TITLE: Tribal Child Support

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, 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, nine tribes developed and operate child support program under the Interim Tribal Child Support Rule 45 CFR 310; these tribes combined have helped Indian children who have never received financial support before receive almost $15,000,000 and established paternity for over 3,000 children; during the interim periods the nine tribes enhanced their program while assisting in developing procedures, providing training to tribes, state and federal agencies while ensuring that every Indian child has the ability to receive their basic necessities; and

WHEREAS, during the interim period tribes were required to provide a 10 percent tribal match and although some tribes applied for a waiver of the match, the criteria established by Office of Child Support Enforcement made the approval of waivers almost impossible to receive. Upon publication of 45 CFR 309 new plans are required with new award numbers issued by the Office of Mandatory Grants. Therefore 45 CFR 309 supercedes 45 CFR 310, which indicates new programs and start dates. The interpretation by tribes is that the publication of the Final Rule creates a distinct, new funding cycle and re-starts the three-year 10 percent non-federal match time clock beginning October 1, 2004.

NOW THEREFORE BE IT RESOLVED, that the NCAI believes that it is in the best interest of Indian children and the partnerships that have been established that the non-federal share remain at 10 percent beginning October 1, 2004 for a period of three years as defined in 45 CFR 309; requiring the 9 tribes to provide a 20 percent match at this time would only penalize the tribes and create a hardship on their programs; that tribes be allowed to apply for a waiver of the non-Federal share upon documentation that the tribe has determined that it can not meet the match required as defined under 309.130.
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.

[Signature]
President

ATTEST:

[Signature]
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.