



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ABQ-03-018

TITLE: Opposition to Interception of Gaming Proceeds Under TANF

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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, the NCAI promotes the sovereign rights of the tribal nations and governments and their right to make government-to-government agreements; and

WHEREAS, through the operation of Temporary Assistance to Needy Families (Tribal TANF), Indian Child Welfare and Child Support Enforcement, the tribes seek to enhance the lives of its families; and

WHEREAS, certain tribes foster economic development for the economic benefits of its peoples, including Tribal Gaming; and

WHEREAS, the providing of direct funding by the Federal Government has recognized the importance of tribes running their own programs for their own people and a recognition that tribes can better serve the needs of their people; and

WHEREAS, the child support proposals in President Bush's Fiscal Year 2004 Budget state that tribal child support enforcement programs would be required to intercept gaming winnings that meet the threshold for IRS reporting to offset any owed child support; and

WHEREAS, most outstanding back child support debts are set forth in State Court Orders; and

WHEREAS, in order for tribes to apply for direct federal funding and establish child support programs to better serve their people tribes would be forced to honor state court orders from whichever state may issue such order; and

WHEREAS, the proposal would have the effect of undermining the tribes' sovereignty and jurisdiction over their members; and

WHEREAS, in the time-honored process of government-to-government relationships the tribes were not consulted in the development of the Administration's proposal; and

WHEREAS, this proposal also undermines the tribes' and states' ability to continue to enter into agreements on a government-to-government basis.

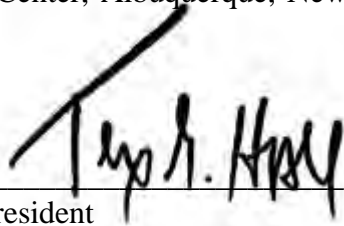
NOW THEREFORE BE IT RESOLVED, that the NCAI strongly opposes the Administration's proposed requirement that tribes intercept gaming proceeds for enforcement of state child support orders.

BE IT FURTHER RESOLVED, that the NCAI and the National Indian Gaming Association immediately investigate the legalities, impacts, and jurisdictional issues set forth by this proposal.

BE IT FINALLY RESOLVED, that this resolution shall be policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted at the 60th Annual Session of the National Congress of American Indians, held at the Albuquerque Convention Center, Albuquerque, New Mexico, on November 21, 2003 with a quorum present.



President

ATTEST:



Recording Secretary

Adopted by the General Assembly during 60th Annual Session of the National Congress of American Indians, held in Albuquerque, New Mexico, from November 17-21, 2003.