



UNITED SOUTH AND EASTERN TRIBES, INC.

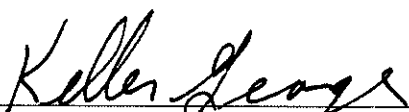
Resolution No. USET 97:49

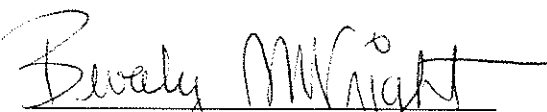
SUPPORTING TRIBAL AMENDMENTS TO WELFARE REFORM

- WHEREAS**, the United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-three (23) federally recognized tribes; and
- WHEREAS**, the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors is comprised of delegates from the member tribes leadership; and
- WHEREAS**, the USET Board of Directors are dedicated and committed to the needs of its tribes and members to the goal of preserving the sovereignty, inherent rights, integrity, and stability of our Indian children and families; and
- WHEREAS**, on August 22, 1996, President Clinton signed into law the *Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, also known as the "welfare reform" law; this law ends the Aid to Families with Dependent Children [AFDC] program and replaces it with block grants to States for "Temporary Assistance to Needy Families" and further authorizes the US Department of Health and Human Services to provide direct funding to Tribal governments to operate Temporary Assistance to Needy Families [TANF] programs; and
- WHEREAS**, the general goal of welfare reform has been to give states greater authority and flexibility to implement P.L. 104-193, Tribal provisions under this law do not provide the necessary flexibility and access to resources that Tribes need to successfully implement welfare reform; and
- WHEREAS**, the Clinton Administration has developed amendments to P.L. 104-193 which will be considered during the 105th Congress; and
- WHEREAS**, Tribal amendments to P.L. 104-193 are being developed throughout Indian Country which reflect the needs of Tribal governments to successfully implement welfare reform; therefore, be it
- RESOLVED**, the USET Board of Directors hereby informs the United States Congress that the enactment of the attached Tribal amendments to P.L. 104-193 - Position Paper on the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, USET Social Services Committee - are necessary for Tribes to successfully implement P.L. 104-193.

CERTIFICATION

This resolution was duly approved at the USET Washington Impact Week meeting, at which a quorum was present, in Washington DC on Wednesday, February 5, 1997.


Keller George, President
United South and Eastern Tribes, Inc.


Beverly Wright, Secretary
United South and Easter Tribes, Inc.

"Because there is strength in Unity"

UNITED SOUTH AND EASTERN TRIBES, INC.
SOCIAL SERVICES COMMITTEE

POSITION PAPER ON THE
PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY
RECONCILIATION ACT OF 1996

On August 22, 1996, President William J. Clinton signed into law the *Personal Responsibility and Work Opportunity Reconciliation Act of 1996* [P.L. 104-193] also known as the "welfare reform law". This law ends the Aid to Families with Dependent Children [AFDC] program and replaces it with block grants to States for Temporary Assistance to Needy Families [TANF] program and further authorizes the U.S. Department of Health and Human Services to provide direct funding to Tribal governments to operate a their own "Temporary Assistance to Needy Families" programs.

The unique government-to-government relationship between American Indian and Alaska Native tribes and the United States government must not be compromised. Implementation of the *Personal Responsibility and Work Opportunity Reconciliation Act of 1996* must respect the sovereign rights of Tribes rising from treaties, executive orders, and federal laws and must ensure that the trust obligations of the United States governments to American Indian and Alaska Native governments and people are not diminished in any way.

Historically the Tribes have experienced difficulties in obtaining adequate / equal access funding because funds are being distributed through states prior to being accessed by the Tribes. This violates the unique government to government relationship between Tribes and the United States government. Time after time, it has been demonstrated that funding designed to meet the specific needs of Indian people, especially those individuals who reside on reservations, never reach the targeted population when those funds are distributed via the State(s). Funding that is designed to meet the needs of Tribes is being depleted. With the *Personal Responsibility and Work Opportunity Reconciliation Act of 1996* once again the Tribes find themselves placed in the position of having critical funding channeled through the State(s). The federal government must negotiate directly with the Tribes as it does with the State(s).

