



## National Johnson-O'Malley Association

9524 East 81<sup>st</sup> Street, Suite B-1581  
Tulsa, OK 74133

### RESOLUTION NUMBER: NJOMA 2022-01

#### TITLE: A RESOLUTION OF THE NATIONAL JOHNSON-O'MALLEY ASSOCIATION SUPPORTING THE CLARIFICATION OF THE DEFINITION OF AN ELIGIBLE NATIVE AMERICAN/ALASKAN NATIVE STUDENT

**WHEREAS:** The National JOM Association is the collective voice of over 1.2 million Native American students and their parents/guardians nationwide who are currently eligible to receive Johnson-O'Malley services; and

**WHEREAS:** The National JOM Association declares that the academic, mental, social, spiritual and physical well-being of our JOM students and parents/guardians are our highest priority; and

**WHEREAS:** Our JOM students will be our tribal leaders and must be given maximum opportunities to bring about positive change and leadership opportunities; and

**WHEREAS:** The National JOM Association supports the clarification of the 25 CFR 273.12 Eligible Students as required in the Johnson-O'Malley Supplemental Education Modernization Act (P.L. 115-404); and

**WHEREAS:** The 1986 Ninth Circuit Federal District Court's ruling in Diane Zarr vs. Earl Barlow, 800 F.2d 1484 (9<sup>th</sup> Cir. 1986) the Bureau of Indian Affairs in 1986, issued a program guidance memorandum, which remains in force today, directing contractors to use "Indian students are eligible for benefits of a JOM Contract if they are of ¼ or more degree of Indian blood or are recognized by the Secretary as being eligible for Bureau services."; and

**BE IT RESOLVED:** The National Johnson-O'Malley Association will support efforts to update 25 CFR 273.12 that clarify program guidance and Regulations as assigned by the Johnson-O'Malley Supplemental Education Modernization Act (P.L. 115-404); and

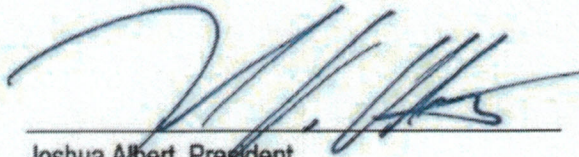
**WHEREAS:** The undercounting does a serious disservice to AIAN students and the programs designed to help them succeed.



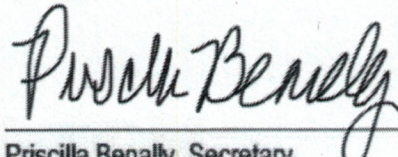
**BE IT FINALLY RESOLVED:** The National Johnson-O'Malley Association membership fully supports the definition of Eligible Student to be codified in 25 CFR 273.12 that defines an eligible student as:

1. One who is enrolled, a member, or pending enrollment in a Federally Recognized Tribe.
2. Or can show or prove descendancy or lineage from an eligible individual and/or a Certified Degree of Indian Blood (CDIB) card from a Federally Recognized Tribe.
3. Or collectively qualifies for membership/citizenship in two or more federally recognized tribes.

**ATTEST: NATIONAL JOHNSON-O'MALLEY ASSOCIATION**



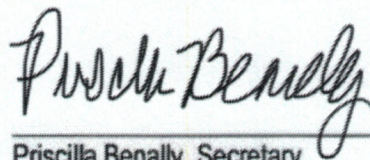
Joshua Albert, President  
Board of Directors  
National Johnson-O'Malley Association



Priscilla Benally, Secretary  
Board of Directors  
National Johnson-O'Malley Association

**CERTIFICATION:**

I HEREBY CERTIFY: the foregoing Tribal Organization Resolution was adopted by the Board of Directors of the National Johnson-O'Malley Association during the 2022 National Johnson-O'Malley Association annual conference, in a duly called, noticed, and convened, General Assembly of the NJOMA membership, assembled for business the 21st day of September 2022, with a majority of the membership present to constitute a quorum, and by vote of majority for approval.



Priscilla Benally, Secretary  
Board of Directors  
National Johnson-O'Malley Association