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2022-2026 FEMA National Tribal Strategy



FEMA

*The cover reflects a FEMA people-first approach
and is a composite of federal- and open-source imagery.*

*FEMA recognizes the cover design does not depict all Tribal Nations,
and acknowledges it does illustrate and celebrate rich, unique tribal cultures
and tribal emergency management community.*

MESSAGE FROM THE FEMA ADMINISTRATOR

I am proud to share the “2022-2026 FEMA National Tribal Strategy” (National Tribal Strategy), which is a culmination of tribal perspective shared with FEMA over many years. The National Tribal Strategy specifically reflects voices of 135 representatives (of 78 Tribal Nations) who contributed critical feedback during tribal consultation in 2022 to help us become the FEMA that Tribal Nations need and deserve.

We must never forget Tribal Nations continue to face indescribable hardships in this country. As President Biden said, American Indian and Alaska Native peoples represent unyielding perseverance “despite a painful history marked by unjust Federal policies of assimilation and termination.”

That is why, as emergency managers, we must be proactive and deliberate in our support to Tribal Nations as they build climate-resilient and prepared communities. We will only be successful when our programs are fully accessible to tribal communities. We must strive toward delivery of assistance that meets their unique needs.

This inaugural National Tribal Strategy is just one step in that process. FEMA, now, has a roadmap which refines and elaborates on major strategic goals and objectives – a roadmap representative of the voices we must better serve.

From aggressive expansion of our tribal affairs footprint across our regional and headquarters offices, to developing tribal-specific technical assistance programs, we are committed to better supporting and honoring our federal trust responsibility and nation-to-nation-relationship.

In my first year as the FEMA Administrator, I had the great privilege to meet with many Tribal Leaders and hear, first-hand, the unique experiences and challenges they face before, during, and after disasters. I deeply value these conversations as they inform our way forward in developing equitable and accessible policies and programs. At FEMA, it is our belief that if we do not have people at the center of our efforts, we simply are not doing our jobs.



Deanne Criswell

Deanne Criswell

FEMA Administrator

The work ahead will not be easy and there is much to do. I am confident we will seize the unprecedented opportunity, together, to enact generational-level change.

NATIONAL TRIBAL STRATEGY

FEMA developed this comprehensive “2022-2026 FEMA National Tribal Strategy” (National Tribal Strategy) to address its responsibilities to federally recognized Tribal Nations and to identify unified agency actions to build, enhance, and sustain its relationships with tribes.

A priority of the Biden-Harris Administration is for federal departments and agencies to work more inclusively with “Tribal Nations” (federally recognized Indian tribe), as demonstrated by Presidential memoranda, executive orders, and placement of tribal members at the highest levels of the Federal Government. This National Tribal Strategy represents a strategic roadmap to better support Tribal Nations. It incorporates tribal comments and recommendations of federally recognized Indian tribes (“Tribal Nations”) provided to FEMA in recent years and after review of this document by leaders and representatives of Tribal Nations and of organizations representing the interests of Tribal Nations.

Background

The FEMA core values of compassion, fairness, integrity, and respect are at the heart of what FEMA and its employees stand for and represent. These values form the solid foundation of who FEMA is, what the agency believes, and how it serves States, local governments, territories, and Tribal Nations. These core values apply to FEMA interactions with survivors, colleagues, and stakeholders every single day.

Tribal Policy and Consultation

In 2019, FEMA updated its [“Tribal Consultation Policy” \(FEMA Policy #101-002-02\)](#), providing specific guidance on how the agency engages with Tribal Nations in regular and meaningful consultation and collaboration on actions that have tribal implications.

In December 2020, FEMA updated its [“FEMA Tribal Policy \(Rev.2\)” \(FEMA Policy #305-111-1\)](#), reaffirming its commitment to enhance its nation-to-nation relationships with Tribal Nations, and in full recognition of tribal sovereignty, self-governance, and its trust responsibility. This specific tribal policy ensures FEMA works with Tribal Nations to build, sustain, and improve capacity to prevent, protect against, mitigate, respond to, and recover from all hazards.

