USET SPF Resolution No. 2019 SPF:020

HOMELAND SECURITY 50-MILE RULE CHANGE AND FUNDING EQUITY

WHEREAS, United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of twenty-seven (27) federally recognized Tribal Nations; and

WHEREAS, the actions taken by the USET SPF Board of Directors officially represent the intentions of each member Tribal Nation, as the Board of Directors comprises delegates from the member Tribal Nations' leadership; and

WHEREAS, USET SPF Tribal Nations are partners with the federal government in homeland security and emergency services activities, and

WHEREAS, Tribal leaders and Tribal organizations are continuously faced with the challenge of educating the federal government of its trust responsibilities for providing for the public safety and well-being of the Tribal Nations, including homeland security and emergency services; and

WHEREAS, the federal government woefully underfunds Tribal homeland security programs, with less than a dollar of every hundred dollars allocated for state programs allocated for Tribal Nations; and

WHEREAS, USET SPF was instrumental in working with Congress to draft the authorities and requirements in the Implementing Recommendations of the 9/11 Commission Act of 2007, which authorized the Department of Homeland Security (DHS) to provide funding to Tribal Nations; and

WHEREAS, the DHS first issued a grant under its Tribal Homeland Security Grant program in 2008, without consultation and with only minimal collaboration with Tribal Nations, as required by law; and

WHEREAS, in fulfillment of the trust responsibility, DHS should directly and adequately fund Tribal Nations and not pass those funds through states, who frequently do not pass them along. and DHS has not consulted with Tribal Nations on the petition process for funds to be provided directly to Tribal governments; and

WHEREAS, the criteria established in grant guidance of, "50 miles from a border," is a creation of the Department of Homeland Security and has a Tribal implication as identified in the Department's Tribal Consultation Policy, but there was no Tribal consultation; and

WHEREAS, the 50-mile criteria is not congruent with the "reasonable distance" utilized by other DHS activities and the 100 air mile rule promulgated in 8 CFR 287.1; and
WHEREAS, the establishment of the “directly eligible tribes,” criteria by Congress fails to address all potential risks by only allowing a limited number of Tribal Nations or Tribal organizations to apply; and

WHEREAS, in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it

RESOLVED the USET SPF Board of Directors calls upon the Homeland Security Secretary to immediately change the “50-mile” criteria to, at the very minimum, match the “100-air mile reasonable distance,” used for over seven decades in border enforcement activities; and, be it further

RESOLVED the USET SPF Board of Directors contends that DHS must ensure that states uphold statutory requirements to provide funding to Tribal Nations for the development of core capabilities, but also move towards direct funding for Tribal Nations; and, be it further

RESOLVED the USET SPF Board of Directors urges Congress to eliminate the definition of “directly eligible tribe” and allow all Tribal Nations and organizations to be eligible to apply for risk-based funding; and, be it further

RESOLVED the USET SPF Board of Directors strongly urges the Department of Homeland Security to evaluate the full complement of agency programs, to provide greater access and equitable baseline funding to Tribal Nations across those agency programs; and, be it finally

RESOLVED the USET SPF Board of Directors calls upon the Department of Homeland Security to reaffirm its commitment to building a strong and lasting partnership with Tribal Nations by directly funding Tribal Nations to build, sustain, and improve their capabilities to prepare for, protect against, respond to, recover from, and mitigate all hazards.

CERTIFICATION

This resolution was duly passed at the USET SPF Impact Week Meeting, at which a quorum was present, in Arlington, VA, March 7, 2019.

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Chief Kirk E. Francis, Sr., President  Chief Lynn Malerba, Secretary
United South and Eastern Tribes  United South and Eastern Tribes
Sovereignty Protection Fund  Sovereignty Protection Fund

Because there is Strength in Unity