

NATIVE AMERICAN CHILD PROTECTION ACT

SEPTEMBER 8, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 4957]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4957) 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;

“(ii) psychological or verbal abuse that causes serious emotional or mental injury to a child; or

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

(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);

(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.”; and

(I) by amending subsection (f) (as so redesignated by subparagraph (G) of this paragraph), to read as follows:

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

(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 one 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”;

(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.”; and

(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), (g), and (h) 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.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2021 through 2026.”

(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”;

(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”;

(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 Bu-

reau 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.”; and (D) by amending subsection (i) to read as follows:

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

PURPOSE OF THE BILL

The purpose of H.R. 4957 is to amend the Indian Child Protection and Family Violence Prevention Act.

BACKGROUND AND NEED FOR LEGISLATION

There is an enormous need for family violence prevention and treatment resources in tribal communities. Native women are more likely than any other population to experience domestic violence. In fact, more than one in three Native women experience domestic violence at some point in their lives.¹ Further, Native children experience child abuse and neglect at an elevated rate. They are victims of child maltreatment at a rate of 13.8 per 1,000, compared to the national rate of 9.2 children per 1,000.² Studies show that in 49–70% of cases nationally, men who abuse their partners also abuse their children,³ while child abuse investigations reveal violence against the mother in 28–59% of all cases.⁴

Child abuse prevention funding is vital to the well-being of tribal communities. Beyond the emotional trauma, victims of child maltreatment are more likely to require special education services, more likely to be involved in the juvenile and criminal justice systems, and more likely to have long-term mental health needs.⁵

INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT

The Indian Child Protection and Family Violence Prevention Act⁶ was enacted in 1990, following widespread reports that Native children were being physically and sexually abused in Bureau of Indian Affairs (BIA) run boarding schools in the 1980s. Further review of the issue led to the conclusion that incidents of abuse of children on Indian reservations were grossly underreported and that such underreporting resulted from the lack of a mandatory federal reporting law. Additionally, background investigations of federal employees who care for, or teach, Indian children were

¹M.C. Black & M.J. Breiding, *Adverse Health Conditions and Health Risk Behaviors Associated with Intimate Partner Violence—United States, 2005*, at tbl. 1, 57(05) MORBIDITY & MORTALITY WKLY. REP. 113 (2008), available at <https://www.cdc.gov/mmwr/preview/mmwrhtml/mm5705a1.htm>.

²U.S. DEP’T OF HEALTH & HUMAN SERVS., ADMIN. FOR CHILD. & FAMS., ADMIN. ON CHILD., YOUTH & FAMS., CHILD’S BUREAU, *Child Maltreatment 2015*, at 18, 20 (2017), <https://www.acf.hhs.gov/sites/default/files/cb/cm2015.pdf>.

³MAUREEN WHITE EAGLE, BONNIE CLAIRMONT & LONNA HUNTER, TRIBAL L. & POL’Y INST., *Responses to the Co-Occurrence of Child Maltreatment and Domestic Violence in Indian Country: Repairing the Harm and Protecting Children and Mothers* (2011) (citing LUNDY BANCROFT & JAY G. SILVERMAN, *THE BATTERER AS PARENT* 42–44 (2002)).

⁴JANET CARTER, FAMILY VIOLENCE PREVENTION FUND, *DOMESTIC VIOLENCE, CHILD ABUSE, AND YOUTH VIOLENCE: STRATEGIES FOR PREVENTION AND EARLY INTERVENTION* (2000).

⁵Xiangming Fang, Derek S. Brown, Curtis Florence & James A. Mercy, *The Economic Burden of Child Maltreatment in the United States and Implications for Prevention*, 36(2) CHILD ABUSE & NEGLECT 156 (2012), <https://doi.org/10.1016/j.chiabu.2011.10.006>.

