

119TH CONGRESS
2D SESSION

S. _____

To remove administrative barriers to participation of Indian tribes in Federal child welfare programs, and increase Federal funding for tribal child welfare programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. MURKOWSKI (for herself, Ms. CORTEZ MASTO, Mr. SCHATZ, and Mr. LUJÁN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To remove administrative barriers to participation of Indian tribes in Federal child welfare programs, and increase Federal funding for tribal child welfare programs, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Promoting Strong Na-
5 tive Families and Children Act”.

1 **SEC. 2. ADDITIONAL RESOURCES AND IMPROVEMENTS FOR**
2 **TRIBAL CHILD WELFARE PROGRAMS.**

3 (a) MINIMUM GRANT AMOUNT.—Section 433(a) of
4 the Social Security Act (42 U.S.C. 629c(a)) is amended
5 to read as follows:

6 “(a) INDIAN TRIBES OR TRIBAL CONSORTIA.—

7 “(1) INDIAN TRIBES.—

8 “(A) IN GENERAL.—From the amount re-
9 served pursuant to section 436(b)(2) for any
10 fiscal year, the Secretary shall allot to each In-
11 dian tribe with a plan approved under this sub-
12 part—

13 “(i) \$5,000; plus

14 “(ii) an amount that bears the same
15 ratio to the adjusted reserved amount as
16 the number of children in the Indian tribe
17 bears to the total number of children in all
18 Indian tribes with State plans so approved,
19 as determined by the Secretary on the
20 basis of the most current and reliable in-
21 formation available to the Secretary.

22 “(B) ADJUSTED RESERVE AMOUNT.—In
23 subparagraph (A), the term ‘adjusted reserved
24 amount’ means, with respect to a fiscal year—

25 “(i) the amount reserved pursuant to
26 section 436(b)(2) for the fiscal year; minus

1 “(ii) the product of—
2 “(I) \$5,000; and
3 “(II) the number of Indian tribes
4 to which an allotment is made under
5 this subsection for the fiscal year.

6 “(2) TRIBAL CONSORTIA.—If a consortium of
7 Indian tribes submits a plan approved under this
8 subpart, the Secretary shall allot to the consortium
9 an amount equal to the sum of the allotments deter-
10 mined for each Indian tribe that is part of the con-
11 sortium.”.

12 (b) ELIMINATION OF SPECIAL RULE AND RECOG-
13 NIZING AUTHORITY TO USE FUNDS TO FACILITATE AND
14 SUPPORT TRIBAL CUSTOMARY ADOPTIONS.—Section
15 432(b)(2) of the Social Security Act (42 U.S.C.
16 629b(b)(2)) is amended by striking subparagraph (B) and
17 inserting the following:

18 “(B) AUTHORITY TO USE FUNDS FOR
19 TRIBAL CUSTOMARY ADOPTIONS.—An Indian
20 tribe or tribal consortium may use amounts
21 provided under this part to facilitate and sup-
22 port tribal customary adoptions.”.

23 (c) INCREASE IN THE TRIBAL SET-ASIDE OF MANDA-
24 TORY FUNDING TO PROMOTE SAFE AND STABLE FAMI-
25 LIES FUNDING.—Section 436(b)(2) of the Social Security

1 Act (42 U.S.C. 629f(b)(2)) is amended by striking “3 per-
2 cent” and inserting “5 percent”.

3 (d) INCREASE IN THE TRIBAL SET-ASIDE OF DIS-
4 CRETIONARY FUNDING TO PROMOTE SAFE AND STABLE
5 FAMILIES FUNDING.—Section 437(b)(3) of the Social Se-
6 curity Act (42 U.S.C. 629g(b)(3)) is amended by striking
7 “3 percent” and inserting “5 percent”.

8 (e) INCREASE IN THE TRIBAL SET-ASIDE FOR THE
9 STEPHANIE TUBBS JONES CHILD WELFARE SERVICES
10 PROGRAM.—Section 428(a) of the Social Security Act (42
11 U.S.C. 628(a)) is amended by striking “3 percent” and
12 inserting “5 percent”.

13 (f) STREAMLINING OF REPORTING REQUIRE-
14 MENTS.—Section 428(b) of the Social Security Act (42
15 U.S.C. 628(b)) is amended—

16 (1) by striking “the total of”;

17 (2) by striking “this part” and inserting “this
18 subpart or subpart 2”; and

19 (3) by inserting “or subpart 2” after “allotted
20 under this subpart”.

21 (g) WAIVER OR MODIFICATION OF MATCHING RE-
22 QUIREMENTS.—

23 (1) STEPHANIE TUBBS JONES CHILD WELFARE
24 SERVICES PROGRAM.—Section 428 of the Social Se-

1 security Act (42 U.S.C. 628) is amended by adding at
2 the end the following:

3 “(e) MATCHING RATE REQUIREMENTS.—The Sec-
4 retary may waive or modify any matching requirement im-
5 posed under this subpart on an Indian tribe or tribal orga-
6 nization if the Secretary determines that the waiver or
7 modification is appropriate to the needs, culture, and cir-
8 cumstances of the Indian tribe or tribal organization.”.

