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## [H.R. 1168, Native American Children's Safety Act](#)

### FLOOR SITUATION

On Monday, June 1, 2015, the House will consider [H.R. 1168](#), the *Native American Children's Safety Act*, under a suspension of the rules. H.R. 1168 was introduced on February 27, 2015, by Rep. Kevin Cramer (R-ND) and was referred to the Committee on Natural Resources, which ordered the bill reported by unanimous consent on March 25, 2015.

### SUMMARY

H.R. 1168 amends the Indian Child Protection and Family Violence Prevention Act to expand the background check requirements for people who hold tribal positions related to the foster care of Native American children. The bill would require tribal social services agencies to complete criminal records checks of each individual who resides in or is employed by a foster care institution that serves Native American children.

H.R. 1168 also requires tribal agencies to develop procedures to certify the safety of foster care institutions and to re-certify existing intuitions under these new standards within two years of enactment. The bill directs the Secretary of the Interior to issue guidance to tribes regarding procedures for conducting criminal records checks and certifying the safety of foster care institutions.

### BACKGROUND

Today, Native American youth are 2.5 times more likely to be victims of abuse or neglect than youth of other ethnicities. Children exposed to violence are more likely to abuse drugs and alcohol and suffer from depression, anxiety, and posttraumatic disorders.<sup>1</sup>

The Indian Child Protection and Family Violence Prevention Act of 1990 was enacted with the intention of preventing incidents of domestic violence and to authorize other actions necessary to ensure effective child protection on Indian reservations. At the time, it was found that there had been multiple incidents of sexual abuse of children on Indian reservations committed by persons employed

<sup>1</sup> See [Department of Justice Advisory Committee on American Indian/Alaska Native Exposed to Violence Report](#)

or funded by the Federal government.<sup>2</sup> The Act largely addressed this issue, but only made it mandatory for individuals who reside in or are employed by a tribal foster care agency to receive criminal background checks if the agency receives federal funds. H.R. 1168 requires all tribal social services agencies to complete criminal records checks of these individuals to ensure these children are not placed at risk.

According to the bill sponsor, “While uniform standards for foster homes exist at the national level, Native American tribes have a complex and uneven series of procedures and guidelines which vary from tribe to tribe. This bill makes sure there are adequate background checks for every person who lives in a foster home before placing a child there.”

H.R. 1168 is similar to [S. 184](#), which was ordered reported by the Senate Committee on Indian Affairs on May 11, 2015.

### **COST**

The Congressional Budget Office (CBO) [estimates](#) that implementing the legislation would have no significant effect on the federal budget. CBO estimates that promulgating the procedural guidance required by the legislation would cost less than \$500,000 over the 2015 to 2020 period, and would be subject to the availability of appropriated funds. The bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

### **STAFF CONTACT**

For questions or further information please contact [John Huston](#) with the House Republican Policy Committee by email or at 6-5539.

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<sup>2</sup> See [Senate Report 114-37](#) at 2.