



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #SAC-12-055

**TITLE: Request that the Bureau of Indian Affairs Provide Consistent, Full, and Adequate Funding to Sustain Tribal Justice Programs, including Tribal Detention Facilities**

### EXECUTIVE COMMITTEE

**PRESIDENT**  
**Jefferson Keel**  
*Chickasaw Nation*

**FIRST VICE-PRESIDENT**  
**Juana Majel Dixon**  
*Pauma Band of Mission Indians*

**RECORDING SECRETARY**  
**Edward Thomas**  
*Central Council of Tlingit & Haida  
Indian Tribes of Alaska*

**TREASURER**  
**W. Ron Allen**  
*Jamestown S'Klallam Tribe*

### REGIONAL VICE- PRESIDENTS

**ALASKA**  
**Bill Martin**  
*Central Council of Tlingit & Haida  
Indian Tribes of Alaska*

**EASTERN OKLAHOMA**  
**S. Joe Crittenden**  
*Cherokee Nation*

**GREAT PLAINS**  
**Robert Shepherd**  
*Sisseton Wahpeton*

**MIDWEST**  
**Matthew Wesaw**  
*Pokagon Band of Potawatomi*

**NORTHEAST**  
**Lance Gumbs**  
*Shinnecock Indian Nation*

**NORTHWEST**  
**Fawn Sharp**  
*Quinault Indian Nation*

**PACIFIC**  
**Don Arnold**  
*Scotts Valley Band of Pomo Indians*

**ROCKY MOUNTAIN**  
**Scott Russell**  
*Crow Tribe*

**SOUTHEAST**  
**Larry Townsend**  
*Lumbee Tribe*

**SOUTHERN PLAINS**  
**George Thurman**  
*Sac and Fox Nation*

**SOUTHWEST**  
**Joe Garcia**  
*Ohkay Owingeh*

**WESTERN**  
**Ned Norris, Jr**  
*Tohono O'odham Nation*

**EXECUTIVE DIRECTOR**  
**Jacqueline Johnson Pata**  
*Tlingit*

**NCAI HEADQUARTERS**  
1516 P Street, N.W.  
Washington, DC 20005  
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**, the United States has a trust responsibility and is required by law to provide adequate funding in Indian Country for law enforcement services to ensure the continued safety and well-being of tribal members and communities; and

**WHEREAS**, in accordance with the 1990 Indian Country Law Enforcement Act and the Presidential Initiative on Law Enforcement in Indian Country, the Department of Justice (DOJ) requests congressional funding for the construction and renovation of detention facilities in Indian Country, while the Bureau of Indian Affairs (BIA) shall request funds to staff, operate, and maintain new detention facilities; and

**WHEREAS**, the BIA, in calculating and planning for the funds to staff, operate, and maintain new detention facilities in Indian Country, failed to consider known, proposed, or existing construction for which the DOJ was awarding funds; and

**WHEREAS**, the BIA awarding of funds to Indian Nations for the operation and maintenance of detention facilities is severely inadequate; for example, the Colorado River Indian Tribes was awarded less than one-fourth of the funds required to operate its newly constructed juvenile detention facility, with no indication from the BIA at the time of planning and construction, that the funds for operations and maintenance would be so severely deficient; and

**WHEREAS**, the BIA is required to negotiate the funding amount to be awarded under a PL 93-638 contract to operate and maintain the detention facility constructed with DOJ funds; and

**WHEREAS**, the BIA does not allocate adequate funds for the operation and maintenance of PL 93-683 contracted detention facilities as required by the Indian Self-Determination and Education Act; and

**WHEREAS**, the PL 93-638 negotiation process is rendered meaningless as BIA does not comply with the requirement to fund its PL 93-638 contract obligations in full; and

**WHEREAS**, inadequate funding, further exacerbated by continued imposition of unfunded federal mandates, threatens the safety of Indian communities and members and erodes the sovereignty and jurisdiction of Indian Nations.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby request the BIA and DOJ utilize existing personnel resources, which will not diminish funding for PL 93-638 contracts, to establish the base funding requirements to fully fund all PL 93-638 detention facilities and law enforcement services in Indian Country, through consultation with Indian Nations and the use of accepted formulas and methodology; and to present that information to the United States Congress and Indian Nations; and

**BE IT FURTHER RESOLVED**, that the NCAI does hereby request that the BIA provide consistent, full, and adequate funding for the operations and maintenance costs of all PL 93-638 contracted detention facilities and law enforcement services in Indian Country; and

**BE IT FURTHER RESOLVED**, that the NCAI does hereby direct this resolution be submitted the Administration and the United States Congress, in addition to the BIA, and that NCAI will highlight this issue with the incoming 2013 Administration and Congress; and

**BE IT FINALLY 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 2012 Annual Session of the National Congress of American Indians, held at the Sacramento Convention Center from October 21-26, 2012 in Sacramento, California, with a quorum present.

  
\_\_\_\_\_  
President

**ATTEST:**

  
\_\_\_\_\_  
Recording Secretary