The FEMA relationship with Tribal Nations evolved significantly following enactment of the Sandy Recovery Improvement Act (SRIA) in 2013, while building on existing relationships and coordination. As a result of this act, Tribal Nations now have explicit opportunity to make direct requests for presidential emergency and disaster declarations. Prior to that date, federal statute required Tribal Nations to apply through states as subrecipients for disaster assistance.

“The inclusion of all Tribes since the beginning stages of this draft National Tribal Strategy and its ongoing development is sincerely appreciated.”

Julie Siestreem, Vice-Chair, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians

Headquarters and Regional Tribal Capabilities

The FEMA Tribal Affairs program is led by the Office of External Affairs’ Intergovernmental Affairs Division located within FEMA headquarters. The Tribal Affairs Team is led by the National Tribal Affairs Advisor, who is responsible for advising FEMA leadership on issues related to Tribal Nations and tribal communities. This team fulfills agency commitment to consult with Tribal Nations, in collaboration with FEMA Regional Tribal Liaisons and/or FEMA Integration Team members located in the ten (10) FEMA regional offices. The Regional tribal teams prioritize regular outreach and collaboration with the individual tribal communities located within their respective regions and help inform the National Tribal Affairs Advisor of on-the-ground feedback. The Regional Tribal Liaisons and/or FIT members serve as primary contacts for Tribal governments and play important interagency roles before, during, and after disasters.

2022-2026 FEMA Strategic Plan

Released in December 2021, the “[2022-2026 FEMA Strategic Plan](#)” (FEMA Strategic Plan) positions the agency to respond to a changing landscape in which the emergency management community must embrace its expanding role. The National Tribal Strategy follows the main constructs of the FEMA Strategic Plan to ensure alignment to the agency’s strategic priorities.

STRATEGIC PLAN GOALS AND OBJECTIVES

The FEMA Strategic Plan outlines a bold vision and three ambitious goals designed to address key challenges the agency faces during a pivotal moment in time for the field of emergency management:

- Goal1: Instill Equity as a Foundation of Emergency Management
- Goal 2: Lead the Whole of Community in Climate Resilience
- Goal 3: Promote and Sustain a Ready FEMA and Prepared Nation



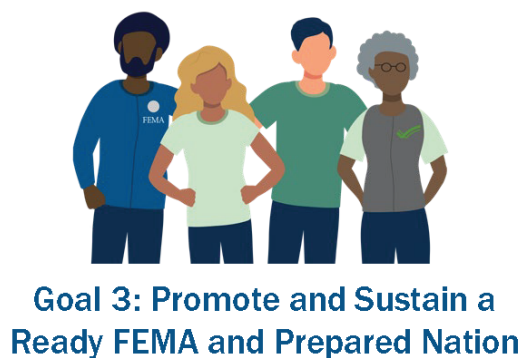
Goal 1: Instill Equity as a Foundation of Emergency Management

- 1.1 Cultivate a FEMA that prioritizes and harnesses a diverse workforce
- 1.2 Remove barriers to FEMA programs through a people first approach
- 1.3 Achieve equitable outcomes for those we serve



Goal 2: Lead Whole of Community in Climate Resilience

- 2.1 Increase climate literacy among the emergency management community
- 2.2 Build a climate resilient nation
- 2.3 Empower risk-informed decision making



Goal 3: Promote and Sustain a Ready FEMA and Prepared Nation

- 3.1 Strengthen the emergency management workforce
- 3.2 Posture FEMA to meet current and emergent threats
- 3.3 Unify coordination and delivery of federal assistance



Figure 1: FEMA Strategic Plan Goals and Objectives

These three goals position FEMA to address increased frequency and complexity of disasters, support the diversity of communities we serve, and complement the nation’s growing expectations of the emergency management community. Wide-ranging and long-term, these goals respond to the changing landscape in which we find ourselves. While some activities in this plan can be quickly realized, some will require sustained efforts to and through 2026.

