
Dissertation

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By

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Abstract

The working relationships between Native American tribes, states, and the federal government have been strained for centuries. As the U.S. government works to achieve a unified system of homeland security and emergency management on American soil, this work asserts that the volatile intergovernmental relationships between tribes and the U.S. government will inevitably have an adverse effect on that goal. Guided by Agranoff (2012), which presents a theoretical framework that outlines the conditions under which an effective intergovernmental partnership can thrive, this study used a cross sectional survey to gather information about the beliefs tribes held about various aspects of their working relationships with states and the federal government within the context of homeland security and emergency management. Analysis of the quantitative (N=138) and qualitative (N=85) survey data revealed that when compared to the criterion set forth by Agranoff (2012), the majority of the intergovernmental relationships that existed between tribes and the U.S. government did not possess characteristics of an effective working relationship. Further analysis of the data also demonstrated that tribal satisfaction with the ability of the U.S. government to: (1) understand the unique cultural, legal, and political positioning of tribes, (2) effectively communicate with tribes, (3) respond to the unique needs of tribal nations, and (4) offer technical assistance to tribal nations, had a significant impact on the likelihood of tribes to report if they had an effective working relationship with units of the U.S. government.
Dedication

for
Loretta C. Anderson…
with all my heart.

Mark 5:25-34; Mark 9:23
Vita

2003...............................................Diploma, Metro Academic and Classical High School
2008...............................................B.A., Administration of Justice, Howard University
2008...............................................B.A., Spanish, Howard University
2010 ..............................................MPA-Inspector General, John Jay College of Criminal Justice, City University of New York
2009 to 2011 .................................Graduate Associate, John Glenn School of Public Affairs, The Ohio State University
2011 to 2012………………..Graduate Research Associate, Project Comprehensive Equity at Ohio State (CEOS)-a National Science Foundation ADVANCE Project
2012 to 2013…………………..Public Safety Fellow, Saint Louis Area Regional Response System (STARRS) - a Department of Homeland Urban Areas Security Initiative (UASI)
2008 to Present…………………..Fellow, Department of Homeland Security Science and Technology Directorate
2013-Present………………….Prevention and Protection Program Branch Manager, District of Columbia Homeland Security and Emergency Management Agency

Publications


Field of Study
Major Field: Public Policy and Management
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Chapter 1: Introduction

“Tribal partnerships must be strengthened to have national emergency management continuity.”


There are constant struggles amongst the various units of governance within the United States, and although the most familiar occur between the federal government and state governments, the most complicated and historically persistent intergovernmental conflicts may be those that involve Native American tribes (Mason, 1998; Ortiz, 1999; Steinman 2004; Organick & Kowalski, 2009). Rooted in issues surrounding differences in cultural, philosophical, legal, and historical identities, the conflict can become intractable, thrusting the engagement between tribes and levels of the American government into an arena that can threaten basic human values and needs if not addressed (Deutsch, M., Coleman, P. T., & Marcus, E., 2006). However, before conflict resolution can be achieved, a comprehensive understanding of the philosophical, legal, and identity-driven differences between these groups is necessary (Organick & Kowalski, 2009).

The conflicts between Indian country and units of the U.S. government have been relatively misunderstood and unacknowledged over time. These conflicts are not just about jurisdiction, territory, gaming, natural resources, and Indian versus non-Indian rights. There is a difference between the cultural and traditional aspects of American
governance and that of tribal governance. The conflicts between tribes\(^1\), states, and the federal government within the area of homeland security and emergency management policy are no different. If the United States is to attain an integrated national homeland security system, it is imperative to incorporate our country’s various social and cultural groups into the complete national effort. However, as a consequence of these conflicts, recent homeland security policies have struggled to provide the levels of preparation, protection, response, and recovery needed to achieve such a system.

In an effort to determine how the intergovernmental conflicts between tribes and units of the U.S. system of governance have impacted efforts to achieve an integrated system of homeland security and emergency management, this study will be guided by the following overall research question:

*Do the intergovernmental relationships between tribal nations and the U.S. system of governance within the area of homeland security and emergency management, as perceived by tribal leaders, meet the criteria to be considered effective cooperative partnerships? And, how might the nature of these intergovernmental partnerships impact efforts to create and sustain a unified approach to homeland security and emergency management policy?*

The field of homeland security and emergency management presents a unique opportunity to study the dynamic characteristics of the intergovernmental relationships between the Native American system of governance and that of the United States. The

\(^1\) This study will use the term “tribe” interchangeably with “American Indian”, “Native American”, and “tribal nations.” As used throughout this study, these terms refer to “any federally-recognized governing body of an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian tribe under the Federally Recognized Tribe List Act of 1994, 25 U.S.C 479a (FEMA, 2010).” For clarification purposes as designated by the Department of Interior, Bureau of Indian Affairs (2013), “federally recognized tribes are recognized as possessing certain inherent rights of self-government (i.e., Tribal sovereignty) and are entitled to receive certain federal benefits, services, and protections because of their special relationship with the United States.”
areas of education and healthcare policy have been characterized as areas of relative success in tribal and U.S. government interactions and service delivery. While this may be true, the same approach cannot be applied as simply to homeland security. All governments here in the U.S. must establish contact and maintain communication for the good of the nation in preparation for and response to natural and man-made disasters. Kettl (2007) further makes this case, by contending that homeland security is fundamentally different from most government programs because there is zero tolerance for mistakes. One of the fundamental differences between these policy areas is that the success of one school or doctor’s office does not depend upon the success of its neighboring school or clinic. However, in the area of homeland security, risks are more concentrated as the word ‘success’ becomes synonymous with the integration and coordination of emergency management and homeland security efforts across jurisdictional boundaries.

**Problem Definition**

On February 12, 2013, just thirty-three days after his second Presidential Inauguration, President Barack Obama delivered the State of the Union Address. It was during this time that President Obama not only detailed the current conditions with which the nation was grappling, but he also laid out a vision which would help to guide the nation’s efforts to address current and anticipated challenges. Just two days later, on February 14, there was a second State of the Union Address delivered. The president of the National Congress of American Indians (NCAI), Jefferson Keel, of the Chickasaw Nation of Oklahoma delivered the 7th annual State of Indian Nations Address. Like
President Obama did for the United States, for Tribal Nations, Keel outlined current challenges facing Indian country. The highlighted problems ranged from significant economic issues plaguing tribes, to high rates of poverty. Many of the issues discussed at both of the addresses overlapped, illustrating the many nexuses that exist between policy issues in Indian Country and the United States. Amongst the many challenges that faced both groups, one of the main concerns stemmed from both Indian Country’s and the United States’ ability to ensure that effective homeland security and emergency management policy implementation remained a high priority. President Obama explained how resilient homeland security policies and strategies lay in strong border security programs, while President Keel (2013) urged the passage of amendments to the Stafford Act that would ultimately remove excessive burdens from states and tribes in times of extreme crisis and when lives are on the line.

Whether on American soil or on tribal lands, lately, the United States has found itself engulfed in all things homeland security - from preventing future terrorist attacks to creating policies focused on helping communities recover from natural disasters, to the massive increase in homeland security related college degrees and even television shows. It has become increasingly clear that amongst policy issues, safety on the home front reigns supreme. Despite claims that the United States is no safer than it was before the 2001 September 11th attack, the truth is that the average U.S. citizen feels the pinch of implemented homeland security policies. Tightened airport security, increased border and port control, and myriad stories of immigration practices jeopardizing civil rights, are just some of the tangible indications of a homeland security system taking shape in the U.S.

The other side to this story tells of an emergency management system that has matured
significantly amidst the most recent calls for more advanced preparedness, response, and recovery programs.

Although the DHS is still in its infancy compared to the life span of other Executive Agencies, its responsibility continues to grow exponentially daily. Recently, the United States has dealt with powerful Hurricanes such as Gustav and super-storms like Sandy. Citizens are forced to deal with the inherent fear that accompanies, albeit thwarted, yet still attempted recent terrorist attacks on U.S. soil and airplanes, while still healing from the attacks of September 11th and the devastation of Hurricane Katrina. While the nation continues to heal mentally, emotionally, physically, and financially from past large-scale disasters, it must also continue to face eminent threats of danger. Therefore, steps must be taken on behalf of the governments across the U.S. to produce a homeland security system that anticipates dangers to national security, protects against foreign threats and responds to, and recovers from disasters. However, there are many obstacles that remain on the path to that system especially when tribal nations are introduced.

Founded in 1944, NCAI has its headquarters at the Tribal Embassy in Washington, D.C. NCAI is the oldest, largest, and most representative American Indian and Alaska Native organization serving the broad interests of tribal governments and communities (NCAI, 2011). As the representative congress for many of the key policy issues affecting the diverse population of American Indian and Alaska Natives, NCAI has been the main political link between tribal nations and the U.S. government. Focusing on policy areas of concern in tribal communities, like U.S. government representatives,
homeland security and emergency management has also become a key concern for the NCAI’s representative congress.

Tribal nations are not exempt from the same dangers and threats that torment the U.S. According to NCAI (2011), in 2010, tribes experienced major catastrophic events tied to blizzards, floods, fires, and manmade events resulting in multi-million dollar losses in tribal government infrastructure and personal property. To make matters worse, tribes have consistently argued that they have often been less prepared than state and local governments as a result of their unique political positioning; a position which tribes maintain has significantly limited their access to preparedness, response, and recovery networks available to sectors of the U.S. government (Adams, 2012).

As the NCAI (2013) explains,

“…tribal nations represent a unique and important sector of the United States homeland security and emergency management system…nineteen tribal nations are each larger than the state of Rhode Island…twelve have a land base larger than the state of Delaware…tribal governments have extensive border-security responsibilities, including immigration, anti-terrorism, and anti-smuggling” (para. 1).

In an interview with National Public Radio on February 15, 2013, Executive Director of the NCAI, Jacqueline Pata (2013), a member of the Raven/Sockeye clan of the Tlingit tribe, confirmed that currently there are a total of 40 tribes that border either Mexico or Canada and that have tribal members on both sides of those borders. Pata explained that immigration policy is of great concern to Indian Country because as guardians of those borders, they are the first to come into contact with the negative impacts stemming from ineffective immigration policies.

Figure 1 is a map of the Indian Reservations in the Continental United States. This map only represents those tribes located on reservations in 1997. It is not an
exhaustive list of the now 566 federally recognized tribes, nor those non-federally recognized. However, this map does give a general idea of where a great majority of tribal lands lie. Dark blue circles indicate where tribal nations are located on or close to the United States’ international land borders and, as a result, must take on the responsibility of ensuring that their tribal borders do not become portals that support the manifestation of man-made threats and hazards on tribal and U.S. soil.

Recent reports published by the Congressional Research Service and authored by Immigration Policy Specialist Chad C. Haddal (2010), explain that federal homeland security agencies have implemented policies which might be increasing the burden, specifically on tribes, in terms of homeland security obligations. This includes the need for tribes to use their own local resources to deter international crimes targeted at the U.S., without the U.S. providing them with adequate resources to combat high risk terrorism levels and other organized criminal activity. This is particularly true for those 40 Native American border tribes of which Pata spoke. Many of these border tribes have reported dealing with high rates of traffic from illegal immigration and drugs amongst other crimes. An example of one of these policies is the Department of Homeland Security’s U.S. Border Patrol “Prevention through Deterrence Policy.” First adopted in 1994 and still currently being practiced, this operational strategy seeks to “push unauthorized migration away from population centers and funnel it into more remote border regions” (Haddal, 2010, p. 19). These remote border regions happen to be in areas where southwest tribal nations are situated. Along with this migration come reports of increased drug trafficking and the fear that terrorists will soon begin to take advantage of the ill-regulated and ill-prepared borders.
Fulfilling these demanding border-security responsibilities has proved difficult for border tribes such as the Tohono O'odham. The Tohono O'odham Nation lies in both the United States and Mexico. Residing in the Sonoran Desert which is located in southeastern Arizona and northwest Mexico, as William R Di Iorio explains in his piece, *Mending Fences: The Fractured Relationship Between Native American Tribes and the Federal Government and its Negative Impact on Border Security* (2007), the Tohono O'odham are responsible for almost 700 to 1,000 illegal and undetected border crossings per year. In an article entitled, *Victims in Waiting: How the Homeland Security Act Falls Short of Fully Protecting Tribal Lands*, Jessica Butts (2003/2004) states that more than 25 tribes govern land that is adjacent to international borders or is accessible directly by boat. More than tens of thousands illegal migrants use these ill-protected borders to gain access to the United States, making entry through Indian Country a potential option for future terrorist organizations.
Figure 1. Map of Indian Reservations
See Appendix A for Map Index
In a memorandum sent March 2012 to Federal Emergency Management Agency (FEMA) Administrator Craig Fugate (See Appendix J), the NCAI further described the significant homeland security hardships placed on tribes in comparison to the assistance received. NCAI (2012) explains:

“Tribes have far-reaching responsibilities to protect their lands and people from homeland security threats including initiating protective measures similar to those of states. However, tribes have not had the same opportunities for capacity-building that states have had throughout over a decade of DHS funding to increase their homeland security program infrastructure. In fact, states have received billions of federal program dollars, while tribes have only in the last 4 years made progress in accessing bare minimum grants” (para. 3).

In addition to claims of discrepancies in capacity building opportunities in comparison to states, tribes also indict current U.S. homeland security policies for failing to acknowledge and respect their sovereign status.

At the 2012 annual NCAI conference, Randall Vincente, Governor of Pueblo of Acoma located in New Mexico authored and presented Resolution #SAC-12-072 entitled, Support all Legislative Efforts by the U.S. Congress to Amend PL 92-288 (the Stafford Act) to Allow the Tribal Governments to Request Disaster Declarations Directly from the President of the United States. The resolution emphasizes that, like states and local governments on U.S. soil, tribal communities experience and are at risk for many of the same disasters and emergencies. These catastrophes place the lives of tribal citizens at risk as well and often jeopardize continuity of business operations and tribal government service delivery. Like most governments seeking to master homeland security policy and emergency preparedness service delivery for the benefit of their citizens, tribes must be able to ensure that they can provide an effective level of preparedness and response on their reservations. As a result, tribal governments were
requesting that the Stafford Act be amended to give tribal governments the same rights that are afforded to states: allow them to assert their sovereignty and request disaster assistance directly from the President of the United States. A right that the tribes contend was a condition of their government-to-government agreements with the federal government. At the time, federal law PL 92-288, also known as the Stafford Act, required tribes to seek disaster assistance through state governments; a requirement that tribal governments maintained usurped their sovereign status. Tribes argued that seeking assistance through states placed them in a subordinate position to those states. Additionally, tribes contended that in many cases, after requests were made through the state, the tribal governments’ requests were delayed at the State level due to inaction or difficulty in convincing a Governor that a localized disaster within a tribe’s territory constituted an emergency at the State level (Resolution #SAC-12-072, 2012).²

At the same annual tribal conference in 2012, the then Secretary of the Department of Homeland Security (DHS), Janet Napolitano spoke to tribal leaders, verifying that which they already knew: "tribes and tribal governments play an essential role across the Department of Homeland Security - from helping combat threats in our communities, to protecting our borders and critical infrastructure, and improving our resilience to disasters of all kinds” (Department of Homeland Security Press Office, 2012, para. 2). Secretary Napolitano further pledged that DHS was committed to “continuing to work closely with tribal public safety, law enforcement and emergency

² On January 29, 2013, President Barack Obama signed the Sandy Recovery Act which amended the Stafford Act, amongst other changes, to allow federally recognized Tribal governments to seek a federal emergency or major disaster declaration directly from the President of the United States.
management officials to enhance information sharing and collaboration, as well as preparedness, response and recovery.”