⁶Pub. L. No. 101–630, tit. IV, 104 Stat. 4544 (1990), <https://uscode.house.gov/statviewer.htm?volume=104&page=4544> (codified as amended at 25 U.S.C. §§ 3201 *et seq.*, https://uscode.house.gov/table3/101_630.htm) (statutory compilation as amended through P.L. 114–165 at <https://www.govinfo.gov/content/pkg/COMPS-1401/pdf/COMPS-1401.pdf>).

found to be deficient, and current programs and funding were found inadequate to meet the growing needs for mental health treatment and counseling for victims of child abuse and family violence in Indian country.

The goal of the Indian Child Protection and Family Violence Prevention Act was to identify the scope of the problem in Indian country, to fill any gaps in tribal child welfare services to ensure better coordination between child welfare and domestic violence programs, and to reduce incidents by providing funds for mental health treatment. It mandated greater coordination between law enforcement and child protection agencies serving Native children, improved reporting standards before and during investigations of alleged child abuse and neglect, and required criminal background checks for BIA, Indian Health Service (IHS), and tribal employees with contact or control over Native children.

The Act also authorized funding to create Indian Child Resource and Family Services Centers in each of the BIA regional areas, which would consist of multi-disciplinary teams of personnel with experience and training in the prevention, identification, investigation, and treatment of child abuse and neglect. Finally, the Act authorized funding for two tribal grant programs:

- the Indian Child Protection and Family Violence Prevention Program, which funds prevention programming as well as investigation and emergency shelter services for victims of family violence; and
- the Indian Child Abuse Treatment Grant Program, which funds treatment programs for victims of child abuse.

The centers were never established, and to this day, these two grant programs are still the only tribal-specific prevention and treatment programs for Native children who are at risk of being abused or have been abused. The total authorization for the centers and both programs was set at \$43 million per year. However, only \$5 million *total* has ever been appropriated since the law was enacted in 1990. The grant programs were last reauthorized in 1995 for an additional two years, expiring in 1997.⁷

LEGISLATION

H.R. 4957 adds “psychological or verbal abuse that causes serious emotional or mental injury to a child” as one of the criteria that define “child abuse” as it pertains to the Act.⁸

The bill makes various language improvements to the Indian Child Abuse Treatment Grant Program,⁹ as well as ensures urban Indian organizations can participate in the program. The bill removes the current maximum grant allocation limit of \$500,000. It also directs IHS to encourage the use of culturally appropriate treatment services and programs that respond to the unique values, customs, and traditions of Indian Tribes, and requires that IHS submit a report to Congress within two years after enactment on the status of the award of the grants, including a description of treatment and services for which grantees have used the funds. The bill reauthorizes the program from FY 2021 to FY 2026 and

⁷Pub. L. No. 104-16, 109 Stat. 190 (1995), <https://uscode.house.gov/statviewer.htm?volume=109&page=190>.

⁸25 U.S.C. § 3202(3)(A).

⁹*Id.* at § 3208.

increases the authorization level from \$10 million to \$30 million per year.

H.R. 4957 also replaces the individual Indian Child Resource and Family Services Centers¹⁰—which were never established—with a new National Indian Resource Services Center to provide tribes with technical assistance, advice, and training on addressing child abuse, family violence, and child neglect. The Center will also support efforts to improve intergovernmental coordination between federal and tribal personnel responding to those issues. The Center shall be established within one year after the date of the enactment of H.R. 4957, and BIA shall submit a report to Congress on the status of the Center within two years after the date of enactment.

H.R. 4957 ensures that urban Indian organizations can receive services from the Center, ensures state agencies are included when recommendations are established, and encourages the development of intergovernmental agreements that can provide for maximum cooperation in the furtherance of prevention, investigation, treatment, and prosecution of incidents of family violence and child abuse and neglect. The Center is authorized to receive \$3 million per year from FY 2021 to FY 2026.

