



NATIONAL CONGRESS OF AMERICAN INDIANS

**The National Congress of American Indians
Resolution #ABQ-19-028**

TITLE: Calling on the Department of Homeland Security to Start Formal Consultation with Tribal Nations and Begin the Formal Rulemaking Process for Tribal Disaster Declarations

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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) is one of the youngest federal agencies and engages with tribal nations and thousands of tribal citizens on a daily basis; and

WHEREAS, the 2013 amendments to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, provided a path for federally recognized tribal nations to directly request a presidential emergency or major disaster declaration; and

WHEREAS, from 2013 to 2017, the Federal Emergency Management Agency (FEMA) processed tribal declarations through the regulations created for state declarations; and

WHEREAS, in 2017, FEMA established a Tribal Declaration Pilot Guidance and began processing tribal declarations through the guidance rather than the state regulations; and

WHEREAS, the Tribal Declaration Pilot Guidance was created after DHS conducted government-to-government consultations with tribal nations yet the guidance included several provisions that tribal nations were not consulted on such as the minimum damage amount that tribal nations must meet to request a preliminary damage assessment; and

WHEREAS, provisions like the minimum damage amount are arbitrary and capricious and have prevented tribal nations from declaring states of emergency to save lives in Indian Country; and

WHEREAS, DHS and FEMA have a trust responsibility to provide emergency assistance and services to tribal nations and tribal citizens, however, over the last three years tribal nations have been stonewalled when trying to access emergency resources through the pilot guidance system.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls upon the Department of Homeland Security and the Federal Emergency Management Agency to begin a new round of government-to-government consultations with tribal nations on the tribal disaster declaration process to assess the success of the pilot guidance and ways to improve the process in formal rulemaking; and

BE IT FURTHER RESOLVED, that NCAI calls upon the Department of Homeland Security to begin the formal rulemaking process for tribal disaster declarations after completion of the tribal consultations to determine the success of the pilot guidance and the need for improvements; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

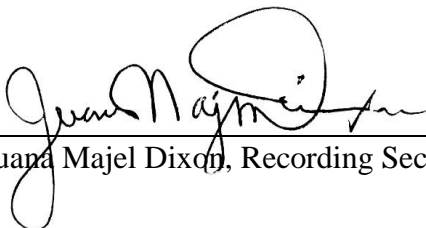
CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2019 Annual Session of the National Congress of American Indians, held at the Albuquerque Convention Center, October 20-25, 2019, with a quorum present.



Fawn Sharp, President

ATTEST:



Juana Majel Dixon, Recording Secretary