



Section by Section:

The Native Children’s Commission Implementation Act - Discussion Draft

**This discussion draft is based on the policy recommendations made in [The Way Forward Report](#) of the Alyce Spotted Bear & Walter Soboleff Commission on Native Children.

Section 1. Short Title; Table of Contents.

Section 2. Definition of Indian Tribe and Tribal organization.

Section 2 provides key definitions for this Act.

Title I – Child Welfare

Section 101. Short Title

Section 102. Additional resources and improvements for Tribal child welfare programs.

This section includes provisions from the Tribal Family Fairness Act, legislation from Rep. Kamlager-Dove (D-CA-37); Rep. Bacon (R-NE-2); and Rep. Davids (D-KS-3) in the 118th Congress. These provisions would authorize additional resources for Tribes and Tribal Consortia under the Social Security Act. It would increase the existing Tribal set asides for Mandatory Funding to Promote Safe and Stable Families Funding and the Stephanie Tubbs Jones Child Welfare Services Program authorization from three percent to five percent and allow for the use of in-kind expenditures to meet the Tribal matching rate. It also streamlines the application and reporting requirements.

Sec. 103. Authority to provide social services block grants directly to Indian Tribes

This section creates a five percent set-aside for Tribes within the Social Services Block Grant.

Sec. 104. Child Abuse Prevention and Treatment Act amendments

This section creates a five percent set-aside for Tribes in the Child Abuse Prevention and Treatment Act (CAPTA) allotments.

Title II – Justice for Children, Youth, and Families

Sec. 201. Tribal Advisory Committee on Juvenile Justice

This section establishes a Tribal Advisory Committee to work with OJJDP and the Coordinating Council on Juvenile Justice and Delinquency Prevention.

Sec. 202. Department of Justice and BIA study on the number of AI/AN missing children cases

This section directs the Department of Justice and the Bureau of Indian Affairs (BIA) at the Department of the Interior (DOI) to conduct a study to examine and report back to Congress on the number and status of cases involving American Indian and Alaska Native missing children persons cases, including the scope and context of cases that are connected to criminal circumstances.

Sec. 203. Alaska Native Victim Services Fund at the Denali Commission

This section codifies the Alaska Native Victim Services Program at the Denali Commission. This program provides grants to assist Tribal and nonprofit organizations serving Alaska Native victims of crime.

Sec. 204. Alaska Native and American Indian family violence, prevention, services, and treatment

This section contains Senator Murkowski's FVPSA provisions on the Alaska Native Women's Resource Center, StrongHearts Native Domestic Violence Hotline Grant, and Training and Technical Assistance Center, and Grants to Tribal Domestic Violence Coalitions.

Sec. 205 Tiwahe Program

This section codifies the Tiwahe Demonstration program at BIA within the DOI. Tiwahe is a coordinated service delivery model that increases access to family and social services, creates alternatives to incarceration, improves links to appropriate prevention, intervention and treatment opportunities, improves case management services, and improves partnerships among the available service providers for Tribal children and families.

Title III – Improving Research and Data

Sec. 301. Office on Native Children; National Clearinghouse on Native Children

This section establishes an Office on Native Children at the DOI, which will house a National Clearinghouse on Native Children. This clearinghouse would compile Federal data and reports on Native children and families and collect and share information on federal grant opportunities related to Native children. The Clearinghouse would be staffed with no fewer than two Children's funding and data liaisons to provide training and technical assistance to Tribes and Tribal Organizations.

Sec. 302. Interagency Committee on American Indian, Alaska Native, and Native Hawaiian Indigenous Data Sovereignty and Traditional Ecological Practices

This section will establish an Inter-Agency committee led by the DOI and OMB on American Indian, Alaska Native, and Native Hawaiian Indigenous Data Sovereignty and Traditional Ecological Practices, to develop guidance on these topics and facilitate cross-agency cooperation. This includes a report to Congress within one year of enactment on the feasibility of establishing an Office on American Indian, Alaska Native, and Native Hawaiian Data Sovereignty.

Sec. 303. Tribal Advisory Committee on American Indian, Alaska Native, and Native Hawaiian Youth Data Sovereignty and Traditional Ecological Practices

This section will establish a Tribal Advisory Committee (TAC) led by the BIA, to advise the interagency committee established in Section 302 and the executive branch agencies more generally. This TAC would be comprised of researchers, scholars, and Tribal leaders with experience in the fields of data sovereignty, community research, and/or traditional knowledge from each of the 12 BIA regions and Hawai'i.