Emergency Management Landscape

To ensure the FEMA Strategic Plan postures FEMA to meet immediate and future needs of the Nation, it is critical to understand the challenges and opportunities the emergency management community may face in the decade to come. October 2022 will mark one decade since Hurricane Sandy, which resulted in legislative reforms that spurred FEMA to drastically improve the efficiency and quality of disaster assistance. As the ongoing coronavirus (COVID-19) pandemic and changing climate reshape society, FEMA looks beyond disasters for lessons learned to assess future risks as catalysts for change.

National Tribal Strategy Goals and Objectives

The following section outlines critical agency activities in support of Tribal Nations, and associated intended outcomes, consistent with the goals and objectives presented in the “2022-2026 FEMA Strategic Plan.”

Goal 1: Instill Equity as a Foundation of Emergency Management

Evaluate and identify methodologies and strategies to increase regular engagement with Tribal Nations at FEMA regional and headquarters levels in a manner that acknowledges tribal sovereignty and ensures accessibility to FEMA resources. This goal addresses diverse methods of engagement, such as program-specific webinars, regional in-person meetings, tribal consultation meetings, program briefings, and regular meetings with FEMA regional and headquarters leadership and staff.



“We understand the value in working with FEMA. Several objectives in this strategy will provide tribal-specific technical assistance that will help tribes collaborate with FEMA more effectively.”

Will Micklin, CEO, Ewiaapaayp Band of Kumeyaay Indians

1. Develop Tribal-Specific Technical Assistance Resources

- Develop tribal case studies to share tribal-specific experiences working with FEMA.
 - **Outcome:** Tribal Nations see how other Tribal Nations work with FEMA to achieve outcomes related to preparedness, mitigation, response, and recovery.

- Develop and offer proactive, in-person technical assistance, webinars, and virtual opportunities on topics, such as a FEMA overview for tribal leaders and for new tribal emergency managers.
 - **Outcome:** Tribal Nations are aware of FEMA programs that support Tribal mitigation, readiness, response, and recovery.
- Develop and distribute a comprehensive FEMA resource guide that describes the program, tribal eligibility, points of contact, and available auxiliary materials.
 - **Outcome:** Tribal Nations have a better understanding of the variety of pre- and post-disaster programs available resulting in enhanced engagement with FEMA.

2. Routine Meeting of Regional Tribal Liaisons

- Convene an annual meeting of the National Tribal Affairs Advisor, Regional Tribal Liaisons, and tribal FEMA Integration Team (FIT) staff and other subject matter experts to discuss program work underway and develop recommendations on how FEMA (directed to regions and HQ) could better serve Tribal Nations.
 - **Outcome:** Sharing firsthand knowledge of tribal issues and success stories will lead to better FEMA policies and resources that may benefit Tribal Nations.
- Create an annual report summarizing tribal liaison experiences and observations that will be shared with FEMA leadership in the regions and at headquarters.
 - **Outcome:** FEMA leadership will be prepared to allocate resources based on tribal preparedness, mitigation, and disaster response and recovery.

3. Connect Tribal and FEMA Leaderships

- The FEMA Administrator provides Tribal Nation leadership with an annual update on priorities and status updates on policies, initiatives, and programmatic changes impacting Tribal Nations.
 - **Outcome:** Tribal Nations are aware of the FEMA Administrator's priorities and the status of policy and programmatic changes.
- FEMA Administrator engages Tribal Nations in person during national and regional tribal events and other scheduled travel, and visits small, rural tribal communities when possible.
 - **Outcome:** FEMA builds and strengthens relationships with individual Tribal Nations and provides further opportunities to receive feedback.
- FEMA Leadership, led by the FEMA Administrator, meets with the leadership of the national and regional tribal associations on a quarterly basis.

- **Outcome:** Tribal Nations engage with FEMA leadership to share tribal perspectives on FEMA policies and actions.
- Organize an internal lecture series highlighting current issues, opportunities, and best practices in Indian country that includes tribal representatives.
- **Outcome:** FEMA workforce is more aware of the living history that contemporary Tribal Nations and tribal citizens bring to their work.