While Congress has provided Tribes with an opportunity to operate welfare programs in their Tribal communities, there is insufficient flexibility, authority and resources necessary to successfully implement P.L. 104-193 in Indian County.

Outlined below are proposed amendments to the law:

AMENDMENT CATEGORY 1 - Supplemental Funds for Tribal TANF Programs - Providing to Tribes the total funding used by the states to provide services to Indian families who will now be served by a Tribal program, not just the federal share.

TRIBAL AMENDMENT

OPTION 1 - DHHS Secretary to pay Tribes with approved TANF plans both the federal share, and what would have been the state share of TANF funds (an entitlement).

OPTION 2 - Separate federal authorization for funding to made up for the lack of state TANF funds for Tribal TANF programs.

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AMENDMENT CATEGORY 2 - Tribal Access to State Funding Sources - Ensuring Tribal access to funding equivalent to all funds available to states, including supplemental funding, contingency funds, and bonuses, and make exemptions and other options available to states, available to tribes as well.

AMENDMENT CATEGORY 3 - Extension of Disregard Provision under 42 U.S.C. 606(7)(D) - Extending application of the "disregard" provision of 42 U.S.C. 608(7)(D) to Oklahoma tribes and to all Tribes with high unemployment without regard to population.

AMENDMENT CATEGORY 4 - Expansion of the Unemployment Definition Under 42 U.S.C. 608 (7)(D) - For the purposes of the disregard provision of 42 U.S.C. 608(7)(D), defining "unemployed" to include people who have given up searching for work as well as the recently unemployed.

AMENDMENT CATEGORY 5 - Extension of Equal Indian Tribal Rights to Alaska Native Villages - Extending to federally recognized Tribes in Alaska the same rights under the personal Responsibility Act that other Tribes have.

AMENDMENT CATEGORY 6 - Tribal Determination of BIA/GA program Payment Levels - Providing Tribes the right to determine the appropriate level of payment under the Bureau of Indian Affairs General Assistance program.

AMENDMENT CATEGORY 7 - Assurance of Adequate Flexibility in the Conditions for Tribal TANF Plans - Ensuring adequate flexibility in the conditions for Tribal TANF plans so that the Tribe may provide Tribal members, who have lost eligibility for assistance under the state waivers and plans, with the opportunity to benefit from a Tribally administered program with culturally appropriate work participation opportunities before individual penalties are imposed.

AMENDMENT CATEGORY 8 - Child Support Enforcement

TRIBAL AMENDMENT:

OPTION 1: Cooperative Agreements between the Tribe and the state for child support enforcement activities for the purposes of establishing a cooperative child support enforcement program without requiring Tribes to provide all services and to adopt Tribal guidelines.

OPTION 2. Direct funding to the Tribe to administer child support enforcement activities for the purposes of allowing direct funding to Tribes demonstrating the ability to operate a child support enforcement program meeting all statutory objectives.

AMENDMENT CATEGORY 9 -

TRIBAL AMENDMENT will provide Tribes with equal assurance, currently granted to local government and private organizations, that they have been consulted regarding the

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plan and design of welfare servicesso that services are provided in a manner appropriate to local populations.

TRIBAL AMENDMENT will allow state option to exclude individuals subject to Tribal work programs from state participation rates.

TRIBAL AMENDMENT will provide direct funding to the Tribes for the development of Tribal Management Information Systems (MIS) to meet data collection and reporting requirements for TANF programs.

TRIBAL AMENDMENT will mandate that the DHHS Secretary conduct research on the Tribal TANF programs as well as state programs, including information on potential benefits, effects, and costs of operating different TANF programs.

TRIBAL AMENDMENT will allow Tribes to retrocede TANF programs back to the states with proper notification.