Understanding that disasters and emergencies do not stop at geopolitical boundaries, it is important for tribal nations to ensure that they have access to the same resources as states with similar land bases in order to be able to deliver effective protection of their lands. Although Secretary Napolitano highlighted the need to include tribes and tribal governments in efforts to protect the homeland and be able to better respond to disasters, tribal nations have experienced unspeakable difficulty in attempting to fold into the existing homeland security network amongst U.S. government units. Even though tribal communities have taken steps through their representative congress to have these obstacles addressed within the U.S. government, problems persist in the area of forming and maintaining cooperative partnerships across jurisdictional boundaries.

This study views these obstacles as an opportunity to gain an understanding of the nature of the intergovernmental relationships that exist between these systems of governance. The foundation of this study lies in attempting to understand how these government units are interacting. It will explore what factors are impacting the formation, or lack thereof, of cooperative partnerships and instead yielding feelings of disdain and mistreatment under current homeland security and emergency management policies and procedures.

Gathering data about these relationships and analyzing them within an intergovernmental relations framework, this study will: (1) explore elements of these partnerships that are necessary to achieve effective interactions, and (2) examine the
extent to which tribes believe effective interactions have or have not been taking place.

Guided by Agranoff’s (2012) theoretical framework regarding the conditions under which effective intergovernmental partnerships can thrive, this study will assess how tribal nations view their interactions with the U.S. government and how these interactions have impacted the quest for integrated preparedness, protection, and response efforts for all government entities on American soil.

As previously stated, the overall research question for this study is as follows:

_Do the intergovernmental relationships between tribal nations and the U.S. system of governance within the area of homeland security and emergency management, as perceived by tribal leaders, meet the criteria to be considered effective cooperative partnerships? And, how might the nature of these intergovernmental partnerships impact efforts to create and sustain a unified approach to homeland security and emergency management policy?_

One method of investigating this research question is to examine behaviors such as policies implemented and documented practices relating to homeland security and emergency management policy alongside the existence of intergovernmental relationships with tribal lands. Another technique, which will be used here, is to examine perceptions. Therefore, to answer the overarching question proposed, this study will evaluate the levels of satisfaction tribes have about various aspects of their working relationships with states and the federal government within the context of homeland security and emergency management.

The results from this research will be compared to the theoretical framework put forth by Agranoff (2012) to determine if the interactions between these government systems do indeed meet the standards for effective cooperative interactions. As a result of the nature of these working relationships, this study will seek to uncover factors that
have directly or indirectly lead to limited participation of tribal nations in federal and state emergency management programs and provide recommendations for future interaction endeavors.

Ultimately, this study will produce results that will: (1) identify obstacles to the attainment of a unified system of homeland security and emergency management in the U.S., (2) recognize the steps that must be taken to deconstruct obstacles to the attainment of a unified system of homeland security and emergency management in the U.S., (3) determine which factors are necessary for these government units to establish and sustain effective intergovernmental relationships within the area of homeland security and emergency management policy, and (4) examine the conceptual framework of U.S. intergovernmental relations within public management to determine if it has developed into an area of study which can allow for the suitable accommodation\(^3\) of Native American tribes into its structure.

**Research Questions**

This study will examine tribal nations’ perception of four key aspects of their intergovernmental partnerships with states and the federal government within the area of homeland security and emergency management: (1) communication, (2) the responsiveness of the states and the federal government to the needs of tribal nations, (3) technical assistance offered to tribes by the states and the federal government, and (4) the ability of the states and the federal government to understand the unique cultural

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\(^3\) A suitable accommodation is one in which knowledge produced through the theoretical framework helps to guide policies and establish interaction and implementation guidelines for tribes and the U.S. system of governance.
differences that exist within the tribal systems of governance. The data collected and assessed in this study will establish some of the parameters surrounding the unique working relationships between tribal nations, states, and the federal government in the context of homeland security and emergency management. These research questions were designed to provide the groundwork for further studies regarding the nature of the working relationships between these governmental units.

The following questions are the bases for the propositions that presuppose that these factors have had an impact on the intergovernmental partnerships that exist and the policies that were produced as a result of these partnerships. As will be discussed in Chapter 5 – Description of the research Design and Methods, these four aspects of the working relationships were chosen according to Agranoff’s (2012) criteria regarding the conditions under which an effective intergovernmental partnership can thrive. The guiding research questions are as follows:

**Q1:** How might a tribe’s report of satisfaction with their communication levels with their home states and the federal government within the area of homeland security and emergency management, impact their overall working relationship with state and federal government within the area of emergency management and homeland security?

**Q2:** How might a tribe’s report of satisfaction with the ability of their home states and the federal government to understand the unique needs of a tribe within the area of homeland security and emergency management, impact their overall working relationship with state and federal government within the area of emergency management and homeland security?

**Q3:** How might a tribe’s report of satisfaction with the ability of their home states and the federal government to respond to the needs of a tribe within the area of homeland security and emergency management, impact their overall working relationship with state and federal government within the area of emergency management and homeland security?
Q4: How might a tribe’s report of satisfaction with technical assistance offered by their home states and the federal government to a tribe within the area of homeland security and emergency management, impact their overall working relationship with state and federal government within the area of emergency management and homeland security?

Propositions

Proposition I: The more likely a tribe is satisfied with their home state and federal government communication levels within the area of homeland security and emergency management, the more likely a tribe is to be satisfied with their overall working relationship with states and the federal government within the area of homeland security and emergency management.

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Proposition II: The more likely a tribe is to report satisfaction with the ability of their home states and the federal government to understand their unique cultural needs within the area of homeland security and emergency management, the more likely that a the tribe will report satisfaction with their overall working relationship with states and the federal government within the area of homeland security and emergency management.

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Proposition III: The more likely a tribe is to report satisfaction with the ability of their home states and the federal government to respond to their needs within the area of homeland security and emergency management, the more likely the tribe is to report satisfaction with their overall working relationship with states and the federal government within the area of homeland security and emergency management.

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Proposition IV: The more likely a tribe is to report satisfaction with the technical assistance offered by states and the federal government within the area of homeland security and emergency management, the more likely the tribe is to report satisfaction with their overall working relationship with states and the federal government within the area of homeland security and emergency management.

Propositions, Variables, and Survey Measurements Chart

This study will attempt to provide answers for the guiding questions utilizing data collected from a cross sectional survey entitled Cost-Share Capability of Indian Tribes in Emergency Management Survey. The survey was distributed by FEMA and sampled those 562 tribes that were federally recognized in 2002. The data extracted from the
survey instrument consists of two types of questions: closed-ended and open-ended, thus giving the researcher access to both quantitative and qualitative data to be used in the analyses.

After obtaining addresses of the 562 federally recognized Tribal nations, the standardized questionnaire was mailed out to each tribe. The surveys contained a memo which explained the purpose of the survey and how the results would be used, along with an addressed, prepaid postage envelop. Following the receipt of each response, each survey was assigned a reference number for anonymity purposes. The author of this study maintains that the use of a cross sectional survey instrument and the methods used to distribute the instrument were best suited for collection of the desired data for three reasons: (1) the survey instrument was specifically designed to extract highly detailed information regarding various aspects of current and past working relationships between tribes and sectors of the U.S. government in the context of homeland security and emergency management, (2) in an effort to improve response rates and provide sufficient information about the survey, the included memo explained the importance of the survey and how the results would be used to further assist tribes in their preparedness and response efforts, and (3) mailed surveys was the best method to reach all 562 tribes considering the wide geographic distribution of the 562 tribal nations, even those in rural locations and without a technologically advanced lifestyle.

The quantitative data retrieved from the survey will be assessed using a series of logistic regressions, and the open-ended section of the survey will be analyzed using a priori coding processes. The units of analyses for this study will be the perspectives and reports of tribal nations surrounding their relationships with states and the federal
government. The following chart links each proposition to the independent and dependent variables as well as the survey question that will be used to measure each variable.
<table>
<thead>
<tr>
<th>Proposition</th>
<th>Independent Variables</th>
<th>Dependent Variables</th>
<th>Measurement (Survey Question)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposition I: The more likely a tribe is satisfied with their home state and federal government communication levels within the area of homeland security and emergency management, the more likely a tribe is to be satisfied with their overall working relationship with states and the federal government within the area of homeland security and emergency management.</td>
<td>Tribes’ level of satisfaction with the state and federal government’s level of communication with tribes.</td>
<td>Tribes’ level of satisfaction with their working relationships with states and the federal government.</td>
<td>IV: Q34. How satisfied are you with the following factor of the working relationship? e.) Communication with the Tribe Scale: 1= Very Dissatisfied, 2= Dissatisfied, 3= Neither Satisfied nor Dissatisfied, 4= Satisfied, 5= Very Satisfied</td>
</tr>
</tbody>
</table>

Levels of Government Organization: State, Federal

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DV: Q33. Overall, how would you rate your working relationship with each one of the following levels of government or other organizations regarding emergency management? Scale: 0= No Working Relationship, 1= Not at all Good, 2= Somewhat Good, 3= Good, 4= Very Good

Levels of Government Organization: State, Federal

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Figure 2. Proposition I
<table>
<thead>
<tr>
<th>Proposition</th>
<th>Independent Variables</th>
<th>Dependent Variables</th>
<th>Measurement (Survey Question)</th>
</tr>
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<tr>
<td><strong>Proposition II</strong>: The more likely a tribe is to report satisfaction with the ability of their home states and the federal government to understand their unique cultural needs within the area of homeland security and emergency management, the more likely that a tribe will report satisfaction with their overall working relationship with states and the federal government within the area of homeland security and emergency management.</td>
<td>Tribes’ level of satisfaction with the ability of the state and federal government to understand the unique cultural needs of tribes.</td>
<td>Tribes’ level of satisfaction with their working relationships with states and the federal government.</td>
<td><strong>IV</strong>: Q34. How satisfied are you with the following factor of the working relationship? a.) Understanding of Tribal Unique Needs Scale: 1= Very Dissatisfied, 2= Dissatisfied, 3= Neither Satisfied nor Dissatisfied, 4= Satisfied, 5= Very Satisfied</td>
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<td><strong>DV</strong>: Q33. Overall, how would you rate your working relationship with each one of the following levels of government or other organizations regarding emergency management? Scale: 0=No Working Relationship, 1=Not at all Good, 2=Somewhat Good, 3= Good, 4=Very Good</td>
<td><strong>Levels of Government Organization</strong>: State, Federal</td>
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**Figure 3. Proposition II**
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<th>Proposition</th>
<th>Independent Variable</th>
<th>Dependent Variable</th>
<th>Measurement (Survey Question)</th>
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<td><strong>Proposition III</strong></td>
<td>The more likely a tribe is to report satisfaction with the ability of their home states and the federal government to respond to their needs within the area of homeland security and emergency management, the more likely the tribe is to report satisfaction with their overall working relationship with states and the federal government within the area of homeland security and emergency management.</td>
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<td>IV: Q34. How satisfied are you with the following factor of the working relationship? b.) Responsiveness to Tribal needs Scale: 1= Very Dissatisfied, 2= Dissatisfied, 3= Neither Satisfied nor Dissatisfied, 4= Satisfied, 5= Very Satisfied</td>
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<td>Tribes’ level of satisfaction with the state and federal government’s level of responsiveness to their needs.</td>
<td>Tribes’ level of satisfaction with their working relationships with states and the federal government.</td>
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<td>IV: Q33. Overall, how would you rate your working relationship with each one of the following levels of government or other organizations regarding emergency management? Scale: 0=No Working Relationship, 1=Not at all Good, 2=Somewhat Good, 3= Good, 4=Very Good</td>
<td><strong>Levels of Government Organization</strong></td>
<td>State, Federal</td>
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**Figure 4. Proposition III**
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<th>Independent Variable</th>
<th>Dependent Variable</th>
<th>Measurement (Survey Question)</th>
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<tr>
<td>Proposition IV: The more likely a tribe is to report satisfaction with the technical assistance offered by states and the federal government within the area of homeland security and emergency management, the more likely the tribe is to report satisfaction with their overall working relationship with states and the federal government within the area of homeland security and emergency management.</td>
<td>Tribes’ level of satisfaction with the state and federal government’s technical assistance offered to Tribes.</td>
<td>Tribal satisfaction with their working relationships with states and the federal government.</td>
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<td>IV: Q34. How satisfied are you with the following factor of the working relationship? a.) Technical Assistance Offered to Tribe Scale: 1= Very Dissatisfied, 2= Dissatisfied, 3= Neither Satisfied nor Dissatisfied, 4= Satisfied, 5= Very Satisfied</td>
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<td>Levels of Government Organization: State, Federal</td>
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**Figure 5. Proposition IV**
Significance of Research: Contributions to Theory and Practice

Evidence of the extreme levels of conflicts between Indian Country and the U.S. government can be demonstrated by the existence of organizations such as the U.S. Institute for Environmental Conflict Resolution’s Native American and Alaska Native Environmental Collaboration and Conflict Resolution Program. Established by Congress in 1988, the Institute added the Native American and Alaska Native Environmental Program to support conflict resolution and collaborative problem solving in conflicts involving tribal nations and the federal government. While this program focuses squarely on environmental conflicts, other contentious areas between tribal nations and the U.S. system of governance such as disputes about taxation rights, tribal sovereignty, and jurisdiction, have often escalated to the Supreme Court with cases dating back to the early 1800’s.

While the legal approach to viewing the conflict between the different levels of American government and tribal nations is helpful with regards to jurisdiction and the establishment of rights, it also constitutes a win-lose situation. According to Godschalk (1992), taking such cases to court not only results in very expensive and prolonged processes, but the courts’ win-lose decision is one that often does not explore the full range of interests and possible solutions. Utilizing a public policy frame, this study will seek to provide an alternative lens through which to view these often contentious interactions.

Specifically within the field of public management, this study will aim to produce results that: (1) widen the scope under which the system of American governance is
viewed and perhaps lay the foundation for the intergovernmental relations model to formally acknowledge the unique position and presence of tribal nations as sovereign nations within the United States, (2) lead to more extensive studies which will advance the understanding of the nature of the misunderstandings between tribal nations and the American system of governance—setting the stage for an eventual shift in the literature to more progressive tactics and conflict resolution practices to be employed more generally in the field of public policy, administration, and management, and (3) advance public policy decision-making processes with U.S. governments in such a way as to allow for tribal nations to become integral partners in those conversations that create, implement, and evaluate policies which affect tribal lands.

