including fringe benefits and support costs, for each Indian Tribe.*

(5) In any fiscal year that appropriations are not sufficient to fully fund Indian Child Protection and Family Violence Prevention programs at each level of assistance under the formula required to be established in this subsection, available funds for each level of assistance shall be evenly divided among the **tribes** *Indian Tribes* qualifying for that level of assistance.

[(g) MAINTENANCE OF EFFORT.—Services provided under contracts made under this section shall supplement, not supplant, services from any other funds available for the same general purposes, including, but not limited to—

[(1) treatment, including, but not limited to—

- [(A) individual counseling,
- [(B) group counseling, and
- [(C) family counseling;

[(2) social services and case management;

[(3) training available to Indian tribes, tribal agencies, and Indian organizations regarding the identification, investigation, prevention, and treatment of family violence, child abuse, and child neglect; and

[(4) law enforcement services, including investigations and prosecutions.]

(g) *REPORT.*—*Not later than 2 years after the date of the enactment of the Native American Child Protection Act, the Secretary of the Interior, acting through the Bureau of Indian Affairs, shall submit a report to Congress on the award of grants under this section. The report shall contain—*

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

*(2) any other information that the Secretary of the Interior requires.*

(h) CONTRACT EVALUATION AND ANNUAL REPORT.—Each recipient of funds awarded pursuant to subsection (a) shall—

(1) furnish the Secretary with such information as the Secretary may require to—

(A) evaluate the program for which the award is made, and

(B) ensure that funds are expended for the purposes for which the award was made; and

(2) submit to the Secretary at the end of each fiscal year an annual report which shall include such information as the Secretary may require.

(i) APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this section \$30,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, 1996, and 1997.