



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #DEN-07-065

### **TITLE: Establishing a Tribal Transportation Self-Governance Program Within the Department of Transportation**

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

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, the policy of self-governance as employed by the Indian Self-Determination and Education Assistance Act (ISDEAA) has proven to be very successful in improving the quality of service to tribal members, the empowerment of tribal governments, and the effectiveness of federal dollars provided for Indian programs; and

**WHEREAS**, the last transportation reauthorization, the Safe Accountable Flexible and Efficient Transportation Equity Act – a Legacy for Users (SAFETEA-LU) contains a provision enabling tribes to enter into contracts and agreements directly with the Secretary of Transportation in accordance with ISDEAA; and

**WHEREAS**, the Secretary of Transportation has—contrary to the intent of Congress—determined that direct agreements with her agency are not ISDEAA agreements, and thus have refused to include standard self-governance provisions from Title IV of ISDEAA; and

**WHEREAS**, it is clear that both tribes and Congress intended the provision in SAFETEA-LU to apply the provisions of ISDEAA to the direct agreements with the Secretary of Transportation; and

**WHEREAS**, in order to reaffirm that intent, tribal transportation advocates call for the establishment of the Tribal Transportation Self-Governance Program within the DOT by proposing an amendment to the ISDEAA which will apply the provisions in Title IV of that Act to the Department of Transportation at a tribe's request.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby urge the adoption of the attached amendment to Title IV of the ISDEAA that creates the Tribal Transportation Self-Governance Program within the Department of Transportation; and

**BE IT FURTHER RESOLVED**, that the NCAI supports both the right and prerogative of any tribal government to enter into ISDEAA agreements under Title I or Title IV of the Statute with the Federal government if it so wishes, as well as the right and prerogative of any tribal government to receive services directly from the Federal government if it so wishes; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution, or until such change to the law is achieved.

**CERTIFICATION**

The foregoing resolution was adopted by the General Assembly at the 2007 Annual Session of the National Congress of American Indians, held at the Hyatt Regency Denver at the Colorado Convention Center in Denver, Colorado on November 11-16, 2007, with a quorum present.

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President

**ATTEST:**

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Recording Secretary