

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Adopting and Authorizing the Submission of Comments on the Proposed Rule on Documents
Required for Travelers Departing From or Arriving in the United States at Sea and Land Ports-
of-Entry from within the Western Hemisphere)

RESOLUTION NO. 07-542

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to consult "with**
2 **appropriate federal agencies regarding federal activities that affect the Tohono**
3 **O'odham Nation" (Constitution of the Tohono O'odham Nation, Article VI, Section 1(j));**
4 **and**

5 **WHEREAS, as a sovereign government, the Nation has worked diligently with federal and state**
6 **agencies and officials to enhance security and address immigration, smuggling, and**
7 **environmental damage and other impacts along the Nation's 75-mile international**
8 **border with Mexico; and**

9 **WHEREAS, the Nation has**

- 10 • **supported the allocation of Tohono O'odham Nation land for a joint use law**
11 **enforcement facility that is shared by the Tohono O'odham Nation Police**
12 **Department with the U.S. Customs and Border Patrol in the Chukut Kuk District**
13 **(Resolution No. 02-238);**
- 14 • **supported vehicle barriers and the accompanying all-weather road project along**
15 **the international boundary within the Tohono O'odham Nation (Resolution No. 04-**
16 **095);**
- 17 • **approved leases, memoranda of understanding, and other agreements necessary**
18 **to National Guard and Customs and Border Patrol law enforcement operations on**
19 **the Nation (Resolutions Nos. 04-198, 06-428, and 07-056);**
- 20 • **supported the United States Department of Homeland Security Secure Border**
21 **Initiative (Resolution No. 07-129); and**

22 **WHEREAS, while the Nation is a long-standing ally and partner in border law enforcement efforts,**
23 **it is essential that the O'odham right to continue freely crossing the border to**
24 **traditional O'odham lands, communities, and sacred sites in Mexico for all purposes**
25 **is honored and protected; and**

26 **WHEREAS, the U.S. Customs and Border Protection, Department of Homeland Security, Bureau**
27 **of Consular Affairs, and Department of State have published in the Federal Register**

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1 **a Proposed Rule on Documents Required for Travelers Departing From or Arriving in**
2 **the United States at Sea and Land Ports-of-Entry from within the Western Hemisphere**
3 **("Proposed Rule on Travel Documents"); and**

4 **WHEREAS, the Proposed Rule on Travel Documents includes provisions restricting the use and**
5 **content of tribal enrollment cards for entry into the United States; and**

6 **WHEREAS, the Proposed Rule on Travel Documents provides that tribal comments "should**
7 **explain the traditional border crossings of that tribe by:**

- 8 **a. Specifically identifying the federally recognized tribe;**
9 **b. Indicating the traditional destination or destinations across the border that**
10 **are visited by members of the tribe;**
11 **c. Explaining in detail the purpose or purposes of all such travel;**
12 **d. Relating all such travel to traditional ethnic, religious, cultural or other**
13 **activities of the tribe;**
14 **e. Indicating the frequency of the travel; and**
15 **f. Specifying the border crossing point or points which are generally utilized to**
16 **travel to each destination."; and**

17 **WHEREAS, such a rule will disproportionately impact the Tohono O'odham Nation and require**
18 **that the Nation disclose, as part of the national public comment process, the details**
19 **of traditional cross-border travel for religious and cultural purposes; and**

20 **WHEREAS, it is in the Nation's interest to comment on the Proposed Rule on Travel Documents**
21 **in order to preserve**

- 22 **(1) the right to cross what is now an international border across the Nation's**
23 **traditional lands;**
24 **(2) the right to use traditional border crossings on the Nation's reservation at San**
25 **Miguel Gate, Serapo's Gate, and Papago Farms Gate as well as those traditional**
26 **crossings that have become designated ports-of-entry at Nogales, Sasabe,**
27 **Lukeville, and San Luis; and**
28 **(3) the sovereign right to use the Nation's enrollment card as the sole source of**
29 **necessary identification to cross the international border.**

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1 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council**
2 **hereby adopts the Tohono O'odham Nation's "Comments on U.S. Customs and Border**
3 **Protection, Department of Homeland Security; Bureau of Consular Affairs,**
4 **Department of State Notice of Proposed Rulemaking on Documents Required for**
5 **Travelers Departing From or Arriving in the United States at Sea and Land Ports-of-**
6 **Entry from within the Western Hemisphere" in substantially in the form attached**
7 **hereto and authorizes and directs the Nation's Chairman to submit the Nation's**
8 **comments to all appropriate federal agencies and officials.**

9 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 27TH Day**
10 **of AUGUST, 2007 at a meeting at which a quorum was present with a vote of 2,202.9 FOR; -0-**
11 **AGAINST; 331.6 NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by**
12 **Section 1 (j) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
13 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
14 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
15 **Stat. 984).**

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17 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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21 **Verlon M. Jose, Legislative Chairman**

22
23 27 day of August, 2007

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25 **ATTEST:**

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29 **Lucille Lopez, Acting Legislative Secretary**

30 27th day of August, 2007.

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33 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham**
34 **Nation on the 27 day of August, 2007 at 4:15 o'clock, P.M.,**
35 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
36 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
37 **submittal.**

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39 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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43 **Verlon M. Jose, Legislative Chairman**

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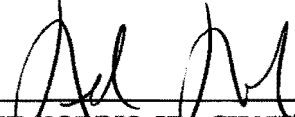
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APPROVED

on the 27 day of August, 2007

DISAPPROVED

at 4:18 o'clock, P.M.



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

Returned to the Legislative Secretary on the 27th day of

August, 2007, at 4:20 o'clock, P.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: ADOPTING AND AUTHORIZING THE SUBMISSION OF COMMENTS ON THE PROPOSED RULE ON DOCUMENTS REQUIRED FOR TRAVELERS DEPARTING FROM OR ARRIVING IN THE UNITED STATES AT SEA AND LAND PORTS-OF-ENTRY FROM WITHIN THE WESTERN HEMISPHERE

MOVED: COUNCILWOMAN SANDRA ORTEGA

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: AUGUST 27, 2007

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE ()	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40			X	
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ()	113.95	X			
GU VO 199.2	1. GRACE MANUEL ()	99.60			X	X
	2. MICHAEL FLORES ()	99.60			X	
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			
	2. SANDRA ORTEGA ()	86.00	X			
PISINEMO 182.4	1. CHESTER ANTONE ()	91.20	X			
	2. GERALD FAYUANT ()	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55	X			
	2. GLORIA RAMIREZ ()	90.55	X			X
SAN XAVIER 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
SCHUK TOAK 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
SELLS 444.7	1. KIMBERLY LISTO ()	222.35	X			
	2. EVELYN B. JUAN MANUEL ()	222.35	X			
SIF OIDAK 194.4	1. WAVALENE ROMERO ()	97.20	X			
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,202.9	-0-	331.6	[02]

****PASSED VOTES**