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CONGRESSIONAL BILL THREATENS INDIAN CHILDREN

H.R. 3286 introduced into the House of Representatives on April 23, 1996 proposes to amend the Indian Child Welfare Act of 1978 making it easier for non-Indians to adopt Indian children without tribal consent, Ada E. Deer, Assistant Secretary for Indian Affairs announced today.

"I join the Administration's support for the general provisions of this bill, but as the trustee for American Indians and Alaska Natives I cannot support Title III of H.R. 3286." "Title III of this bill, in my opinion, would in effect nullify major provisions of the Indian Child Welfare Act which were intended to preserve and maintain the cultural integrity of Indian communities and families," said Ms. Deer. "The provisions in this title set us back 30 years and destroy all the progress Indian tribes have made in protecting their children."

The Indian Child Welfare Act was passed after ten years of Congressional study expressing concern over the adoption of Indian children by non-Indian families. The intent of the Indian Child Welfare Act is to protect Indian children and the interest that an Indian tribe has in its children. The Congress recognized, when passing the Indian Child Welfare Act, that "States ... have often failed to recognize the essential tribal relations of Indian people and the cultural and social standard prevailing in the Indian communities and families." 25 USC 1901(5). At this time the House Rules Committee will allow amendments to H.R. 3286. This will provide an opportunity for an amendment to H.R. 3286 to be introduced which will delete any reference to amending the Indian Child Welfare Act.

"If Title III were to be adopted, it would effectively erode tribal sovereignty because it allows non-Indian forums to determine whether a biological parent maintains significant social, cultural, or political affiliation with the Indian tribe. This basic determination should rest with Indian tribal courts," said Ms. Deer. "To do otherwise strips tribal courts of their fundamental jurisdiction over this important matter and makes a mockery of Indian tribal sovereignty. Only a tribal forum can adequately determine the role that the extended Indian family fulfills on the reservation."

The Indian Child Welfare Act provides for the protection of Indian children by ensuring that they would be adopted by culturally sensitive families. Ms. Deer states, "It is very devastating for an Indian child to grow up in a non-Indian environment. An Indian child must know, feel and experience his culture.

Isolated hardship stories cited by the Congress about non-Indian adoptive parents should not form the basis for an amendment to the Indian Child Welfare Act. An amendment should be considered only after proper consultation with Indian tribal governments has occurred."