

**Written Statement of
Administrator Craig Fugate
Federal Emergency Management Agency**

**“Facing Floods and Fires - Emergency Preparedness
for Natural Disasters in Native Communities”**



FEMA

**Before the
U.S. Senate
Committee on Indian Affairs**

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I. Introduction

Good afternoon Chairman Akaka, Vice Chairman Barrasso, and distinguished Members of the Committee. My name is Craig Fugate and I am the Administrator of the Federal Emergency Management Agency (FEMA). It is an honor to appear before you today on behalf of FEMA to discuss tribal communities and emergency preparedness.

II. FEMA's Tribal Policy reflects the "Whole Community"

To address the demands and challenges of emergency management, the work of FEMA is interconnected with all our partners and stakeholders in an effort we call the "Whole Community." As part of this effort, FEMA and its partners at the federal level; state, local, and tribal governments; non-governmental organizations in the non-profit, faith-based, and private sector communities; as well as individuals and communities work together to leverage our strengths to support emergency management efforts in communities across the country.

FEMA's leadership in emergency management comes from diverse backgrounds, but we share something vital: direct, on-the-ground experience in state, local, and tribal emergency management. Our experiences have helped us realize and appreciate the important role that our partners play in disaster preparedness, response, and recovery. FEMA's success is heavily dependent upon our ability to communicate, coordinate, support, and work closely with these groups.

FEMA continues to build on past tribal partnerships while developing new relationships. Tribal communities, with their long history in community disaster response and recovery, are a particularly important stakeholder in our whole community initiative. FEMA recognizes the consistent participation and partnership of American Indian and Alaska Native tribal governments is vital in assisting FEMA to achieve its mission.

FEMA and the Department are committed to enhancing nation-to-nation relations with tribal governments. The first FEMA Tribal Policy was created in 1998 after tribal communities reached out to then-Administrator James Lee Witt. The policy forged a commitment to building strong and lasting partnerships and assisting tribes in preparing for hazards, reducing vulnerabilities, and recovering from disasters.

Under the current Administration, and Department of Homeland Security Secretary Janet Napolitano, FEMA updated and strengthened its Tribal Policy, which I signed in June 2010. The new FEMA Tribal Policy is even more robust than the previous version and details a more collaborative engagement between FEMA and the 565 federally-recognized tribes across the country.

In the 2010 policy, FEMA commits to nation-to-nation relationships, collaboration with tribes on FEMA policy development with tribal implications, and to minimizing the imposition of unfunded mandates upon American Indian Tribes.

The updated policy reiterates the Agency's view of tribal governments as inherently sovereign nations and not political subdivisions of states. To this end, and to the extent permitted by law, FEMA consults with tribal governments and addresses any concerns before taking actions that may affect those nations.

In addition, the new policy expressly states that FEMA will identify and take reasonable, appropriate steps to eliminate or diminish procedural impediments to working directly and effectively with tribal governments. In particular, the policy states that FEMA will review portions of the Robert T. Stafford Disaster Relief & Emergency Assistance Act, and other laws, policies, and administrative rules in emergency management activities to determine how FEMA may work more directly with local tribal communities.

FEMA's efforts to work with, and support, the Whole Community are echoed in our coordination efforts across the entire emergency management team, which is required daily by the National Response Framework (NRF) during a federally declared disaster. Through this framework, FEMA leads the coordination of communities, tribes, states, the federal government, and private-sector and nongovernmental partners to provide effective national responses to emergencies. To support tribal communities, as they face the same range of disasters that other jurisdictions face, FEMA tribal affairs specialists maintains daily working relationships with tribal liaisons at our partner agencies. In addition, during active disaster responses and recovery efforts, FEMA may use this authority to issue "mission assignments" that bring specialty assistance from many of our federal partners, such as the Bureau of Indian Affairs, U.S. Army Corps of Engineers, U.S. Health and Human Services, and U.S. Department of Housing and Urban Development.

III. Increased Outreach to Tribal Partners

The updated FEMA Tribal Policy I signed in 2010 was accompanied by further outreach and support for American Indian and Alaskan Native tribal governments.

In my role as the FEMA Administrator, I have tried to engage tribal communities directly and was honored to be a keynote speaker at the National Congress of American Indians conferences in 2009 and 2010. I also conducted tribal leader listening sessions after these presentations to explain FEMA programs and listen to tribal issues and concerns.

In December 2010, I participated in a White House Tribal Nations Conference attended by representatives of more than 400 tribes and hosted by President Obama, several cabinet secretaries, and other senior administration officials. During the event, I participated in a breakout session on Criminal Justice and Security for Secretary Napolitano that emphasized the new Tribal Law and Order Act of 2010 (P.L. 111-211), designed to improve the effectiveness of tribal justice systems.

These direct interactions with tribal representatives have helped me to both learn more about what FEMA can do to support these important partners, and provide increased support to tribal communities. Since I came to FEMA, FEMA has increased the number of employees dedicated to working with tribal governments on disaster response, recovery, mitigation, and preparedness issues. Even before this increase, FEMA had a cadre of Tribal Affairs Stafford Act employees in place who were employed and assigned on an as-needed basis to support Federal Coordinating Officers during the recovery phase of a disaster response.

