



**Broadcast #07-036
June 27, 2007**

Urgent Action Needed: One Month Until the Adam Walsh Act Deadline!

The Adam Walsh Child Protection and Safety Act of 2006, which establishes a National Sex Offender Registration and Notification System, requires tribal governments to pass a resolution stating their intention to comply with the mandates of the Act by July 27, 2007. If a tribe fails to pass a resolution by this date, the state will be given the authority to carry-out the Act. **The state would then have the right to enter tribal lands to carry out and enforce the requirements of the Act.**

NCAI urges all tribes to take the following actions:

- 1) **Pass a tribal resolution before July 27, 2007 to preserve your tribal authority.** A model resolution is attached or available at www.ncai.org/Adam_Walsh_Act.251.0.html
 - 2) **Return the Survey Below.** Email or Fax NCAI and let us know whether your tribe has passed its Adam Walsh resolution. NCAI will be calling all tribes who we do not hear from starting next week.
 - 3) **Contact your Senators and Representatives** and urge them to amend the Adam Walsh Act (suggested talking points below). To call your Congressman, call the Capitol Switchboard at 202-224-3121. For email or fax contact information for your Congressman visit www.capwiz.com/ncai/home.
 - 4) **Join NCAI for a nationwide conference call** to provide additional information and answer your questions about the Adam Walsh Act. The call will take place on **Monday, July 2, at 3pm EASTERN time. Call-in # 1-719-234-7848; passcode 373214.**
-

Has Your Tribe Passed its Adam Walsh Act Resolution?

_____ Yes _____ No

Name of Tribe: _____

Please return this form to NCAI by Friday, June 29, 2007.
Fax: 202-466-7797 or email kraynal_alfred@ncai.org.

Suggested Talking Points for your Call to Your Congressman:

- We share the federal government's commitment to protecting our communities from sexual predators. But the Adam Walsh Act was passed without consultation with tribes and is written in a way that will undermine the ability of tribal governments to keep our communities safe.
- The Adam Walsh Act deadline needs to be changed. The Department of Justice is still in the process of developing guidelines to implement the law and the current deadline forces tribes to make this important decision with incomplete information. We urge you to support a 1-year extension of the Adam Walsh Act deadline to July 27, 2008.
- There are a number of other amendments that need to be made to the bill so that it is more effective at protecting public safety and more consistent with principles of tribal self-determination. We hope that Congress will work to have these additional amendments in place before the extended deadline for tribal participation in the Adam Walsh Act.

Sample Letter:

Dear Congressman _____:

I am writing on behalf of the ____ Tribe to urge you to amend the Adam Walsh Act to extend the July 27, 2007 deadline it imposes upon tribal governments. We share the federal government's commitment to protecting our communities from sexual predators. However, the Adam Walsh Act, which was passed without consultation with tribes, is written in a way that will undermine the ability of tribal governments to keep our communities safe.

The July 27, 2007 deadline established in the Act is unnecessary, arbitrary, and unfair. The deadline is fast approaching, and yet, the Department of Justice will not have completed the process of promulgating guidelines before July 27th, nor will grant funds be made available to participating jurisdictions. As a result, tribal governments are being forced to make an important decision with incomplete information. At the very least, the deadline should be extended to give tribes the opportunity to meaningfully participate in the development of the guidelines before making their election under Section 127.

Even if one accepts the idea of requiring tribes to affirmatively opt-in to preserve their authority (which we do not), there is no sound reason why a tribe should have only one year to make that election. There are many self-determination programs that permit tribes to take on responsibilities as they develop the capacity to do so. We see no reason why this statute could not have been similarly structured. As the law is currently written, it may well force tribes to make this important election before they have the capacity required to fulfill the responsibilities of the Act in order to preserve their governmental authority. We urge you to extend, or remove entirely, the deadline for tribal election set out in the statute.

In addition to extending the deadline in the short term, there are a number of structural issues with the Adam Walsh Act that we believe will undermine its effectiveness for Indian and non-Indian communities alike. We have no doubt that there are solutions to all of these issues, and we urge you to support additional amendments to the law that we will be seeking in the months to come. I thank you in advance for your timely consideration of these issues. For more information, please contact myself, or the National Congress of American Indians at 202-466-7767.

Sincerely,

Additional information about the Adam Walsh Act requirements is available on the NCAI website at www.ncai.org/Adam_Walsh_Act.251.0.html. Please contact Virginia Davis, vdavis@ncai.org or 202-466-7767, with any questions.

DRAFT TRIBAL RESOLUTION
Electing to Participate in the National Sex Offender Registry System

Resolution No. _____

WHEREAS, The _____ Tribe has a compelling interest in promoting public safety on tribal lands and protecting tribal citizens from violent crime;

WHEREAS, . The ___ Tribe also has a compelling interest to protect tribal sovereignty and tribal jurisdiction over tribal lands;

NOW THEREFORE BE IT RESOLVED, that the _____ Tribe elects to participate as a registration jurisdiction in the National Sex Offender Registry system as outlined in Section 127 of PL 109-248.

NOW THEREFORE BE IT FURTHER RESOLVED, that the _____ Tribe intends to seek funds from the Department of Justice under the Sex Offender Management Assistance Program authorized by PL 109-248.

[Tribes may consider including a provision that would facilitate cross-jurisdictional cooperation in meeting the requirements of the Act such as the following:

NOW THEREFORE BE IT FURTHER RESOLVED, that the _____ Tribe authorizes the Tribal Chair to enter into cooperative agreement(s) with other jurisdictions to implement the registry requirements of the National Sex Offender Registration and Notification System.]

NOW THEREFORE BE IT FINALLY RESOLVED, that the _____ Tribe does not consent to any exercise of state jurisdiction on tribal lands under the National Sex Offender Registry System.

CERTIFICATION

NCAI recommends that after tribal resolutions be sent to the Department of Justice:

Attn: Leslie A. Hagen
SMART Office
U.S. Department of Justice
810 Seventh Street, NW
Suite 8241
Washington, DC 20531

Please also fax a copy of your resolution to NCAI at 202-466-7797.