Within the area of homeland security policy, this project will aim to produce the following results: (1) provide insight into the manner in which tribes and the U.S. government relate to each other in the context of homeland security, and (2) shed light on how tribes view various aspects of their relationships with the U.S. government. This study will attempt to also offer data that can be used to formulate decisions to achieve higher levels of cooperation amongst these groups. This intergovernmental cooperation can ultimately be used to accurately implement unified homeland security policies and as a result further decrease risk levels and threats to all lives here on American soil.
Dissertation Road Map

To continue to highlight the need for additional focus on Native American research, the lack of research on the topic of Native American Governance in the field of public policy, more specifically, the area of intergovernmental relations will be discussed. The theoretical framework of intergovernmental relations will then be introduced providing a context in which to frame this study. The next section will then explore intergovernmental relations between the American system of governance and the governance systems of tribal nations over time.

There will then be a discussion of America’s quest for a unified system of homeland security and emergency management and why an increased understanding of the complex intergovernmental relationships that include tribal nations and their systems of governance are integral to achieving the Department of Homeland Security’s mission. The data results will be analyzed, followed by a conclusion, a presentation of the study’s limitations, policy recommendations, and topics for further study.
Chapter 2: The Study of Native American Governance Systems and the Field of Public Policy

“The groundwork has been built for current and future scholars of public administration to carry forward and engage in research that is critical not only for American Indian communities, but also for the field of public administration.”

Ronquillo, 2011 (p. 290)

To date, there has been very little research conducted within the field of public policy that has discussed the unique position of tribal nations and their relationship to the American system of governance. According to Light (2008), despite a long history of interactions with the U.S. government, American Indian governments can be considered an often overlooked third sovereign in the American political system.

According to Wilson (2002), despite the contentious history and the long-running issues involved, students of public policy have largely overlooked the state-tribe intergovernmental relationship. As a result, there is a lack of scholarly literature on the dynamics of these interracial, intercultural, and inter-jurisdictional issues. While lacking in mainstream public administration literature, there has been even less literature that has assessed the impact of the turbulent relationship between states, tribal nations, the federal government, and its effect on public policy-making processes in the area of homeland security and emergency management. Empirically, the field has not extensively assessed how participants within these specific intergovernmental relationships are viewing, acting in, and perceiving the system. A lack of constructive engagement and cooperative partnerships amongst the American system of governance and that of tribal nations must
be addressed across the board, but certainly in the area of homeland security and emergency management. This research seeks to fill this particular gap in the literature.

The goal of this literature review is to briefly examine what has become a dominating theme regarding the topic of tribal governance in public administration literature: that the topic is relatively absent from mainstream public policy and management literature. While this study will assess the relationship between Native American tribes and their relationship to national efforts to achieve a unified system of homeland security, it is important to understand why such a study will not only be one of the first of its kind, but to also understand claims as to why such an extensive gap exists in the literature with regard to this topic. Literature will be presented from some of the leading researchers that have sought to establish groundwork for the aforementioned understanding to take place. This review will begin specifically with an article that speaks to the intergovernmental nature of achieving homeland security, but that neglects to describe the complex role of Native American tribes in the process. The lens will then be widened to take a more in-depth look at the topic of Native American governance and public administration literature in general.

In their article, Organizing the Federal System for Homeland Security: Problems, Issues, and Dilemmas, Wise & Nader (2002), assert that achieving a system of homeland security will require a rather substantial reorganization of the intergovernmental processes and procedures that governments use to deliver public service. The authors are specifically speaking of a transformation of the basic aspects of the American system of government in terms of operational measures, the allocation of funds, and the establishment of emergency management networks between the differing levels of
government. While the authors are correct in their assessment, it can be argued that the assumption is that this intergovernmental functioning will only include the federal government, states, and local governments. The authors describe an array of problems and issues that can surface when organizing for homeland security, yet one area that has caused and continues to cause problems is not discussed: the integral, yet complex role that Native American tribes can play and should play in the transformation of the national system for homeland security.

The argument is that an inevitable transformation must take place; the term ‘transformation’, as it is used in the article, needs to be further explored. It is true that a modification of the known governmental system is necessary, yet, it is the primary assertion of this study that this transformation cannot happen until the parameters of the all of the necessary intergovernmental partnerships are fully understood, not only within the American system of federalism, but in conjunction with the tribal system of governance.

Wise and Nader (2002) are not alone in overlooking the distinct issues that can arise in the area of intergovernmental interactions and homeland security when adding tribes to the equation. In a testimony given to the Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations, Committee on Government Reform, House of Representatives in 2002 entitled, *Intergovernmental Partnership in a National Strategy to Enhance State and Local Preparedness*, Paul Posner also fails to mention the integral role of Indian Country in the national preparedness strategy to combat terrorism here in the United States.
Lester & Krejci (2007) and Cigler (2007) also neglect to discuss this group in their articles which focus on the creation of the Department of Homeland Security, and more specifically, why Hurricane Katrina taught public administrators important lessons about the role of intergovernmental management in disaster response. Also included in this group of authors that have neglected to mention Native American tribes in their discussion surrounding intergovernmental relations and homeland security are: Donley & Pollard (2002), Wise (2002), Moynihan (2005), Eisinger (2006), Caruson & MacManus (2006), Menzel (2006), Kettl (2007), Wise (2008), and Wise & Nader (2008). The McGraw-Hill Homeland Security Handbook published in 2006, which discusses the difficulties associated with achieving a system of homeland security and emergency preparedness in the U.S. also avoids including Native American tribes in its text, even with an entire section (chapters 15-23) devoted to governmental and intergovernmental aspects of homeland security. There is however, a complete section (chapters 47-53) which focuses on the role of the private sector in homeland security activities. The book is endorsed by Dr. Richard A. Falkenrath, former White House Deputy and Homeland Security Advisor, who characterizes the book as a significant tool in helping to create an effective and efficient homeland security network. The back flap of the book tells readers that the information presented is “unmatched in scope and detail”; however, it can be argued that the homeland security agenda presented is in no way comprehensive, and in fact leaves room to be out-matched by failing to explore this issue. While this list of researchers and their work is not exhaustive, the mere fact that literature exists on intergovernmental relations and homeland security, but fails to include tribal governments, warrants considerable and immediate attention.
The study of intergovernmental affairs is housed within the field of public policy and management; a discipline that unfortunately has not seized the opportunity to fully investigate the parameters of the working relationships between Indian Country and the U.S. government. There is extensive literature in the fields of law, sociology, education, mental health, and environmental disciplines with topics that are relevant to tribal nations; however, the topic of Native American governance and intergovernmental relations is not as prevalent in public policy literature. In his article entitled MISSING: Native American Governance in American Public Administration Literature, Aufrecht (1999), asserts that “public administration literature almost completely ignores the topic of Native American governance” (p. 370). He goes on to note that “despite a rich legal literature on Native American rights; the public administration literature is almost silent in regard to Native American governance” (p. 371); this is especially the case in that area of intergovernmental relations. Aufrecht is later echoed by scholars such as Ortiz (2000), who not only agree with Aufrecht, but also argue that tribes are excluded for the very reason that they should be included in public administration studies: their unique political positioning as sovereign nations on U.S. soil. Ortiz (2000) suggests that the field of public administration needs to do more to be made aware of the political presence of tribal nations, their importance to the American public administration system, and the nature of their existence. Ronquillo (2011) explains that “as organizations, institutions, and the relationships between American Indian tribes and communities evolve and progress, so must the academic studies that revolve around them” (p. 288). Despite calls to focus more attention on tribal governance and its relationship to the U.S. system of governance, it has also been argued that there are some scholars in the field that know
how important the positioning of Native American tribes is to the American system of governance and have intentionally sought to exclude these groups from mainstream public administration literature.

In their study entitled *Superficiality and Bias: The (Mis)treatment of Native Americans in U.S. Government Textbooks*, Ashley and Jarratt-Ziemski (1999) explain that in an examination of 18 of the most commonly used American Government textbooks for introductory college courses, all of them discussed federalism and the relationship between the national government and subnational governments (in this case the states) as the foundation for the U.S. system. However, with the exception of two, the textbooks examined made no mention of American Indian governments within the context of federalism and intergovernmental relations; areas which, according to the authors, were logical to include Native American governance topics. According to the authors, this was an intentional act to avoid addressing the complexity of the federal-tribal-state relationship and the conflicts that have characterized these relationships. The authors mention that some of the textbooks even went so far as to “alter or paraphrase constitutional clauses to omit recognition of tribes and treaties” (p. 56).

Unfortunately, leaving Native Americans out of much of the discourse surrounding federalism and intergovernmental management within the field of public administration has come to be viewed as elitist and racist. “One of the most insidious forms of elitism, racism, and prejudice comes through simply ignoring the existence of those who are different...it is the belief here that the amount of coverage given to certain topics will inherently determine importance in the minds of readers (Ashley & Jarratt-Ziemski, 1999, p. 51).” In addition to running the risk of stigmatizing tribal governments,
their absence from the literature is also seen as providing incomplete and misinformation to budding public administration students and scholars; eventually resulting in a disservice to their education and research progress throughout policy areas such as homeland security and emergency management.

While there is not a wide variety of literature that exists on this topic, nearly most of it mentions the absence of tribal governance from mainstream public administration. More recently, however, another point of view has been presented. In *American Indian Tribal Governance and Management: Public Administration Promise or Pretense?*, author John C. Ronquillo takes on much of this literature that contends that the public administration field has not paid much attention to the topic of Native American governance. Ronquillo argues that tribal governance is not missing from the field of public administration, but rather it is “merely unassembled, or often unrecognized, by certain groups” (p. 285). Ronquillo notes that the goal of his article is not to refute the works of Aufrecht and Ortiz, but rather to present evidence that this particular subject area may be present in other areas of the social sciences, prompting a more interdisciplinary approach to assessing its salience and importance.

Although Ronquillo makes some compelling points, this study contends that by suggesting that public administration scholars look elsewhere in the social sciences for the presence of research conducted on Native Americans in the field of public administration actually proves the points of authors like Aufrecht and Ortiz. While Ronquillo’s work certainly addresses the lack of Native American representation in the field, it does not address the issue directly. Rather than contributing to the work of authors like Aufrecht and Ortiz, which seek to hold the field of public administration
accountable for not widening their scope to include this group, Ronquillo instead advises readers to look elsewhere for evidence that such research exists in other fields.

Ronquillo’s article certainly highlights the interdisciplinary nature of both the field of public administration and topics concerning Native American tribes, however, it does not directly discuss why readers must look elsewhere. Ronquillo does however point out that negative stereotypes of Native American tribes still exist and in fact hinder the inclusion of this group in mainstream research journals, namely within the field of public administration. This provides more support to the points of contention articulated by authors like Ashley and Jarratt-Ziemski (1999) and the viewpoint that the lack of presence is rooted in some forms of intentional, and/or racial undertones.

It is not surprising that the topic of tribal governance is absent from the study of policy sciences. Aufrecht (1999) contends that the field has been preparing for the inclusion of tribal governance with the exploration of theories such as network governance; however, he also claims that the field’s inability to focus more on Native American governance is a function of the paradigms and worldviews that are supported by scholars in the field. Therefore, the underlying reason that Native American governance is missing from the public policy literature is one of perception. The models of the world present in the study of public administration simply do not include Native American cultures as viable, social, and political entities. This point is supported by Denhardt (1993) and Ronquillo (2011).

The concept of public administration was developed by Woodrow Wilson and birthed out of the notion of federalism, which was created to help remove politics from the provision of services in bureaucracies. Public administration has helped the U.S.
achieve a cohesive federal structure of service delivery amongst all levels of government. Tribes do not fit neatly into this federalist system and therefore, are not conducive to the framework created by the academic world. The result of forcing tribes into this framework without considering their unique geopolitical status is a lack of cooperation and constant intergovernmental conflicts.

When assessing the literature, there seems to be a general consensus that the topic of Native American governance may have been systematically excluded from being discussed in mainstream public administration literature as a result of their unique cultural, political, and legal identities. Due to the fact that they are sovereign nations on American soil, it is clear that they do not fit perfectly into the American system of governance and therefore, it may have seemed easier to exclude the topic. Recent claims, such as those made by Ronquillo (2011), argue that the topic is not missing, but simply scattered throughout the area of social sciences. Despite these differing points of view, much of the literature discussed here recognizes that the amount of literature in public administration on the topic of Native American governance must be enhanced. Whether the literature is missing or merely unassembled, there is a great need to produce more studies regarding the interactions between these government units. It is also important to note that doing so must take the unique legal, political, cultural, and geographic positioning of Native American tribes into consideration; a goal that this particular study seeks to accomplish.
Chapter 3: The Intergovernmental Relations Theoretical Framework and the Pursuit of Effective, Cooperative Partnerships

“The question is whether we will design and manage intergovernmental partnerships by engaging key intergovernmental actors---not just when things go wrong but in designing programs and policies up front to reflect the real interests and capacities of all parties so critical to successfully addressing complex problems and managing complex systems.”

Posner and Conlan, 2008 (p. 350)

The study of federalism and intergovernmental relations has traditionally focused on the power of relationships between federal and state governments and between state and local governments. As previously mentioned, there is, however, another set of power relationships that exist in American system of federalism but that is often overlooked by scholars and practitioners. Federally recognized American Indian exercise power that increasingly puts them in positions where they must balance conflict and cooperation as a result of overlapping jurisdictional power with their home states and other levels of the U.S. governments (Mason, 2002). Many of those relationships have been understood as being the result of a combination of (1) ambiguous policies towards tribes, and (2) historical and contemporary conflicts regarding disputes over land, tax payments, and environmental resources amongst other policy issues. However, it is important to discuss these relationships within the parameters of the intergovernmental relations framework in order to understand the context in which these government units are interacting within this complex system. Despite the fact that the interactions between Native American governments and units of the U.S. government has not been widely explored in much of the existing literature in the field of public policy and management, establishing this
foundation will situate this study in a frame of reference that will define the boundaries of the subject area and guide further research on this topic.

Particular to this study, this section will provide: (1) a context into which to place the data given by Native American tribes about their views of the intergovernmental relationships they hold with units of the U.S. government in emergency management and homeland security policy areas, and (2) a basis upon which to evaluate this data and determine which characteristics of the relationships between Native American tribes, states, and the federal government are necessary to develop and maintain intergovernmental relationships amongst these groups.

One of the primary reasons for establishing and maintaining intergovernmental relationships amongst separate government entities is to be able to tackle complex policy issues that pose a problem for a number of interrelated jurisdictions. Cooperation, trust, and collaboration are amongst those characteristics that must be present in order for governments to create and sustain professional working relationships with each other.

