



NATIONAL CONGRESS OF AMERICAN INDIANS

March 21, 2012

The Honorable Craig Fugate
Administrator
Federal Emergency Management Agency
Department of Homeland Security
Washington, D.C.

EXECUTIVE COMMITTEE

PRESIDENT
Jefferson Keel
Chickasaw Nation

FIRST VICE-PRESIDENT
Juana Majel Dixon
Pauma Band of Mission Indians

RECORDING SECRETARY
Edward Thomas
*Central Council of Tlingit & Haida
Indian Tribes of Alaska*

TREASURER
W. Ron Allen
Jamestown S'Klallam Tribe

REGIONAL VICE-PRESIDENTS

ALASKA
Bill Martin
*Central Council of Tlingit & Haida
Indian Tribes of Alaska*

EASTERN OKLAHOMA
S. Joe Crittenden
Cherokee Nation

GREAT PLAINS
Robert Shepherd
Sisseton Wahpeton

MIDWEST
Matthew Wesaw
Pokagon Band of Potawatomi

NORTHEAST
Lance Gumbs
Shinnecock Indian Nation

NORTHWEST
Fawn Sharp
Quinault Indian Nation

PACIFIC
Don Arnold
Scotts Valley Band of Pomo Indians

ROCKY MOUNTAIN
Scott Russell
Crow Tribe

SOUTHEAST
Larry Townsend
Lumbee Tribe

SOUTHERN PLAINS
Robert Tippeconnie
Comanche Nation

SOUTHWEST
Joe Garcia
Ohkay Owingeh

WESTERN
Ned Norris, Jr
Tohono O'odham Nation

EXECUTIVE DIRECTOR
Jacqueline Johnson Pata
Tlingit

NCAI HEADQUARTERS

1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

RE: DHS FY2013 Proposed Grant Strategy

Dear Administrator Fugate:

On behalf of the National Congress of American Indians (NCAI), thank you for addressing tribal leaders at the NCAI Executive Council Winter Session. FEMA programs and policies always generate a high level of interest in Indian Country. It was exciting to hear about the Administration's commitment to ensuring that the Stafford Act permits tribal governments to access disaster relief services. It is long overdue and we greatly appreciate it.

NCAI also appreciates your reaching out to query tribal opinions regarding the proposed Department of Homeland Security FY 2013 grant strategy. We are providing comments based on initial tribal reaction. Our primary recommendation is that FEMA not move forward with its FY 2013 budget strategy that calls for combining all tribal grants into the National Preparedness Grant Program (NPGP). The NCAI requests consultation on this subject under Executive Order 13175.

Tribes have far-reaching responsibilities to protect their lands and people from homeland security threats and to initiate protective measures similar to the states. Tribes have not had the same opportunities for capacity-building that states have had through over a decade of DHS funding to increase their homeland security program infrastructure. States have received billions of federal program dollars, while tribes have only in the last 4 years made progress in accessing bare minimum grants. The Department of Homeland Security Tribal Homeland Security Grant Program (THSGP), administered by FEMA, was created to provide tribal direct funding to implement preparedness initiatives. The FY 2012 guidelines have been issued for the THSGP, and though grants are not funded at the level tribes have requested, the grant program is functional.

The NCAI and tribes worked for years to get the THSGP in place. However, the proposed FY 2013 budget strategy will eliminate the THSGP and combine all grants into the National Preparedness Grant Program (NPGP). The NCAI is concerned that within the NPGP there are no grants that specifically acknowledge tribal government eligibility in grant programs. Also, other grant programs for which tribes have been eligible will be absorbed into the NPGP. There is added apprehension that proposed NPGP guidelines contain state-favored criteria and a state-managed process that will disregard tribes and give states higher priority for awards. Further, it is an affront to tribal sovereignty that the strategy calls for states to be in charge of administering the grants.

The administration's FY 2013 budget strategy and the accompanying grant eligibility criteria was developed in consultation with state governors and state emergency managers, without input from tribal leaders and tribal emergency managers. The proposed changes are critical to tribal government homeland security participation in national coordinated efforts and are integral to local tribal community public safety. The NCAI believes that a change as dramatic as the proposed FY 2013 strategy should be a subject of tribal consultation efforts under Executive Order 13175.

Grant criteria is more focused on Threat Hazard Identification Risk Assessment (THIRA) and hazard specific assessments on a regional basis and funding allocations based on prioritized core capabilities. The proposed strategy assumes that all governments have progressed to an acceptable level of capability – something that is not universal among the tribal communities. Many tribes are struggling to have emergency management programs stood up so that they can establish and maintain some level of acceptable response capability. Many tribes do not have the resources to get started, let alone maintain and continue programs without the funds. The only set-aside grant program for tribes is the Tribal Homeland Security Grant Program. If that program becomes absorbed in the National Preparedness Grant Program--as the document proposes to do--it will be a huge step backwards.

Another concern is that state and tribal governments applying for NPGP funds must affirm membership in the Emergency Management Assistance Compacts (EMAC). No tribes are signatories to these compacts, which were created by and primarily for states. Although forming EMAC-like collaborative partnerships are beneficial in providing resources and assistance that governments can use during emergencies, the majority of tribes have yet to enter into these compacts for various reasons related to capacity, jurisdiction, and sovereignty.

Lastly, the proposed FY 2013 DHS National Preparedness Grant Program was developed without tribal consultation. The NPGP was developed with input from state governments who, in the past, have rarely shared DHS federal-derived resources even though tribal demographics were included in grant applications.

The NCAI recommends that no further action be taken on the proposed FY 2013 National Preparedness Grant Strategy until DHS has provided, under Executive Order 13175, outreach and consultation with tribal governments.

Thank you for your leadership as FEMA Administrator and working to ensure ensuring nation-to-nation inclusion of tribal governments in agency programs and policies. We look forward to continuing our cooperative working relationship.

If you have any questions, please contact Robert Holden, NCAI Deputy Director, at email: rholden@ncai.org or by phone at 202-466-7767.

Sincerely,



Jefferson Keel
President