

throughout the Nation move block-by-block to provide new homes in America's low-income neighborhoods and, at the same time, reinvigorate communities. To underscore these successes, Habitat for Humanity International, Local Initiatives Support Corporation [LISC], the Enterprise Foundation, and the National NeighborWorks® Network are joining together to make an unprecedented commitment and challenge that will touch the lives of millions of people in communities across the country.

Today, these four organizations announced a multibillion-dollar commitment to develop safe, decent, and affordable housing and have challenged Congress and the Nation to join them in this deeper commitment.

The \$13 billion commitment is projected to generate 193,800 affordable homes and apartments in 2,475 urban, suburban, and rural communities. The homes they will provide range from remodeling and modernizing multi-family apartment buildings to constructing new homes for sale to low-income families. The initiative will touch neighborhoods across the country in farm towns and in dense urban inner cities. Tens of thousands of jobs will be created and tens of billions of dollars in private investment will be stimulated.

And, Mr. Speaker, knowing of the past successes of each of these nonprofits, I am convinced that their commitment to this initiative will result in the exciting goals they have set for themselves.

Congress can be an active partner in reaching these goals by continuing to provide the necessary tools to enable individuals, corporate leaders, philanthropic institutions, and others to continue to expand their support of providing more affordable homes. For example, programs like the Low Income Housing Tax Credit, Community Development Block Grants, the Community Reinvestment Act, the Earned Income Tax Credit, Rural Homeownership, HOME and Housing Opportunity Program are just a few of the programs that are uniquely effective and efficient in channeling private resources into community renewal and stretching scarce public dollars.

I am pleased to join these organizations in celebrating these success stories and call upon my colleagues to make housing issues a priority in their legislative agendas.

TOM NEWSHAM: A LAW ENFORCEMENT OFFICER OF HONOR AND INTEGRITY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. BARCIA. Mr. Speaker, the strength of this country rests among a select group of men and women that are entrusted with the responsibility of public safety. These individuals put their own lives at risk to that neighborhoods across the country are kept safe and citizens in these neighborhoods feel personally secure.

I would like to take this time to commend a man of great honor and integrity that has devoted his life to keeping communities safe. This man is Bay County deputy sheriff Thomas A. Newsham, who has served as a police officer in Michigan for over 20 years.

In 1974 Tom started his career in law enforcement when he was hired at the Bay

County Sheriff's Department as a deputy sheriff for road patrol. Tom performed admirably in this position for many years and received number distinctions along the way. These include a Meritorious Service Award for excellence and dedication and an Exemplary Service Award for his work at a crisis hotline.

In 1984 Tom was promoted to sergeant II on road patrol and shortly thereafter received a supervisory certificate at the Law Enforcement Officer Training Council. As Tom was moving up professionally, he began to devote more time to a personal priority of his—keeping children off drugs. Tom committed himself to learning how to counsel kids to stay off drugs through Drug Abuse Resistance Education and D.A.R.E. instruction. In 1995 Tom became a D.A.R.E. officer, going to different schools to talk to kids about their opportunities in life and to discourage them from using drugs.

At the same time, Tom was taking classes in community policing services from Lansing Community College, earned his B.A. from Saginaw Valley State University and received advanced training in critical incident stress debriefing.

This month, Tom is retiring from the Bay County Sheriff's Department and I think all would agree that we are losing an outstanding law enforcement officer who combines skill, professionalism, and compassion. I want to thank Tom for his years of service to the community which I represent here in Congress and to wish him all the best in his retirement years.

TRIBUTE TO BARB McTURK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity today to honor the hard work and strong leadership of one of our party's most dedicated volunteers. For the past 4 years, Barb McTurk has served as vice chairwoman of the Colorado Republican Party, and for the past 2 she has served simultaneously as its volunteer executive director. Since taking office in 1993, Ms. McTurk has worked tirelessly on behalf of the Republican Party and its candidates. She has striven to advance the principles of the Republican Party while maintaining the highest level of integrity and earning the respect of friend and foe alike. Her record of achievement is truly impressive.

Ms. McTurk's work has resulted in Republican gains across Colorado as well as an increase in voter participation—an essential element of our representative process. Our gains in registered Republican voters, gains in the State legislative majority and gains in Republican held statewide elected offices are due in large part to the Herculean efforts of Barb McTurk. These gains have elevated the Colorado Republican Party to its strongest level in years.

Mr. Speaker, the political process depends on the hard work of volunteers as well as the ability of all of us to engage in constructive and informative political discourse. As Barb McTurk ends her tenure as chairwoman of the Colorado Republican party, I, along with the

rest of the Republicans in the Colorado congressional delegation, want to thank her for her commitment to our cause and convey our utmost respect which she so rightfully deserves.

