

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 663
OFFERED BY MR. GALLEGO OF ARIZONA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

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

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

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

11 “(A) in any case in which—

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

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

4 “(ii) a child is subjected to sexual as-
5 sault, sexual molestation, sexual exploi-
6 tation, sexual contact, or prostitution;
7 and”.

8 (2) In section 409 (25 U.S.C. 3208)—

9 (A) in subsection (a)—

10 (i) by striking “The Secretary of
11 Health and Human Services, acting
12 through the Service and in cooperation
13 with the Bureau” and inserting “The Serv-
14 ice, in cooperation with the Bureau”; and

15 (ii) by striking “sexual abuse” and in-
16 serting “abuse or neglect”;

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

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

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

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

6 “(c) CULTURALLY APPROPRIATE TREATMENT.—In
7 awarding grants under this section, the Service shall en-
8 courage the use of culturally appropriate treatment serv-
9 ices and programs that respond to the unique cultural val-
10 ues, customs, and traditions of applicant Indian Tribes.”;

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

13 (G) by redesignating subsection (e) as sub-
14 section (f); and

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

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

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

1 “(2) any other information that the Service re-
2 quires.”.

3 (3) In section 410 (25 U.S.C. 3209)—

4 (A) in the heading—

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

7 (ii) by striking “**CENTERS**” and in-
8 serting “**CENTER**”;

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

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

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

21 (C) in subsection (c)—

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

24 (ii) by striking “multidisciplinary”;

25 (D) in subsection (d)—

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

3 (ii) in paragraph (1), by striking “and
4 inter-tribal consortia” and inserting “inter-
5 tribal consortia, and urban Indian organi-
6 zations”;

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

10 (iv) in paragraph (3)—

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

13 (II) by striking “and to tribal or-
14 ganizations” and inserting “, Tribal
15 organizations, and urban Indian orga-
16 nizations”;

17 (v) in paragraph (4)—

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

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

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

1 “(5) develop model intergovernmental agree-
2 ments between Tribes and States, and other mate-
3 rials that provide examples of how Federal, State,
4 and Tribal governments can develop effective rela-
5 tionships and provide for maximum cooperation in
6 the furtherance of prevention, investigation, treat-
7 ment, and prosecution of incidents of family violence
8 and child abuse and child neglect involving Indian
9 children and families.”;

10 (E) in subsection (e)—

11 (i) in the heading, by striking “MUL-
12 TIDISCIPLINARY TEAM” and inserting
13 “TEAM”;

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

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

19 “(f) CENTER ADVISORY BOARD.—The Secretary
20 shall establish an advisory board to advise and assist the
21 National Indian Child Resource and Family Services Cen-
22 ter in carrying out its activities under this section. The
23 advisory board shall consist of 12 members appointed by
24 the Secretary from Indian Tribes, Tribal organizations,
25 and urban Indian organizations with expertise in child

1 abuse and child neglect. Members shall serve without com-
2 pensation, but may be reimbursed for travel and other ex-
3 penses while carrying out the duties of the board. The ad-
4 visory board shall assist the Center in coordinating pro-
5 grams, identifying training and technical assistance mate-
6 rials, and developing intergovernmental agreements relat-
7 ing to family violence, child abuse, and child neglect.

8 “(g) APPLICATION OF INDIAN SELF-DETERMINATION
9 ACT TO THE CENTER.—The National Indian Child Re-
10 source and Family Services Center shall be subject to the
11 provisions of the Indian Self-Determination Act. The Sec-
12 retary may also contract for the operation of the Center
13 with a nonprofit Indian organization governed by an In-
14 dian-controlled board of directors that have substantial ex-
15 perience in child abuse, child neglect, and family violence
16 involving Indian children and families.”.

17 (4) In section 411 (25 U.S.C. 3210)—

18 (A) in subsection (d)—

19 (i) in paragraph (1)—

20 (I) in subparagraph (A), by strik-
21 ing “abuse and child neglect” and in-
22 serting “abuse, neglect, or both”;

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

1 (III) by inserting after subpara-
2 graph (C), the following:

3 “(D) development of agreements between
4 Tribes, States, or private agencies on the co-
5 ordination of child abuse and neglect preven-
6 tion, investigation, and treatment services;

7 “(E) child protective services operational
8 costs including transportation, risk and protec-
9 tive factors assessments, family engagement
10 and kinship navigator services, and relative
11 searches, criminal background checks for pro-
12 spective placements, and home studies; and

13 “(F) development of a Tribal child protec-
14 tion or multidisciplinary team to assist in the
15 prevention and investigation of child abuse and
16 neglect;”;

17 (ii) in paragraph (2)—

18 (I) in subparagraph (A), by in-
19 sserting “in culturally appropriate
20 ways” after “incidents of family vio-
21 lence”; and

22 (II) in subparagraph (C), by in-
23 sserting “that may include culturally
24 appropriate programs” after “training
25 programs”; and

1 (iii) in paragraph (3)—

2 (I) in subparagraph (A), by in-
3 serting “and neglect” after “abuse”;
4 and

5 (II) in subparagraph (B), by
6 striking “cases, to the extent prac-
7 ticable,” and inserting “and neglect
8 cases”;

9 (B) in subsection (f)—

10 (i) in paragraph (2), by striking “de-
11 velop, in consultation with Indian tribes,
12 appropriate caseload standards and staff-
13 ing requirements which are comparable to
14 standards developed by the National Asso-
15 ciation of Social Work, the Child Welfare
16 League of America and other professional
17 associations in the field of social work and
18 child welfare” and inserting “develop, not
19 later than one year after the date of the
20 enactment of the Native American Child
21 Protection Act, in consultation with Indian
22 Tribes, appropriate caseload standards and
23 staffing requirements”;

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

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

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

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

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

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

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

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

