

**National Congress of American Indians**  
**Written Testimony of the National Congress of American Indians for Fiscal Year 2020**

**House Committee on Appropriations**  
**Subcommittee on Homeland Security**  
**May 3, 2019**

On behalf of the National Congress of American Indians (NCAI), the oldest, largest, and most representative American Indian and Alaska Native organization dedicated to protecting the rights of tribal nations to practice self-determination and achieve self-sufficiency, thank you for the opportunity to provide written testimony regarding Fiscal Year (FY) 2020 appropriations for tribal homeland security and emergency management grants and programs. Foreign and domestic threats to homeland security are on the rise. These threats require tribal communities to develop and enhance homeland security response planning, training, and exercise efforts. However, funding to tribal nations for critical homeland security needs has remained stagnant for over a decade.

Without necessary resources dedicated to Indian Country, federal efforts to create a cohesive and coordinated homeland security strategy will leave a significant and potentially dangerous gap in security for the entire nation. Congress and the Administration have a trust obligation to assist tribal nations in protecting all citizens, Native and non-Native, within their jurisdictions. Tribal nations must achieve greater parity with states for homeland security and emergency management purposes. Until equitable funding is achieved, tribal communities will remain unable to fully participate in national homeland security strategies, ultimately undermining their ability to help in protecting vital infrastructure from domestic and international threats. NCAI supports the Subcommittee's consideration of FY 2020 appropriations for tribal homeland security and emergency management programs and encourages the Subcommittee to work to pass adequate funding levels for tribal nations.

**Increase Funding to \$20 Million for the Tribal Homeland Security Grant Program:** Since 2003, Congress has allocated over \$55 billion in homeland security grant funds to state and local governments. In contrast, tribal nations have only been allocated just over \$70 million in federal homeland security funding during the same period. The Department of Homeland Security (DHS) has acknowledged the need for the Tribal Homeland Security Grant Program (THSGP) but has yet to provide the minimum funding for tribal nations to develop the necessary homeland security capacity to ensure protection of the nation.

Each year, tribal needs are at least four times more than the funding amount provided for the program, meaning there is generally a requested need of \$4 for \$1 of funding. Of those tribal nations that do apply, several could use the entire amount budgeted for THSGP on their own. Currently the THSGP is the only resource for tribal nations to develop core capabilities to meet national preparedness goals. The cascading effects of DHS not ensuring adherence to statutory requirements for states to pass through funding to tribal nations along with formal denials of, or informal discouragement for seeking, federal disaster assistance detrimentally impacts public safety and falls far short of the federal government's treaty and trust responsibilities to tribal nations.

NCAI strongly urges Congress to fund the THSGP at \$20 million for the next five years. This would represent a significant increase over the \$10 million that DHS has made available for tribal grants in recent years. Congress must also allow DHS to reallocate funding to federally recognized tribal nations if needed, and to prioritize tribal acquisition of homeland security equipment purchased with federal grant funds and considered surplus by state and local governments.

**Provide \$206 Million to enable the 573 Federally Recognized Tribal Nations to Develop Basic Homeland Security and Emergency Management Programs:** Tribal nations are continuously being left further and further behind in meeting the core capabilities for which the federal government has provided funding to state and local governments over the past 50 years. If tribal nations were to meet minimum standards that have been required by the Homeland Security Act and the Robert T. Stafford Act along with those standards developed by the Federal Emergency Management Agency, the National Fire Administration, the National Fire Protection Association, and the Emergency Management Accreditation Program, a minimum of 1.5 FTEs per tribal nation would be required. Providing each of the 573 federally recognized tribal nations with \$360,000 would total \$206 million. An investment by the federal government to meet its trust responsibilities could provide a return on investment of six dollars for every dollar invested.

**Provide \$10 million to enable Tribal Nations to Work Cooperatively with DHS in Developing Tribal Identification Cards. Provide Technical Assistance and Materials for Tribal Nations to Produce Tribal IDs:** Tribal nations have shown they are willing to comply with the Western Hemisphere Travel Initiative for enhanced tribal identification (ID) cards; however compliance is often cost-prohibitive. Funding tribal ID cards has multiple benefits, such as enabling tribal nations to provide secure tribal cards, allowing tribal nation officials and citizens to continue border crossings consistent with longstanding treaty rights and agreements, and allowing entrance to federal offices to conduct business and other matters.

Some tribal nations have the human resource and logistical capacity to produce tribal IDs if materials and technical assistance were available. DHS is obligated to reach out to tribal nations to assist them when requested. In carrying out this duty, it is critical that DHS receive funding to provide equipment, tested card stock, and technical assistance to tribal nations. Many tribal nations cannot afford the \$14+ per enhanced ID card for each of its citizens. U.S. Customs and Border Protection has begun to enter into agreements with tribal nations to issue ID cards, however, if this increase in border security is to continue, Congress must provide CBP with the necessary funding to provide printers, issuable card stock, and technical assistance to tribal nations. NCAI asks Congress to provide \$10 million to CBP for direct assistance to the 573 federally recognized tribal nations for enhanced ID efforts.

