

104TH CONGRESS
1ST SESSION

H. R. 1448

To amend the Indian Child Welfare Act of 1978 to require that determinations regarding status as an Indian child and as a member of an Indian tribe be prospective from the date of birth of the child and of tribal membership of the member, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 1995

Ms. PRYCE (for herself, Mr. SOLOMON, and Mr. BURTON of Indiana) introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Indian Child Welfare Act of 1978 to require that determinations regarding status as an Indian child and as a member of an Indian tribe be prospective from the date of birth of the child and of tribal membership of the member, 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. DEFINITIONS.**

4 (a) INDIAN CHILD.—Paragraph (4) of section 4 of
5 the Indian Child Welfare Act of 1978 (25 U.S.C. 1903)
6 is amended by inserting “at the time of the child’s birth”
7 after “Indian tribe” the third place it appears.

1 (b) MEMBER OF AN INDIAN TRIBE.—Section 4 of
2 such Act is amended—

3 (1) by striking “and” at the end of paragraph
4 (11);

5 (2) by striking the period at the end of para-
6 graph (12) and inserting “; and”; and

7 (3) by adding at the end the following:

8 “(13) ‘Member of an Indian tribe’ means a per-
9 son who is on the membership roll (or otherwise con-
10 sidered a member under consistently applied policies
11 and practices) of the Indian tribe and, if over the
12 age of eighteen before first becoming a member of
13 the Indian tribe, became such a member only upon
14 the person’s written consent.”.

15 **SEC. 2. RETROACTIVE EFFECT OF TRIBAL MEMBERSHIP**

16 **NOT PERMITTED.**

17 Section 101 of the Indian Child Welfare Act of 1978
18 (25 U.S.C. 1911) is amended by adding at the end the
19 following:

20 “(e) For the purposes of any child custody proceeding
21 involving an Indian child, membership in an Indian tribe
22 shall be effective from the actual date of admission to
23 membership in the Indian tribe and shall not be given ret-
24 roactive effect.”.

1 **SEC. 3. EFFECTIVE DATE.**

2 The amendments made by this Act shall apply with
3 respect to any child custody proceeding in which a final
4 decree has not been entered as of the date of the enact-
5 ment of this Act.

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