While there are many scholars that have contributed to the study of intergovernmental relations, this particular study will align itself with the following definitions of the intergovernmental relations term and framework. Intergovernmental relations refer to the interdependent and complex relationships that exist between and amongst different levels of government; they provide a framework for how governments assume roles and responsibilities in relation to each other (Denhardt, 1991; Stephens &
To add to this definition, scholar Deil Wright (1988), one of the more prolific contributors to the theoretical conceptualization of the intergovernmental relations framework, explains that intergovernmental relationships are the product of various spheres or levels of government that collaborate and interact in a network as they work to achieve their independent institutional missions.

The field of public policy is currently in an era of intergovernmental relations in which the collaboration amongst government entities and units has emerged as essential for providing a space for interactions between governments to take place in order to address complex policy issues. As Agranoff (2012) explains, the current wave within the intergovernmental framework is starkly different from its predecessors in that it seeks to not just cater to bilateral and government-to-government interactions, but that it encourages a multilateral, collaborative approach to solving policy issues by allowing governments to discover possible solutions to policy issues that pose a concern for more than one level and type of government. This point is echoed by other authors that contend that the current era of intergovernmental relations is not only remarkably different from the patterns that has characterized it in the past, but that this expansion of complex policy issues will continue to grow for government sectors, while simultaneously spreading across policy areas (Covarrubias, 2012; Meek and Thurmaier, 2012).

The presence of this “new era” is a relatively good sign. It is evidence that the intergovernmental relations framework has continued to progress and is a reflection of the current policy problems and issues that society faces. With homeland security now a national priority, the price of overlooking traditional intergovernmental disputes or a lack of collaboration amongst differing units of governments, has risen tremendously. While
traditional approaches to dealing with conflicts between Native American tribes and the U.S. governments have historically been grounded in legal action, Conlan (2008) argues that the new focus of old intergovernmental conflicts must be rooted in mobilizing networks and nurturing professional collaborative partnerships in order to handle society’s increasingly complex policy issues. Despite progress in this new era, the field’s efforts to uncover the conditions under which collaboration can take place in potentially politically hostile environments has been relatively shallow in terms of the identification of the necessary factors for successful interactions, until now.

While a number of authors have engaged the topic of intergovernmental relations and the issues that can potentially arise amongst interacting governmental units, Agranoff (2012) is one of the first authors to explicitly define and delineate the conditions under which intergovernmental partnerships are able to exist, and consequently thrive, in conjunction with the types of relationships that are most likely not to thrive. Agranoff’s manuscript is a holistic compilation of recommendations from pieces written and developed by Agranoff, in addition to other intergovernmental scholars with guiding works such as: *The American Partnership: Intergovernmental Cooperation in the Nineteenth Century United States* (Elazar, 1962); *Managing Conflict at Organizational Interfaces* (Brown, 1983); *The Evolution of Cooperation* (Axelrod, 1984); *Getting Together: Building Relationships as We Negotiate* (Fisher and Brown, 1988); *Coordination without Hierarchy: Informal Structures in Multiorganizational Systems* (Chisolm, 1989); *Collaborating: Finding Common Ground for Multiparty Problems* (Gray, 1989); *Organizations Working Together* (Alter and Hage, 1993); *Collaborative Leadership* (Chrislip and Larson, 1994); *Understanding Governance: Policy Networks,*
Governance, Reflexivity and Accountability (Rhodes, 1997); “Partnerships in Public Management” (Agranoff, 1998); Getting Agencies to Work Together (Bardach, 1998); The Collaborative Enterprise (Campbell and Gould, 1999); “Public Management and Policy Networks: Foundations of a Network Approach to Governance” (Klijn and Koppenjan, 2000); “Big Questions in Public Network Management Research” (Agranoff, 2001); “Understanding What Can Be Accomplished through Interorganizational Innovations: The Importance of Typologies, Content, and Management Strategies” (Mandell and Steelman, 2003); Collaborative Public Management: New Strategies for Local Governments” (Agranoff, 2003); Managing to Collaborate: The Theory and Practice of Collaborative Advantage (Huxham and Vangen, 2005); “Varieties of Participation in Complex Governance” (Fung, 2006); “Collaboration and Leadership for Effective Emergency Management” (Waugh and Streib, 2006); “Another Look at Bargaining and Negotiating in Intergovernmental Management” (Agranoff and McGuire, 2006); “The Design and Implementation of Cross-Sector Collaborations” (Bryson et al., 2006); Group Genius: The Creative Power of Collaboration (Sawyer, 2007); Managing Within Networks: Adding Value to Public Organizations (Agranoff, 2007); “It Takes Two to Tango: When Public and Private Actors Interact” (Agger et al., 2008); “Collaborative Governance in Theory and Practice” (Ansell and Gash, 2008); Big Ideas in Collaborative Management (Bingham and O’Leary, 2008); “Assessing Interorganizational Networks for Public Service Delivery” (Chen, 2008); “Intersector Collaboration and the Motivation to Collaborate: Toward Integrated Theory” (Gazley, 2008); “Modes of Network Governance: Structure, Management and Effectiveness” (Provan and Kenis, 2008); Dealing with Differences: Dramas of Mediating Public Disputes (Forrester, 2009);
Amongst others, these studies contributed to Agranoff (2012) and the development of the all-inclusive approach necessary to initiate and maintain effective complex geopolitical relationships. This is not to say that other works written on this subject did not also specify requirements necessary for effective relationships. However, following an extensive and exhaustive review of the works explored the works of various authors as well as those outlined by Agranoff (2011), it is the exclusive position of this study’s author that for the purposes of this work, Agranoff (2012) is seen as an accumulation of works prior to its publication which has suitably combined theoretical, practical, and implementable recommendations for those policy and decision makers to which this particular study seeks to critically engage.

In his manuscript *Collaborating to Manage: A Primer for the Public Sector*, Agranoff (2012) presents key characteristics that must be exist in order to yield a beneficial and effective collaborative relationship when functioning within the intergovernmental framework. They are as follows: (1) the policy problems must be complex and the solutions must lie across different agencies and jurisdictions, (2) there must be extreme complexity in the decision making process, (3) there must be an opportunity to promote effective working relationships and mutual support amongst parties, (4) participants should be willing to confront and manage potential conflicts, (5) there must be a willingness to treat all participants as equals, and (6) effective communication must be present. Agranoff also makes the point that effective
intergovernmental partnerships, even between governments with conflicting views, are possible.

Based upon the background presented concerning the unique geopolitical context of the tribal nations presented in this study, it is clear that the first two requirements of Agranoff’s theoretical model for effective collaborative partnerships are met: (1) achieving a homeland security system has proved extremely complex and difficult for the nation (Wise and Nader, 2008) and as the basis for the system relies upon creating a unified and seamless configuration, it is evident that its solutions lie across different agencies and jurisdictions. The first requirement leads very well into the second, which necessitates (2) that the policy problem provide all potential partnering governments with an opportunity to promote and form effective working relationships, recognizing that the solution will be as complex as the problem. Simply suggesting that governments must collaborate and cooperate to solve complex policy issues is not a solution. In fact, for highly multifaceted policy areas like homeland security and emergency management, collaborating resources across multiple jurisdictions can seem more like a problem, rather than a solution. Creating a seamless, unified system of preparedness and response will not only be difficult, but according to Wise and Nader (2008), achieving a complex system of U.S. homeland security will require a level of intergovernmental collaboration that has been historically unparalleled. Including tribal nations into this seamless system only further complicates the undertaking.

Figure 6 provides a visual representation of the four theoretical conjectures that will produce the key variables to be examined in this study.
By applying these essential variables of successful cooperative partnerships to the relationships that exist between tribal nations, the state, and the federal government in the context of homeland security and emergency management and then operationalizing them, this study will assess whether the current relationships between these government units meet the qualifications for effective cooperative partnerships.
Figure 7:
Theoretical Model for Effective Intergovernmental Relationships between Tribal Nations, States, and the Federal Government
Based upon the above theoretical model (Figure 7), effective cooperative partnerships between tribes, the state, and the federal government should depend upon all of the following: (1) tribes must be able to state that they are satisfied with their communication with state and federal government, (2) tribes must be able to state that they are satisfied with state and federal government willingness to understand unique tribal needs and treat them as equal partners, (3) tribes must be able to state that they are satisfied with state and federal government willingness to confront possible conflicts by responding to tribal needs regarding U.S. Homeland Security policy on tribal lands, and (4) tribes must be able to state that they are satisfied with the ability of state and federal government to promote effective working relationships through the offering of technical assistance to tribes. Therefore, there will be a focus on tribal satisfaction of the following four variables: communication, understanding of unique tribal needs, responsiveness to tribal needs, and technical assistance offered to tribes.

While Agranoff (2012) gives the conditions under which an effective cooperative partnership can thrive, he also discusses the conditions under which a partnership most likely will not succeed. He explains that intergovernmental relationships are less likely to be effective when there is: (1) evidence of cultural differences, (2) the presence of conflicts, both contemporary and historical, (3) the absence of effective conflict resolution practices across policy arenas, and (4) an extensive lack of communication between the parties. It has become apparent that these conditions describe the characteristics that have been present throughout many of the intergovernmental interactions that have taken place between tribes and sectors of the U.S. government throughout history and across policy areas. Tribal governments feel as though any
interaction with the U.S. government could potentially lead to situations in which their cultural identity must be sacrificed, their sovereignty is placed in jeopardy, and their unique government structures will not be acknowledged. There have been many scholars that have attempted to pinpoint the root of the intergovernmental clashes that have existed between those systems of governance.

For example, Organick and Kowalski, (2009) argue that the tensions are the result of conflicting political philosophies and worldviews which create cultural barriers to communication. Rolland and Winchell, (2002) argue that tribes simply do not fit the traditional concept of entities with which states work. Wilson (2002) believes that the tensions are a result of a combination of executive, congressional, and judicial actions which have produced issues stemming from a legacy of overlapping and shared jurisdiction. While the exact source cannot be determined for all ineffective interactions across policy areas and time, a full assessment of the history of the key interactions between these groups is needed. The following section will attempt to meet that requirement.

**Intergovernmental Relations between Tribal Nations and Levels of the U.S. System of Governance**

This study will help to provide a foundation upon which to build future studies in the field of public policy and homeland security focused on Indian Country. As sovereign nations within the borders of the United States, Native American tribes hold a very distinctive political and legal position. Native American tribes entered into agreements and compromises with the United States government; however, tribal nations never
forfeited their sovereignty when entering into those agreements and as a result remain independent, occupying a position of sovereign immunity (Evans, 2011; McGuire, 1990). Being sovereign nations within another sovereign nation Wilkens (1993), acknowledges that from a theoretical and political perspective, tribes are in a legal and political dilemma. According to Steinman (2004), as the country expanded geographically to include Indian reserves, federal policymakers grappled with whether and how to incorporate tribes into American society and governance, even as they increasingly undercut tribal powers. He goes on to note that federal policies vacillated between poles of assimilation and separatism, generated frequent confusion, and left the nature of tribal status and authority on reservations muddled and contested throughout much of the twentieth century.

As a result of these highly contested sovereign positions, much of the interaction between tribal nations and levels of the American government has been grounded in intergovernmental conflict for centuries. The conflict has consistently pit tribal governments against state, local, and federal government regarding jurisdiction, gaming regulations, natural resources, tax obligations, and most recently, homeland security funding. In theory, tribes are to be sovereign, but in practice, they hold many other conflicting positions. As separate nations within another politically functioning nation, they simultaneously hold various subordinate roles.

Much of the existing literature paints a picture of hostility that is seated within the U.S. government, namely the states, and is directed towards tribal nations (Evans, 2001; Bays and Fouberg, 2002). The history of tribal-state interactions has been one of conflict rather than partnership. The interaction between states and the tribal nations is one of the
most divisive intergovernmental conflicts within United States history (McCool, 1993; Mason, 1998, 2002; Wilson, 2002; Steinman, 2004). Scholars have sought to increase awareness of these conflicts and their harm to intergovernmental relations between the two systems of governance. In this study’s effort to explain ways to move past this conflict in the area of homeland security and emergency management policy, it was important to engage the information put forth by these authors.

Aside from various treaties, Presidential Executive Orders, and Supreme Court rulings, the Constitution is the only formal document that acknowledges tribal governance as a system apart from the American system of federalism. Native American tribes are referred to in the Commerce and the Apportionment Clauses of the Constitution. As Ortiz (2002) explains, the Apportionment Clause, which was applied to the distribution of state taxes and representation in the Union, states that Native Americans are not to be taxed and therefore will not be represented in Congress.

Furthermore, the Commerce Clause in the U.S. Constitution states that the United States Congress shall have power "to regulate Commerce with foreign nations, and among the several states, and with the Indian tribes" (U.S. Constitution, 1787, Article 1, Section 8, Clause 3). Based upon this wording, the relationship between the federal government and tribes is one between sovereign nations and exclusive authority over interactions with Native American tribes lies with the federal government, not the state (Ortiz, 2002; Jarratt-Ziemske, 1999; National Council of American Indians, n.d.). However, there is concern that decision-making powers are shifting from the federal government to the states; giving states control over federal dollars and more say in how and where those dollars should be spent at the expense of the tribes (Ortiz, 2002). According to many
authors, these antagonistic relationships are the direct consequence of actions taken by the federal government toward tribal nations. For example, Mason (1998) contends that in the federal government’s efforts to assimilate Native Americans into the dominant society and overall federal policy, states were provided with opportunities to assert its sovereignty over Indian Country.

**Intergovernmental Relations: Tribes and the Federal Government**

With the Declaration of Independence produced in 1776 and the Constitution in 1789, European colonists established on American soil the fundamental structure of the U.S. government. Land was acquired from the tribal nations a number of ways. The most prominent method was through the “Doctrine of Discovery”—a concept supported by the Supreme Court which allowed settlers to lie claim to land if they could prove that its current inhabitants were not Christians. The settlers also entered into numerous treaties with the tribal nations—exchanging land for military protection, access to resources, and other valuable commodities. It was upon these initial treaties that the foundation of formal U.S. federal policy towards Native Americans began to develop.

Once the federalist structure was put into place, as mentioned previously, the Framers of the Constitution used distinct language in the Commerce Clause which placed all trade activity with tribal nations under the control of Congress. This left all treaty making powers to the federal government.

To honor the treaties, the U.S. government must recognize their obligations under the trust responsibility. As explained by the American Indian Policy Center (2010), trust
responsibility is the U.S. federal government’s obligation to honor the trust inherent to promises made and to represent the best interests of the tribes and their members. In an effort to seek to hold up the trust responsibility relationships, the Bureau of Indian Affairs (BIA) was created.

