



HOMELAND SECURITY & EMERGENCY SERVICES

Foreign and domestic threats to homeland security, especially terrorism, 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.

The Department of Homeland Security has shown that it provides \$17.6 million in federal assistance and \$4.4 million in homeland security grants daily to states. Tribal nations receive less than half of this daily allocation in the span of an entire year. The Department of Homeland Security provides approximately \$14 million through grants to tribal nations per year. In stark contrast, while funding for tribal homeland security has not increased over the past decade, funding for non-profit homeland security grants has jumped significantly from \$13 million in 2014 to \$60 million in 2018. An increase in tribal homeland security funds is long overdue.

Additionally, with respect to the spend of homeland security and emergency management needs, on average, the federal government allocates \$26.24 for each state resident annually, while only about \$3.41 for each American Indian or Alaska Native citizen. In addition, state governors have access to federally funded state-centric programs like the Emergency Management Assistance Compact (EMAC), programs that exclude tribal nations.

Congress and the Administration have a trust obligation to assist tribal nations to protect 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 and will continue to be a weak link in protecting vital infrastructure from domestic and international threats.

Key Recommendations

DEPARTMENT OF HOMELAND SECURITY (DHS)

Homeland Security Appropriations Bill

Tribal Homeland Security Grant Program

- *Provide \$40 million annually in additional funding for tribal direct grants for the next five years.*

Since 2003, Congress has allocated over \$55 billion in homeland security grant funds to state and local governments. That averages to \$3.2 billion per year. In contrast, tribal nations have only been allocated just over \$80 million (\$4.7 million per year average) in federal homeland security funding during the same period. 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 the protection of all Americans.

Each year, tribal nations request at least four times more than the funding made available at the discretion of the Secretary of Homeland Security for THSGP, meaning there is generally a requested need of \$4 for every \$1 funded. Of those tribal nations that do apply, several could use the entire amount budgeted for THSGP on their own. This is the only resource for tribal nations to develop core capabilities to meet national preparedness goals.

NCAI strongly urges Congress to fund the THSGP at \$40 million for the next five years. This would constitute a meaningful and effective increase over the \$10 million that DHS has made available for tribal grants in recent years. For the past decade, Congress has appropriated a little more than \$1 million per year for THSGP. Tribal nations are thankful that in recent years DHS has used discretionary funding to increase THSGP funding to \$10 million. However, in FY 2020 for the first time, Congress appropriated \$15 million for THSGP instead of leaving the additional funding up to the discretion of DHS. Congress increasing the funding for THSGP is an important step forward for Indian Country. NCAI now urges Congress to bring THSGP up to the current tribal nation request level of \$40 million, which would greatly assist tribal nations in developing their homeland security and emergency management capacity. Congress also must 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.

DEPARTMENT OF HOMELAND SECURITY

Homeland Security Appropriations Bill

Homeland Security, Tribal Resiliency Continuity Funding

- *Provide \$206.28 million to enable the 574 federally recognized tribal nations to develop basic level homeland security and emergency management programs.*
- *This would provide each tribal nation with an allocation of \$360,000 annually to meet the minimum standards created by the Federal Emergency Management Agency (FEMA).*

Tribal nations are continuously being left further behind in meeting the core homeland security and emergency management capabilities and capacities. In contrast, for over 50 years the federal government has provided funding to state and local governments to develop and sustain the same core capabilities and capacities. Congress should provide funding sufficient for tribal nations to meet minimum standards that have been required by the Homeland Security Act (P.L. 107-296) and the Robert T. Stafford Act (P.L. 100-707), along with those standards developed by the Federal Emergency Management Agency (FEMA), the National Fire Administration, the National Fire Protection Association, the Emergency Management Accreditation Program, the Joint Commission, and other experts. We estimate that a minimum of 1.5 full-time equivalent (FTE) positions would be required at each tribal nation to meet these standards and requirements, which could be covered by \$360,000 annually. This 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.²⁵ NCAI calls on Congress to establish and fully fund a tribal resiliency continuity program to empower tribal nations to build core homeland security and emergency management capacities and capabilities.

DEPARTMENT OF HOMELAND SECURITY

Homeland Security Appropriations Bill

U.S. Customs and Border Protection (CBP)

Western Hemisphere Travel Initiative

- *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 government officials and citizens to continue border crossing 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 or more per enhanced ID card for each of its citizens. CBP 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 urges Congress to provide \$10 million to CBP for direct assistance to all 574 federally recognized tribal nations for enhanced tribal ID efforts.

