



USET

SOVEREIGNTY PROTECTION FUND

711 Stewarts Ferry Pike
Suite 100
Nashville, TN 37214
P: (615) 872-7900
F: (615) 872-7417
www.usetinc.org

USET SPF Resolution No. 2021 SPF: 001

URGING THE REMOVAL OF STAFFORD ACT NON-FEDERAL MATCH REQUIREMENTS AND STREAMLINING OF TRIBAL EMERGENCY DECLARATION REQUESTS

WHEREAS, United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of thirty-three (33) 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, federal trust and treaty obligations are the result of the millions of acres of land and extensive resources ceded to the U.S.—oftentimes by force— in exchange for which it is legally and morally obligated to provide benefits and services in perpetuity; and

WHEREAS, the Department of Homeland Security (DHS) and all of its agencies, including the Federal Emergency Management Agency (FEMA), have a treaty and trust obligations to all Tribal Nations, including the obligation to respond to and support a Tribal Nation's request for a major disaster or emergency declaration under the Stafford Act; and

WHEREAS, the Stafford Act does not require an automatic non-federal match and allows FEMA the discretion to waive the non-federal match up to 25 percent, yet despite this discretion FEMA consistently applies the maximum 25 percent non-federal match to every Tribal emergency or major disaster declaration; and

WHEREAS, there is no treaty or agreement between Tribal Nations and the United States Government that requires a non-federal match for Tribal Nations to receive the resources promised to us; and

WHEREAS, non-federal match requirements are based on a concept that non-federal governments must invest their own resources to receive federal assistance from DHS, which abrogates DHS's trust and treaty obligations to Tribal Nations; and

WHEREAS, many Tribal Nations avoid seeking federal assistance in response to emergencies or disasters because of significantly burdensome processes imposed by FEMA under the Pilot Declarations Process and the non-federal match requirements; and

WHEREAS, the COVID-19 pandemic has shown that the unnecessary and burdensome unfunded mandates and requirements created by FEMA prevent a majority of Tribal Nations from seeking federal assistance authorized by the Stafford Act; and

WHEREAS, Tribal Nations remain the furthest behind among the U.S. family of governments in response and recovery to disaster efforts due to the lack of support in developing levels of

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preparedness, as well as burdensome and unnecessary requirements to identify a Tribal disaster; and

WHEREAS, when a Tribal Nation submits a request for a major disaster or emergency declaration FEMA often takes an inordinate amount of time to send the request and recommendation to the President, costing valuable time to seek waivers or relief from Congress; and

WHEREAS, the FEMA review process for major disaster or emergency declaration requests is not transparent, which makes it almost impossible for Tribal Nations to successfully appeal the decision if their request is denied; 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 Congress to maintain the Stafford Act's Tribal provisions and to specifically add language waiving any non-federal match requirements for Tribal Nations; and be it further

RESOLVED the USET SPF Board of Directors calls upon the Department of Homeland Security and the Federal Emergency Management Agency to immediately eliminate any agency-imposed non-federal match requirement for Tribal Nations to receive federal assistance, which includes any existing or proposed regulations, policies, grant applications, or other guiding documents; and be it further

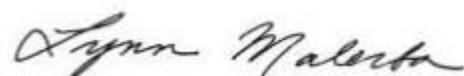
RESOLVED the USET SPF Board of Directors calls upon the Department of Homeland Security and the Federal Emergency Management Agency to immediately establish a policy to forward any and all Tribal emergency or major disaster declaration requests without cumbersome administrative requirements or any other complex application processes imposed, and to submit these requests to the President with a recommendation of the FEMA Administrator within 10-working days and forward a copy of the recommendation to the submitting Tribal Nation.

CERTIFICATION

This resolution was duly passed by the USET SPF Executive Committee, at which a quorum was present, on July 23, 2021.



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



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