Formally created in 1824 and situated within the Department of Interior, the BIA is one of the entities within the U.S. government that is in charge of providing services to Indian country as was promised through a number of treaty-making processes. Managing several million acres of land that is held in trust by the U.S. government for tribal nations on U.S. soil, the BIA is in charge of ensuring effective service delivery for a number of different policy areas on tribal lands such as education and health care. Currently, each of the executive departments is obligated under Executive Order 13084 (See Appendix B) and 13175 (See Appendix C) to not only reach out to tribal nations and identify their needs, but to create policies specifically for interactions with tribal nations within their particular area of policy service. However, Deloria and Lytle (1983) maintain that while these bureaucratic agencies have been delegated this power, they have been reluctant to exercise it in a manner that has been beneficial to Native Americans.

In the McIntosh Trilogy (Johnson v. McIntosh-1823; Cherokee Nation v. Georgia-1831; Worchester v. Georgia-1832), Supreme Court Justice John Marshall sought to define the relationship between the U.S. government and tribal nations. It was during these judgments that the Supreme Court established the federal trust doctrine. Supreme Court Justice Marshall concluded that it was acceptable for a weaker government entity to place itself underneath the protection of a more powerful government entity without losing inherent governing powers (Deloria & Lytle, 1984).
Supreme Court Justice Marshall then proceeded to refer to tribal nations as “domestic dependent nations” in reference to their relationship with the U.S.; Supreme Court Justice Marshall’s words would come to cause more confusion than clarity in the area of federal Indian policy.

According to Canby (2009), federal Indian polices were being created to encourage accommodation and assimilation efforts across the board with Native American tribes. Assimilation into the U.S. way of life would make delivering resources and services across legal, political, and cultural boundaries less complex. Policies such as the General Allotment Act of 1887 (The Dawes Act) were imposed on the tribes. The Dawes Act ordered that all treaty-making cease and the full assimilation of Native Americans into American culture be encouraged. The Termination Era (1945-1961) passed legislation that called for a reversal of tribal self-government and an end to the trust relationship between tribes and the federal government. According to Anson, (1970), federal policies during this time sought to actually terminate tribal organizations by accelerating cultural, economic, and political absorption into the American way of life.

In 1928, federal Indian policy took a sharp turn. The Merriam Report was produced which declared the General Allotment Act of 1887 ineffective and gave birth to the Reorganization Era (1928-1945) and the Indian Reorganization Act of 1934, which established reservations and provided for the adoption of constitutions drafted by the U.S. Government (Canby 2009). In an effort to re-assert their political powers, Indian Country thrust itself into the Self-Determination period (1961-Present) which was a backlash to the negative effects of the Termination and Relocation period. The treatment of tribal
governments lead to increased efforts to seek reform and the restoration of the federal recognition of tribal governments.

McGuire (1990) contends that over the last several decades many of the programs and policies authorized to address economic and social well-being for Native Americans had not been clearly articulated. In addition to causing harm to the cultural and political welfare of Native Americans, these federal policies were rooted in ambiguity. When applied to the federalist framework, federal Indian policy in the twentieth century swung radically between assimilation and respect for tribal sovereignty (Frickey, 2005).

In some cases, the federal policies called for both incorporation and exclusion, causing even more confusion and conflict between the two governance systems. Ambiguity in social and political structures contributed to power struggles amongst adversaries as they sorted out who had or should have had control. Figure 8 illustrates this ambiguity and conflict in some of the most impactful U.S. federal Indian policies described above.
<table>
<thead>
<tr>
<th>Federal Indian Policy</th>
<th>Description</th>
<th>Inclusion into the U.S. Federal System</th>
<th>Exclusion from the U.S. Federal System</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Allotment and Assimilation Era (1887-1943)</td>
<td>Imposed on tribes which ordered that all treaty-making with tribes cease and the full assimilation of Native Americans into American culture was to be encouraged</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Allotment Act of 1887 (The Dawes Act)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indian Reorganization Act of 1934</td>
<td>Set up reservations and provided for the adoption of constitutions drafted by the US Government</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>The Termination and Relocation Era (1945-1961)</td>
<td>Passed legislation that called for a reversal of Tribal self-government and an end to the trust relationship between tribes and the federal government</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>The Self-Determination period (1961-Present)</td>
<td>Backlash to the negative effects of the Termination and Relocation period; the abuse that was sustained by Tribal governments during this period lead to reform and the restoration of the federal recognition of Tribal governments</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Public Law 280 (1953)</td>
<td>Gave a total of six states criminal jurisdiction within Indian country (To date, there are currently sixteen states that hold these powers.)</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**Figure 8: Federal Indian Policy Inclusion into and Exclusion from the U.S. Federal System**
This type of ambiguity has invariably led to issues with policy implementation. Adding to the complexity of this issue is the fact that policy makers, along with the U.S. Supreme Court, have attempted to define the relationship between Indian Country and the U.S.; yet, the parameters of the relationships have not always been clear. Nor have they directly addressed the ambiguous and contradictory nature of federal Indian policy (Mason, 1998; Ortiz, 2002; Wilson, 2002; Steinman, 2004). As will be discussed later, the same type of ambiguity in policies has also been detected in U.S. homeland security and emergency management policies and implementation procedures as it applies to tribal nations.

**Intergovernmental Relations: Tribes & States**

Beginning with the founding of the United States, states as political entities have been divided within and amongst themselves; this has significantly impacted their ability to collaborate effectively as governments and has limited their ability to operate in networks with shared interests (Derthick, 2007). As the states were building their governmental structures within the federalist framework and the federal government was laying the groundwork for its authority, tribal nations began to become an issue. After the federal government took control over interactions between all units of the United States government and the tribes, the responsibility to tribal nations lay with the federal government, but, there were problems: the tribes existed within the jurisdictional boundaries of states. Tribes occupied lands that could not be used for state citizens because it was held in trust by the federal government for the tribes.
Tribes had access to natural resources within the states, and could control state access to many of these resources. Although being physically within the state, tribal lands were excluded from state, civil, and criminal jurisdiction and were not required to abide by the state laws, nor pay state taxes. The decision to not tax tribal nations was a decision made by the Framers of the Constitution to ensure that tribal nations did not have representation in Congress, and thus could remain outside of the parameter of the federalist system. However, in contemporary society, this has done great harm to states. Since they are not taxed, Native Americans are not included in the census count and therefore cannot be included in the population estimates used to calculate the number of representatives to be present in Congress or to determine the amount of federal aid to be allocated to a state. This complicates issues even more for states. Using emergency management policy as an example, prior to 2008, the states were expected to treat tribal nations as local governments within their jurisdictions. They were to include them into hazard risk assessments and eventually contribute a portion of their federal money for homeland security activities to tribal preparedness and response efforts within their state (S. Golubic, Tribal Liaison, Federal Emergency Management Agency Headquarters, July 2009). This placed many elected state officials in an awkward position: they were expected to share money with tribes, but those elected officials were required to provide explanations legitimizing their allocation of funds and services to their constituents, a group which, by law, did not include tribal citizens. Although states were exempt from asserting jurisdiction on tribal lands, and interaction with them was only reserved for the federal government, states were in the middle of the situation. They were faced with
deciding between re-allocating funds to tribal nations which had no authority to put them back in office and going against federal requests and only distributing the money amongst governments directly under the control of the state.

While relations between states and tribes have been cited as less than stellar, authors like Bowman (2007) suggest that states may not be any better off than tribes. He explains that while their positions are different, their ability to maintain a fragile equilibrium between cooperation and competition is a relatively hard position to maneuver. If cooperation is a difficult task for partners within the same system, how much more difficult could it be to interact with tribal nations?

There is a rich history of litigation throughout units of the U.S. government and tribal court systems. Regardless of the case, the disagreement often hinges on the fact that states think tribes need to do one of two things: (1) either become a part of the system, or (2) get out of the system, and consequently, out of their jurisdiction. As a result of the Constitution, states were prevented from having contact with foreign nations. They had no experience in communicating with and establishing agreements with governmental units that were not a part of the federalist system.

It is important to note that the conflict is not just about jurisdiction and territory, which much of the current literature attests. The reluctance on both sides of the conflict has escalated to more than just a mere power struggle amongst governments. According to An Introduction to Indian Nations in the United States, produced by the NCAI (n.d.), tribal self-government serves the purpose today as it always has to ensure that Indian Nations remain viable as distinct groups of people. In addition to tribes sitting outside of
the parameters of the federalist system, differences in culture and identity also influence the interactions between tribal nations and the U.S. government. It is a demand by tribal nations that their existence is acknowledged and their cultural identity and heritage not excluded in order for them to participate in the public policy conversation. The disputes that result are heavily rooted in identity differences inherent in culture and tradition in governing styles. As Steinman (2004) explains, another source of the conflict between tribes and states was the refusal of state officials to recognize tribal sovereignty. The states refused to interact with tribal governments with the respect and deference that was given to other states and local governments. Steinman (2004) goes on to explain that since tribes were never incorporated into the formal governing structure of the United States, many states and local officials treated tribal governments as ethnic associations, rather than as legitimate, sovereign governments, this intensified antagonism between the governance systems and resulted in states being described as the deadliest enemies of tribes.

The ethnic or cultural differences and sovereign statuses of tribes are a part of their group identity. It is this unique positioning of tribes that has led to many conflicts with units of the U.S. government. According to Coleman (2006), when conflicts are primarily based upon group identities, there is a strong tendency towards discrimination, oppression, or other forms of unjust treatment. The author goes on to state that the involvement of group identities in conflicts most likely leads to the manifestation of intractable conflicts and deep investments in those polarized identities which can become obstacles to constructive forms of conflict engagement and sustainable peace (Coleman,
Tribal governance incorporates such issues as tribal culture, history, social interactions, laws, jurisdiction, and sovereignty; therefore, it is critical to understand why Indian people wish to retain their ways of governance (Ortiz, 1999). There is indeed a difference between the cultural and traditional aspects of American governance and that of tribal governance. However, the culture and identity differences that make interactions difficult and conflict highly probable are not just about differences between Indian Country and the U.S., but also include differences in culture and identity amongst tribal nations themselves. As Bays and Fouberg (2002) point out, American Indian tribes are incredibly diverse. Tribes vary in their populations, their landownership, their economies, their politics, their cultures, and their histories.

Cultural differences matter for tribes and units of the U.S. seeking to establish and maintain intergovernmental relationships across different policy areas. Understanding how culture and identity can impact public policy is essential, especially in the study of homeland security and emergency management. If culture and identity are influencing the success of intergovernmental relationships in a negative way, then it is necessary to discover ways to look beyond this influence. Changes in culture and identity are not negotiable nor should they be jeopardized.

Many of the intergovernmental interactions of tribes and the U.S. have been characterized by ambiguous federal policies, historical and contemporary conflicts with state governments, and differences in identity, governing traditions, and culture. The next section demonstrates why there is a need to close these divides especially in the arena of homeland security and emergency management policy.
Chapter 4: The Quest for a Unified System of Homeland Security and Emergency Management on U.S. Soil

“Homeland Security is indeed, at its core a problem of coordination.”  
Kettl 2007 (p. 32)

The Homeland Security Act was signed by President George W. Bush on November 25, 2002. This Act, which was birthed out of the aftermath of the September 11th attacks, officially created the Department of Homeland Security (DHS). This department is the third largest cabinet department and its policies are directly coordinated through the White House’s Homeland Security Council. A total of twenty-two (22) existing agencies along with an estimated 181,000 employees were transferred under the umbrella of the DHS. Together, the agencies seek to take the necessary steps towards protecting critical infrastructure and coordinating preparedness and response functions for national emergencies.4,5

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4 Since this study is based upon understanding the key elements behind providing a unified system of response in the area of emergency management, it is important to provide working definitions for (a) a unified system of homeland security and (b) emergency preparedness. 
(a) The unified approach to homeland security and emergency preparedness has includes efforts to “provide a systematic, proactive approach to guide departments and agencies at all levels of government, nongovernmental organizations, and the private sector to work seamlessly to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, in order to reduce the loss of life and property and harm to the environment (FEMA, 2010).” According to the Department of Homeland Security’s National Response Framework which was published in 2007, to be able to achieve an effective system of unified command, there needs to be unity of effort which must extend across multiple geographic and legal jurisdictions. FEMA has made it clear that emergency management is a difficult function that must frequently cross jurisdictional boundaries (Waugh, 1994).

5(b) Like the foundation for achieving a unified system of command, in order to be able to execute effective emergency management strategies, cooperation and coordination across jurisdictions is crucial. To be more specific, FEMA’s agency policy explains that within the field of emergency management, problems are shared and so too should responsibility. It goes on to note that the agency refrains from providing assistance to only one jurisdiction or government and consequently placing in jeopardy the interests and needs of another government (Federal Registrar, FEMA Tribal Agency Policy, 1999).
The DHS’s mission rests upon the notion that the agency will do that which is necessary to protect the American homeland while seeking to eliminate any and all threats to the existence of the American way of life (Kettl, 2007). As their name states, they are responsible for “protecting the homeland”, and it is only recently that the agency has begun to fully understand exactly what that entails. As the DHS continues to grow, issues regarding the most efficient and effective operational practices continue to progress as well. Although significant progress has been made in areas such as border patrol and immigration, areas such as emergency preparedness management prove to be a continuous battle for the agency.

Situated within the DHS, FEMA is the principle agency responsible for coordinating national emergency efforts at the federal level. FEMA is not considered a response agency, “the Federal Emergency Management Agency coordinates the federal government's role in preparing for, preventing, mitigating the effects of, responding to, and recovering from all domestic disasters, whether natural or man-made, including acts of terror (FEMA.gov, n.d.).” Understanding that a disaster is first a “local disaster”, their role entails helping state, local, and tribal response agencies such as the police department, fire department, emergency medical service to be able to prepare for, respond to, and recover from disasters. This help includes funding for equipment and education and training for first responders and the community. FEMA often serves as the “middleman”, using their regional offices throughout the U.S. to increase intergovernmental communication with state and local jurisdictions. Efforts to coordinate
emergency preparedness initiatives can be a daunting task, and can become even more overwhelming when 566 Native American tribes must be included in these efforts.

Perhaps the agency’s greatest challenge lies in creating policies that address very dynamic and unstable conditions. The ability of the U.S. government to provide homeland security to the American people must be both proactive and reactive. The agency must be able to investigate a variety of threats and base security levels and preparation activities upon those findings. On the other hand, proper security measures cannot be taken unless an unfortunate event takes place, forcing the agency to pinpoint existing gaps in security systems. It is at this time that the agency can then engage in activities to prevent future events or to mitigate its effects. The DHS has found itself in the uncomfortable position of reconciling volatile circumstances with a historically inflexible government system in order to produce policies that will keep Americans safe. The sentiment is not that it would be impossible for the DHS to reconcile the two, but to recognize that the manner in which the U.S. government operates was not designed with these security measures in mind (Kettl, 2007).

