



# USET

SOVEREIGNTY PROTECTION FUND

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## USET SPF Resolution No. 2020 SPF:016

### **CALLING ON THE DEPARTMENT OF HOMELAND SECURITY TO BEGIN FORMAL CONSULTATION WITH TRIBAL NATIONS AND BEGIN THE FORMAL RULEMAKING PROCESS FOR TRIBAL DISASTER DECLARATIONS**

- WHEREAS,** United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of thirty (30) 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,** the Sandy Recovery Improvement Act of 2013 amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to provide a path for federally recognized Tribal Nations to directly request a Presidential emergency or major disaster declaration; and
- WHEREAS,** from 2013 to 2017 the Federal Emergency Management Agency (FEMA), an agency within the Department of Homeland Security processed Tribal declarations of emergency using regulations created for state declarations; and
- WHEREAS,** in 2017 FEMA established a Tribal Declarations Pilot Guidance and began processing Tribal declarations through this guidance rather than the state regulations; and
- WHEREAS,** the Tribal Declarations Pilot Guidance was created after DHS conducted government-to-government consultation with Tribal Nations, but includes several harmful provisions that were not consulted on, such as a minimum damage amount Tribal Nations must meet to declare a disaster; and
- WHEREAS,** provisions like the minimum damage amount are arbitrary and have prevented some Tribal Nations from receiving funding from a Presidential Disaster Declaration and applying for further funding to save lives and protect property in Indian Country; and
- WHEREAS,** DHS has a trust responsibility to provide emergency assistance and services to Tribal Nations and their citizens, but since the introduction of the Pilot Guidance, Tribal Nations have been challenged by process and guidelines that run contrary to the intent of the Sandy Recovery Improvement Act of 2013 when trying to access emergency resources; 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** that USET SPF calls upon the Department of Homeland Security to begin a new round of government-to-government consultation with Tribal Nations on the Tribal disaster declaration process to assess the success of the Pilot Guidance, as well as ways to improve the process; and be it further

**RESOLVED,** that USET SPF calls upon the Department of Homeland Security, after consultation with Tribal Nation, to begin the formal rulemaking process for Tribal disaster declarations; and be it further

**RESOLVED** that this resolution shall be the policy of USET SPF until it is withdrawn or modified by subsequent resolution

### CERTIFICATION

This resolution was duly passed at the USET SPF Annual Meeting held on the Sovereign Territory of the Mississippi Band of Choctaw Indians, at which a quorum was present on November 7, 2019.



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



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