



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PHX-08-012

TITLE: Support for Hearing before 111th Congress on Tribal Roads Transportation Funds Distribution Formula under Federal SAFETY-LU Act (Transportation Act)

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Jacqueline Johnson
Tlingit

NCAI HEADQUARTERS
1301 Connecticut Avenue, NW
Suite 200
Washington, DC 20036
202.466.7767
202.466.7797 fax
www.ncai.org

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, good transportation systems for Tribal Nations existing on reservations that are often in isolated areas is a vital part of the infrastructure that enables the communities of these Nations to thrive; and

WHEREAS, roads provide critical access for the communities of Tribal Nations for schools, for work, for recreation, for businesses on the reservations, and for delivery of goods and services to and from the Tribal Nations; and

WHEREAS, the United States has a fundamental trust responsibility to provide funds for good roads on reservations, and has in part fulfilled that responsibility through a set-aside that is part of the Federal highway act, the most recent version of which is known as SAFETEA-LU (Safe, Affordable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, P.L. 109-59); and

WHEREAS, the set-aside program is known as the Indian Reservation Roads program (IRR), and the critical issue within the IRR program is the formula used to divide the funds between the various Bureau of Indian Affairs Regions and then within those Regions to the various Tribal Nations; and

WHEREAS, the formula, the principal components of which are the total population of the Indian tribe, the total miles driven on roads that are part of the roads inventory of the Tribe, and the cost to construct the reservation roads, has within the past 10 years been interpreted to include roads that are not principally used by Tribal citizens, but which are part of some other jurisdiction's road system, such as the local county, state and in some cases, even the federal government which constructs federal highways passing through or on the border of an Indian Reservation; and

WHEREAS, in addition, the data that is used in the distribution formula to allocate funds to the various Tribal Nations, including road inventory information, is often incomplete, inconsistent or inaccurate and the actual data set, called the "Road Inventory Field Data System" (RIFDS) is often misunderstood by those submitting the data; and

WHEREAS, some of these issues are discussed and analyzed in a recent study on the roads inventory of the IRR program called "Indian Reservation Roads Program Comprehensive Inventory Report" issued by the Federal Highway Administration of the U.S. Department of Transportation in January, 2008; and

WHEREAS, many Tribal Nations have urged the BIA to issue new regulations reflecting a formula that more closely matches the purpose of the IRR program, but the present Administration will not issue any more regulations this year and has left this issue to the next President and administration; and

WHEREAS, the result of the inconsistent application of the formula, insufficient or bad data, and road inventories that include roads that are not primarily used by the citizens of Tribal Nations has been inconsistent amounts of funding levels for road programs for Tribal Nations, and this creates financial and other difficulties in planning for road maintenance and construction of roads that are vital to each Tribal Nation's future; and

WHEREAS, this issue needs to be addressed as a part of the effort to seek renewal of the federal highway bill, SAFETEA-LU, which expires as of September 30, 2009.

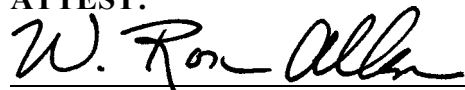
NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby request that the Senate Committee on Indian Affairs hold a hearing that will focus on issues relating to the interpretation of the present regulations relating to the allocation of funds formula under the Indian Reservations Roads program; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution; or until such a hearing as is called for in this resolution is held in the United States Congress.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2008 Annual Session of the National Congress of American Indians, held at the Phoenix Convention Center in Phoenix, Arizona on October 19-24, 2008, with a quorum present.



President**ATTEST:**

Recording Secretary