In addition to dealing with issues surrounding the unpredictable nature of providing homeland security, the DHS has found itself entrenched in a constant debate surrounding intergovernmental relations and homeland security. It is the federal government that has access to the most extensive resources to meet the drastic increase in security demands. However, the federal government, in policies and procedures such as the National Incident Management System and the National Response Framework, advise that providing preparedness and response capabilities demand local attention and efforts
first. Unless local governments receive financial assistance from the federal government, they will be unable to protect their citizens or recover from past crises (Kettl, 2007). In an attempt to address the concerns of state and local officials, there has been a great deal of brainstorming to create programs that will provide these officials with the assistance they need. According to O’Hanlan et al. (2002), given the uncertainties involved and the constantly changing nature of potential threats, policy makers are best advised to experiment with alternative approaches and to learn incrementally from experience.

Experiments by the DHS as an organization have resulted in the creation of programs such as the Homeland Security Grant Program (HSGP). Currently, the HSGP consists of three separate, yet interrelated programs: the State Homeland Security Program (SHSP), the Urban Areas Security Initiative (UASI), and Operation Stonegarden (OPSG), the HSGP provides grant funds to state and local governments to increase funding for first-responder equipment, planning, training, exercises, and the collection of intelligence about potential attacks. Through the facilitation of these programs, state and local governments have greater flexibility in implementing homeland security programs (Clovis, 2006). One of the key requirements of these grants is that the state and local governments put forth efforts to establish and maintain intergovernmental relationships with neighboring governments.

To further demonstrate how integral the establishment of a unified system of homeland security was to the priorities of the United States, on March 30, 2011, President Obama signed Presidential Policy Directive 8 – National Preparedness (PPD-8) (See Appendix G). The document directs the federal government to ensure that the nation
is working towards the use of an integrated and strategic approach in achieving national security objectives. Filled with precise dates, definitions, and an explanation of goals, President Obama explains that homeland security and national preparedness is a shared responsibility. With this critical detail in mind, the intent of PPD-8 (2011) is to help “galvanize action by the Federal Government” and is directly aimed at facilitating an integrated, all-of-nation, capabilities-based approach to preparedness.

In a quest to fulfill their mission of achieving an integrated, unified system of homeland security and emergency management, the DHS, and more specifically, the FEMA, has decided that the best way to accomplish this is to advise the sharing of emergency management resources and coordination amongst governmental actors. According to Kettl (2007), effective homeland security is synonymous with strong coordination. He contends that the prevention of an attack will be a function of tightening and strengthening coordination across agencies and governments.

Despite this understanding, one reality that continues to complicate these relationships is the presence of Native American tribes. Despite being independent nations on U.S. soil, the federal government has a responsibility to tribal nations. Executive Order 13175 lays out this responsibility for bureaucratic organizations at the federal level. For the DHS and the FEMA, this responsibility surrounds ensuring coordinated efforts between tribes and units of the U.S. system of governance so that tribal nations will be extended access to the necessary resources and networks to ensure the right of safety and protection from natural and manmade disasters on tribal land.
The introduction of tribal nations to the emergency management framework adds layers to the network that requires U.S. government units to interact with governments that are organized differently from the federalist structure. When examining past events that have been the impetus for homeland security policies, it has been the federalist system that authors such as Birkland and Waterman (2011) have implicated in the response failures. Specifically referring to disasters such as Hurricane Katrina and post-September 11th attacks, Birkland and Waterman (2008), argue that while theories of federalism can help explain intergovernmental policy design, public perceptions of how the system should work are incongruent with expert and elite understandings of how the intergovernmental system actually does work. The disconnect between how the intergovernmental system is supposed to function and how it actually does function is further widened when tribal nations are introduced.

The concept of a unified system of homeland security increases expectations for how intergovernmental relationships must be formed, carried out, and maintained. These relationships must be very tightly coupled. Researchers have documented the extensive damage and misfortune that could take place when accurate collaborative measures were not in place. While the importance of coordination between governments has been stressed before, the concept of a unified system of emergency management brings forth a level of U.S. intergovernmental interactions that might be considered nearly impossible when adding tribal nations to the federalist equation. Kettl (2007) maintains that “when you think of homeland security, you need to think of interorganizational, intergovernmental coordination… [however,] coordination is not federalism’s strong
suit.” In his article entitled *The Katrina Aftermath: A Failure of Federalism or Leadership?* Menzel (2006) argues that if effective response is going to be achieved, the U.S. system of government must take a more comprehensive view of all the problems that emerge; officials must pay considerable attention to coordination efforts. In *Dispersed Federalism as a New Regional Governance for Homeland Security*, Roberts (2008) asserts that homeland security requires better governance. He points out that there are two camps on how to achieve this required state of governance: while one favors more vertical control, the other looks to horizontal relationships to help solve problems, however, he claims that neither of these approaches “suits the dilemmas of shared authority confronted by contemporary homeland security agencies.” Caruson and MacManus (2006) discuss these same organizational shortcomings related to homeland security and intergovernmental functioning. Covarrubias (2012) argues that federalism is experiencing considerable pressure for change as a result of the demand for greater collaboration within and between different levels of government.

While Stevers (2005) explains that abandoning the current style of federalism and intergovernmental interactions would cause more shockwaves for practitioners and researchers than is necessary, he also makes it known that the federalist system is highly resistant to change. This is echoed in Eisinger’s 2006 article *Imperfect Federalism: The Intergovernmental Partnership for Homeland Security*. He suggests that the federal partnership has indeed shown certain resiliency, though perhaps a limited capacity to adapt, change, and improve. Stephens and Wikstrom (2007) also contend that the models of the U.S. federal system are inadequate to explain the levels of complexity and
interaction that take place in the U.S. They go on the claim that given the multifarious
and overlying jurisdictions, it is a wonder that this system works at all, much less
accomplishes the tasks it sets out to do. Eisinger (2006) further suggests that this
incapacity to change and adapt could pose serious challenges to the crucial protection
efforts of American towns and cities.

Despite these comments, there are scholars that hold steadfast to the hope of being
able to create a homeland security system that will meet intergovernmental expectations.
Wise and Nader (2002) refer to intergovernmental homeland security operations as a
“work in progress.” In support of these scholars, this study aligns itself with those ideas
put forth by Lester and Krejci (2007), which claims that if a disjointed and dysfunctional
system is going to change, it is necessary for there to be an understanding of the need for
change and then for the system to be transformed into a structure that can accommodate
those changes. As Lester and Krejci state, identifying complex problems, understanding
the nature of those problems, and finding solutions to them is crucial. It is not until this
happens that change will be able to happen, further encouraging transformation of the
homeland security intergovernmental framework until it is no longer just a work in
progress.


Executive Order 13084: Consultation and Coordination with American Indian
Governments was issued in 1998 by President Clinton. Executive Order 13175:
Consultation and Coordination with American Indian Governments was issued as well by
President Clinton in 2000 and later enforced in November 2009 by President Obama (See Appendix E). American Indian and Alaska Native Education Executive Order 13336 (See Appendix D) was issued by President George W. Bush in 2004. Each of these Presidential Executive Orders support and mandate the government-to-government interactions between the U.S. government and tribal nations. Executive Order 13175 strongly encourages that each of the Executive agencies reach out to tribal nations “in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, to strengthen the United States’ government-to-government relationships with Indian tribes (Executive Order 13175, 2000, para.1).”

In response to Executive Order 13175, FEMA reassessed and re-released their tribal policy (See Appendix F) to better address the needs of tribal nations. Additionally, the DHS created the Tribal Homeland Security Grant Program (THSGP) in 2008 which provides funding directly to tribal nations to help strengthen their preparedness efforts and reduce risks associated with potential threats and hazards. This grant program, however, requires tribes seeking funding to have already established relationships with neighboring governmental units. Being able to provide this evidence comes at a high price for many tribal nations.

Many of the relationships between tribal nations and neighboring geopolitical entities continue to be strained. Actions were not taken to mitigate the effects of the conflicts from spilling over into the intergovernmental relationships that needed to be formed. If tribes did not have proof of effective working relationships, consequently, they were not
eligible for the federal grant program. This forced many tribes into a position where they had to turn to the same neighboring governments for assistance with homeland security related efforts. The situation in most cases became one in which the tribes felt as though they had to choose between protecting their sovereign rights from their respective states and taking steps to protect the lives of their members from natural and manmade disasters. For many tribes, these two objectives were mutually exclusive. Like many of the federal Indian policies of the past, current federal homeland security and emergency management policies are extremely ambiguous with relation to the position of the tribes. At times, they are considered politically independent and at other times they are required to go through their respective states to seek assistance.
Figure 9 shows a snapshot of the 2008 National Response Framework\(^6\) in which Tribal Guidance was addressed.

\[\text{Figure 9: The National Response Framework: Tribal Guidance}\]

(Retrieved from January 2008 National Response Framework

\[^6\] The National Response Framework is used as a guide to help governments plan and prepare for the ability to provide a unified response across jurisdictions to man-made and natural disasters.
The policy stated that it recognized the trust relationship and acknowledged the right to self-government for tribes. It also explained that as sovereign entities, tribes could elect to deal directly with the federal government. Yet at the same time, as the arrow points out, the policy made it extremely clear that tribes must go through the states if they wished to seek emergency assistance after a disaster by way of a Presidential Declaration. This policy not only demonstrated the ambiguity that existed within federal policies regarding tribal nations in general, it also illustrated a blatant attempt by the federal government to disregard the trust relationship. The 2008 National Response Framework did not take into consideration the possibility of conflicts existing between tribes and states. It disregarded statutes, legislation, and executive orders which prohibited states from asserting any type of relative power over tribes. It presupposed that tribes and the states, in which they are situated, have open and clear lines of communication. It forced tribes to comply with the state in order to have even a chance to be considered for inclusion into the states’ request for a Presidential Declaration and further emergency management assistance.

Following the January 29, 2013 signing of Sandy Recovery Act by President Barack Obama, which amongst other changes, amended the Stafford Act to allow federally recognized tribal governments to seek a federal emergency or major disaster declaration directly from the President of the United States, the National Response Framework was updated. The 2013 National Response Framework guidance to tribal nations now reads:
“When Tribal response resources are inadequate, Tribal leaders may seek assistance from states or the Federal Government. For certain types of Federal assistance, Tribal governments work with the state in which they are located. For other types of Federal assistance, as sovereign entities, Tribal governments can elect to work directly with the Federal Government.” (p. 15)

While the updated guidance from the 2013 National Response Framework no longer explicitly states that a governor must request a Presidential Declaration on behalf of a tribe and while it gives tribes the option to elect to seek assistance from states and/or the federal government, issues of ambiguity remain; primarily, the conditions under which tribes are required to work with states for “certain types of federal assistance.”

According to the tenets of the trust responsibility relationship validated by numerous court rulings and Presidential Executive Orders, tribes do not have to elect to deal with the federal government; tribes must deal with the federal government. That is the basis of their relationship. They can elect to enter into agreements and request assistance from state governments, but this is an option. However, according to this policy, tribes have a choice to interact with the federal government, but if they truly want emergency management assistance, they must go through the state. According to Organick and Kowalski (2009), by abdicating its role, the federal government forces tribes to negotiate matters that should be reserved to the tribal-federal trust relationship (Organick and Kowalski, 2009).

This policy supports tribal claims that despite having agreements which exclude state power over tribal lands, federal responsibilities to tribal nations are in fact being delegated to states. According to the American Indian Policy Center (2010), the devolution of authority over tribal affairs from the federal government to the states in the
last two decades has impinged on the government-to-government relationship Indian tribes have with the federal government.

The data that will be presented will show that there is no way that such a policy, as it is written, can be effective. While tribes are forced to go through the state, many tribes assert that they have no working relationship with the state in which they are situated. It has also become clear that the federal government contributes to potential conflicts between tribes and states by ignoring the policies and procedures they set forth. Despite the release of Executive Order 13175 and efforts by federal agencies to create and implement tribal policies, there are still areas where ambiguity and intergovernmental conflicts have the potential to present barriers to achieving effective coordination amongst governments.
Chapter 5: Understanding the Relationships between Tribal Nations and the U.S. Government

Description of Data

This study will analyze data that was collected from a survey that was administered by the FEMA in March of 2002. The survey was a requirement under the Disaster Mitigation Act of 2000 (Public Law 106-390) Section 308 (b) (l), which amended the Robert T. Stafford Disaster Relief Act. The results of the survey were to be used to advance the relationship between units of the U.S. government and Indian country in the area of homeland security and emergency management.

The questions administered the survey were designed to ask respondents from the 562 tribes that were federally recognized in March 2002, about their impressions regarding participation in homeland security and emergency management activities within their community and in coordination with the units of U.S. government. There were survey responses from 138 of the 562 federally recognized tribes in 2002 (24.5%).

The survey consisted of 34 questions which assessed how satisfied tribes were with their interactions and relationships with units of U.S. government. The survey produced a combination of quantitative and qualitative results. The units of analyses for this study will be the perspectives and reports of tribal nations surrounding their relationships with states and the federal government.

Surveys are useful when attempting to collect data on phenomena that are difficult to directly observe and measure such as attitudes and opinions (University of Texas,
Since the goal of the survey was to obtain an understanding about tribal perceptions of their working relationships with units of the U.S. government, a survey was the best method to achieve that objective. When seeking to gather information about a large population within a single point in time, surveys are determined to be highly effective (Glasow, 2005), especially cross-sectional surveys (University of Texas, 1999).

In terms of reliability and validity, since this survey was the first of its kind, to date, there have been no other surveys distributed to determine the reliability of the results. In regards to validity, the survey accounts for multiple aspects of the working relationships between these entities in this particular context, including reactive and proactive factors present in the interactions. Thus, it has been determined that for the needs of this study, the survey in fact measures that which it was intended and therefore is valid.

While it is clear that a survey methodology was most appropriate to gather information about the opinions or views that tribal nations held about their intergovernmental interactions with the state and federal government, as was previously explained, there were a total of 562 federally recognized tribes in 2002 that were eligible to provide responses. Only 138 of those 562 tribes provided responses yielding a 24.5% response rate. According to Fowler (2002) and a survey toolkit produced by the University of Wisconsin (2010) entitled *Survey Fundamentals*, there has yet to be a minimum survey response rate that has been universally accepted. While more responses would have been ideal, there is a great deal of information that can be extracted from the 138 tribes that did provide their perspectives. To ensure that the data and information
extraction process is maximized, a nonparametric analysis will be employed, a method that according to both Lucas (1991) and Glasow (2005) is highly recommended when working with relatively small sample sizes.
Description of Research Design & Methods

Again, guided by the theoretical framework described by Agranoff (2012), the overall research question for this study is as follows:

*Do the intergovernmental relationships between tribal nations and the U.S. system of governance within the area of homeland security and emergency management, as perceived by tribal leaders, meet the criteria to be considered effective cooperative partnerships? And, how might the nature of these intergovernmental partnerships impact efforts to create and sustain a unified approach to homeland security and emergency management policy?*

In order to answer the overall research question, the following guiding research questions were identified to evaluate the various aspects of the working relationships between the two systems of governance:

**Q₁**: How might a tribe’s report of satisfaction with their communication levels with their home states and the federal government within the area of homeland security and emergency management, impact their overall working relationship with state and federal government within the area of emergency management and homeland security?

