



CENTRAL COUNCIL
Tlingit and Haida Indian Tribes of Alaska

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CENTRAL COUNCIL OF TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA
Seventy-Ninth Annual Tribal Assembly
April 9-12, 2014
Juneau, Alaska

Resolution TA/ 14-34

Title: Amendment of Definition of Tribe in State of Alaska SB51 Article 3 & PRWORA

By: Sitka Tlingit and Haida Community Council

WHEREAS, the Central Council of Tlingit and Haida Indian Tribes of Alaska (Central Council) is a federally recognized tribe with more than 29,000 tribal citizens; and

WHEREAS, 25 U.S.C. § 476- Organization of Indian tribes; constitution and bylaws and amendment (g) Privileges and immunities of Indian Tribes; existing regulations Any regulation or administrative decision or determination of a department or agency of the United States that is in existence or effect on May 31, 1994, and that classifies, enhances, or diminishes the privileges and immunities available to a federally recognized Indian tribe relative to the privileges and immunities available to other federally recognized tribes by virtue of their status as Indian tribes shall have no force or effect; and

WHEREAS, 43 U.S.C. § 1626: Relation to other programs (a) Continuing availability of otherwise a 25 U.S.C. Sec. 476 available governmental programs the payments and grants authorized under this chapter constitute compensation for the extinguishment of claims to land, and shall not be deemed to substitute for any governmental programs otherwise available to the Native people of Alaska as citizens of the United States and the State of Alaska; and

WHEREAS, Title 45: Public Welfare Subpart A-Tribal IV-D Program: General Provisions §309.01

- (a) The regulations in this part prescribe the rules for implementing section 455(f) of the Social Security Act Section 455(f) of the Act authorizes direct grants to Indian Tribes and Tribal organizations to operate child support enforcement programs.
- (b) These regulations establish the requirements that must be met by Indian Tribes and Tribal organizations to be eligible for grants under section 455(1) of the Act they establish requirements for: Tribal IV-D plan and application content, submission, approval, and amendment; program funding; program operation; uses of funds; accountability; reporting; and other program requirements and procedures.

WHEREAS, §309.05 What definitions apply Indian Tribe and Tribe mean any Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe and includes in the list of Federally-recognized Indian Tribal governments as published in the Federal Register pursuant to 25 U.S.C. 479a-1; and

WHEREAS, State of Alaska 2005 legislation SB51 reauthorizes the Department of Health & Social Services (DHSS) to award and administer state funds under the Alaska Native family assistance program to support the operation of federally approved Tribal TANF programs. In addition to reauthorizing the existing Native Family Assistance Programs (NFAP), this bill would also allow DHSS to provide grants to the other nine Alaska Native non-profit organizations authorized in federal law to operate Tribal TANF programs. Cook Inlet Tribal Council (CITC) plans to begin operating a Tribal TANF program in July 2005, and

WHEREAS, SB51 Article 3. Alaska Native Family Assistance Grants. Sec. 3. AS 47.27.900 is amended by adding new paragraphs to read: (13) "federally approved tribal family assistance plan" means a plan that meets the requirements of 42 U.S.C. 612 and has been approved for financing through a tribal family assistance grant directly from the United States Department of Health and Human Services, and

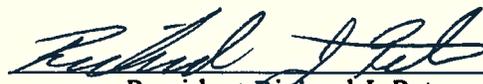
WHEREAS, 42 U.S. CODE § 612- Direct Funding and Administration by Indian Tribes (I) Special rule for Indian tribes in Alaska (1) In general Notwithstanding any other provision of this section, and except as provided in paragraph (2), an Indian tribe in the State of Alaska that receives a tribal family assistance grant under this section shall use the grant to operate a program in accordance with requirements comparable to the requirements applicable to the program of the State of Alaska funded under this part. Comparability of programs shall be established on the basis of program criteria developed by the Secretary in consultation with the State of Alaska and such Indian tribes.

NOW THEREFORE BE IT RESOLVED that the Seventy-Ninth Tribal Assembly of Central Council of Tlingit and Haida Indian Tribes of Alaska convened in Juneau, Alaska on April 9-12, 2014, hereby identifies that the State of Alaska SB51 Article 3 definition of a tribe for Alaska and 42 U.S. CODE § 612- Direct Funding and Administration by Indian Tribes conflicts with 25 U.S.C. sec. 476 and Title 45 sec.309.05 definition of an Indian Tribe and requests Senate Bill 51 be amended to include in the list of federally recognized Indian Tribal governments as published in the Federal Register pursuant to 26 U.S.C. 479a-1; and

BE IT FURTHER RESOLVED, Tribal TANF Alaska/Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) Eligibility to Operate a Tribal TANF Program also has conflicting definition of a tribe and requests the US Department of Administration of Children and Families and Social Security Administration amendment to Tribal TANF Alaska to include Indian tribe and tribe to mean any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe and includes in the list of federally recognized Indian Tribal governments as published in the Federal Register pursuant to 25 U.S.C. 479a-1.

ADOPTED this 12th day of April 2014, by the Seventy-Ninth Tribal Assembly of Central Council of Tlingit and Haida Indian Tribes of Alaska.

CERTIFY



President Richard J. Peterson

ATTEST



Tribal Secretary Jolene Edenshaw