

OVERCOMING EMERGENCY MANAGEMENT ROADBLOCKS FOR INDIAN COUNTRY

Key Points:

- Tribal emergency personnel put their lives on the line to save Native and non-Native people with little to no resources when disasters strike in and around Indian Country.
- Due to the lack of consistent resources, most tribal nations lack the funding, training and federal support to maintain effective emergency management programs and are at a severe disadvantage in navigating complex Federal Emergency Management Agency (FEMA) programs.
- Even though tribal nations are treated as states in the Stafford Act, the Department of Homeland Security (DHS) and FEMA often assign junior-level liaisons to tribal nation issues, rather than senior officials; tribal nations do not receive the appropriate attention until it is too late.

BACKGROUND

Tribal nations are continuously left further behind in meeting their core homeland security and emergency management needs. However, for over 50 years the federal government has provided consistent funding to state and local governments to meet their core homeland security and emergency management needs. As a result, states have dedicated homeland security and emergency management staff in place that are trained to respond to various disasters and navigate the federal process to access critical DHS and FEMA funding, while tribal nations are equipped with few staff that can navigate the process to access the same funding. Capacity building funds must be invested to assure that all 574 tribal nations have the capacity and training needed to prepare for, mitigate, and respond to disasters on par with the states.

TRIBAL PRIORITIES

Establish an Assistant Secretary of Indian Affairs in DHS. DHS works with several tribal nations and thousands of tribal citizens on a daily basis. Despite its ongoing presence in Indian Country, DHS does not have an Assistant Secretary whose sole focus is on tribal nations and their homeland security and emergency management needs. Today, DHS and FEMA often ignore or treat tribal nations' emergency management needs as an afterthought. Tribal affairs staff are not in senior positions with the authority to make key decisions on behalf of DHS or FEMA. As a result, tribal needs are left to fester at lower levels until the problem is either too large to ignore or it is too late to respond. In addition, tribal nations have been largely left out of homeland security and emergency management funding and efforts, rendering Indian Country a weak link in federal response plans. In order to ensure that tribal nations are considered at all stages of the decision-making process, NCAI strongly recommends establishing a DHS Assistant Secretary solely dedicated to Indian Country.

Establish and Fully Fund the Tribal Resiliency Continuity Program. In 2019, the FEMA National Advisory Council recommended that tribal nations receive annual emergency management capacity building funds. Tribal nations need sufficient funds to meet the minimum standards that are required by the Homeland Security Act (P.L. 107-296) and the Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 100-707), along with those standards developed by FEMA, the National Fire Administration, the National Fire Protection Association, the Emergency Management Accreditation Program, the Joint Commission, and other accrediting bodies. NCAI estimates that a minimum of 1.5 full-time equivalent (FTE) positions, an estimated cost of \$360,000 per tribal nation annually, would be required at each tribal nation to meet these standards and requirements. The resiliency funds should be provided equally to all tribal nations on a non-competitive basis to ensure baseline development across Indian Country. The investment by the federal government would help to fulfill its trust responsibilities to tribal nations and is estimated to provide a return on investment of six dollars for every dollar invested.



Fund the Tribal Homeland Security Grant Program (THSGP) at \$40 Million, Ensure Equal Tribal Access, and Prevent Non-Federal Match Requirements. Since 2003, Congress has allocated more than \$55 billion in homeland security grant funds to state and local governments, an average of \$3.2 billion per year. In contrast, tribal nations have been allocated just over \$80 million (\$4.7 million per year average) in federal homeland security funding during the same period. The lack of equitable investment in tribal homeland security preparedness has left much of Indian Country unable to field an initial response to incidents. DHS has acknowledged the need for the Tribal Homeland Security Grant Program (THSGP), but has yet to provide adequate funding. The THSGP is the only resource for tribal nations to develop core capabilities to meet national preparedness goals. Each year, some tribal nations apply for the THSGP and request at least \$40 million in funding. Of those tribal nations that do apply, several could use the entire amount budgeted for THSGP in a single fiscal year. In addition, not all tribal nations are eligible to access the THSGP as it is currently structured. It is important that every tribal nation can access these capacity-building funds to better secure and prepare their communities. THSGP, together with the Tribal Resiliency Continuity Program, would allow all tribal nations to grow base capacity and expand their programs in specialized manners that makes sense for their needs.

Notwithstanding THSGP's recognized benefit, FEMA announced that it plans to place a 25 percent non-federal cost share requirement on many FEMA grant programs, including THSGP. A 25 percent non-federal cost share requirement would prevent the tribal nations whose programs need the most development from applying, as many tribal economies are unable to sustain a non-federal cost share. NCAI strongly urges Congress to fund the THSGP at \$40 million, permit all federally recognized tribal nations to access the THSGP, and exempt the THSGP from any non-federal cost share requirements.

Establish a DHS Tribal National Advisory Council and Require Annual Reports to Congress. Federal advisory committees, often composed of non-federal individuals, play an important role in developing public policy and government regulations by providing advice to policy makers on a wide array of issues. 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 tribal homeland security and emergency management matters. DHS needs this tool to help ensure its programs adequately support the 574 tribal nations. The FEMA National Advisory Council, which advises the FEMA Administration and only has two tribal representatives, cannot consider all pressing tribal homeland security and emergency management matters. For this reason, Congress must establish a DHS Tribal National Advisory Council (DHS Tribal NAC) to support homeland security and emergency management 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 efforts.

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