

1 by Plaintiff in these two lawsuits. Plaintiff represented
2 that if the Bureau of Indian Affairs' final regulations
3 were substantially similar to its February draft, there
4 would be no need for a trial in these cases because those
5 issues that were not resolved by the regulations would be
6 mooted by the Court's previous decisions in these cases.

7 Counsel for Plaintiff contacted counsel for the United
8 States in late May to determine the results of the BIA's
9 regulatory process. According to the printed schedule the
10 final regulations were to be issued in early May, 1991.

11 After several telephone conferences, counsel for the
12 United States informed counsel for Plaintiff on June 17,
13 1991, that the Bureau of Indian Affairs had finalized their
14 Indian Child Welfare Act regulations, but had not yet issued
15 them. The final regulations, according to relayed
16 information, do address those issues which are the subject
17 of these cases. The Bureau of Indian Affairs is not
18 releasing the regulations, however, until Congressional
19 appropriations confirm the increased funding the Bureau has
20 requested to implement the new regulations.

21 The proposed regulations alter the Indian Child Welfare
22 Act grant funding process dramatically, and the Bureau of
23 Indian Affairs apparently believes the regulations cannot
24 be properly implemented unless adequate funding is made
25 available. Based upon my conversation with counsel for
26 United States, therefore, the Bureau of Indian Affairs will
27 not release the new regulations as final until the federal
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1 budget process for Fiscal Year 1992 is completed. This
2 condition was not part of the representations made to
3 Plaintiff about the regulation process around the time of
4 the last hearing. Counsel for the United States could not
5 confirm any specific date by which the Indian Child Welfare
6 Act would be issued, although the federal budget process
7 must be completed by October.


8 Counsel for Plaintiff contacted several sources in
9 Washington, D.C., who confirmed that Congressional budget
10 committee markups of the 1992 Appropriations Bill have so
11 far preserved the requested BIA Indian Child Welfare Act
12 line item increase. If events continue on this course, the
13 above-entitled cases will resolve themselves as represented
14 to the Court in April, although not in the time frame
15 discussed at that time. Counsel is aware that these two
16 cases are among the oldest on the Court's docket and that
17 the Court wishes to remove them from the Court's calendar
18 in an expeditious fashion. However, Counsel still
19 represents that these cases can be resolved without using
20 the Court's precious trial time if the federal government
21 is permitted to complete its ponderous regulatory and budget
22 process.

23 Counsel for Plaintiff therefore respectfully requests
24 that this matter be continued until October 1, 1991, for
25 final disposition. If the Court would like to continue with
26 the July 8, 1991, status hearing, Kathy Hoover, Assistant
27 Attorney General for the Navajo Nation, will be appearing
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1 for Plaintiff in place of undersigned counsel because of
2 other trial commitments.

3 Counsel for Plaintiff represents that he has conferred
4 with Counsel for the United States on the statements made
5 in this Status Report and that Defendants' Counsel agrees
6 with these statements as a general matter. If Defendants'
7 counsel disagrees with any of the statements contained
8 herein, he will file a response with the court.

9 DATED this 21st day of June, 1991.

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12 Craig J. Dorsay, OSB #79031
13 Of Attorneys for Plaintiff
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