**Q₂**: How might a tribe’s report of satisfaction with the ability of their home states and the federal government to understand the unique needs of a tribe within the area of homeland security and emergency management, impact their overall working relationship with state and federal government within the area of emergency management and homeland security?

**Q₃**: How might a tribe’s report of satisfaction with the ability of their home states and the federal government to respond to the needs of a tribe within the area of homeland security and emergency management, impact their overall working relationship with state and federal government within the area of emergency management and homeland security?

**Q₄**: How might a tribe’s report of satisfaction with technical assistance offered by their home states and the federal government to a tribe within the area of homeland security and emergency management, impact their overall working relationship with state and federal government within the area of emergency management and homeland security?
Qualitative Methods

According to Weisner (1997), when conducting research and striving to produce results that matter, both quantitative and qualitative methodologies are essential for a complete understanding of the data. Therefore, to learn more about the context of the data, a qualitative analysis of the open-ended portion of the survey will also be employed. In the survey, the tribes were asked the following question:

*What can FEMA do to assist in improving your tribe’s capability to plan and respond to disasters? (Please be specific about your individual tribal needs such as training, pre-disaster mitigation, technical/financial assistance, etc.)*

The following section describes the process that will be used to analyze the qualitative data gathered from the responses to above question.

Description of Coding Processes

The coding process will apply exogenous categories to the raw qualitative data. The application of a priori codes to the raw data will allow the qualitative responses to be categorized into existing, associated themes present in the homeland security and emergency management literature. The codes used will be both descriptive and analytical/theoretical in nature and will be combined and analyzed, leading to overarching themes. There will be four a priori codes: (1) communication, (2) understanding of unique cultural needs, (3) responsiveness to the needs of tribes, and (4) technical assistance offered to the tribes. Taken together, these four codes holistically represent those overarching theoretical categories which make up the fundamental
elements of the practice and study of the homeland security and emergency management discipline. The codes will be applied, but not limited to the following themes: strategies, practices, tactics, activities, events, behaviors, participation, and evidence of relationships or interactions. The coding process will be conducted manually and will search for missing codes or concepts that are not detected in the responses, but might be reasonably expected to be present based upon previous research.

The raw qualitative data will be copied from each of the hard copy surveys and typed into a word processing program to produce a typed list of the qualitative survey responses, thereby producing a coding memo. A focused coding process will then be conducted. In a focus coding process, a line-by-line analysis procedure will take place. This line-by-line analysis process entails reading through each line of the survey response and then connecting that response to one of the previously identified codes of interest. Connections between the raw data and the a priori codes will be determined by the associations that emerge with regards to items, patterns, structures, and processes that are present within the responses, and which are also identified as being a fundamental component of the a priori codes, as is described in the variable explanations. Understanding these different elements that are within the data will help in the determination of how the data connects to the entire qualitative dataset as well as the a priori codes. After linking each of the qualitative survey responses to one of the four a priori codes, the codes will then be organized into a coding frame using both flat coding or non-hierarchical coding and hierarchical coding. This will allow sub-codes to be
created based upon the content of the qualitative responses and further organized into cause and effect relationships and then applied to the conceptual framework for analysis.

Once the codes are linked to the conceptual framework, the frequencies of the a priori codes throughout the qualitative responses will be calculated. The number of qualitative responses that are connected to each a priori code will be summed up. In preparation for the presentation of the qualitative data and coding processes, in addition to the listing of frequencies of occurrences for items, patterns, structures, and processes found in the responses and linked to the previously identified codes, a matrix will be created from the coding memo illustrating the frequencies and descriptions used to associate the responses with the codes. The matrix will then be used to conduct final analyses to link the codes originating from the written responses to overarching themes. Structured comparisons of the resulting overarching themes to the a priori codes and subsequent overarching dominating themes within homeland security and emergency management will be used to determine if and how the qualitative data can be used to provide evidence either in support of or against the propositions being examined in this study.

There were a total of 138 survey responses, however, only a total of 85 survey participants responded to the open-ended section of the survey. Therefore, 85 qualitative responses will be coded and analyzed. (See Appendix G)
A Priori Codes:

1. Communication
2. Understanding of Tribes’ Unique Needs
3. Responsiveness to the Needs of the Tribe
4. Technical Assistance Offered to the Tribe

<table>
<thead>
<tr>
<th>A Priori Codes</th>
<th>Assigned Frequency Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication</td>
<td>Present in Response – 1  Not Present in Response – 0</td>
</tr>
<tr>
<td>Key Words/Codes: Communication, contact, call, speak</td>
<td></td>
</tr>
<tr>
<td>Understanding of Tribes’ Unique Needs</td>
<td>Present in Response – 1  Not Present in Response – 0</td>
</tr>
<tr>
<td>Key Words/Codes: Federal Trust Relationship, mention of location in more than one contiguous county or state, Executive Orders, mention of tribal size or governance structure</td>
<td></td>
</tr>
<tr>
<td>Responsiveness to the Needs of the Tribe</td>
<td>Present in Response – 1  Not Present in Response – 0</td>
</tr>
<tr>
<td>Key Words/Codes: Responsiveness, Return of contact, initiation of contact</td>
<td></td>
</tr>
<tr>
<td>Technical Assistance Offered to the Tribes</td>
<td>Present in Response – 1  Not Present in Response – 0</td>
</tr>
<tr>
<td>Key Words/Codes: Technical, assistance, grant writing, implementation</td>
<td></td>
</tr>
</tbody>
</table>

Figure 10. a Priori Frequency Coding Procedure

Quantitative Methods

The results from the close-ended portion of the cross sectional FEMA survey was collected using likert scales, and thus yielding ordinal data. According to Kuzon, Urbanchek, and McCabe, authors of The Seven Deadly Sins of Statistical Analysis (1997), the first deadly sin is the use of a parametric method when analyzing ordinal data. A non-
parametric analysis is needed since there is no fixed distance between the five points on the likert scale. The use of logistic regression with the results produced in odds ratio will estimate the maximum likelihood or probability of occurrence for each variable in the model. The independent variables will be added into the model simultaneously as there is no order of importance for the variables. Using the tribes’ responses and each of the four independent variables, two multinomial ordered logistic regressions will be conducted for two separate dependent variables: (1) relationship satisfaction with the federal government, and (2) relationship satisfaction with state government.

Since tribal responses for the dependent variables as well as the independent variables were provided using a 5 point likert scale, a multinomial ordered logistic regression is the most fitting analysis for the data collected. A multinomial ordered logistic regression allows for the analysis of data when there is more than two available outcomes for the dependent variable. According to Hoelzle (2011), “the ordered multinomial logistic model enables us to model ordinally-scaled dependent variables with one or more independent variables”; this is precisely the case here. The tests will control for the following variables: the location of a tribe in two or more contiguous states, the prior completion of hazard risk assessment, and the prior completion of an emergency operations plan.

The dependent variables use the following scale to measure the nature of the relationships between the tribes, states, and federal government: 0=No Working Relationship; 1=Not at all Good; 2=Somewhat Good; 3= Good; 4=Very Good. Since a lack of the presence of a working relationship will not yield any data about the nature or
quality of the relationship, responses selected as “0=No Working Relationship” will be omitted from the dataset and treated as a missing value. This will be the case for models testing tribal relationships with both the state and federal government. The independent variables being tested use the following scale to measure their levels of satisfaction with understanding the unique cultural, legal, and political positioning of tribes, communicating effectively with tribes, responding to the unique needs of tribal nations, and offering technical assistance to tribes: Very Dissatisfied; Dissatisfied; Neither Dissatisfied or Satisfied; Satisfied; Very Satisfied.

The response, “Neither Dissatisfied nor Satisfied” will also be omitted and treated as a missing value. Conceptually speaking, Agranoff (2012) explains that in order for a collaborative partnership to be effective, there must be a mutual willingness on behalf of each of the parties to work towards achieving each of the required criteria that yield a cooperative partnership. It has been determined that while “Neither Dissatisfied or Satisfied” is indeed a viable response, and is therefore included in the descriptive statistics, unfortunately for the purposes of the regression analyses, it will not provide much value. In seeking to explore elements of the relationships and to take a temperature of the levels of tribal satisfaction associated with those elements, the response “Neither Dissatisfied nor Satisfied” does not meet the criteria for the conceptual framework. Not only does Agranoff (2012) provide the conditions under which to seek a cooperative partnership, but, as was previously discussed, he also cites the conditions under which to not seek a cooperative partnership. Therefore, Agranoff’s (2012) theoretical framework only allows for the assessment of situations when the circumstances evoke clear,
undeniable feelings of willingness, or no evidence of willingness; support, or no evidence of support; satisfaction, or dissatisfaction. The model for when to form or when not to form a cooperative partnership, as it is presented, does not allow for feelings of neutrality about the partnership to be considered. Consequently, if the current intergovernmental relationship, as it exists, provokes feelings of indifference amongst the tribes, the relationship does not meet the conditions put forth by Agranoff to be able to apply the criterion to determine whether the relationship is indeed effective or ineffective. Only the responses: Very Dissatisfied; Dissatisfied; Satisfied; Very Satisfied, which were used to describe the different elements of the working relationships will be used to assess if the relationships do or do not meet the criterion laid out in the theoretical framework. The total number of responses obtained was 138. As a result of eliminating all neutral responses for the state government, 104 responses were eliminated leaving a total of 34 responses for the logistic regression analysis. For the federal government, a total of 92 responses were eliminated, leaving a total of 46 for the logistic regression analysis.

Prior to conducting the logistic regression, to determine whether the independent variables are intercorrelated, a correlation matrix will be completed and a Variance Inflation Factor (VIF) calculated. To assess the relevance of the logistic regression results, the wald statistics that are produced for the predictor variables as well as the models will be compared to the predetermined alpha level of 0.05. A Likelihood Ratio Test (LRT) will be performed to determine the overall goodness of fit for the model. In order to determine goodness of fit, a LRT compares two models when a simpler model is nested within a more complex model. In this case, for each of the two models, the results
of the first iteration, or the log likelihood of the null model, without any of the predictor variables will be compared to the log likelihood of the last iteration which includes all of the predictor variables in the fitted model. The likelihood ratio chi-squared statistic from each of the models will be compared to the relating critical value and it will then be determined if the proposition for each model can or cannot be supported.
Variable Descriptions

Dependent Variable Description

Working Relationship with the State/Federal Government: captures how tribal
nations rate their overall working relationships with the states and the federal government
within the area of homeland security and emergency management.

<table>
<thead>
<tr>
<th>Dependent Variables</th>
<th>Variable Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Working Relationship with the State Government</td>
<td>Stategovernment&lt;sub&gt;1&lt;/sub&gt;</td>
</tr>
<tr>
<td>Working Relationship with the Federal Government</td>
<td>Federalgovernment&lt;sub&gt;1&lt;/sub&gt;</td>
</tr>
</tbody>
</table>

Table 1. Dependent Variables

Independent Variable Descriptions

Communication: Communication is considered the foundation for all intergovernmental
interactions and is the most basic level for the establishment of an effective working
relationship. This variable includes frequency and types of communication used.

Understanding Unique Tribal Needs: This variable captures the extent to which tribal
nations feel as though their cultural and political differences are acknowledged by states
and the federal government within the area of homeland security and emergency
management. The use of the term “Unique Needs”, specifically describes those qualities
that formally separate tribal nations and their governance systems from that of the
U.S. Measuring the impact of this variable on the overall relationship between tribes and
the U.S. government is critical, as noted by Goldsmith and Eggers (2004), real and perceived cultural differences between actors often shape the structure of collaboration. While tribes possess a great amount of diversity amongst themselves, there are many qualities that multiple tribes share. These qualities range from the right to sovereignty, a trait that is inherent to all tribal nations to being geographically located in more than one contiguous jurisdictions. In this particular context, the use of the term ‘unique’ will encompass tribes that are federally recognized, and that hold traits that make them distinct in terms of political geography, culture (including language and traditions), and systems of governance.

**Responsiveness to Tribal Needs:** This variable captures the extent to which tribes feel that state and federal actors have been receptive to efforts of tribal leaders to express key needs and concerns in the area of homeland security and emergency management. Initial contact must have been established on behalf of the tribe.

**Technical Assistance Offered:** For the purposes of this study, “technical assistance offered” in the area of homeland security and emergency management is defined as the initiation of contact on behalf of the states or the federal government towards tribes to propose help with either one, or a combination of the following activities which the DHS and FEMA designates as technical assistance: (1) the completion of a hazard identification and risk assessment, (2) disaster prevention and/or mitigation planning, (3) application process for FEMA grants, (4) implementation and management of FEMA
grant programs, (5) adoption, implementation, and enforcement of building codes and land use planning, (6) development and deployment of emergency response teams, (7) development of mutual aid agreements with federal, state, and local governments, (8) personnel and financial resource management for emergency response activities, (9) development of communication warning systems and procedures for emergency response activities, (10) procedures to conduct damage assessments after a disaster, (11) application for federal disaster declarations, and the (12) establishment of a public education and information programs to inform people about emergencies. This variable will help to evaluate the extent to which tribes feel as though states and the federal government have made a concerted effort to offer technical assistance in the area of homeland security and emergency management.

<table>
<thead>
<tr>
<th>Independent Variables</th>
<th>State Government Variable Description</th>
<th>Federal Government Variable Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Understanding of Tribes’ Unique Needs</td>
<td>understandstate</td>
<td>understandfederal</td>
</tr>
<tr>
<td>Communication</td>
<td>communicationstate</td>
<td>communicationfederal</td>
</tr>
<tr>
<td>Responsiveness to the Needs of the Tribe</td>
<td>responsivestate</td>
<td>responsivefederal</td>
</tr>
<tr>
<td>Technical Assistance Offered to the Tribe</td>
<td>technicalassistancestate</td>
<td>technicalassistancefederal</td>
</tr>
</tbody>
</table>

**Table 2. Independent Variables**

**Control Variable Descriptions**

**Location of Tribal Lands in More than One Contiguous County or State:** This variable captures how many of the tribal nations that responded to the survey have tribal
lands or tribal membership that stretches across multiple jurisdictions. It is important to control for this variable as it is known that tribes that stretch over more than one jurisdiction often encounter issues when implementing policies on tribal lands and when attempting to reconcile governing differences across those jurisdictions. Controlling for the unique geopolitical position of the tribes will assist in gathering more information about tribal relationships in this specific context.

**Completion of a Hazard Risk Assessment:** Defined as a process used to collect information about possible natural or man-made threats for a particular area of concern, a hazard risk assessment is used to help profile and rank exposures to danger and determine courses of action for prevention, protection, mitigation, and/or response and recovery. Controlling for this variable will help to gather more information about those tribes that have had extensive experiences with homeland security and emergency management activities and assess how participation in those activities have impacted their working relationships.