Sec. 304. Study on increasing Tribal capacity and grants management

This section directs the DOI Office on Native Children to conduct a study on additional technical assistance needed by Tribes to support capacity and grants management, in addition to identifying any reporting requirements that may be burdensome for Tribes to take advantage of federal grants government-wide, relating to children and youth.

Title IV – Improving the Physical and Behavioral Health of Native Children

Sec. 401. Tribal Advisory Committee on Maternal Health

This section establishes a TAC on the maternal health of Native women at the Maternal Health Bureau at the Health Resources & Services Administration.

Sec. 402. Set-aside of maternal and child health services block grant for Indian Tribes

This section establishes a five percent set-aside for Indian Tribes and Tribal Organizations of the Title V Maternal and Child Health Services Block grant.

Sec. 403. Study on the Intersection Between Maternal Mortality and Domestic Violence

This section directs the Secretary of Health and Human Services to conduct a study on the intersection between maternal mortality and domestic violence, as they relate to American Indian and Alaska Native mothers.

Sec. 404. Substance Abuse and Mental Health Services Administration Tribal Technical Advisory Committee

This section codifies the Substance Abuse and Mental Health Services Administration's Tribal Technical Advisory Committee (STTAC). The STTAC was originally established in 2007. The purpose of this Committee is to obtain advice and views about substance abuse and mental health from Native representatives, and discuss collaborative solutions.

Sec. 405. Secretary’s Tribal Advisory Committee

This section codifies the Secretary’s TAC at HHS. The purpose of this TAC is to facilitate, but not supplant, government-to-government consultation between the Secretary and Indian Tribes on matters relating to the administration of Department programs.

Sec. 406. Community Mental Health Services Grants for Indian Tribes and Tribal Organizations

This section establishes a five percent set-aside for Tribes from the Community Mental Health Block Grant.

Sec. 407. Substance Use Prevention, Treatment, and Recovery Grants for Indian Tribes and Tribal Organizations

This section establishes a five percent set-aside for Tribes from the Substance Abuse Prevention & Treatment Block Grant.

Sec. 408. Self-Governance for Behavioral Health Program for Indian Tribes

This section authorizes a demonstration program that would use funding Tribes receive from SAMHSA block grant set-asides to enter into self-determination contracts. It also directs the Office of Self-Governance at the Indian Health Service to provide related technical assistance to SAMHSA and participating Tribes.

Title V – Environmental Health Protection

Sec. 501. Native Children’s Environmental Health Protection Task Force

This section will amend the Indian Health Care Improvement Act to establish a comprehensive, cross-agency task force to streamline existing efforts and address environmental health threats to Native children.

Sec. 502. Integration of Environmental Health within primary care

This section will amend the Indian Health Care Improvement Act to enhance health care provider training and Electronic Health Records to enable providers to track and address environmental health issues affecting Native children more effectively.

Sec. 503. Office of Native Children’s Environmental Health

This section establishes an Office of Native Children’s Environmental Health at the Environmental Protection Agency, with the authority to carry out demonstration projects to develop, test, and implement innovative approaches to addressing environmental health risks to Native children.

Title VI – Improving Nutrition Programs for Native Children, Youth, and Families

Sec. 601. Self-determination for Food Distribution Program on Indian Reservations (FDPIR)

This section would allow any Indian Tribe or Tribal Organization to enter into a self-determination contract or self-governance agreement to carry out the food distribution program on Indian reservations (FDPIR) established under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)) for any individual household within the jurisdiction of the Indian Tribe.

Sec. 602. Self-determination for SNAP

This section includes language from Senator Tina Smith and Rep. Neguse (D-CO-2) and Rep. Cole (R-OK-4)'s legislation, the SNAP Tribal Food Sovereignty Act of 2023, which directs the Department of Agriculture to enter into self-determination contracts, self-governance compacts, and funding agreements with Indian Tribes and Tribal Organizations, upon the request of a Tribe, to carry out the Supplemental Nutrition Assistance Program (SNAP).

Sec. 603. Alaska Pilot Program for SNAP Administration

This section would establish a pilot demonstration program for the Tribal administration of SNAP in Alaska for the twelve Alaska Native regional nonprofit corporations and the Metlakatla Indian Community.

Sec. 604. Authorization of Child Nutrition Programs Tribal Pilot Projects.

This section would authorize and expand the existing Child Nutrition Programs Tribal Pilot Projects from the FY 2024 Consolidated Appropriations Act.

Title VII – Addressing Homelessness in Native Communities

Sec. 701. Pilot Program for Housing Assistance for Homeless Native Americans and Alaska Natives

This section amends the United States Housing Act of 1937 to establish a demonstration program based on Tribal HUD-VASH to offer a permanent home and supportive services to Native Americans who are experiencing or at risk of experiencing homelessness. Prioritization will be given to youth experiencing homelessness, families with children, and survivors of domestic violence. Indian tribes and TDHEs participating in this program must partner with Tribal Health Organizations and Tribal Organizations to provide case management and supportive services to eligible individuals and families.