4. Support Equitable Opportunities for Tribes to Access FEMA Programs and Resources

- Include Tribal Nations in national and regional external meetings and briefings, as well as standing meetings with emergency management associations, and webinars on new or modified programs.
 - **Outcome:** Tribal Nations know FEMA programs and can more easily access FEMA resources for disaster readiness, hazard mitigation, response, and recovery.
- Prioritize inclusion of FEMA Regional Tribal Liaisons in internal and external national meetings and briefings. FEMA Regional Tribal Liaisons, responsible for establishing and maintaining primary relationships with Tribal Nations, provide updates on tribal issues and situations with FEMA leadership for agency awareness and action.
 - **Outcomes:**
 - Create a reporting system for the Regional Tribal Liaisons to work with the National Tribal Affairs Advisor to prepare regular updates on their work to be shared within the agency.
 - Regional Tribal Liaisons provide visibility on local, tribal issues at the regional and national levels.
- Conduct an internal review of programs and policies that may inhibit equitable Tribal Nation access to FEMA programs and resources and commit to affecting legislative, regulatory, and policy changes that will enhance tribal access.
 - **Outcome:** When combined with other initiatives stated above to support equitable access for Tribal Nations to FEMA programs and resources, FEMA will develop, approve, and/or revise tribal-specific legislative, regulatory, and policy priorities designed to enhance equitable access.
- Hire more tribal FEMA Integration Team staff to better support Tribal Nations, consistent with staffing models for states and territories.
 - **Outcome:** FEMA provides improved technical assistance, programmatic support, and training capabilities to Tribal Nations across all regions.

- Translate FEMA products into Native American languages.
 - **Outcome:** Translated products provide valuable information and guidance to a unique and underserved population.

Goal 2: Lead the Whole of Community in Climate Resilience

“We are all a part of the solution for the future of our planet’s climate - through whole community collaboration and hazard mitigation planning – a shared goal of resiliency can be achieved for a sustainable future seven generations ahead.”

**Nelson Andrews, Jr., Tribal Councilman, Emergency Management Director, Mashpee Wampanoag Tribe/
Co-Chairman, United South & Eastern Tribes Homeland Security & Emergency Services Committee**

1. Build Tribal Capacities and Capabilities to Improve Readiness and Resilience

FEMA will seek input from Tribal Nations on their needs and emergency management challenges. As a result, FEMA will identify actions and resources to meet documented needs. These actions and resources may fall into the areas of legislative proposals, rulemaking, policy changes, technical assistance, training, and grants. FEMA short-term and long-term goals will be determined following feedback from Tribal Nations on their capacity and capability needs.



- Conduct needs analysis through tribal consultation with Tribal Nations to identify gaps in capabilities. Develop a report of current tribal needs and capabilities in the field of emergency management so that FEMA can better tailor training and technical assistance. This task should include tribal consultation and include tribal histories of disasters, as appropriate. As part of the tribal outreach for this task, the FEMA Administrator and National Tribal Affairs Advisor will visit FEMA regions to meet with regional staff. These regional meetings will also extend to Tribal Nations in that region with an emphasis on interacting with those tribes FEMA has not worked with in the past. Visits will be coordinated between the National Tribal Affairs Advisor and Regional Tribal Liaisons.
 - **Outcomes:**
 - Tribal Nations meet with FEMA representatives, in person or virtually, to inform FEMA of any unmet needs and challenges.
 - A baseline study of where Tribal Nations are today in the field of emergency management allows for better training, programming, and resource allocation.
 - Analysis and recommended steps to overcome barriers and challenges to tribal participation in emergency management, mitigation, and preparedness.

- Draft a report of recommended FEMA legislative, regulatory, and policy changes for issues that Tribal Nations identify and further the FEMA nation-to-nation relationship with Tribal Nations. This would not be part of a specific consultation meeting.
 - **Outcome:** Tribal Nations identify topics for FEMA consideration that are in addition to topics covered by a specific tribal consultation and are not related to a state or territorial issue, and which may enhance the government-to-government relationship.
- Create a FEMA program to build on tribal mitigation planning for all hazards. This program assists tribal communities to respond to and address climate resilience, including support to adapt to changing sea levels and other atmospheric impacts, as well as geologic hazards such as earthquakes, landslides, and tsunamis.
 - **Outcome:** Tribal Nations have direct federal access to resources in preparing for and responding to natural disasters.
- Participate in regular meetings and conferences coordinated by the White House Council on Native American Affairs (WHCNA) and serve on at least one working committee, with priority on the WHCNA committee, “Climate Change, Tribal Homelands, Treaties.”
 - **Outcome:** FEMA informs the White House and Tribal Nations on its efforts and resources to mitigate against the changing climate and other issues that may be discussed during the Council meetings.

