



UNITED SOUTH AND EASTERN TRIBES, INC.

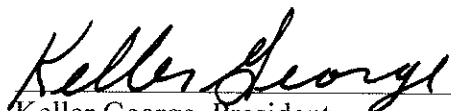
Resolution No. USET 2000:27

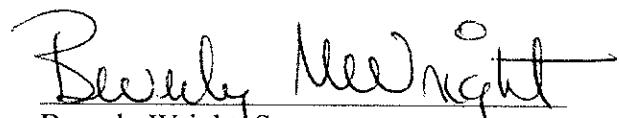
**SUPPORT FOR THE NATIONAL CONGRESS OF AMERICAN INDIANS (NCAD)
RESOLUTION #PSC-99-034**

- WHEREAS**, the United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprising of twenty-three (23) federally recognized tribes; and
- WHEREAS**, the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes leadership; and
- WHEREAS**, the USET Board of Directors is dedicated and committed to the needs of its tribes and members to the goal of preserving the sovereignty, inherent rights, integrity, and stability of our Indian children and families; and
- WHEREAS**, the National Congress of American Indians of the United States (NCAI) at its October 1999 Annual session passed Resolution #PSC-99-034 entitled "Support for ICWA Amendments in S. 1213" and amendments introduced by Senator McCain, Campbell, and Domenici; and
- WHEREAS**, the USET Social Services Committee has discussed the ICWA Amendments in S.1213 and the amendments addressing the existing Indian family exception and allowing tribes to exercise jurisdiction in Public Law 280 areas; and
- WHEREAS**, the USET Social Services Committee agrees with and supports all the aspects of the attached NCAI Resolution #PSC-99-034; therefore, be it
- RESOLVED**, the USET Board of Directors supports the National Congress of American Indians Resolution #PSC-99-034.

CERTIFICATION

This resolution was duly passed at the Annual USET Board of Directors Meeting, at which a quorum was present in Verona, New York on Thursday, October 28, 1999.


Keller George, President
United South and Eastern Tribes, Inc.


Beverly Wright, Secretary
United South and Eastern Tribes, Inc.

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**THE NATIONAL CONGRESS OF
AMERICAN INDIANS**

RESOLUTION # PSC-99-034

Title: Support for ICWA Amendments in S.1213

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI.

WHEREAS, the Indian Child Welfare Act (ICWA) was designed in consultation with tribes with the purpose of supporting tribal efforts to protect their children from unjust removal and to strengthen their families and communities; and

WHEREAS, in the 104th Congress, the House of Representatives, in Title III of the Adoption Promotion and Stability Act of 1996, passed amendments to ICWA that would have eroded tribal sovereignty in child welfare matters and caused large numbers of Indian families and children to lose protections under the ICWA; and

WHEREAS, some members of both the House and Senate continue to support legislation that would erode the ability of tribes to protect their member families and children; and

WHEREAS, there continues to be a risk of high profile Indian adoption cases coming forward leading to further attempts by Congress to amend ICWA in very negative ways; and

WHEREAS, the tribal delegates at ATNI and NCAI have endorsed alternative, tribally-initiated amendments to ICWA (see NCAI resolutions #TLS-96-007A and #JNU-97-069); and

WHEREAS, Senator McCain, Campbell and Domenici have introduced these ICWA amendments again in the 106th Congress as S.1213; and

WHEREAS, S.1213 drafted by tribes and Indian organizations includes the following provisions:

Requires notice to Indian tribes and certain extended family members in all voluntary termination of parental rights hearings, adoption proceedings and adoptive placements involving Indian children.

Requires that after receiving a proper notice of a voluntary placement or proceeding affecting a tribal member child the tribe or extended family must indicate their intent to intervene or opposition to the placement within a set time frame (30-90 days) . This protects a tribes right to intervene in the voluntary proceeding. It does not require that a tribe be obligated to intervene in the future, have made a final determination of membership or have found a placement by the end of the timeline.

A tribe may intervene at anytime if they do not receive notice of the placement or proceeding as required.

Defines what constitutes a proper notice to a tribe (contents, good faith investigation).

Mandates that anyone who facilitates a voluntary termination of parental rights or adoption proceeding of an Indian child must inform the birth parents of their rights under ICWA and alternative placement options.

Provides for criminal sanctions for anyone who assists a person to conceal their Indian ancestry for the purposes of avoiding the application of the ICWA.

Authorizes state courts to enter orders allowing for continuing contact between tribes and their children who are adopted out.

Provides a timeline (180 days after tribe receives notice of adoptive placement) under which a parent may revoke their consent to an adoption of an Indian child.

Allows that in any case in which a court determines it is appropriate to consider the preference of a birth parent of Indian child, that preference may be considered to constitute good cause to deviate from ICWA's placement preferences.

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby supports efforts to move ahead with S.1213 in the 106th Congress as part of a larger strategy to strengthen the ICWA and protect it from future attempts to undermine tribal sovereignty and the ability to protect Indian children; and

BE IT FURTHER RESOLVED, that NCAI does hereby strongly urges the 106th Congress to include language in S.1213 that prohibits the further use of the "Existing Indian Family" interpretation of ICWA and apply ICWA to all "Indian Children," as that term is defined in the ICWA.

CERTIFICATION

The foregoing resolution was adopted at the 1999 Annual Session of the National Congress of American Indians, held at the Palm Springs Convention Center, in Palm Springs, California on October 3-8, 1999 with a quorum present.

W. Ron Allen, President

ATTEST:

Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1999 Annual Session of the National Congress of American Indians, held at the Palm Springs Convention Center, in Palm Springs, California on October 3-8, 1999.