9 (2) MARYLEE ALLEN PROMOTING SAFE AND
10 STABLE FAMILIES PROGRAM.—Section 434 of the
11 Social Security Act (42 U.S.C. 629d) is amended by
12 adding at the end the following:

13 “(e) MATCHING RATE REQUIREMENTS.—The Sec-
14 retary may waive or modify any matching requirement im-
15 posed under this subpart on an Indian tribe or tribal orga-
16 nization if the Secretary determines that the waiver or
17 modification is appropriate to the needs, culture, and cir-
18 cumstances of the Indian tribe or tribal organization.”.

19 (h) AUTHORITY OF INDIAN TRIBAL ORGANIZATION
20 TO ELECT TO SUBSTITUTE THE FEDERAL NEGOTIATED
21 INDIRECT COST RATE FOR ADMINISTRATIVE COSTS CAP
22 FOR THE MARYLEE ALLEN PROMOTING SAFE AND STA-
23 BLE FAMILIES PROGRAM.—Section 434 of the Social Se-
24 curity Act (42 U.S.C. 629d), as amended by subsection
25 (g)(2), is amended by adding at the end the following:

1 “(f) TRIBAL AUTHORITY TO SUBSTITUTE THE FED-
2 ERAL NEGOTIATED INDIRECT COST RATE FOR ADMINIS-
3 TRATIVE COSTS CAP.—For purposes of sections 432(a)(4)
4 and 434(d), an Indian tribal organization may elect to
5 have the weighted average of the indirect cost rates in ef-
6 fect under part 225 of title 2, Code of Federal Regula-
7 tions, with respect to the administrative costs of the In-
8 dian tribal organization apply in lieu of the percentage
9 specified in each such section.”.

10 (i) INCREASE IN FUNDING FOR TRIBAL COURT IM-
11 PROVEMENT PROGRAM.—Section 438(c)(3) of the Social
12 Security Act (42 U.S.C. 629h(c)(3)) is amended by strik-
13 ing “\$2,000,000 for each of fiscal years 2026 through
14 2029” and inserting “\$5,000,000 for fiscal year 2026 and
15 each fiscal year thereafter”.

16 (j) EXEMPTION FROM INAPPROPRIATE REQUIRE-
17 MENTS.—Section 432(b)(2)(A) of the Social Security Act
18 (42 U.S.C. 629b(b)(2)(A)) is amended by striking “the
19 requirements of subsection (a)(4)” and inserting “any re-
20 quirements”.

21 **SEC. 3. AUTHORITY TO PROVIDE SOCIAL SERVICES BLOCK**
22 **GRANTS DIRECTLY TO INDIAN TRIBES.**

23 Section 2003 of the Social Security Act (42 U.S.C.
24 1397b) is amended—

1 (1) in subsection (a), by adding at the end the
2 following: “Allotments for Indian tribes, as defined
3 in section 428(d), or tribal consortia, with a grant
4 approved under this subtitle for fiscal year 2026 or
5 any succeeding fiscal year shall be determined in ac-
6 cordance with subsection (d).”;

7 (2) in subsection (b)(1), by inserting “(after ap-
8 plication of the reservation required by subsection
9 (d)(1))” after “subsection (c)”; and

10 (3) in subsection (c)—

11 (A) in paragraph (11), by striking “there-
12 after.” and inserting “thereafter through fiscal
13 year 2025; and”; and

14 (B) by inserting after paragraph (11), the
15 following:

16 “(12) \$1,790,000,000 for the fiscal year 2026
17 and each fiscal year thereafter.”; and

18 (C) by adding at the end the following new
19 subsection:

20 “(d) TRIBAL ALLOCATIONS.—

21 “(1) IN GENERAL.—Of the amounts specified in
22 subsection (c) for a fiscal year, 5 percent shall be
23 available for grants made with Indian tribes or tribal
24 consortia in accordance with this subsection.

1 “(2) GRANT AUTHORITY.—The Secretary shall
2 make grants to Indian tribes or tribal consortia for
3 planning and carrying out programs and activities
4 under this subtitle, including through cultural pres-
5 ervation and traditional practices.

6 “(3) CRITERIA.—The Secretary shall establish
7 criteria, in consultation with Indian tribes and tribal
8 consortia, for the review and approval of applications
9 for grants under this subsection.

10 “(4) ALLOTMENTS.—

11 “(A) IN GENERAL.—From the amount re-
12 served pursuant to paragraph (1) for any fiscal
13 year, the Secretary shall allot to each Indian
14 tribe with a grant approved under this sub-
15 title—

16 “(i) \$25,000; plus

17 “(ii) an amount that bears the same
18 ratio to the adjusted reserved amount as
19 the population of the Indian tribe bears to
20 the population of all Indian tribes with ap-
21 proved grants, as determined by the Sec-
22 retary on the basis of the most current and
23 reliable information available to the Sec-
24 retary.