2. Offer Training for the FEMA Workforce on Unique Status of Tribal Nations

- Develop a standardized training course guided by the FEMA Tribal Policy. The course provides historic and legal overview of Tribal Nations, describes Tribal Nations today, and explains concepts including inherent tribal sovereignty, tribal self-governance, and the Federal Government’s and FEMA trust responsibility.
 - **Outcome:** FEMA workforce is knowledgeable on special status and governance structures of Tribal Nations and how these affect FEMA engagement with Tribal Nations.
- Develop standardized tribal consultation training to provide an overview of FEMA process guided by FEMA Tribal Consultation Policy and Instruction.
 - **Outcome:** FEMA programs have a working knowledge of, and adhere to, the FEMA tribal consultation process and will plan and schedule tribal consultation, as required, for new or revised policies and programs.

3. Offer Training Opportunities to Tribal Nations

- Review and revise FEMA training opportunities for Tribal Nations and develop and/or update resources to address the specific tribal training needs identified in the needs analysis conducted with Tribal Nations.

- **Outcome:** FEMA offers current and comprehensive training opportunities to Tribal Nations.
- Integrate Tribal Nations and tribal associations into the National Exercise Program.
 - **Outcome:** FEMA and exercise practitioners have regular opportunities to examine and validate capabilities and explore any need for further engagement and preparedness in a low-risk exercise environment.
- Provide technical assistance to Tribal Nations on competitive FEMA grant programs and opportunities.
 - **Outcome:** Tribal Nations are aware of all FEMA grant programs for which they are eligible recipients or sub-recipients, increasing application rates for those programs.
- Provide avenues, including partnerships, for training and technical assistance on mitigation planning in conjunction with FEMA assistance programs.
 - **Outcome:** Tribal Nations engage in planning to identify hazards, risks, community needs and are aware of grant programs.

Goal 3: Promote and Sustain a Ready FEMA and Prepared Nation

1. Increase FEMA Cultural Competency

- Enhance FEMA capacity to work with Tribal Nations more effectively to ensure tribal equities are addressed by a trained and culturally sensitive workforce at all levels of the agency, to include headquarters, regions, and contractors, prior to on-site deployments.
 - **Outcome:** FEMA employees provide culturally competent services to Tribal Nations.
- Collaborate with Tribal Nations before, during, and after disasters to provide financial assistance based on 1) their identified needs and 2) in accordance with laws and regulations governing FEMA mitigation, response, and recovery programs to improve disaster preparedness including coordination with interagency partners where and when applicable.
 - **Outcome:** Effective coordination, communication, and information sharing between Tribal Nations and FEMA personnel in the field, regional, and headquarters levels. This goal recognizes need to review and update FEMA systems, policies, and procedures to meet the unique and diverse nature of disaster operations for Tribal Nations.



2. Enhance Federal Incident Support Capability

- The National Response Coordination Center (NRCC) Tribal Desk will collaborate with Regional Response Coordination Centers (RRCC), the FEMA Office of Response and Recovery, and relevant interagency partners to ensure there are no unmet Tribal Nation needs or challenges.
 - **Outcome:** FEMA leadership, the FEMA workforce, and federal interagency partners are aware of Tribal Nation needs and challenges in case of a disaster, specifically in the NRCC.
- Coordinate briefings between FEMA leadership and Tribal leaders to discuss challenges and progress in the response and recovery process.
 - **Outcome:** FEMA creates opportunities for tribal leaders to voice concerns to FEMA leadership that support its understanding of ongoing needs and concerns of affected Tribal Nations.