**Provide \$2 Million for the Creation and Operation of a DHS National Tribal Homeland Security Advisory Council:** Federal advisory committees, often composed of non-federal individuals, play an important role in developing public policy and government regulations by providing advice to policymakers on a wide array of issues. Thousands of federal advisory committees support the federal government, however DHS, one of the largest and newest federal agencies, does not have a National Tribal Advisory Committee to advise and make recommendations to the Secretary on all homeland security matters. DHS needs this tool to help ensure its programs adequately support the 573 federally recognized tribal nations.

Congress created the Federal Emergency Management Agency (FEMA) National Advisory Council (NAC) in the Post-Katrina Emergency Management Reform Act of 2006 to ensure effective and ongoing coordination of federal preparedness, protection, response, recovery, and mitigation for natural disasters, acts of terrorism, and other man-made disasters. The FEMA NAC advises the FEMA Administrator on all aspects of emergency management. The authorizing statute requires participation from tribal nation experts, and recently the FEMA Administrator established that there would be three tribal seats on the NAC.

Tribal nations are thankful that there are at least three tribal representatives on the FEMA NAC, but are greatly concerned that the FEMA NAC cannot consider all pressing tribal homeland security matters. For this reason, Congress must organize a DHS Tribal National Advisory Council (DHS Tribal NAC) to support homeland security initiatives in Indian Country. Additionally, Congress should require an annual report from the DHS Tribal NAC on projects, recommendations, accomplishments, meetings, membership, and other items. This is particularly important as threats continue to change and since DHS has not made significant steps toward addressing shortfalls in its support for tribal homeland security efforts. Congress should provide \$2 million annually for the staffing, creation, and operation of a DHS Tribal NAC that would report directly to the Secretary of Homeland Security.

**Provide \$4 Million for Tribal Emergency Management Assistance Compact Development:**

Congress funded the development and continues to fund the operation of the state-to-state emergency management assistance compact (EMAC) – a mutual aid agreement between states and territories of the United States. The EMAC enables states to share resources during natural and man-made disasters, including terrorism. The 573 federally recognized tribal nations are not part of this agreement and there is no Congressional mandate for them to become part of it. This is an issue, as tribal nations are often the first and in some cases only responders to natural disasters in their jurisdictions. It is important for tribal nations to develop their own tribal nation-to-nation emergency management assistance agreements similar to the EMAC system Congress has provided for the states. The majority of tribal disasters are never designated federal disaster declaration status. For this reason, providing funding to establish and operate tribal EMACs will help strengthen national homeland security by providing tribal nations a first resource between and among themselves similar to that of state-to-state EMACs. NCAI urges Congress to provide \$4 million for inter-tribal emergency management compact development.

**Provide \$2 million for Tribal Homeland Security Centers of Excellence:** Congress has funded the establishment of homeland security centers of excellence that develop approaches for ensuring homeland security in prevention, protection, response, recovery, and mitigation. The centers are state-centric and do not consider culturally appropriate pedagogies or approaches. The creation of a tribally run and operated center, either at a tribal college or by a federally recognized tribal nation or consortium of tribal nations, will support Indian Country in developing community based and culturally appropriate strategies, training, and exercises. Some tribal nations have shared their plans to establish such institutions, and this funding would support at least two of these centers in Congressional districts that have significant populations of American Indians and Alaska Natives or a significant number of tribal nations. NCAI urges Congress to provide \$2 million in funding for the establishment of a tribal homeland security center of excellence.

**Provide \$1 Million for Tribal Nation Emergency Management Training:** More tribal nations have developed and enhanced emergency management capability. FEMA released the final draft of the Stafford Act tribal disaster declaration guidance early in January 2017. However, tribal nations still need additional training for all departmental staff in order to understand and comply with the new guidance. The FEMA Emergency Management Institute (EMI) has developed several training courses for tribal officials on enhancing tribal nation emergency management capacity. The current EMI budget is insufficient to ensure delivery of the courses in the field. NCAI urges Congress to provide FEMA with budget support, in the amount of \$1 million, for delivery of critical tribal emergency management courses. Further, Congress should authorize FEMA to schedule and cover ticket travel for tribal attendees up front.

**Provide \$3 Million for the Development and Delivery of Homeland Security and Emergency Management Curriculum at TCUs and Tribal Non-Profits:** Tribal colleges and universities (TCUs) and tribal non-profits are the best resources to provide culturally appropriate homeland security and emergency management training for students in their communities. While Congress has allocated significant funding to top-tier universities for research and curriculum development, almost no funding has been made available for tribal homeland security. Often curriculum is developed and the word “tribal” is inserted and that is the extent of pedagogical or cultural considerations. This presents major road blocks when tribal nations are unable to use a multimillion dollar training curriculum because its core requirements have completely ignored their cultural needs. An investment in culturally appropriate training needs to be made to bridge this gap and build more resilient tribal communities. Much of the homeland security and emergency management activities are vocational in nature, such as disaster preparedness, but some aspects are more theory-based, for example combating violent extremism. Moreover, providing local training is an efficient and cost-effective mechanism to train local responders. For these reasons, we request that Congress provide \$3 million for tribal nation emergency management training through TCUs and tribal non-profit organizations.

**Conclusion:** Thank you for the opportunity to provide testimony and for your consideration of tribal homeland security and emergency management funding priorities for FY 2020. For more information, please contact Jacob Schellinger at [jschellinger@ncai.org](mailto:jschellinger@ncai.org) and Kelbie Kennedy at [kkennedy@ncai.org](mailto:kkennedy@ncai.org).