In 2010, FEMA hired ten new permanent, full-time employees as Intergovernmental Tribal Affairs Specialists to work out of each of the FEMA Regions. This new group of specialized FEMA employees works directly with all federally-recognized tribes within a region to help the communities develop disaster mitigation plans and enhance emergency management capabilities. They also serve as ambassadors for FEMA and the federal government within the tribal communities by providing support in navigating technical requirements and policies.

FEMA also hired an attorney within the Agency's Office of Chief Counsel (OCC) who is trained and experienced in Federal Indian Law. FEMA also sponsors a comprehensive training program through the Emergency Management Institute (EMI) in Emmitsburg, MD with four courses targeted specifically to the tribal emergency management community.

To further strengthen tribal communities' emergency management capacity, DHS/FEMA in 2010 raised the nationwide total for the Tribal Homeland Security Grant Program (THSGP) from less than \$2 million, the minimum required under the law, to \$10 million. The THSGP grants are designed to enhance the ability of tribal nations to prevent, protect against, respond to, and recover from potential terrorist attacks and other hazards. Tribes are also regular recipients of DHS/FEMA Hazard Mitigation Grant Program funds, Emergency Operations Center funds, Operation Stonegarden Funds, and Pre-Disaster Mitigation Grant funds.

IV. Success Stories

As stated in FEMA's tribal policy and demonstrated by ongoing nation-to-nation relationship building, the Agency is deeply committed to honoring the trust relationship and sovereignty of tribal governments. While working within legal constraints that may require certain approvals

from U.S. States in which a tribal nation is located, FEMA strives for direct communication and collaboration wherever possible to ensure that no damage or potential eligibility is overlooked, especially as it pertains to the FEMA Public Assistance program.

FEMA Tribal Affairs staff and Regional staff strive to include tribal representatives in day-to-day emergency management, so that when disaster strikes, the tribal community knows its rights and options when applying for federal disaster assistance. Currently, only States can request a major disaster or emergency declaration from the President under the Robert T. Stafford Disaster Relief & Emergency Assistance Act. But, as sovereign nations, tribes may elect to apply for federal disaster assistance either directly or as part of a state's disaster request. As direct grantees, tribes manage their own projects and work directly with FEMA officials through the recovery process.

In 2010, the Chippewa Cree Tribe on the Rocky Boy's Reservation of north central Montana forged a new direct grantee relationship with FEMA after surviving a flood disaster. The community suffered through the destruction of substantial tribal infrastructure when a foot of rain and snowmelt caused more than \$31 million worth of damage to roads; water and sanitation lines; and their local health clinic. The tribe tried to fund the losses internally but soon went to the state to add its request to the state's appeal to the President for a federal disaster declaration.

In June 2010, the President approved the Governor's full request for the acknowledged damages at the Rocky Boy's Reservation, enabling the tribe to begin its work as a direct federal disaster assistance grantee. As a direct grantee, a tribe must sign an agreement with FEMA, develop a Public Assistance Administrative Plan, comply with audit requirements, and pay any required non-federal cost share. Due to the severity of the flooding, in the case of the Rocky Boy's Reservation the approved declaration was for 100 percent of the approved cost and did not require the usual 25 percent state cost share.

FEMA has also partnered with other federal agencies to support tribes with their housing needs. In a successful one-time program that began in 2007, tribal governments across the nation partnered with FEMA to use government excess manufactured housing. In accordance with Congressional guidelines and following excess property regulations, unused manufactured homes were transferred to tribal governments. FEMA worked in consultation with the General Services Administration and the Department of Housing and Urban Development (HUD), as well as tribal governments, to develop a distribution plan so that all tribes had an equitable chance to participate.

These homes met all HUD housing regulations for air quality with specifications equivalent to units purchased off-the-lot. As a component of the partnership, tribal governments did not pay to purchase the units, but were responsible for transportation and unit set up. HUD determined that

the costs were considered eligible for reimbursement under the Indian Housing Block Grant program.

V. Conclusion and Looking Ahead

Efforts to enhance FEMA's relationships with tribal nations are ongoing and FEMA is committed to working closely with this important community. In the coming weeks, FEMA will announce a new campaign for FEMA's *Ready.gov* Campaign called *Ready Indian Country*.

Ready Indian Country is an initiative designed to promote preparedness within tribal communities through education and outreach in an effort to save lives and prevent property losses. The program will use public outreach and the support of tribal elders to encourage individuals and families in Indian Country to take the basic steps necessary to prepare themselves for potential emergencies. *Ready Indian Country* will provide a foundation for tribal communities to enhance citizen preparedness while serving as a resource for the development and implementation of community pre-disaster policies and procedures.

Thank you again for the opportunity to appear before you today to discuss emergency preparedness and tribal communities, I am happy to address any questions from the Committee at this time.