3. Seek Agency-wide Input on Working with Tribal Nations

- Create and convene a Tribal Affairs Work Group, within FEMA, composed of a cross-section of representatives from FEMA programs at the headquarters and regional levels. The Work Group will meet and discuss recommendations on how FEMA could better serve Tribal Nations and leverage tribal feedback to ensure equitable outcomes.
 - **Outcome:** Internal awareness of tribal issues across the agency allows for better program planning, as well as ensuring unique tribal issues are considered across agency components in the delivery of programs and services. FEMA recognizes tribal sovereignty, self-governance, and other unique considerations when supporting Tribal Nations that must be considered beyond those of other non-tribal, underserved communities.

4. Improve Tribal Awareness of Federal Resource Availability

- FEMA leadership will meet with leaders of other federal departments and agencies that serve Tribal Nations to share information on what resources are available, review legal authorities, and develop products to clarify available assistance.
 - **Outcome:** Tribal Nations benefit from FEMA collaboration with other federal agencies in increasing tribal resilience through a whole-of-government effort.
- Collaborate with the White House and interagency partners to ensure tribal issues are prioritized and relevant federal programs are readily accessible to Tribal Nations.
 - **Outcome:** FEMA coordinates federal interagency collaboration on tribal resilience and ensures the agency's priorities are in line with the Biden-Harris Administration's climate and tribal affairs goals.
- Organize monthly FEMA Tribal Affairs meetings with tribal emergency managers and evaluate communication platforms for effectiveness in communicating with Tribal Nations.

- **Outcome:** Maintaining regular communication with FEMA headquarters enhances its government-to-government relationship with Tribal Nations.
- Collaborate with Tribal Nations to offer tribal-specific national and regional engagements to provide a forum to hear from tribes directly to empower tribal readiness and support tribal objectives (grant writing, managing FEMA funds and documentation, creating Tribal Emergency Preparedness Programs).
- **Outcome:** Tribal Nations' awareness of federal resources is broadened, and tribal perspectives and priorities are shared with each other and the agency.

FEMA recognizes that this National Tribal Strategy affords the agency tremendous opportunities to enhance its relationships with and services to Tribal Nations. In close collaboration with tribal leadership, and expertise at both the regional and headquarters level, FEMA will continue to leverage experience, best practices, and tribal feedback to acknowledge and plan for change that benefits tribal communities and enhances our collective emergency management responsibilities.

“In our work with FEMA, we have been treated not just as a stakeholder, but also as a valued partner, with a shared commitment to emergency preparation and disaster response. The National Tribal Strategy reflects our experience with FEMA and sets forth a powerful collaborative framework for FEMA and Tribal Nations to work together as we face a host of challenges in emergency management and climate resilience.”

J. Michael Chavarria, Governor, Santa Clara Pueblo

Tribal Nation Engagement

In support of FEMA commitment to engage in consultation and collaboration with Tribal governments (Executive Order 13175), FEMA Tribal Affairs conducted 14 virtual feedback sessions with Tribal Nations across all ten FEMA regions to seek input and recommendations on the proposed draft “2022-2026 National Tribal Strategy.” Tribal feedback helped facilitate the identification of the most critical challenges facing Tribal Nations, FEMA, and the broader emergency management community.

For More Information

For more information or to submit feedback concerning this National Tribal Strategy, please contact FEMA Office of External Affairs Intergovernmental Affairs Division and the National Tribal Affairs Advisor at FEMA-Tribal@fema.dhs.gov.

Additional Resources

Authorities

Homeland Security Act of 2002, as amended (6 U.S.C. 101 et seq.). Signed into law in November 2002, the Homeland Security Act of 2002 created the U.S. Department of Homeland Security, consolidating 22 diverse agencies and bureaus, to include FEMA, with a mandate of preventing and responding to natural and man-made disasters.

Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121 et seq.). The Stafford Act constitutes the statutory authority for most federal disaster response activities especially as they pertain to FEMA and FEMA programs.