**INDIAN CHILD WELFARE ACT
AMENDMENTS OF 1997**

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. MILLER of California. Mr. Speaker, today, I am cosponsoring the Indian Child Welfare Act Amendments of 1997, a timely bill that reflects a carefully crafted compromise between the interests of Indian tribes seeking to protect their culture and heritage and the interests of non-Indians seeking greater clarity and security in the implementation of the Indian Child Welfare Act of 1978.

This bill is virtually the same bill that I cosponsored last year along with the chairman of the Resources Committee, Representative DON YOUNG, and the bill is the direct result of several high-profile adoption cases involving the adoption of Indian children. These cases, involving lengthy disputes under the Indian Child Welfare Act, focused our attention on whether the act fairly, and to the greatest degree possible, took into account the best interests of the children, the parents, and the tribes.

In the last Congress, early attempts to rectify these problems were misdirected and would have amended the Indian Child Welfare Act to severely limit its scope and the protections it affords Indian children, parents, and tribes. The first proposed amendments to the act were drafted without any input at all by Indian tribes or by members of the committee of jurisdiction, the Resources Committee. The amendments survived a close vote on the House floor, but failed to make it out of committee in the Senate.

Recognizing the need for legislation, however, we immediately initiated discussions with Indian tribes to lay the foundation for compromise legislation. The tribes in turn prepared draft legislation that was then shared and negotiated with adoption professionals, including attorneys, who ultimately endorsed the new legislation. Proponents of the compromise legislation now include the American Academy of Adoption Attorneys and Jane Gorman, the attorney who represented the family in the Rost case.

This bill is intended to strengthen the act, to protect the lives and future of Indian children first and foremost. This bill was crafted not only with the input of the tribes but also with the input of the attorney for the Rost family, whose well-publicized case was one of the adoption cases that sparked this debate. We understand that to a few parties on either side of the debate this bill may not seem perfect. Few compromises are. But what this bill does is truly important. This bill helps Indian children by providing allowing adoptions to move forward quickly and with greater certainty. This bill places limitations on when Indian tribes and families may intervene in the adoption process. Yet at the same time, this bill protects the fundamental rights of tribal sovereignty.

The point is that this bill places the interests of Indian children above all else, first by ensuring that they will have as equal a chance as any other children at having a loving family and a home and second, by protecting their interests in their own culture and heritage.

For the benefit of those new to this debate, I would like to provide a short background of the events that led to the enactment of the original Indian Child Welfare Act and what the new amendments that I and Chairman YOUNG are proposing would do.

The Indian Child Welfare Act [ICWA] was enacted in 1978 in response to the widespread removal of Indian children from Indian families and placement with non-Indian families or institutions. Prior to ICWA, House hearings yielded information which demonstrated that between 1969 and 1974, 25 to 35 percent of all Indian children had been separated from their families and placed in adoptive families, foster care, or institutions. The Resources Committee reported in 1978 that "[t]he wholesale separation of Indian children from their families is perhaps the most tragic and destructive aspect of American Indian life today."

In 1978, Chief Calvin Isaac of the Mississippi band of Choctaw Indians testified at hearings before the House about the cause for the large removal of Indian children:

One of the most serious failings of the present system is that Indian children are removed from the custody of their natural parents by nontribal government authorities who have no basis for intelligently evaluating the cultural and social premises underlying Indian home life and childrearing. Many of the individuals who decide the fate of our children are at best ignorant of our cultural values, and at worst contemptful of the Indian way and convinced that removal, usually to a non-Indian household or institution, can only benefit an Indian child.

Removal of Indian children from Indian families led not only to social harm to the Indian parents and adopted children, but also to harm to the tribes who were essentially losing their own members. Chief Isaac added that—

Culturally, the chances of Indian survival are significantly reduced if our children, the only real means for the transmission of the tribal heritage, are to be raised in non-Indian homes and denied exposure to the ways of their People. Furthermore, these practices seriously undercut the tribes' ability to continue as self-government communities.

Congress enacted ICWA to address these concerns, declaring that "it is the policy of this Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families * * *." 25 U.S.C. 1902. Furthermore, Congress "has assumed the responsibility for the protection and preservation of Indian tribes and their resources" and "that there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children." 25 U.S.C. 1901 (2), (3).

It is worth pointing out that Congress enacted ICWA in recognition of two equally important interests—that of the Indian child, and that of the Indian tribe in the child. In a landmark ruling, the Supreme Court in the *Holyfield* case highlighted the latter interest, saying:

The protection of this tribal interest is at the core of ICWA, which recognizes that the

tribe has an interest in the child which is distinct but on a parity with the interest of the parents.

One result of the passage ICWA has been the development and implementation of tribal juvenile codes, juvenile courts tribal standards, and child welfare services. Today, almost every Indian tribe provides child welfare services to their own children.

