

Coordinating Agency:

Department of Homeland Security/
Federal Emergency Management Agency

Cooperating Agencies:

Department of Agriculture
Department of Health and Human Services
Department of the Interior
All others

INTRODUCTION

Purpose

This annex describes the policies, responsibilities, and concept of operations for effective coordination and interaction of Federal incident management activities with those of tribal governments and communities during incidents requiring a coordinated Federal response. The processes and functions described in this annex help facilitate the delivery of incident management programs, resources, and support to tribal governments and individuals.

Scope

This annex applies to all Federal departments and agencies working under the National Response Framework (NRF) in response to incidents requiring Federal coordination, including tribes recognized by the Federal Government.

Because tribal governments are fully integrated into the NRF, this annex addresses only those factors in the relationship between Federal departments and agencies and the Federally-recognized tribes.

The guidance provided in this annex does not contravene existing laws governing Federal relationships with Federally recognized tribes.

Policies

The Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA), in cooperation with other Federal departments and agencies, coordinates tribal relations functions for incidents requiring Federal coordination.

The United States recognizes Indian tribes as domestic dependent nations under its protection, recognizes the right of Indian tribes to self-government, and supports tribal sovereignty and self-determination.

Federal agencies shall respect Indian tribal self-government and sovereignty, honor tribal treaty and other rights, and strive to meet the responsibilities that arise from the unique legal relationship between the Federal Government and Indian tribal governments.

Tribal governments may request Stafford Act declarations directly from the president through FEMA as outlined in the Tribal Declarations Pilot Guidance, they may seek assistance as either subrecipients or recipients underneath a state declaration, or they may choose to seek assistance in any combination of these options, provided there is no duplication of benefits. In 2017, FEMA published the Tribal Declarations Pilot Guidance to clarify United States policy related to tribal Stafford Act declarations and the options tribal governments have to seek assistance.

Federal departments and agencies comply with existing laws and executive orders mandating that the Federal Government deal with Indian tribes on a government-to-government basis,

reflecting the Federally recognized tribes' right of self-government as sovereign domestic dependent nations. A tribe may, however, opt to deal directly with local, state, territorial, or insular area officials.

Federal departments and agencies involved in potential or actual incidents requiring a coordinated Federal response shall consult and collaborate with tribal governments on matters affecting the tribes and must be aware of the social, political, and cultural aspects of an incident area that might affect incident management operations.

Federal departments and agencies provide appropriate incident management officials with access to current databases containing information on tribal resources, demographics, and geospatial information.

Federal departments and agencies recognize the unique political and geographical issues of tribes whose aboriginal and contemporary territory is on or near the current international borders of Canada and Mexico.

Federal departments and agencies shall include tribes in all aspects of incidents requiring a coordinated Federal response that affect tribes and incident management operations.

CONCEPT OF OPERATIONS

General

Federal departments and agencies conduct incident management operations involving Federally recognized tribal governments in accordance with the NRF and the National Incident Management System. Tribal relations functions, resources, and liaison operations are coordinated through Emergency Support Function (ESF) #15.

ORGANIZATION

A Tribal Relations Element is established in the Joint Field Office (JFO) to provide the operational capability for collecting and sharing relevant incident information, alerting and deploying required tribal relations staff to or near the affected area, and ensuring compliance with Federal laws relating to tribal relations.

For incidents that directly impact tribal jurisdictions, a tribal representative shall be included in the Unified Coordination Group, as required.

ACTIONS

Through ESF #15, DHS, in consultation with cooperating agencies, coordinates requirements for the Tribal Relations Element at the JFO, when established.

A tribe may appoint a member of the tribe to serve as a tribal liaison in the JFO. As authorized by tribal government, the tribal liaison:

- Is responsible for coordinating tribal resources needed to prevent, protect against, mitigate effects from, respond to and recover from incidents of all types.
- May have powers to amend or suspend certain tribal laws or ordinances associated with response.
- Communicates with the tribal community and helps people, businesses and organizations cope with the consequences of any type of incident.
- Negotiates mutual aid and assistance agreements with other tribes or jurisdictions.
- Can request Federal assistance under the Stafford Act through the governor of the state when it becomes clear that the tribe's capabilities will be insufficient or have been exceeded.
- Can elect to deal directly with the Federal Government. Although a state governor may request a Presidential disaster declaration on behalf of a tribe under the Stafford Act, Federal departments or agencies can work directly with the tribe within existing authorities and resources.

RESPONSIBILITIES

Coordinating Agency: DHS/FEMA

- Has primary responsibility for implementing consistent tribal relations policies and procedures during potential or actual incidents requiring a coordinated Federal response.
- Is responsible for coordinating data sharing by other agencies and departments that have responsibilities for collecting and maintaining data relevant to incident management for incidents that involve tribes.
- Is responsible for coordinating and designating staff for the Tribal Relations Element at the JFO. The Tribal Relations Element may include representatives from other departments and agencies, as appropriate and as jurisdictions dictate.

COOPERATING AGENCIES

Agency	Functions
<p>Department of Agriculture</p>	<ul style="list-style-type: none"> • Directly supports tribal nations by providing education, training and support to enable the response to emergency incidents. • Provides expertise and support concerning food safety and security, plant and animal health and other homeland security issues including border security. • Provides technical assistance and subject-matter expertise for pet evacuation and sheltering activities.
<p>Department of Health and Human Services (HHS)</p>	<p>Indian Health Service In consultation with tribal officials, provides comprehensive public health services and acute (emergency) care directly, through contract health services (nontribal contractor), or through self-determination healthcare contracts or compacts with American Indian and Alaska Native organizations. These comprehensive health services include all aspects of environmental health, as well as mental health and social services.</p>
	<p>HHS/Centers for Disease Control and Prevention</p> <ul style="list-style-type: none"> • In consultation with tribal officials, directly participates in the emergency response and provides expertise and epidemiological support in an incident involving a biological agent. • Working with tribal health officials and the Indian Health Service, assesses health impacts and needs in support of tribal efforts.
	<p>HHS / Office of the Assistant Secretary for Preparedness and Response (ASPR)</p> <ul style="list-style-type: none"> • In accordance with the NRF, coordinate Emergency Support Function #8, Public Health and Medical, during federal disaster response. • Support nationwide readiness at the state, local, tribal and territorial tribal levels by coordinating federal healthcare preparedness grants and cooperative agreements and carrying out drills and operational exercises.
	<p>HHS/Food and Drug Administration In consultation with tribal officials, directly participates in any emergency response to terrorism that contaminates food or pharmaceutical industry products affecting tribal lands.</p>
<p>Department of the Interior (DOI)</p>	<p>DOI/Bureau of Indian Affairs</p> <ul style="list-style-type: none"> • In consultation with tribal officials, provides—either by itself, by contract with a tribe, or both—a broad variety of services in an emergency including basic law enforcement protection, fire protection, emergency social services assistance to affected individuals and households, and support for all Federal agencies responding to the incident. • Assesses impacts on trust lands, resources, and infrastructure and supports tribal efforts commensurate with trust responsibilities. • In support of ESF #15, provides liaison officers to ensure coordination with tribal governments on all aspects of incident management operations, and works closely with DHS to ensure tribal relations actions are carried out in accordance with established Federal Government policies and procedures. • In conjunction with the incident-affected tribes, assists in providing an efficient and reliable flow of incident-related information between the tribes and the Federal Government. • Supports DHS for the Tribal Relations Element of the JFO by supplying staff and resources as requested.