1 “(B) ADJUSTED RESERVE AMOUNT.—In
2 subparagraph (A), the term ‘adjusted reserved
3 amount’ means, with respect to a fiscal year—

4 “(i) the amount reserved pursuant to
5 paragraph (1) for the fiscal year; minus

6 “(ii) the product of—

7 “(I) \$25,000; and

8 “(II) the number of Indian tribes
9 which have approved grants under
10 this subsection for the fiscal year.

11 “(C) TRIBAL CONSORTIA.—If a grant sub-
12 mitted by a consortium of Indian tribes is ap-
13 proved under this subtitle, the Secretary shall
14 allot to the consortium an amount equal to the
15 sum of the allotments determined for each In-
16 dian tribe that is part of the consortium.

17 “(5) REALLOCATION.—Funds that are not dis-
18 tributed to Indian tribes and tribal consortia during
19 a fiscal year shall be available for reallocation to eli-
20 gible Indian tribes and tribal consortia.

21 “(6) RULE OF CONSTRUCTION.—Nothing in
22 this subsection shall be construed to—

23 “(A) serve as an authorization to limit the
24 eligibility of any individual to participate in any

1 program offered by a State or subdivision there-
2 of;

3 “(B) modify any requirement imposed
4 upon a State by any provision in this subtitle;
5 or

6 “(C) preclude or discourage an agreement
7 between any Indian tribe and any State that fa-
8 cilitates the provision of services by the Indian
9 tribe to the service population of the Indian
10 tribe.”.

11 **SEC. 4. TRIBAL PREVENTION-ONLY AGREEMENT AUTHOR-**
12 **ITY.**

13 (a) **OPTION TO ADMINISTER PREVENTION SERVICES**
14 **ONLY PROGRAM.**—Section 479B(c)(1)(E) of the Social
15 Security Act (42 U.S.C. 679e(c)(1)(E)) is amended by
16 adding at the end the following:

17 “(iii) **OPTION TO SUBMIT A PREVEN-**
18 **TION SERVICES PROGRAM ONLY PLAN.**—A
19 tribe, organization, or consortium may
20 elect to provide services and programs
21 specified in section 471(e)(1) to children
22 described in section 471(e)(2) as an inde-
23 pendent program without submission of a
24 plan to operate a foster care, adoption, or
25 kinship guardianship program under this

1 part, provided that the tribe, organization,
2 or consortium has a court, agency, or 1 or
3 more tribally-designated individuals that is
4 responsible for proceedings relating to fos-
5 ter care or that collaborates with the State
6 on child welfare.”.

7 (b) OPTION TO MAKE AGREEMENTS TO ADMINISTER
8 PREVENTION SERVICES ONLY PROGRAM.—Section
9 471(a)(32) of the Social Security Act (42 U.S.C.
10 671(a)(32)) is amended—

11 (1) by inserting “, including an agreement to
12 administer only the prevention program described in
13 subsection (e) if the tribe has a court, agency, or
14 tribally-designated individuals responsible for pro-
15 ceedings relating to foster care or that collaborates
16 with the State on child welfare” after “administer
17 all or part of the program under this part”; and

18 (2) by striking “and, if the State has elected to
19 provide such payments, kinship guardianship assist-
20 ance payments under section 473(d)” and inserting
21 “providing access to the kinship guardianship pro-
22 gram under section 473(d) or the prevention pro-
23 gram described in subsection (e) if the State has
24 elected to implement such programs”.

1 **SEC. 5. STATE OPTION TO INCLUDE TRIBAL CASEWORKER**
2 **VISITS FOR PURPOSES OF SATISFYING**
3 **MONTHLY CASEWORKER VISIT REQUIRE-**
4 **MENTS.**

5 Section 424(f) of the Social Security Act (42 U.S.C.
6 624(f)) is amended—

7 (1) by inserting “(1)” after “(f)”; and

8 (2) by adding at the end the following:

9 “(2) For purposes of determining whether a State
10 has met the requirements of paragraph (1), a State may
11 elect to include visits made by caseworkers on behalf of
12 a tribal child welfare agency if—

13 “(A) the tribal child welfare agency has an
14 agreement with the State under this subpart, sub-
15 part 2, or under part E with respect to admin-
16 istering funds or carrying out the requirements of
17 this subpart, subpart 2, or part E with regard to
18 children in foster care;

19 “(B) such visits meet the requirements of sec-
20 tion 422(b)(17); and

21 “(C) such visits are reported through a coordi-
22 nated data-sharing agreement.”.

23 **SEC. 6. EFFECTIVE DATE.**

24 The amendments made by this Act shall take effect
25 on the date that is 30 days after the date of enactment
26 of this Act.