Recent studies indicate that ICWA has had a positive effect in redressing the wrongs caused by the removal of Indian children from their families. In 1978, Congress found evidence that state courts and child welfare workers placed over ninety percent of adopted American Indian children in non-Indian homes. Sixteen years later, studies indicate that less than 60 percent are adopted by non-Indians. Note, *When Judicial Flexibility Becomes Abuse of Discretion: Eliminating the Good Cause Exception in Indian Child Welfare Act Adoptive Placements*, 79 Minn. L. Rev. 1167, 1167–68 (1995). A 1987 report revealed an overall reduction in foster care placement in the early 1980's after enactment of the Act. See Note, *The Best Interests of Indian Children in Minnesota*, 17 American Indian L. Rev. 237, 246–47 (1992). A 1988 report indicated that ICWA had motivated courts and agencies to place greater numbers of Indian children into Indian homes. Id.

In other words, ICWA is starting to work well. Indian children have been placed in loving homes and the removal of children from their culture has diminished. Unlike other minority cases, there is no shortage of families willing to adopt Indian children. Less than one-half of one-tenth of all Indian adoption cases since passage of ICWA have caused problems.

Although ICWA gives tribes the right to play a role in all cases involving their own children, unfortunately, the law does not always require that parents, their attorneys, or adoption agencies notify the courts or the tribes when such a case is pending. The problem is that some in the adoption profession fear that by notifying the courts that an Indian child is involved in an adoption proceeding, they either will bog down the proceedings or scare off potential adoptive parents. Often, the tribes are given no notification while parties to the adoption are encouraged to conceal the child's Indian identity, causing the number of cases where the intent of the law has been skirted to multiply rapidly. The consequences of this noncompliance can lead to emotionally troubling results for everyone involved.

The bill that I am cosponsoring corrects these problems.

Here's exactly what the bill does. The Indian Child Welfare Act Amendments of 1997 would provide Indian tribes with notice of voluntary adoption proceedings. Currently, the Act requires that tribes receive notice of involuntary proceedings but not voluntary proceedings. The bill would also limit when and how Indian tribes and families can intervene in Indian adoption cases. Tribes would only be permitted to intervene, first, within 30 days of notification of a termination of parental rights proceeding, second, within 90 days of notification of an adoptive placement, or third, within 30 days of notification of an adoptive proceeding. A tribal waiver of its right to intervene will be considered final. Furthermore, a tribe seeking to intervene must provide a certification that the Indian child is, or is eligible to become, a

member of the tribe. The bill would also limit the period of time within which Indian birth parents can withdraw their consent to adoption or termination of parental rights. A birth parent can only withdraw consent to adoption up to 30 days after commencement of adoption proceedings, up to 6 months after notification to the tribe if no proceedings have begun, or up to the entry of a final adoption order, whichever comes first. The bill also encourages tribes and adoptive families to enter into voluntary open adoptions and visitation arrangements and authorizes such arrangements in States that prohibit such arrangements. Finally, the bill applies penalties for fraud and misrepresentation by applying criminal sanctions to persons, other than birth parents, who attempt to hide the fact that an Indian child is the subject of a child custody proceeding or that one of the child's parents is an Indian.

I believe that these provisions are fair and will encourage, not prevent, the placement of Indians in caring homes and families.

Some have tried to blame the few but well-publicized failures on the Indians, some have concluded that rolling back the ICWA is necessary to prevent future miscarriages of justice, and some have even asserted that they are doing it with the best interests of the Indian at heart. But Indian people have heard claims like these all too many times before. We understand how hard it must be for them to live with this rhetoric, especially when the stakes are so high. We must all bear in mind that from an Indian perspective, it is the very future of their people and their culture that is at stake.

It is time for non-Indians to understand that Indian families are not necessarily opposed to other people raising their children and giving them loving homes. But it is even more critical that they understand that Indian people must have a voice in these adoptions and that their voices be heard for the good of everyone.

Although we in Congress are often the first to prescribe what is best for American Indians, we usually fail in our attempts to deliver on our promises, largely due to our unwillingness to listen to the very people we're trying to help. I have listened to the tribes, and to the families this time and I believe that the Indian Child Welfare Act Amendments of 1997 is a fair and balanced approach that can bring peoples and cultures together, not divide them apart.

COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. STUMP. Mr. Speaker, I am pleased to inform Members of the House of Representatives that the Commission on Servicemembers and Veterans Transition Assistance held its initial meeting on February 26, 1997. The Commission was created by Public Law 104–275 to advise Congress on the effectiveness of programs designed to assist servicemembers and their families in their transition from active duty to civilian life. The Commission is also charged with studying veterans readjustment benefits to determine how well they are