



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PDX-20-066

TITLE: Holding the Department of Homeland Security Accountable to Tribal Nations

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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, some of the first treaties made on these lands were directly related to homeland security and the framers and signers of tribal treaties would have had no way to identify the evolution of emergency management and homeland security to where it is today; and

WHEREAS, the value of annual consultation has shown to provide for better federal government decision-making in matters that may affect tribal nations; and

WHEREAS, the Congress has mandated offering of annual tribal consultation in various federal executive agencies and has acknowledged the value in this practice; and

WHEREAS, the Department of Homeland Security (DHS) is the newest and third-largest federal department created after the terrorist attacks of 9/11; and

WHEREAS, DHS and its agencies continuously fail to engage tribal nations through formal government-to-government consultation to gain insights on tribal needs and interests; and

WHEREAS, conducting at least one focused annual tribal consultation with tribal nations will continuously inform the department on its treaty, trust, and fiduciary responsibilities and its decisions going forward; and

WHEREAS, during the COVID-19 crisis the Federal Emergency Management Agency (FEMA) failed to follow its own tribal consultation policy and enter into government-to-government consultations with tribal nations before making wide sweeping changes to its Public Assistance Policy, despite tribal nations' explicit request for consultation; and

WHEREAS, FEMA's sudden change to its Public Assistance Policy negatively impacted tribal nations that were already struggling to assist their tribal citizens during the COVID-19 crisis; and

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls on Congress to amend the Homeland Security Act to require annual tribal consultation to solicit recommendations and input from tribal nations and tribal organizations; and

NOW THEREFORE BE IT RESOLVED, that NCAI calls on Congress to require that DHS provide tribal nations with 120 days notice to adequately prepare for the annual tribal consultation and to require that DHS to issue framing papers at least 60 days before the tribal consultation; and

NOW THEREFORE BE IT FURTHER RESOLVED, that NCAI calls on Congress to require all major agencies in the department; including but not limited to the United States Coast Guard, Customs and Border Protection, Cybersecurity and Infrastructure Security Agency, Federal Emergency Management Agency, Transportation Security Agency, Citizenship and Immigration Services, and Immigration and Customs Enforcement; to actively participate in the tribal annual consultation; and

NOW THEREFORE BE IT FURTHER RESOLVED, that NCAI urges Congress to require that the DHS annual tribal consultation focus on; at a minimum; strengthening tribal homeland security and emergency management practices, enhancing public safety and security for tribal nations, identifying areas where tribal nations are excluded from participation in federal Homeland Security and Emergency Management policies or practices, and strengthening the federal and tribal efforts in all mission space and functional activities; and

NOW THEREFORE BE IT FURTHER RESOLVED, that NCAI urges Congress to require that DHS issues an annual report to Congress on the findings, proposed actions, and progress resulting from the annual tribal consultation; and

NOW THEREFORE BE IT FURTHER RESOLVED, that NCAI call on Congress to require DHS to submit an annual report to tribal nations showing how each agency within has made progress on the tribal nations' comments and request that were submitted during the annual tribal consultation from the prior year; and

NOW THEREFORE BE IT FURTHER RESOLVED, that NCAI call on Congress to hold oversight hearings on FEMA's response to tribal nations during the COVID-19 crisis; and

NOW THEREFORE BE IT FURTHER RESOLVED, that NCAI call on the Administration to assure that FEMA includes the perspectives of tribal nations in their COVID-19 after-action reports and reviews; 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 2020 Annual Session of the National Congress of American Indians, held Nov 8, 2020 - Nov 13, 2020, with a quorum present.



Fawn Sharp, President

ATTEST:



Juana Majel Dixon, Recording Secretary