DEPARTMENT OF HOMELAND SECURITY

Homeland Security Appropriations Bill

National Tribal Homeland Security Advisory Council

- *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 574 federally recognized tribal nations.

Congress created the 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 manmade disasters. FEMA's NAC advises the FEMA Administrator on all aspects of emergency management. The authorizing statute requires participation from tribal government experts, and in 2017, the FEMA Administrator appointed two tribal citizens to the NAC. However, those tribal citizens' terms will end in 2020, leaving the NAC with no tribal input or representation.

Tribal nations are thankful that there are at least two 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 establish 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.

DEPARTMENT OF HOMELAND SECURITY

Homeland Security Appropriations Bill

Federal Emergency Management Agency, Emergency Management Institute

- *Provide \$1 million for tribal government emergency management training.*

More tribal nations have developed and enhanced emergency management capability. FEMA released the final draft of the Robert T. 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 government 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 reimburse, schedule, and ticket travel for tribal attendees because FEMA's inability to cover travel up front currently prevents many tribal officials from participating in EMI trainings.

DEPARTMENT OF HOMELAND SECURITY

Homeland Security Appropriations Bill

Department of Homeland Security, Tribal Cultural Sensitivity Training

- *Provide \$10 million for tribal nations to conduct tribal cultural sensitivity training with DHS personnel.*

DHS personnel interact with tribal nations and thousands of tribal citizens every day. However, they do not have required trainings for general or local tribal cultural issues, which may lead to misunderstandings, diversion of resources, and even the destruction of sacred cultural items. For example, tribal citizens may travel or even cross borders for religious or cultural purposes while transporting tribal cultural items as part of their ceremonies. When a CPB agent or Travel Security Administration (TSA) official encounters tribal cultural objects, they must handle them in a certain manner when they are inspected to avoid damaging items, which are sometimes hundreds of years old. However, tribal citizens often note that tribal cultural items have been confiscated or destroyed by CPB or TSA agents even when they try to explain the manner in which the item must be handled for inspection. Misunderstandings also may happen in the area of emergency management, as some tribal nations are unable to lay out a disaster preparedness plan in a western fashion without violating tribal customs or traditions. Many tribal nations have found inventive ways to create their preparedness plans without violating their customs or traditions, but without knowledgeable FEMA personnel, the plans may be discarded and vital resources may be lost.

When DHS personnel are stationed near one or several tribal nations, they are likely to encounter the same issues repeatedly without resolution. The best entities to provide cultural specific training to DHS personnel are local tribal nations to ensure that both tribal citizens and DHS personnel are equipped with the necessary knowledge to overcome obstacles. DHS also should consult and work with tribal nations to create a mandatory general tribal cultural sensitivity training for all DHS personnel. NCAI urges Congress to provide \$10 million to enable tribal nations to conduct cultural sensitivity training for DHS personnel.

DEPARTMENT OF HOMELAND SECURITY

Homeland Security Appropriations Bill

FEMA, Tribal Emergency Management Assistance Compact Development and Management

- *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. EMAC enables states to share resources during natural and man-made disasters, including terrorism. The 574 federally recognized tribal nations are not part of this agreement, and there is no Congressional mandate for them to be included. This is an issue as tribal nations are often the first, and in some cases, the 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 that Congress has provided for the states. The government-to-government relationship between tribal nations and the federal government demands such an endeavor. Eighty percent 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 tribal emergency management compact development.

DEPARTMENT OF HOMELAND SECURITY

Homeland Security Appropriations Bill

Department of Homeland Security

- *Provide \$3 million for the development and delivery of homeland security and emergency management curricula at Tribal Colleges and Universities (TCUs) and tribal non-profits.*

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 without the requisite tribal considerations and input, and the word “tribal” is simply inserted into such curriculum, and that is the extent of tribal 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 trainings 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 trainings through TCUs and tribal non-profit organizations.

DEPARTMENT OF HOMELAND SECURITY (DHS)

Homeland Security Appropriations Bill

Department of Homeland Security

- *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 pedagogy or approaches. The creation of tribally run and operated centers, either at a tribal college or by a federally recognized tribal nation or consortium of tribal nations, will support tribal nations in developing community based relevant 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 centers of excellence.