



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PDX-11-073

TITLE: Oppose the National Security and Federal Lands Protection Act (H.R. 1505)

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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, 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 National Security and Federal Lands Protection Act (H.R. 1505) prohibits the Secretary of the Interior and the Secretary of Agriculture from impeding, prohibiting or restricting the activities of the Secretary of Homeland Security on lands under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture that are within 100 miles of the international land and maritime borders of the United States; and

WHEREAS, H.R. 1505 authorizes the Secretary of Homeland Security to have immediate access to public land managed by the Secretary of the Interior or the Secretary of Agriculture within 100 miles of the international land and maritime borders of the United States for purposes of conducting activities that assist in securing the border; and

WHEREAS, H.R. 1505 enables the Secretary of Homeland Security to have immediate access to these lands for the purpose of maintaining and constructing roads, fences, and infrastructure, and using vehicles to patrol, and setting up monitoring equipment; and

WHEREAS, H.R. 1505 waives the application of thirty six (36) environmental laws on these lands managed by the Interior and Agriculture departments, including the National Environmental Policy Act, the Endangered Species Act, the Clean Water Act, the Clean Air Act, the Safe Drinking Water Act, the National Historic Preservation Act, the Solid Waste Disposal Act, the Comprehensive Environmental Response, Compensation, and Liability Act, the Coastal Zone Management Act, and the Administrative Procedure Act; and

WHEREAS, an amendment to exempt Indian lands from the bill was rejected by the House Committee on Natural Resources; and

WHEREAS, H.R. 1505 uses the terms “federal lands,” “public lands” and “land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture,” alternatively and without reference to specific definitions; and

WHEREAS, H.R. 1505 may apply to tribal lands within the 100 mile zone around the international and maritime borders of the United States; and

WHEREAS, if passed H.R. 1505 may enable the Secretary of Homeland Security to have immediate access to these tribal lands and engage in the aforementioned activities without the consent of tribal governments and without having to comply with 36 federal or tribal environmental laws; and

WHEREAS, H.R.1505 is a direct and profound threat to tribal sovereignty, including the territorial and jurisdictional integrity of tribal lands and the protection of tribal environments, natural resources, sacred places, cultural activities, subsistence practices and tribal lifeways.

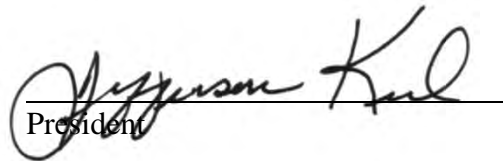
NOW THEREFORE BE IT RESOLVED, that the NCAI opposes any Congressional action that would allow federal agencies access to tribal lands without the free prior and informed consent of tribal governments; and

BE IT FURTHER RESOLVED, that NCAI opposes the National Security and Federal Lands Protection Act (H.R. 1505) and any concurrent or derivative legislation; 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 2011 Annual Session of the National Congress of American Indians, held at the Oregon Convention Center in Portland, Oregon on October 30 – November 4, 2011, with a quorum present.



President

ATTEST:



Recording Secretary