

Inter-Tribal Emergency Response Commission (ITERC)

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July 12, 2012

Honorable Joseph Lieberman
Committee on Homeland Security and Governmental Affairs
706 Hart Office Building
Washington, D.C. 20510

RE: *H.R. 1953 to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act*

Dear Senator Lieberman,

The Inter-Tribal Emergency Response Commission (ITERC) of the Inter-Tribal Council of Nevada (ITCN) expresses support for HR 1953 and asks that the Senate Committee on Homeland Security and Governmental Affairs approve this bill. HR 1953 affirms tribal sovereignty and the unique trust obligation of the United States of America. H.R. 1953 will amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include procedures for requests from Indian tribes for a major disaster or emergency declaration.

It is critical that governments, including tribal governments, be able to (i) respond quickly and decisively to a disaster or an imminent emergency. It is imperative that Indian tribes, to whom the federal government owes a unique trust responsibility, be able to directly request a declaration by the President that a major disaster or emergency exists for the tribe. To date, tribes must wait on a state governor, who owes no unique trust obligation to the tribe, to request a Presidential declaration. If H.R.1953 is approved, the Chief Executive of an affected Indian tribe may directly request a Presidential Declaration of Emergency.

In addition to addressing the declaration issue, H.R.1953 will improve tribal access to direct assistance from FEMA. Under existing law, Indian tribes may elect to receive disaster and emergency funds directly from FEMA as a grantee or through a state as a sub-grantee. However, if a tribe receives such funds through a state, the tribe must generally enter into a pass-through agreement with the state, which will often request a waiver of the tribe's sovereign immunity. This puts Indian tribes in a very difficult position, especially during an emergency or disaster, and it can impede critical assistance during the crisis. H.R. 1953 will allow tribes to exercise their sovereign right of self-governance on tribal lands.

The Inter-Tribal Emergency Response Commission formally supports and requests that the 112th Congress approves H.R. 1953 to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act as presented.

Sincerely,

Terence Bohl MEP
Inter-Tribal Emergency Response Commission (ITERC)
Emergency Manager; Homeland Security Director