Sec. 702. Tribal and Rural COC Builds Program

This section establishes a competitive grant program under the Continuum of Care Program (Subtitle C of Title IV of the McKinney–Vento Homeless Assistance Act, 42 U.S.C. 11381 et seq.) for the construction, acquisition, or rehabilitation of permanent supportive housing for individuals and families experiencing homelessness, where at least one member of the household has a disability. 75 percent of the funding is reserved for Tribes, Tribal organizations, or non-profits serving Tribes. 25 percent of the funding is reserved for rural states with populations less than 2.5 million residents.

Sec. 703. HUD Tribal Intergovernmental Advisory Committee

This section codifies the Tribal Intergovernmental Advisory Committee at HUD, which provides Tribal leaders with a forum to provide input on Departmental policies.

Title VIII – Education

Sec. 801. Supporting American Indian and Alaska Native Teacher Training and Teacher Development

This section amends 20 U.S.C. 1057(c) to include teacher training and curriculum development as an authorized activity of Title III Part A programs.

Sec. 802. Pilot Program for Native Teacher Apprentices

This section establishes a demonstration program within Administration for Native Americans, to provide grants to Tribes and Educational Entities for teacher apprenticeship programs, in order to address the shortage of educational professionals serving Native American early childhood and K-12 students, particularly in remote and rural communities. This program is based on the teacher apprenticeship program at University of Alaska Anchorage.

Sec. 803. Supporting After-School Programs for American Indian and Alaska Native Children

This section amends 20 U.S.C. 7425(b) to allow after-school programming as an allowable activity for Special Programs and Projects to Allow Educational Opportunities for Native children.

Sec. 804. Curriculum Development of American Indian and Alaska Native History

This section amends the STEP–Tribal Education Partnership Program in the Elementary and Secondary Education Act, Title 6(a)(2) for the purposes of developing curriculums to teach American Indian and Alaska Native history.

Sec. 805. Completing the Durbin Feeling Native American Languages Act Survey

This section directs the Administration for Native Americans at HHS to provide a status update on the Survey of Native American Languages, a survey required by the Durbin Feeling Native American Languages Act, which was led by Senator Schatz and Senator Murkowski. This section also requests an additional report detailing the survey results specifically about Native American Languages Act (NALA) Schools in the U.S. once they survey has been conducted.

Sec. 806. Addressing the Indirect Administrative Costs of Indian Education Programs

This section would permanently fix the indirect rate issue for Indian education programs. The fix is currently addressed on a year-to-year basis in appropriations.

Sec. 807. Improving Tribal Head Start Functionality

This section would allow American Indian, Alaska Native, and Native Hawaiian Head Start agencies to use quality improvement funds for acquiring and maintaining facilities. It would also extend the waiver for the non-federal matching requirement to five years, from the current one year.

Sec. 808. Addressing Homelessness in BIE Schools

This section would increase the current one percent set aside for BIE under the Education for Homeless Children and Youth (EHCY) Program to two percent and allow \$250,000 of that to be used for technical assistance to increase BIE's capacity to manage these funds. This section also clarifies that the BIE may use these funds for student emergency housing.

Sec. 809. Supporting BIE Home Visiting

This section would codify the Family and Child Education Program (FACE) at BIE.

Title IX – Improving the Workforce for Families

Sec. 901. Strengthening the 477 Program

This section would amend the 477 Program to make clarifying administrative changes and expand the programs eligible to be integrated into a 477 plan.

Sec. 902. Set-aside of Child Care and Development Block Grant (CCDBG) for Tribes

This section would increase the current “not less than 2 percent” set-aside for Tribes in the Child Care and Development Block Grant to “not less than 5 percent.”

Sec. 903. Requirement of Tribal Consultation

This section adds a consultation requirement to the Child Care Development Block Grant, similar to the requirement that exists in the Head Start Act. This requirement would require consultation with Tribes, Native Hawaiian organizations, experts in Native early childhood education and development, linguists, and the National Indian Child Care Association.

Sec. 904. Early Childhood Tribal Advisory Committee

This section establishes a TAC on Early Childhood within the Office of Early Childhood Development, in ACF at HHS. The TAC is tasked with proposing solutions and recommendations to improve programs for Tribes that support early childhood development; access to childcare and culturally appropriate care; early childhood data collection and surveillance; and provide guidance on Tribal consultation for early childhood initiatives.