



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ABQ-10-029

TITLE: A Call for Tribal Police Departments to Be Recognized as Governmental Entities for Purposes of the National Firearms Act and the Gun Control Act

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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 membership of NCAI support efforts to recognize Tribal Police Departments as governmental entities similar to agencies of the United States government, or of a state government or a political subdivision thereof, for purposes of the National Firearms Act NFA and the Gun Control Act GCA ; and

WHEREAS, the membership of the NCAI recognizes Tribal Police Departments, which number over 165 agencies, as law enforcement agencies of sovereign, federally-recognized Indian Tribes; and

WHEREAS, the NFA generally imposes a tax on the transfer of an NFA weapon, it exempts the following government entities from payment: the United States or any department, independent establishment, or agency thereof, and any state, possession of the United States, any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigation; and

WHEREAS, the GCA generally prohibits the interstate shipment of firearms to unlicensed persons, but contains an exception for shipments to the United States or any department or agency thereof or any state or any department, agency, or political subdivision thereof, and

WHEREAS, the GCA generally prohibits the transfer or possession of machine guns manufactured after May 18, 1986, except with respect to a transfer to or by or possession by or under the authority of, the United States or any department or agency thereof, or a state or a department, agency, or political subdivision thereof; and

WHEREAS, Tribal Police Departments are not part of, or agencies of, the United States government, a state government, or a political subdivision of a state; and

WHEREAS, Tribal Police Departments can participate in a cross-deputization program offered by the Bureau of Indian Affairs BIA , United States Department of the Interior, in which tribal officers receive BIA special law enforcement commissions. Once deputized and while the deputization remains in effect , the tribal officers are considered federal law enforcement officers for purposes of the NFA and GCA. Accordingly, when deputized, the Tribal Police Departments qualify for the tax exempt transfer, interstate transfer, and can possess machine guns manufactured after May 18, 1986; and

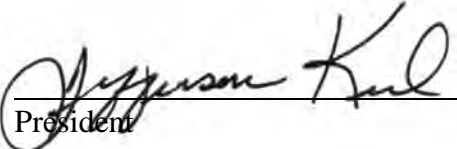
WHEREAS, the NCAI supports efforts to allow all Tribal Police Departments to have access to NFA firearms to ensure tribal officers can effectively carry out their duties and protect tribal communities in Indian Country.

NOW THEREFORE BE IT RESOLVED, that the NCAI strongly supports legislation to amend the NFA and the GCA so that Tribal Police Departments are recognized as governmental entities for purposes of the NFA and the GCA, similar to agencies of the United States government, or of a state government, or a political subdivision thereof without the requirement of special law enforcement commissions so that Tribal Police Departments are exempt from payment of this transfer tax for NFA firearms, are eligible to receive firearms interstate, and can possess a machine gun manufactured after May 18, 1986; and

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

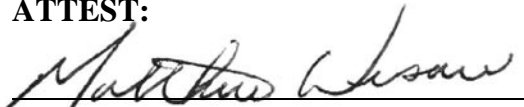
CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2010 Annual Convention of the National Congress of American Indians, held at the Albuquerque Convention Center in Albuquerque, NM on November 14-19, 2010, with a quorum present.



President

ATTEST:



Recording Secretary