File #: 16-022, **Version:** 1

A RESOLUTION RATIFYING IMPLEMENTATION AGREEMENT #3 IMPLEMENTING 2008 MEMORANDUM OF AGREEMENT AS TO CHILD SUPPORT ENFORCEMENT PROGRAM FUNDING BETWEEN CHEROKEE NATION AND DELAWARE TRIBE OF INDIANS

WHEREAS, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government on behalf of the Cherokee people;

WHEREAS, the Cherokee Nation is a federally recognized Indian Nation with a historic continual government-to-government relationship with the United State of America;

WHEREAS, the Cherokee Nation entered into a treaty with the federal government in 1866;

WHEREAS, pursuant to the Treaty of 1866, the Cherokee Nation entered into an agreement with the Delaware in 1867 wherein the Delaware were placed under the Cherokee Nation's jurisdiction;

WHEREAS, the Treaty of 1866 and the 1867 Agreement with the Delaware Tribe have been the subject of much litigation nearly dating back to the agreement was first entered and has been interpreted by several Courts, including the U.S. Supreme Court;

WHEREAS, on August 21, 2006, the Council of the Cherokee Nation enacted Resolution No. 86-06 wherein the Council supported legislation for separate federal recognition of the Delaware Tribe of Indians;

WHEREAS, on October 23, 2008, the Council of the Cherokee Nation enacted Resolution No. 88-08 wherein the Council approved a 2008 Memorandum of Agreement between the Cherokee Nation and the Delaware Tribe of Indians entered into in conjunction with the ongoing efforts of the Nation and the Tribe to secure the independent federal recognition of the Tribe;

WHEREAS, the purpose of the 2008 MOA is to set forth the working intergovernmental relationship between the Nation and the Tribe and to document agreements for or operation of Federal and State programs and services pursuant to the 2008 MOA;

WHEREAS, the Federal Register notice establishing federal recognition of the Delaware Tribe of Indians expressly acknowledge the significance of the 2008 MOA as follows: "Direct government-to-government relations were reestablished with the Delaware Tribe of Indians through its reorganization under federal statute, the Oklahoma Indian Welfare Act. This reorganization of its tribal government, separate from that of the Cherokee Nation, Oklahoma, is pursuant to a Memorandum of Agreement between the two tribes. The reorganization was effective May 27, 2009." 74 Fed. Reg. 40218-19 (August 11, 2009);

WHEREAS, the 2008 MOA maintains the integrity of the Cherokee Nation's jurisdiction and territory within the historical boundaries of the Cherokee Nation;

WHEREAS, the 2008 MOA includes provisions to enable the Cherokee Nation and the Delaware Tribe to

enter into separate agreements for purposes of implementing provisions in the MOA concerning federal funding for the Delaware Tribe;

WHEREAS, the Principal Chief of the Cherokee Nation and the Chief of the Delaware Tribe have negotiated the attached proposed IMPLEMENTATION AGREEMENT #3 IMPLEMENTING 2008 MEMORANDUM OF AGREEMENT AS TO CHILD SUPPORT ENFORCEMENT PROGRAM FUNDING to enable the Delaware Tribe to operate a child support enforcement program and to receive direct funding from the U.S. Department of Health & Human Services ("HHS") pursuant to 45 C.F.R. § 309.130(c);

WHEREAS, 73 C.N.C.A. § 304 requires agreements involving significant rights and privileges of the Cherokee people to be ratified by the Council of the Cherokee Nation.

BE IT RESOLVED BY THE CHEROKEE NATION, that the Council of the Cherokee Nation hereby ratifies the attached IMPLEMENTATION AGREEMENT #3 IMPLEMENTING 2008 MEMORANDUM OF AGREEMENT AS TO CHILD SUPPORT ENFORCEMENT PROGRAM FUNDING in order to protect, to the fullest extent possible, the territory jurisdiction and sovereignty of the Cherokee Nation while also enabling the Delaware Tribe to establish a child support enforcement program and to receive direct funding from the U.S. Department of Health & Human Services pursuant to 45 C.F.R. § 309.130(c).