

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Memorandum of Agreement with United States Customs and Border
Protection Regarding Enhanced Tribal Cards)

RESOLUTION NO. 09-454

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the authority to "consult,**
2 **negotiate and conclude agreements... on behalf of the Tohono O'odham Nation with**
3 **Federal, State, and local governments... on all matters within the authority of the**
4 **Tohono O'odham Council" and to consult with "appropriate federal agencies**
5 **regarding federal activities that affect the Tohono O'odham Nation" ; and**

6 **WHEREAS, as a result of the Intelligence Reform and Terrorism Prevention Act of 2004 (PL 108-**
7 **458), the United States of America enacted the Western Hemisphere Travel Initiative**
8 **(WHTI), a policy which requires certain specific documentation for land and sea re-**
9 **entry into the United States; and**

10 **WHEREAS, the rules promulgated to implement the WHTI permit United States Customs and**
11 **Border Protection to accept as WHTI-compliant documents approved Enhanced Tribal**
12 **Cards (ETCs) issued by Native American tribes to their members [8 CFR 235.1 (e)]; and**

13 **WHEREAS, it is in the interest of the Tohono O'odham Nation to maintain its unique legal and**
14 **political relationship with the U.S. government, to assert its tribal sovereignty, and to**
15 **claim its right accorded by Executive Order 13175 [65 Fed. Reg. 67249, Sec. 3(c)(3) (Nov.**
16 **6, 2000)] to consult and coordinate with federal agencies on policies with tribal**
17 **implications; and**

18 **WHEREAS, it is in the interest of the Tohono O'odham Nation to ensure that its members who do**
19 **not have or cannot obtain passports may re-enter the United States using WHTI-**
20 **compliant ETCs; and**

21 **WHEREAS, the *Memorandum of Agreement/Business Plan Between the Tohono O'odham Nation***
22 ***and U.S. Customs and Border Protection* ("MOA/Business Plan") would enable the**
23 **Tohono O'odham Nation to issue to its U.S. citizen members its own WHTI-compliant**
24 **ETCs; and**

25 **WHEREAS, the Domestic Affairs, Appropriations, and Rules Committees of the Legislative Council,**
26 **with the advice and assistance of the Nation's Office of Attorney General and the**
27 **Legislative Attorney's Office, have reviewed and recommend that the Nation enter into**
28 **the MOA/Business Plan substantially in the form attached hereto.**

29 **NOW, THEREFORE, BE IT RESOLVED THAT the Tohono O'odham Legislative Council hereby**

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approves the *Memorandum of Agreement/Business Plan Between the Tohono O'odham Nation and U.S. Customs and Border Protection.*

BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council hereby authorizes and directs the Chairman or his designee to timely enter into and administer the *Memorandum of Agreement/Business Plan Between the Tohono O'odham Nation and U.S. Customs and Border Protection.*

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH Day of AUGUST, 2009 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Section 1 (f) & (j) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Verlon M. Jose, Legislative Chairman

13 day of August, 2009

ATTEST:



Evonne Wilson, Legislative Secretary

6 day of August, 2009.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 13 day of August, 2009 at 2:19 o'clock, P. M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Verlon M. Jose, Legislative Chairman

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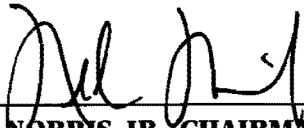
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APPROVED

on the 17 day of August, 2009

DISAPPROVED

at 11:55 o'clock, a.M.



NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 17 day of

August, 2009, at 11:56 o'clock, a.M.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING MEMORANDUM OF AGREEMENT WITH UNITED STATES CUSTOMS AND BORDER PROTECTION REGARDING ENHANCED TRIBAL CARDS

MOVED: COUNCILMAN TIMOTHY JOAQUIN

SECOND: COUNCILWOMAN WAVALENE ROMERO

DATE: AUGUST 06, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			
	2. MARY LOPEZ ()	99.35	X			
SELLS 449.6	1. KIMBERLY LISTO ()	224.80	X			
	2. EVELYN B. JUAN MANUEL ()	224.80	X			
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
SAN XAVIER 204.7	1. FELICIA NUÑEZ ()	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			
SAN LUCY 187.1	1. LORRAINE EILER (Charlotte Cadavas)	93.55	X			
	2. GLORIA RAMIREZ ()	93.55	X			
PISINEMO 184.5	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
HICKIWAN 174.5	1. MICHELLE ORTEGA ()	87.25	X			X
	2. SANDRA ORTEGA ()	87.25	X			
GU VO 206.3	1. GRACE MANUEL ()	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			X
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X			
	2. CYNTHIA E. MANUEL ()	115.05	X			
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ()	138.50	X			
BABOQUIVARI 324.0	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE ()	162.0	X			
TOTAL		2,595.50	2,595.50	-0-	-0-	[02]