



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #MOH-17-058

TITLE: To Urge the Secretary of the U.S. Department of Transportation to continue to Support the Tribal Transportation Self-Governance Program Negotiated Rulemaking Committee

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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, in December 2015 the Fixing America's Surface Transportation Act (FAST Act) was enacted which included Section 1121 establishing the Tribal Transportation Self-Governance Program (TTSGP), and the U.S. Department of Transportation (DOT) Secretary shall, pursuant to a negotiated rulemaking process, develop a Notice of Proposed Rulemaking (NPRM) that contains the regulations required to carry the TTSGP. Section 1121 also requires that in establishing this committee, the Secretary will apply the procedures of negotiated rulemaking under subchapter III of chapter 5 of title 5 (the Negotiated Rulemaking Act) in a manner that reflects the unique government-to-government relationship between the Tribal governments and the United States; and

WHEREAS, the TTSGP Negotiated Rulemaking Committee was formed as per Federal Register notice (April 25, 2016) and held its first Committee meeting on August 16th-18th, 2016 and four subsequent Committee meetings since, in accordance to Section 1121 of the Fast Act; and

WHEREAS, the Final Rulemaking policies are to be completed by August of 2017 as per Federal Register announcement, noting the presently proposed 180 day extension, but, regardless, the committee has been halted since January 2017 for review by the incoming new Administration and is now behind schedule.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) urges the Secretary of the U.S. Department of Transportation to take immediate action to continue to support the efforts of the TTSGP Negotiated Rulemaking Committee to allow for completion of the rules as required by the FAST Act; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2017 Midyear Session of the National Congress of American Indians, held at the Mohegan Sun Convention Center, June 12 to June 15, 2017, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary