



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #ECWS-18-001

### **TITLE: Opposing Federal Legislation that Promotes Construction of Border Wall, Waives Laws, and Undermines Tribal Jurisdiction**

#### EXECUTIVE COMMITTEE

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

**FIRST VICE-PRESIDENT**  
**Aaron Payment**  
*Sault Ste. Marie Tribe of Chippewa Indians of Michigan*

**RECORDING SECRETARY**  
**Juana Majel-Dixon**  
*Pauma Band Mission Indians*

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

#### REGIONAL VICE-PRESIDENTS

**ALASKA**  
**Rob Sanderson, Jr.**  
*Tlingit & Haida Indian Tribes of Alaska*

**EASTERN OKLAHOMA**  
**Joe Byrd**  
*Cherokee Nation*

**GREAT PLAINS**  
**Larry Wright, Jr.**  
*Ponca Tribe of Nebraska*

**MIDWEST**  
**Roger Rader**  
*Pokagon Band of Potawatomi*

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

**NORTHWEST**  
**Leonard Forsman**  
*Suquamish Tribe*

**PACIFIC**  
**Willie Carrillo**  
*Tule River Tribe of California*

**ROCKY MOUNTAIN**  
**Darrin Old Coyote**  
*Crow Nation*

**SOUTHEAST**  
**Nancy Carnley**  
*Ma-Chis Lower Creek Indians*

**SOUTHERN PLAINS**  
**Zach Pahmahmie**  
*Prairie Band of Potawatomi Nation*

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

**WESTERN**  
**Franklin Pablo, Sr.**  
*Gila River Indian Community*

**EXECUTIVE DIRECTOR**  
**Jacqueline 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**, in 1854 the United States created an international boundary with Mexico that divides tribal lands and tribal historic and culturally sensitive sites; and

**WHEREAS**, tribal members experience direct negative impacts from illegal immigration and drug trafficking across the international boundary, including increased criminal activity, damage to cultural resources, increased demands on tribal law enforcement, illegal dumping, and environmental degradation; and

**WHEREAS**, unlike national forests, wilderness areas, and other federal lands on the international boundary dividing the United States and Mexico, Indian reservations are not public federal land, they are reserved for the benefit of the tribes and their members, and the tribes have a duty to ensure that tribal members' rights and the tribes' sovereignty are protected; and

**WHEREAS**, the duty to protect tribal lands and resources, sovereignty and jurisdiction, including in tribal dealings with the United States Customs and Border Protection ("CBP"), Immigration and Customs Enforcement ("ICE"), and other agencies within the United States Department of Homeland Security ("DHS") operating on the boundary with Mexico, is consistent with the DHS Tribal Consultation Policy in which, "The United States recognizes the right of Federally-recognized Indian Tribes ("Indian Tribes") to self-government. Indian Tribes exercise inherent sovereign powers over their members and territories." DHS Tribal Consultation Policy, I.A.; and

**WHEREAS**, H.R. 3548, the “Border Security for America Act of 2017,” has been introduced in the House of Representatives and would promote the construction of a border wall on the Mexican border, waive or authorize waivers of numerous federal environmental and archeological protection laws, authorize National Guard deployments on federal lands, prohibit the Secretary of the Interior from impeding, prohibiting or restricting the construction of a border wall, other tactical infrastructure and technology, and would authorize CBP immediate access to covered “Federal land” within 100 miles of the international land borders of the United States; and

**WHEREAS**, H.R. 3548 would also amend Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to broadly authorize the Secretary of Homeland Security to “take such actions as may be necessary (including the removal of obstacles to detection of illegal entrants) to construct, install, deploy, operate, and maintain tactical infrastructure and technology in the vicinity of the United States border to deter, impede, and detect illegal activity in high traffic areas” and would amend the term “fence” to “physical barriers”; and

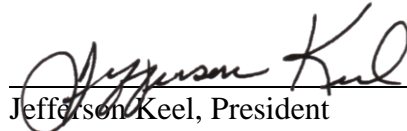
**WHEREAS**, similar provisions appear in introduced bills H.R. 4760, S. 2192, and S. 1757; and

**WHEREAS**, by NCAI Resolution #ECWS-08-001 and #REN-08-002, NCAI has opposed the waiver of federal, state and other laws under Section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 for the construction of border fencing and roads as unnecessary, destructive, and in violation of the federal obligation to consult with Indian tribes on a government to government basis and to respect tribal sovereignty and self-determination.

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians opposes provisions in federal legislation that would authorize the waiver of federal environmental and archeological protection laws for the construction of a continuous border wall and otherwise undermine tribes’ jurisdiction over their lands and resources.

#### CERTIFICATION

The foregoing resolution was adopted by the Executive Committee at the 2018 Executive Council Winter Session of the National Congress of American Indians, held in Washington, D.C.

  
\_\_\_\_\_  
Jefferson Keel, President

ATTEST:

  
\_\_\_\_\_  
Juana Majel Dixon, Recording Secretary