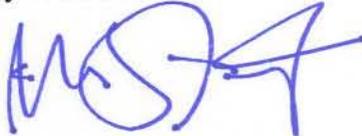




FEMA

NOV 23 2011

MEMORANDUM FOR: James Featherstone  
Chairman  
National Advisory Council

FROM: W. Craig Fugate  
Administrator 

SUBJECT: Response to NAC Recommendations on Tribal Governments

Thank you for your letter, dated September 17, 2010, regarding the National Advisory Council recommendations on Tribal Governments. After your public meeting in Denver, CO on Thursday, August 5, 2010, you forwarded the following recommendations to FEMA:

1. The Council recommends that the Administrator support amending legislation that will place tribal governments at same level as State governments.
2. The Council recommends that the Administrator continue to support the removal of impediments to working with tribal governments. Specifically, tribal governments should have the ability to directly request Federal disaster assistance.

At the direction of President Obama, FEMA established a Tribal Policy on June 29, 2010, to articulate the Agency's commitment to respect and honor tribes as equal partners. FEMA is currently in the final stages of developing the implementation plan for this Tribal Policy, which is even more robust than the previous version and details a more collaborative engagement between FEMA and the 565 federally-recognized tribes across the country. FEMA remains committed to recognizing the sovereign rights, authority, and unique status of tribal governments and is committed to working in close partnership with Indian tribes.

In addition, the new policy expressly states that FEMA will identify and take reasonable, appropriate steps to eliminate or diminish procedural impediments to working directly and effectively with tribal governments. In particular, the policy states that FEMA will review portions of the Robert T. Stafford Disaster Relief & Emergency Assistance Act, and other laws, policies, and administrative rules in emergency management activities to determine how FEMA may work more directly with local tribal communities.

In 2010, FEMA designated full-time employees as Intergovernmental Tribal Affairs Specialists to work out of each of the nine FEMA Regions with federally recognized tribes (i.e. every Region excepting Region III). This new group of specialized FEMA employees works directly with the federally-recognized tribes within a region to help the communities develop disaster mitigation plans and enhance emergency management capabilities. They also serve as ambassadors for FEMA and the federal government within the tribal communities by providing support in navigating technical requirements and policies.

FEMA hired an attorney within the Agency's Office of Chief Counsel (OCC) who is trained and experienced in Federal Indian Law. FEMA also sponsors a comprehensive training program through the Emergency Management Institute (EMI) with four courses targeted specifically to the tribal emergency management community.

FEMA Tribal Affairs staff and Regional staff strive to include tribal representatives in day-to-day emergency management, so that when disaster strikes, the tribal community knows its rights and options when applying for federal disaster assistance. Currently, only States can request a major disaster or emergency declaration from the President under the Robert T. Stafford Disaster Relief & Emergency Assistance Act. But, once there is a declaration, as sovereign nations tribes may elect to apply for federal disaster assistance either directly or as part of a state's disaster request. As direct grantees, tribes manage their own projects and work directly with FEMA officials through the recovery process.

Efforts to enhance FEMA's relationships with tribal nations are ongoing. FEMA recognizes that the participation of American Indian and Alaska Native Tribal Governments is vital to enhancing nation-to-nation relations and will continue to seek their consultation. FEMA is committed to enhancing the implementation of this policy by working more closely with our governmental partners in the Nation's American Indian and Alaskan Native Tribal communities with the publication of the revised policy. FEMA echoes the sentiment expressed by Secretary Napolitano that this partnership will lead to "better policy outcomes" and will ultimately assist FEMA in achieving its mission.

Thank you very much for your dedication and continued interest in moving FEMA forward.