



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #FTL-04-031

**TITLE: Regarding Preparation for the Release of the Government
Accountability Office (GAO) Study on the Indian Child Welfare Act**

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 and their way of life, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the Indian Child Welfare Act, as passed by Congress in 1978, is an attempt to ensure that Tribes, rather than state courts, will continue to have the right to determine their children's future; and

WHEREAS, the Indian Child Welfare Act, Title 25 United States Code Sections 1901 et seq., provides that when children who are members or who are eligible for membership in an Indian Tribe come before a state court in a child custody proceeding where parental rights are being or have been terminated, the tribe in which they are enrolled or eligible to be enrolled will be able, if it wishes, to have the matter of their future custody through adoption or foster care determined in tribal court and thus can ensure that those children will be raised in the home of a tribal member; and

WHEREAS, in recent years, Congress has been reexamining the Indian Child Welfare Act, as Tribes have proposed amendments to the Act that would clarify the Act and make it easier to use and Congress has defeated legislation that would amend the Act in ways that would be negative to Tribal interests and the interests of their children; and

WHEREAS, one of the most prominent Congressman in the House of Representatives has requested that the Government Accountability Office (GAO) of the United States do a study to determine how the Indian Child Welfare Act works in each state; and

WHEREAS, the Government Accountability Office in turn has requested input regarding the Indian Child Welfare Act from states and from federally recognized Indian tribes; and

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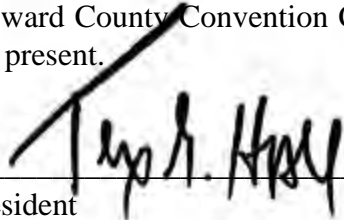
WHEREAS, the GAO report on the Indian Child Welfare Act is due to be released in March of 2005; and

WHEREAS, this report will be presented to Congress and could be the catalyst for federal legislation to amend the Indian Child Welfare Act.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby ask tribes to prepare for the release of the GAO report by documenting their experiences with the Indian Child Welfare Act, both pro and con, and submit that information to the NCAI and the National Indian Child Welfare Association for the purposes of developing a national response to the GAO report.

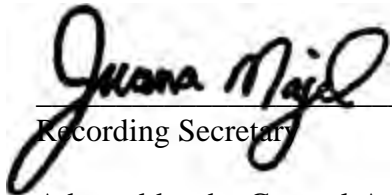
CERTIFICATION

The foregoing resolution was adopted at the 61st Annual Session of the National Congress of American Indians, held at the Greater Fort Lauderdale/Broward County Convention Center, Fort Lauderdale, Florida on October 10-15, 2004 with a quorum present.



President

ATTEST:



Recording Secretary

Adopted by the General Assembly during the 2004 Annual Session of the National Congress of American Indians, held from October 10th to the 15th at the Greater Fort Lauderdale/Broward County Convention Center, in Fort Lauderdale, Florida.