Sandy Recovery Improvement Act. On January 29, 2013, President Barack Obama signed into law the Sandy Recovery Improvement Act (SRIA) of 2013 and the accompanying Disaster Relief Appropriations Act (2013). In many ways, the passage of SRIA represents the most significant legislative change to substantive FEMA authorities since the enactment of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The law authorizes several significant changes to the way FEMA may deliver federal disaster assistance to survivors. SRIA amended the Stafford Act to provide Tribal Nations authority to directly request emergency and presidential disaster declarations. FEMA implements this authority through our Tribal Declarations Pilot Guidance.

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (2000) establishes regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes.

Executive Order 13647, Establishing the White House Council on Native American Affairs (WHCNA) (2013). President Obama established the WHCNA to improve the coordination of federal programs and use of available federal resources for the benefit of Tribes and Tribal communities.

FEMA Policy 101-002-02, [FEMA Tribal Consultation Policy](#), updated in July 2019 with input from Tribal Nations, outlines the process that FEMA uses to conduct consultation with tribal governments. [FEMA Tribal Consultation Policy Instruction](#) provides guidance and direction for FEMA implementation of the Tribal Consultation Policy

FEMA Policy 305-111-1 (Rev. 2), [FEMA Tribal Policy](#) (December 2020) outlines a commitment by the agency to enhance its nation-to-nation relationship with Tribal Nations and to ensure FEMA works with Tribal Nations to build, sustain, and improve their capacity to prevent, protect against, mitigate, respond to, and recover from all hazards.

References

Presidential Memoranda: “Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships,” January 26, 2021. Declares a priority of the Biden Administration to respect Tribal sovereignty and self-governance, commit to fulfilling federal trust and treaty responsibilities to Tribal Nations, and make regular, meaningful, and robust consultation with Tribal Nations cornerstones of federal Indian policy.

Presidential Memoranda: “Government-to-Government Relations with Native American Tribal Governments,” April 29, 1994; “Government-to-Government Relationship with Tribal Governments,” September 23, 2004. Issued to reaffirm the Federal Government’s commitment with federally recognized Native American Tribes that respects their rights of self-governance. Among other requirements, it directs each executive department and agency to consult, to the greatest extent possible, with tribal governments prior to taking actions that affect federally recognized tribal governments.

Presidential Memorandum of November 5, 2009, on Tribal Consultation, in support of Executive Order 13175 and directed each agency to develop a detailed plan to implement the guidance of Executive Order 13175.

Definitions

Federally Recognized Indian Tribe: Any American Indian or Alaska Native tribe, band, nation, pueblo, village, or community that is recognized in the most recent list of “Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs.” See Federally Recognized Indian Tribe List Act of 1994, Public Law 103-454, codified at 25 U.S.C. 5130-5131.

Government-to-Government: The relationship between the United States and each Tribal Nation is one between sovereign nations. Also known as “nation-to-nation.” See also the definition for “Tribal Sovereignty” below.

Indian Tribal Government (Tribal Nation): The governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe under the Federally Recognized Indian Tribe List Act of 1994 (see Federally Recognized Indian Tribe definition above). See also Stafford Act § 102(6) [42 U.S.C. 5122(6)]. For the purposes of tribal consultation, the term “Indian tribal government” includes Alaska Native Corporations.

Tribal Sovereignty: The concept that each Tribal Nation possesses inherent sovereignty including the powers of self-government.¹

Trust Responsibility: A legal obligation of the United States to protect tribal treaty rights, lands, assets, and resources, as well as a duty to carry out the mandates of federal law with respect to Tribal Nations, described as “domestic dependent nations.”²

¹ See U.S. Const. Art. I § 8 (“Congress shall have the right to regulate Commerce with foreign nations and among the several states, and with the Indian tribes.”); *Worcester v. Georgia*, 31 U.S. (6 Pet.) 515, 8 L. Ed. 483 (1832).

² *Cherokee Nation*, supra n. See also Bureau of Indian Affairs, Frequently Asked Questions, <https://www.bia.gov/frequently-asked-questions> (citing *Cherokee Nation and Seminole Nation v. United States*, 316 U.S. 286, 62 S. Ct. 1049, 86 L. Ed. 1480 (1942)).



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