

105TH CONGRESS  
1ST SESSION

# H. R. 261

To amend part E of title IV of the Social Security Act to provide for Federal funding of foster care and adoption assistance programs of Indian tribes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. RICHARDSON introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend part E of title IV of the Social Security Act to provide for Federal funding of foster care and adoption assistance programs of Indian tribes.

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. AUTHORITY OF INDIAN TRIBES TO RECEIVE**  
4 **FEDERAL FUNDS FOR FOSTER CARE AND**  
5 **ADOPTION ASSISTANCE.**

6 (a) CHILDREN PLACED BY TRIBAL COURTS ELIGI-  
7 BLE FOR FOSTER CARE FUNDING.—Section 472(a)(2) of  
8 the Social Security Act (42 U.S.C. 672(a)(2)) is amend-  
9 ed—

1 (1) by striking “or (B)” and inserting “(B)”;  
 2 and

3 (2) by inserting “, or (C) in the case of an In-  
 4 dian child (as defined by section 4(4) of the Indian  
 5 Child Welfare Act (25 U.S.C. 1983(4)), the Indian  
 6 child’s tribe (as defined in sections 4(5) and (8) of  
 7 the Indian Child Welfare Act (25 U.S.C. 1903(5)  
 8 and (8)))” before the semicolon.

9 (b) Part E of title IV of such Act (42 U.S.C. 670–  
 10 679) is amended by inserting after section 477 the follow-  
 11 ing:

12 PAYMENTS TO INDIAN TRIBAL ORGANIZATIONS

13 “SEC. 478. (a) Except as provided in subsection (b),  
 14 the provisions of this part shall apply to Indian tribes in  
 15 the same manner as such provisions apply to the States.

16 “(b)(1)(A) Section 471(a)(10) shall not apply to an  
 17 Indian tribe.

18 “(B) The plan required of an Indian tribe by section  
 19 471 shall provide for the approval of foster homes consist-  
 20 ent with tribal standards and the Indian Child Welfare  
 21 Act (25 U.S.C. 1901 et seq.), in a manner that ensures  
 22 accountability for children placed in foster care.

23 “(2)(A) Each percentage specified in section  
 24 474(a)(3) is deemed to be 100 percent in the case of an  
 25 Indian tribe, except that the overall percentage of expendi-  
 26 tures paid by the Secretary under this part of an Indian

1 tribe shall not exceed the overall percentage of expendi-  
2 tures paid under this part of the State in which the Indian  
3 tribe's reservation is predominantly located.

4 “(B) An Indian tribe may use Federal or State funds  
5 to match payments for which the Indian tribe is eligible  
6 under section 474.

7 “(C)(i) The Secretary shall increase the percentage  
8 of an Indian tribe's expenditures otherwise required to be  
9 paid by the Secretary under section 474 upon a showing  
10 by the Indian tribe that the Indian tribe does not have  
11 adequate financial resources to provide the required match  
12 due to a lack of comparable Federal and State funds, inad-  
13 equate tribal resources, an inadequate tribal tax base, or  
14 any other factor giving rise to financial hardship.

15 “(ii) If the Secretary exercises the authority provided  
16 by clause (i) with respect to an Indian tribe, the Secretary  
17 may review and approve the payment schedule of the In-  
18 dian tribe for foster families and child-care institutions,  
19 and the payment schedule for adoption assistance agree-  
20 ments, except that the Secretary may not disapprove any  
21 schedule which proposes payments at a level that does not  
22 exceed those provided by the State in which the Indian  
23 tribe's reservation is predominantly located.

24 “(3) Notwithstanding any other provision of this  
25 part, a tribe and a State may enter into a cooperative

1 agreement for the administration or payment of funds  
2 pursuant to this part. Any such agreement that is in effect  
3 as of the effective date of this section shall remain in full  
4 force and effect subject to the right of either party to re-  
5 voke or modify the agreement pursuant to its terms.

6       “(4) The Secretary may waive any term or condition  
7 under this part that is not specified or provided for in  
8 this subsection and that would otherwise apply to an In-  
9 dian tribe if the Secretary, after consulting with the af-  
10 fected tribe, determines that the term or condition violates  
11 or is inconsistent with the tribe’s constitution, ordinances,  
12 customs, religious practices, or traditions, and that the  
13 tribe has in place comparable provisions to ensure ac-  
14 countability under this part.

15       “(c) For purposes of this part, the term ‘Indian tribe’  
16 means any Indian tribe, band, nation, or organized group  
17 or community of Indians, including any Alaska Native vil-  
18 lage which is recognized as eligible for the special pro-  
19 grams and services provided by the United States to Indi-  
20 ans because of their status as Indians.”.

