

**The INTER-TRIBAL COUNCIL
of the FIVE CIVILIZED TRIBES**

NUMBER 98-25

**A Resolution to the U.S. Senate, Senate Select Committee
on Indian Affairs (SSCIA), Regarding the Tobacco Settlement Act**

WHEREAS,

the Inter-Tribal Council of the Five Civilized Tribes is an organization which unites the tribal governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole Nations, representing over 300,000 Indian people throughout the United States, and

WHEREAS,

The Tobacco Settlement Act (TSA) of 1997 (S. 1414, S. 1415, S. 1638, S. 1491, S. 1492, S. 1530) and other related legislation has significant and negative impact in Indian Country with the potential imposition of state jurisdiction and other regulatory requirements over Tribal government, and

WHEREAS,

The “Tobacco Settlement Act” has the potential to negatively impact the economics of Tribal governments by more than one-hundred (100) million dollars, and

WHEREAS,

This legislation appears to supersede existing state/tribal tax agreements, recognizing the sovereignty in government to government relationships, and

WHEREAS,

The Inter-Tribal Council of the Five Civilized tribes request that any proposed Tobacco Settlement Act legislation from the Indian Task Force include these provisions:

- A. Respect the historic federal/tribal government-to-government relationship, recognizing agreements.
- B. Provide for direct contracting.
- C. Preserve tribal licensing and regulatory authority.
- D. Automatic qualifications as states.
- E. Inclusions of Tribal governments on all of the “commissions” created by the Tobacco Settlement Act.
- F. Provisions for recent Indian manufactures.

PROPOSED STATUTORY LANGUAGE

“Notwithstanding any provision of this act to the contrary, a business engaged in the manufacture of cigarettes on Indian lands pursuant to a license granted by the Bureau of Alcohol, Tobacco and Firearms on or before January 1, 1997, shall not be required to comply with any supplement state licensing requirements for the manufacture of cigarettes on Indian lands.”

NOW, THEREFORE, BE IT RESOLVED,

That the Inter-Tribal Council of the Five Civilized Tribes does hereby request that Senator Ben Nighthorse Campbell, Chairman, Senate Select Community on Indian Affairs, incorporate these provisions and other measures of tribal sovereignty in drafting any Tobacco Settlement ct legislation.

CERTIFICATION

The foregoing resolution was adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting in Checotah, Oklahoma on July 10, 1998, by a vote of 25 for, 0 against and 0 abstentions.

Joe Byrd Signed
Joe Byrd, Principal Chief
Cherokee Nation

Randle Durant Signed for
Gregory E. Pyle, Chief
Choctaw Nation

Perry Beaver Signed
Perry Beaver, Principal Chief
Muscogee (Creek) Nation

Jerry Haney Signed
Jerry Haney, Principal Chief
Seminole Nation

Bill Anoatubby Signed
Bill Anoatubby, Governor
Chickasaw Nation