Finally, H.R. 4957 improves upon and reauthorizes the Indian Child Protection and Family Violence Prevention Program.¹¹ The bill requires the development of agreements between tribes, states, or private agencies on the coordination of child abuse and neglect prevention, investigation, and treatment services, as well as the development of a tribal child protection team to assist in the prevention and investigation of child abuse and neglect. The legislation sets a timeframe of one year for the Secretary of the Interior, in consultation with Indian Tribes, to develop appropriate caseload standards and staffing requirements. The bill also requires that BIA submit a report to Congress within two years after enactment on the status of the award of the grants, including a description of treatment and services for which grantees have used the funds. The program is reauthorized from FY 2021 to FY 2026, and the authorization level is increased from \$30 million to \$60 million per year.

The legislation was crafted in cooperation with and is supported by the National Indian Child Welfare Association (NICWA) and the National Congress of American Indians (NCAI), as well as a broad coalition of other tribal and child welfare advocacy groups.

COMMITTEE ACTION

H.R. 4957 was introduced on October 31, 2019, by Representative Ruben Gallego (D-AZ). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee for Indigenous Peoples of the United States. On November 13, 2019, the Subcommittee held a hearing on the bill. On December 5, 2019, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Representative Gallego offered an amendment designated Gallego #077. The amendment was agreed to by unanimous con-

¹⁰*Id.* at § 3209.

¹¹*Id.* at § 3210.

sent. No additional amendments were offered, and the bill, as amended, was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 4957: legislative hearing by the Subcommittee for Indigenous Peoples of the United States held on November 13, 2019.

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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 29, 2020.

Hon. RAÚL M. GRIJALVA,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4957, the Native American Child Protection Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jon Sperl.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

At a Glance			
H.R. 4957, Native American Child Protection Act			
As ordered reported by the House Committee on Natural Resources on December 5, 2019			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	420	558
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	No

The bill would

- Expand the definition of child abuse under the Indian Child Protection and Family Violence Act
- 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
- Raise the cost of an existing mandate on local law enforcement and child protective services agencies by requiring those agencies to file additional reports on child abuse with the Federal Bureau of Investigation

Estimated budgetary effects would primarily stem from

- Spending of amounts authorized in the bill

Bill summary: H.R. 4957 would expand the definition of child abuse under the Indian Child Protection and Family Violence Act to include psychological or verbal abuse that causes serious emotional or mental injury to a child. The bill also would direct the Indian Health Service (IHS) and the Bureau of Indian Affairs (BIA) to carry out programs to combat child abuse, child neglect, and family violence affecting tribes and would authorize appropriations for those programs beginning in 2021.

Estimated Federal cost: The estimated budgetary effect of H.R. 4957 is shown in Table 1. The costs of the legislation fall within budget function 450 (community and regional development).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 4957

	By fiscal year, millions of dollars—						
	2020	2021	2022	2023	2024	2025	2020–2025
Indian Child Protection and Family Violence Prevention Program							
Authorization	0	60	60	60	60	60	300
Estimated Outlays	0	39	54	58	59	59	269
National Indian Child Resource and Family Services Center							
Authorization	0	3	3	3	3	3	15
Estimated Outlays	0	2	3	3	3	3	14
Indian Health Service							
Authorization	0	30	30	30	30	30	150
Estimated Outlays	0	22	28	29	29	29	137

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 4957—Continued

	By fiscal year, millions of dollars—						
	2020	2021	2022	2023	2024	2025	2020–2025
Total Changes							
Authorization	0	93	93	93	93	93	465
Estimated Outlays	0	63	85	90	91	91	420

Basis of estimate: For this estimate, CBO assumes that H.R. 4957 will be enacted during fiscal year 2020 and that the authorized amounts will be appropriated for each fiscal year beginning in 2021. Estimated outlays are based on historical spending patterns for similar programs and activities. CBO estimates that implementing H.R. 4957 would cost \$420 million over the 2021–2025 period and \$138 million after 2025.

