

iTEMA
Tribal Emergency Management Association

July 31, 2012

The Honorable Joseph Lieberman
Chairman
Senate Committee on Homeland Security
and Governmental Affairs
340 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Susan Collins
Ranking Member
Senate Committee on Homeland Security
and Governmental Affairs
340 Dirksen Senate Office Building
Washington, D.C. 20510

RE: ***S.2283 Amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act***

Dear Chairman Lieberman and Ranking Member Collins,

The Tribal Emergency Management Association (iTEMA) supports S. 2283 as introduced in the U.S. Senate, which would amend the Stafford Act in recognition of tribal sovereignty. We note that parallel provisions appear in Section 210 of H.R. 2903, the FEMA Reauthorization Act, as passed out of the House Transportation and Infrastructure Committee on March 8, 2012.

Currently, the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) classifies Tribes as “local governments” and deprives Tribal governments of the right to request emergency or major disaster declarations directly from the President. Instead, Tribes may only obtain Federal disaster assistance if the governor of the state in which they are located seeks and obtains from the President, a Stafford Act declaration applicable to that state.

The Stafford Act’s classification of Tribes as “local governments” is inconsistent with the United States’ unique legal and political relationship with Tribal governments, established through and confirmed by the Constitution of the United States, treaties, statutes, executive orders, and judicial decisions. Consistent with the government-to-government relationship established by law, we strongly believe that a Federally-recognized Tribe should have the same access to seek Federal response and recovery support for an emergency or major disaster within its jurisdiction as a state does.

We believe the provisions of these bills addressing tribal sovereignty would:

- Properly acknowledge the sovereignty Federally-recognized Tribes and the trust responsibility of the United States;
- Allow consideration for a Stafford Act declaration based on impacts within the Tribal government’s jurisdiction, regardless of the level of impact to the state(s) in which the Tribe is located;
- Eliminate hardships some Tribal governments experience because of legal or other impediments that inhibit Tribal governments from going through the state to obtain Federal disaster assistance;
- Provide fair and consistent consideration for assistance across Tribal nations, including those Tribes where geographic boundaries cross multiple states.

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The Tribal Emergency Management Association (iTEMA) supports amending the Stafford Act to ensure Tribal governments are not dependent upon states to request and receive Federal disaster assistance. iTEMA supports legislative efforts that would authorize Federally-recognized Tribal governments the ability to make requests directly to the President for Stafford Act declarations.

Sincerely,



Jake Heflin
Interim iTEMA President
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