



# USET

SOVEREIGNTY PROTECTION FUND

**Nashville TN Office**  
711 Stewarts Ferry Pike, Ste. 100  
Nashville TN 37214  
P: (615) 872-7900  
F: (615) 872-7417

**Washington DC Office**  
400 North Capitol St., Ste. 585  
Washington DC 20001  
P: (202) 624-3550  
F: (202) 393-5218

## 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.



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



Chief Lynn Malerba, Secretary  
United South and Eastern Tribes  
Sovereignty Protection Fund

*Because there is Strength in Unity*