



UNITED SOUTH AND EASTERN TRIBES, INC.

Resolution No. USET 2000:26

**SUPPORT S. 1478 - DIRECT FUNDING FOR TRIBES FROM THE TITLE IV-E  
FOSTER CARE AND ADOPTION ASSISTANCE PROGRAM**

**WHEREAS,** the United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprising 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 comprises delegates from the member tribes leadership; and

**WHEREAS,** tribal governments have a responsibility to provide necessary services to Indian children and families who are under their care and jurisdiction, specifically those children who have been removed from their birth family homes and placed in foster care; and

**WHEREAS,** because of limited funding to operate foster care or adoption assistance services tribes often have to turn over custody of their children to state child welfare programs to receive foster care services or ask tribally certified foster families to take in Indian children without the benefit of basic foster care payments; and

**WHEREAS,** the federal governments primary source of foster care and adoption assistance funding, Title IV-E of the Social Security Act, does not allow tribes to seek reimbursement for foster care or adoption assistance services provided to Indian children who are under tribal custody without an agreement with the state; and


**WHEREAS,** the USET Social Services Committee has discussed S. 1478 and its amendments to Title IV-E of the Social Security Act to make Tribes eligible to receive reimbursement from this entitlement program; and

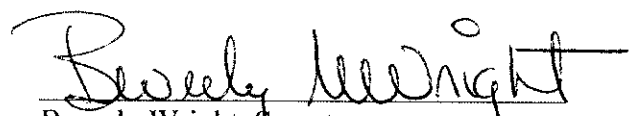
**WHEREAS,** the USET Social Services Committee agrees with and supports the attached National Congress of American Indians (NCAI) Resolution #PSC-99-044; therefore, be it

**RESOLVED** the USET Board of Directors supports the National Congress of American Indians Resolution #PSC-99-044 supporting the enactment of S. 1478, amendments to make tribes eligible to receive direct reimbursement from the Title IV-E Foster Care and Adoption Assistance program for services they provide to Indian children under their custody.

**CERTIFICATION**

This resolution was duly passed at the Annual USET Board of Directors Meeting, at which a quorum was present in Verona, New York on Thursday, October 28, 1999.

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

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

*“Because there is strength in Unity”*

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**THE NATIONAL CONGRESS OF  
AMERICAN INDIANS**

**RESOLUTION # PSC-99-044**

**Title: Support of S. 1478 - Direct Funding for Tribes from the Title IV-E  
Foster Care and Adoption Assistance Program**

**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 welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

**WHEREAS**, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI.

**WHEREAS**, tribal governments have a responsibility to provide necessary services to Indian children and families who are under their care and jurisdiction, specifically those children who have been removed from their birth family homes and placed in foster care; and

**WHEREAS**, because of limited funding to operate foster care or adoption assistance services tribes often have to turn over custody of their children to state child welfare programs to receive foster care services or ask tribally certified foster families to take in Indian children without the benefits of basic foster care payments; and

**WHEREAS**, the federal governments primary source of foster care and adoption assistance funding, Title IV-E of the Social Security Act, does not allow tribes to seek reimbursement for foster care or adoption assistance services provided to Indian children who are under tribal custody without an agreement with the state; and

WHEREAS, the Office of Inspector General's report entitled "*Opportunities for ACF to Improve Child Welfare Services and Protections for Native American Children*" documents the need for tribal access to foster care funds, problems associated with forming agreements with states, and the best options for meeting this need for foster care resources, in particular direct funding of tribes of the Title IV-E Foster Care and Adoption Assistance program; and

WHEREAS, these agreements have only been made available to approximately 50 tribes in the United States and have proven to be problematic in several areas, in particular states denying access to Title IV-E administration and training funds; and

WHEREAS, on August 3, 1999 Senators Daschle (D-SD), McCain (R-AZ) and Inouye (D-HI) introduced S. 1478 that would amend Title IV-E of the Social Security Act to make tribes eligible to receive reimbursement from this entitlement program; and

WHEREAS, S. 1478 includes the following provisions:

Provide reimbursement for Title IV-E eligible services to tribal placements of Indian children in tribal foster and adoptive homes which meet Title IV-E eligibility requirements,

• Authorize tribal governments to receive direct funding for the administration of the IV-E program,

Recognize tribal standards for foster home licensing,

Allow the Secretary flexibility to modify the requirements of the Title IV-E law for tribes, if those requirements are not in the best interests of Indian children,

Allow the Secretary to modify Title IV-E matching requirements in recognition that tribes, unlike states, have not previously received funding to build the type of service delivery systems available to the states, and permit other federal and state funds to be used for any required tribal match,

Continue to allow tribal-state Title IV-E agreements,

Develop regulations in partnership with tribes and others with expertise in the Indian child welfare field; and

**NOW THEREFORE BE IT RESOLVED**, that NCAI does hereby support the enactment of S. 1478, amendments to make tribes eligible to receive direct reimbursement from the Title IV-E Foster Care and Adoption Assistance program for services they provide to Indian children under their custody.

**CERTIFICATION**

The foregoing resolution was adopted at the 1999 Annual Session of the National Congress of American Indians, held at the Palm Springs Convention Center, in Palm Springs, California on October 3-8, 1999 with a quorum present.

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W. Ron Allen, President

**ATTEST:**

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Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1999 Annual Session of the National Congress of American Indians, held at the Palm Springs Convention Center, in Palm Springs, California on October 3-8, 1999.