



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #AK-21-029

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TITLE: Calling on Congress, the Department of Homeland Security, and the Federal Emergency Management Agency to Remove All Non-Federal Match Requirements for Tribal Nations and Streamline Tribal Declaration Requests

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 and the United Nations Declaration on the Rights of Indigenous Peoples, 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 Department of Homeland Security (DHS) and all of its agencies including the Federal Emergency Management Agency (FEMA) owe a treaty and trust responsibility to all Tribal Nations; and

WHEREAS, there are no treaties or agreements between Tribal Nations made with the United States Government that required a non-federal match for Tribal Nations to receive the resources promised to them; and

WHEREAS, responding to and supporting a Tribal Nation's request for a major disaster or emergency declaration is one of the greatest responsibilities that the federal government owes Tribal Nations; and

WHEREAS, the authorities provided by Congress to FEMA under the Robert T Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) are state-centric, as seen in C.F.R. T. 44, Ch. I, Subch. D, Pt. 206, where Tribal Nations are not written anywhere into the disaster process and are inconsiderate of the sovereign status of Tribal Nations and the treaty and trust responsibility the federal government owes to Tribal Nations; and

WHEREAS, the Stafford Act does not require an automatic non-federal match but rather the Act allows FEMA the discretion to require non-federal match up to 25 percent. However, despite this discretion, FEMA always applies the maximum 25 percent non-federal match to every Tribal emergency or major disaster declaration, which runs counter to its treaty and trust responsibilities; and

WHEREAS, non-federal match requirements to receive federal assistance through DHS are based on a concept of another government having a financial stake and there are no other governments in this nation who have more investment or are impacted more by federal government decisions than Tribal Nations; and

WHEREAS, many Tribal Nations avoid seeking federal assistance in response to emergencies or disasters because of the significant burdensome processes imposed by FEMA under the Pilot Declarations Process and the non-federal match requirements; and

WHEREAS, the COVID-19 pandemic has shown that the extraneous and burdensome unfunded mandates and requirements created by FEMA prevent the majority of all Tribal Nations from seeking federal assistance authorized by the Stafford Act; and

WHEREAS, Tribal Nations have the greatest need for federal assistance yet are the furthest behind in response and recovery to disaster efforts due to the lack of support in developing levels of preparedness, and an exhaustive draft guidance document that is not necessary for professional emergency managers to identify a tribal disaster; and

WHEREAS, when a Tribal Nation submits a request for a major disaster or emergency declaration FEMA can take an inordinate amount of time to send the request and recommendation to the President, often costing valuable time to seek waivers or relief from Congress; and

WHEREAS, the FEMA review process for major disaster or emergency declaration requests is not transparent, which makes it almost impossible for Tribal Nations to successfully appeal the decision if their request is denied.

NOW THEREFORE BE IT RESOLVED, the National Congress of American Indians (NCAI) calls on the Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA), to immediately eliminate any agency-imposed non-federal match requirement for Tribal Nations to receive federal assistance in regulations, policies, grant applications, or other guiding documents; and

BE IT FURTHER RESOLVED, that the DHS and the FEMA should immediately establish a policy to forward any tribal emergency or major disaster declaration request without cumbersome administrative requirements, or any other complex application processes imposed and submit this request to the President with a recommendation of the FEMA Administrator within 10-working days and forward a copy of the recommendation to the submitting Tribal Nation; and

BE IT FURTHER RESOLVED, that NCAI calls upon Congress to protect and maintain the hard fought tribal provisions in the Stafford Act and add to specifically add language waiving any non-federal match requirements for Tribal Nations.

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 2021 Mid Year Conference of the National Congress of American Indians, held June 20, 2021 - June 24, 2021, with a quorum present.



Fawn Sharp, President

ATTEST:



Juana Majel Dixon, Recording Secretary