Indian Child Protection and Family Violence Protection Program: H.R. 4957 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 provide those services directly or to enter into agreements with tribal agencies to carry out services funded by federal grants. H.R. 4957 would authorize the appropriation of \$60 million annually from 2021 through 2026 for BIA to carry out the program and would require the agency to report to the Congress within two years of enactment on how grantees have used funds awarded under the program.

National Indian Child Resources and Family Services Center: H.R. 4957 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. The bill would authorize the appropriation of \$3 million annually from 2021 through 2026 for the operation of the center.

Indian Health Service: H.R. 4957 would direct IHS to establish a grant program for tribes and intertribal consortia to provide treatment to Indians who have been victims of child abuse and neglect. The bill would direct the agency, as part of the grant award process, to encourage the use of treatment services that are culturally appropriate for Indian tribes. The legislation would authorize the appropriation of \$30 million annually from 2021 through 2026 for IHS to carry out the program and would require the agency to report to the Congress within two years of enactment on how grantees have used funds awarded under the program.

Pay-As-You-Go considerations: None.

Increase in long-term deficits: None.

Mandates: Current law requires local agencies of child protective services and local law enforcement to report instances of child abuse in Indian country to the Federal Bureau of Investigation (FBI). H.R. 4957 would expand the definition of child abuse in Indian country to include verbal and psychological abuse.

The bill would impose an intergovernmental mandate under the Unfunded Mandates Reform Act (UMRA) on local law enforcement and local agencies of child protective services because the expanded definition would require those entities to file additional reports on child abuse with the FBI. CBO estimates the cost of the mandate would be below the annual threshold established in UMRA for the intergovernmental sector (\$84 million in 2020, adjusted annually for inflation).

H.R. 4957 contains no private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Jon Sperl and Rob Stewart; Mandates: Rachel Austin.

Estimate reviewed by: Kim P. Cawley, Chief, Natural and Physical Resources Cost Estimates Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are 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 CBO, H.R. 4957 would impose an intergovernmental mandate under the Unfunded Mandates Reform Act (UMRA) on local law enforcement and local agencies of child protective services because the expanded definition would require those entities to file additional reports on child abuse with the FBI. CBO estimates the cost of the mandate would be below the annual threshold established in UMRA for the intergovernmental sector (\$84 million in 2020, adjusted annually for inflation). H.R. 4957 contains no private-sector mandates as defined in UMRA. CBO's full analysis is reproduced above.

FEDERAL ADVISORY COMMITTEE ACT STATEMENT

The bill establishes an advisory board to advise and assist the National Indian Child Resource and Family Services Center in carrying out its activities. In reporting the bill favorably to the House of Representatives, the Committee on Natural Resources finds that these functions would be better performed by the proposed advisory board than by one or more agencies or another existing advisory committee.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such programs were not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139. The Indian Child Protection and Family Violence

Prevention Program and the Indian Child Abuse Treatment Grant Program revised and reauthorized by this bill are related and complementary to, but not duplicative of, the following programs in the most recent Catalog of Federal Domestic Assistance published pursuant to 31 U.S.C. § 6104: Crime Victim Assistance/Discretionary Grants (CFDA No. 16.582), Children’s Justice Act Partnerships for Indian Communities (CFDA No. 16.583), Community-Based Child Abuse Prevention Grants (CFDA No. 93.590), Native American Programs (CFDA No. 93.612), Stephanie Tubbs Jones Child Welfare Services Program (CFDA No. 93.645), Child Abuse and Neglect Discretionary Activities (CFDA No. 93.670), and Family Violence Prevention and Services/Domestic Violence Shelter and Supportive Services (CFDA No. 93.671).

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;*

(ii) *psychological or verbal abuse that causes serious emotional or mental injury to a child; or*

(iii) *a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution;*

(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) 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.]

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

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 one year after the date of the enactment of the Native American Child Protection Act, the Sec-*

retary 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 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.]

[(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.]

(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.*

(h) *AUTHORIZATION OF APPROPRIATIONS.*—*There are authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2021 through 2026.*

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.*]

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

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.

