

Tribal Relations Support Annex

Coordinating Agency:

Department of Homeland Security

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 potential or actual Incidents of National Significance. 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 Plan (NRP) in response to an Incident of National Significance that involves tribes recognized by the Federal Government.

Since tribal government entities are fully integrated into the NRP, this annex addresses only those factors in the relationship between Federal departments and agencies and the federally recognized tribes that are unique or warrant special considerations.

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), in cooperation with other Federal departments and agencies, coordinates tribal relations functions for actual and potential Incidents of National Significance.

- State Governors must request a Presidential disaster declaration on behalf of a tribe under the Stafford Act; however, Federal departments and agencies can work directly with tribes within existing agency authorities and resources in the absence of such a declaration.
- 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 State and local officials.
- Federal departments and agencies involved in potential or actual Incidents of National Significance 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.

Concept of Operations

General

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

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 may be included in the JFO Coordination Group, as required.

Actions

- Through ESF #15, the DHS Office of State and Local Government Coordination and Preparedness (DHS/OSLGCP), in consultation with cooperating agencies, coordinates requirements for the Tribal Relations Element at the JFO during Incidents of National Significance.
- The Tribal Relations Element at the JFO works directly with the designated representative of the affected tribal government. The designated tribal representative may be authorized by the tribal government to:
 - Be responsible for coordinating tribal resources to address the full spectrum of actions to prevent, prepare for, respond to, and recover from incidents involving all hazards and Incidents of National Significance including terrorism, natural disasters, accidents, and other contingencies;
 - Maintain extraordinary powers to suspend tribal laws and ordinances, such as to establish a curfew, direct evacuations, and order a quarantine;
 - Provide leadership and play a key role in communicating to the tribal nation, and in helping people, businesses, and organizations cope with the consequences of any type of domestic incident within the tribe's jurisdiction;
 - Negotiate and enter into mutual aid agreements with other tribes/jurisdictions to facilitate resource-sharing;
 - Request State and Federal assistance through the Governor of the State when the tribe's capabilities have been exceeded or exhausted; and
 - Elect to deal directly with the Federal Government.

Responsibilities

Coordinating Agency: DHS

- DHS, through OSLGCP, has primary responsibility for implementing consistent tribal relations policies and procedures during potential or actual Incidents of National Significance.
- DHS 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.

- DHS 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

Department of Agriculture (USDA)

USDA directly supports tribal nations by providing education, training, and support to enable the response to emergency incidents. USDA also provides expertise and support concerning food safety and security, plant and animal health, and other homeland security issues including border security.

Department of Health and Human Services (HHS) Indian Health Service

In consultation with tribal officials, the Indian Health Service provides comprehensive public health services and acute (emergency) care directly, through contract health services (nontribal contractor), or through self-determination health care 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.

HHS/Centers for Disease Control and Prevention (HHS/CDC)

In consultation with tribal officials, HHS/CDC directly participates in the emergency response and provides expertise and epidemiological support in the event that an incident involves a biological agent. Working with tribal health officials and the Indian Health Service, HHS/CDC assesses health impacts and needs in support of tribal efforts.

HHS/Food and Drug Administration (HHS/FDA)

In consultation with tribal officials, HHS/FDA directly participates in any emergency response aimed at an act of terrorism that contaminates food or pharmaceutical industry products affecting tribal lands.

Department of the Interior/Bureau of Indian Affairs (DOI/BIA)

In consultation with tribal officials, DOI/BIA 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 families, and support for all Federal agencies responding to the incident. Also, DOI/BIA assesses impacts on trust lands, resources, and infrastructure and supports tribal efforts commensurate with trust responsibilities. DOI/BIA responsibilities include:

- In support of ESF #15, providing liaison officers to ensure coordination with tribal governments on all aspects of incident management operations, and working 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, assisting in providing an efficient and reliable flow of incident-related information between the tribes and the Federal Government; and
- Supplying staff and resources as requested by DHS for the Tribal Relations Element of the JFO.