**Completion of an Emergency Operations Plan:** An emergency operations plan is a document that specifies how a jurisdiction will respond to a threat and/or hazard. According to FEMA, an emergency operations plan should identify its legal basis within the jurisdiction, state its objectives, and acknowledge any assumptions made in the document. To be more specific, a jurisdiction’s emergency operations plan should:
1. Assign responsibility to organizations and individuals for carrying out specific actions at projected times and places in an emergency that exceeds the capability or routine responsibility of any one agency.

2. Set forth lines of authority and organizational relationship, and show how all actions will be coordinated.

3. Describe how people and property will be protected during emergencies.

4. Identify personnel, equipment, facilities, supplies, and other resources available--within the jurisdiction or by agreement with other jurisdictions--for use during response and recovery operations.

5. Identify steps to address mitigation concerns during response and recovery activities.

Again, controlling for this variable will help to gather more information about those tribes that have had extensive experiences in homeland security and emergency management activities and how this variable might have an impact on the rating of their working relationships.

<table>
<thead>
<tr>
<th>Control Variable</th>
<th>Variable Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location of a Tribe in two or more Contiguous States</td>
<td>Location</td>
</tr>
<tr>
<td>Completion of an Emergency Operations Plan</td>
<td>EmergencyPlan</td>
</tr>
<tr>
<td>Completion of a Hazard Risk Assessment</td>
<td>RiskAssessment</td>
</tr>
</tbody>
</table>

Table 3. Control Variables
**Model Specifications**

Below is the basic logistic regression model,
\[ y = \beta_0 + \beta_1 x \]

Where \( y \) = the dependent variable, \( \beta \), the intercept; and \( \beta_1 x \) the coefficient of variable 1.

The models used for analysis will be as follows:

**Model 1, State Government**

\[ \text{Stategovernment}_1 = \beta_1 + \beta_2 \text{understandstate} + \beta_3 \text{communicationstate} + \beta_4 \text{responsivestate} + \beta_5 \text{technicalassistancestate} + \beta_6 \text{location} + \beta_7 \text{emergencyplan} + \beta_8 \text{riskassessment} + u_i \]

**Model 2, Federal Government**

\[ \text{Federalgovernment}_1 = \beta_1 + \beta_2 \text{understandfederal} + \beta_3 \text{communicationfederal} + \beta_4 \text{responsivefederal} + \beta_5 \text{technicalassistancefederal} + \beta_6 \text{location} + \beta_7 \text{emergencyplan} + \beta_8 \text{riskassessment} + u_i \]

**Introduction of the Index Variables**

Based upon the results of the correlation matrices conducted and the Variance Inflation Factor (VIF), evidence of multicollinearity was found to be present amongst all four of the predictor variables for both the state and federal government models. Since the presence of multicollinearity can yield misleading coefficients and inflated standard errors, employing a strategy to eliminate the presence of multicollinearity amongst the data was imperative. Methods of addressing multicollinearity include: (1) gathering additional data, (2) combining the existing variables, or (3) eliminating a variable that is presumed to be measuring the exact same phenomenon amongst one or more of the other predictor variables. In the case of this particular study, combining the variables was determined to be the most effective option. Eliminating a variable would result in the loss
of additional data, making the sample size even smaller. Due to the fact that the data was collected over a decade ago, replicating the data collection process and gathering additional data was not a feasible option. However, suggestions relating to efforts to conduct such processes will be addressed in both the limitations and further study section of this work. Within the statistical package Stata, the command was given to combine the four independent variables for both the state and federal government equations. In doing so, Stata stacked (so as not to lose any data) the variable amounts across each of the survey responses and consequently re-specified each of the predictor variables into an index variable for the state and federal government models. The stacking structure created by Stata allowed for only one observation in the output data set for each of the four variables that were combined. This process is referred to as concatenation.

Concatenating data sets entails to the stacking of one dataset on top of a second dataset, thus, combining two or more data sets, one after the other, into a single data set. In this case, each of the predictor variables (communication, understanding of the unique needs of tribes, responsiveness to the needs of tribes, and technical assistance offered to tribes) were combined into two datasets for the state and federal government datasets respectively, resulting in the creation of index variables for the state and federal government. For example, underneath the state government variable, all of the responses for each of the predictor variables were stacked onto the other responses for the same variable.

This was completed for each of the four predictor variables underneath the state and federal government dataset labels. When datasets are concatenated, they contain all
of the variables and observations from the original datasets. The number of observations for each of the index variables equals the sum of the number of observations in the original data sets. Therefore, the contents of the index variable equal the total number of observations represented in all four of the predictor variables. Any variables that had missing observations, their values were also set to missing in the index variables combined datasets. The index variables were labeled: ‘Interactions with State Government’ and ‘Interactions with Federal Government’ respectively and were used to test Propositions I-IV. This process produced the following equations:
State Government Index Variable Model:
\[ \text{State} = B_1 B_2 \text{interaction} + B_3 \text{location} + B_4 \text{emergencyplan} + B_5 \text{riskassessment} + u_i \]

Federal Government Index Variable Model:
\[ \text{Federal} = B_1 B_2 \text{interaction} + B_3 \text{location} + B_4 \text{emergencyplan} + B_5 \text{riskassessment} + u_i \]
Chapter 6: Data Results

Tribe Location in More than One Contiguous County or State

Understanding the complex nature of the relationships that tribes would need to establish and maintain when located in more than one contiguous county or state, it was important to assess the number of respondent tribes that possessed this extremely unique geopolitical status.

<table>
<thead>
<tr>
<th>N of Responses</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>48</td>
</tr>
<tr>
<td>No</td>
<td>87</td>
</tr>
<tr>
<td>No Response Provided</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>138</td>
</tr>
</tbody>
</table>

Table 4. Tribal Location in More than One Contiguous County or State

As shown in Table 4 above, approximately 35% of the respondent tribes reported that they have land and/or membership in more than one contiguous county or state. This means that over a quarter of the sample population exists in extremely complex multi-jurisdictional policy arenas, further complicating the types and amounts of working relationships that must be established and maintained with multiple government actors.
**Hazard Risk Assessment Completion**

Defined as a process used to collect information about possible natural or man-made threats for a particular area of concern, a hazard risk assessment is used to help identify, profile, and rank a jurisdiction’s potential exposure to threats and hazards and determine courses of action for prevention, protection, mitigation, and/or response and recovery.

<table>
<thead>
<tr>
<th>N of Responses</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>51</td>
</tr>
<tr>
<td>No</td>
<td>83</td>
</tr>
<tr>
<td>No Response Provided</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>138</td>
</tr>
</tbody>
</table>

**Table 5. Hazard Risk Assessment Completion**

As demonstrated in Table 5, approximately sixty percent of the respondent tribes reported that they had not completed a hazard risk assessment. In seeking to assess homeland security and emergency management activities on tribal lands, the fact that over half of the sampled tribes do not have a completed hazard risk assessment confirms that there is a lack of extensive experience with homeland security and emergency management assessments and analyses on tribal lands. The completion of these types of assessments and analyses are extremely important as they would be beneficial in helping guide tribal nations towards the types of working relationships, networks, technical assistance,
training, and equipment that they should be seeking to attain in order to effectively prepare for, respond to, and recover from man-made and natural crises.

**Completed Emergency Operations Plan**

In conjunction with the low rates of completion for hazard risk assessments, further analysis of the data affirms that other emergency management activities amongst tribes are not very prevalent either. As shown in Table 6, over 57% percent of the respondents reported not having an emergency operations plan to specify how the tribe will respond to identified threats and hazards.

<table>
<thead>
<tr>
<th>N of Responses</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>56</td>
</tr>
<tr>
<td>No</td>
<td>79</td>
</tr>
<tr>
<td>No Response Provided</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>138</td>
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</table>

**Table 6. Completed Emergency Operations Plan**

Without an official emergency operations plan, it is unlikely that these tribes have assigned responsibility for carrying out specific actions in preparation for an emergency that exceeds the capability or routine responsibility of the tribe, they likely have not set forth descriptions of how people and property on tribal lands will be protected during emergencies, personnel, equipment, facilities, supplies, and other resources available in the tribe for use during response and recovery operations has more than likely not been
identified, and they are less likely to have addressed mitigation concerns during response and recovery activities for the tribe.

**Collaboration on Emergency Operations Plans**

Preliminary analysis of the data also revealed a lack of collaborative partnerships between tribes and levels of the U.S. government in the area of homeland security and emergency management, specifically with FEMA. As Figure 11 below indicates, of the 41% of tribes that completed an emergency operations plan, the majority of the tribes reported that they collaborated with federal agencies other than FEMA or with a private or non-profit organization on the development of their emergency operations plan. Less than 15% reported having had worked with FEMA on its development and only 6% reported working with a state or local government.

![Figure 11. Collaboration on Emergency Operations Plan](image-url)
This initial piece of information regarding collaboration and working relationships on homeland security and emergency management supports the assertions presented in the literature review which detailed extensive evidence of a lack of cooperative intergovernmental partnerships between tribes and states. While the data collected for this question does not explain why the interactions between these units of government have not been as strong, such as attributing the lack of coordination to the existence of intergovernmental conflicts, the fact remains that there has been very limited collaboration on essential homeland security and emergency management activities. The direct consequence of that lack of collaboration has been the absence of key emergency homeland security and emergency management policies and procedures for tribes respectively and in conjunction with their surrounding jurisdictions.

The nonexistence of these integral preparedness and response documents for any jurisdiction does not provide evidence that a unified system of homeland security is taking shape on U.S. soil. Also, surprisingly, the majority of the tribes with a completed emergency operations plan that reported collaborating with the federal government did so with agencies other than FEMA, the principle agency responsible for providing technical assistance in the completion of emergency operations plans. This revelation further suggests that strained relationships exist not only between tribes and states and the federal government, but more specifically identifies potentially disjointed relationships between tribes and FEMA directly.
Funding Sources for Tribal Emergency Operations Plans

The pattern of a lack of collaboration between tribes and levels of the U.S. government was also apparent in the data regarding funding for the development of tribal emergency operations plans. As shown in Table 7, of the tribes that reported having a completed emergency operations plan, with regards to funding assistance to complete the plan, the majority of the tribes noted that their emergency management activities had been funded by the federal government (18.8%).

<table>
<thead>
<tr>
<th>Sources of Funding</th>
<th>N of Responses</th>
<th>Percentage</th>
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</thead>
<tbody>
<tr>
<td>Federal</td>
<td>26</td>
<td>18.8</td>
</tr>
<tr>
<td>State</td>
<td>2</td>
<td>1.4</td>
</tr>
<tr>
<td>Tribal</td>
<td>16</td>
<td>11.6</td>
</tr>
<tr>
<td>Private</td>
<td>1</td>
<td>.7</td>
</tr>
<tr>
<td>EOP Not Funded</td>
<td>11</td>
<td>8</td>
</tr>
<tr>
<td>Not Sure</td>
<td>82</td>
<td>59.4</td>
</tr>
<tr>
<td>Total</td>
<td>138</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 7. Funding Sources for Tribal Emergency Operations Plans

Financial assistance from the tribe itself or neighboring tribal partnerships was the next largest funding source (11.6%). Further supporting the concept that states and tribes do not have good working relationships in homeland security and emergency management, only 1.4% (N=2) of the tribes reported that they received financial assistance from their respective state governments to fund their emergency operations plan. This provides evidence in support of tribes’ assertions that they were not receiving much assistance from the state governments. The survey was distributed in 2002, a time period prior to the
development of the Tribal Homeland Security Grant Program and when the federal government was delegating funds for the tribes to the state homeland security programs with the understanding that it would be shared with tribes. However, Table 7 provides evidence that this may not have been the case.

**Should Tribes Receive Federal Funds Through States?**

Despite knowing that the federal trust responsibility exists between tribes and the federal government, the 2002 survey asked tribes about their perceptions regarding receiving federal funding through state governments. Table 8 shows that over eighty percent of tribes agree that the federal government should give money to tribes for homeland security and emergency management activities even if it is through the states.

<table>
<thead>
<tr>
<th>N of Responses</th>
<th>Percentage of Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>111</td>
</tr>
<tr>
<td>No</td>
<td>7</td>
</tr>
<tr>
<td>Unsure</td>
<td>20</td>
</tr>
</tbody>
</table>

Table 8. Should Tribes Receive Federal Funds Through States?

The data presented here demonstrates that while the intergovernmental relationships between tribes and states are often characterized as volatile, and while tribes would prefer to interact directly with the federal government, tribes also value support for their homeland security and emergency management programs. This information suggests that tribes are committed to establishing and maintaining effective homeland security and
emergency management programs on tribal soil even if it means that the federal trust relationship will be usurped.
Tribes’ Assessment of the Key Independent Variables in Regards to their Working Relationships with States and the Federal Government

Understanding of the Unique Needs of Tribes

The variable ‘Understanding of the Unique Needs of Tribes’ captures the extent to which tribal nations are satisfied with the ability of the state and federal government to understand their cultural and political differences within the area of homeland security and emergency management.

Figure 12. Tribes’ Assessment of the State and Federal Government’s Understanding of the Unique Needs of Tribes
As indicated in Figure 12, of the 138 respondents, 40.6% reported that they were satisfied with the federal government’s ability to understand their unique characteristics and needs. When it came to the state government, only 15.2% reported that they were satisfied with the state government in this area. In terms of being very satisfied, 5.8% of tribes were very satisfied with the federal government, while only 2.9% of tribes were very satisfied with the state government in this area. The state government had higher percentages than the federal government in the dissatisfied and very dissatisfied categories in this area as well. To be precise, 18.8% of the tribes reported that they were dissatisfied and 11.6% reported that they were very dissatisfied with the state government in their attempt to understand the unique needs and characteristics of tribes. Whereas only 12.3% of tribes reported being dissatisfied and 4.3% reported being very dissatisfied with the federal government.

The data presented here shows that in comparison to the federal government, tribes are relatively more dissatisfied with the ability of states to understand their unique cultural, legal, and geopolitical characteristics and needs. Understanding of these key, fundamental differences has been cited by authors such as Ashley & Jarratt-Ziemski (1999) and Organick & Kowalski (2009) as being integral to forming and maintaining key relationships with tribal nations. The implications of this lack of satisfaction suggest that the formation and maintenance of key relationships with states and the federal government will be highly unlikely until satisfaction levels improve.
Responsiveness to Tribal Needs

The variable ‘Responsiveness to the Needs of Tribes’ captures the extent to which tribal nations are satisfied with the rates at which state and federal actors have been receptive to tribal leaders’ expression of key needs and concerns in the area of homeland security and emergency management.

Figure 13. Tribes’ Assessment of the State and Federal Government’s Responsiveness to the Needs of Tribes
In terms of being responsive to the needs of the tribes, again, the data shows distinct differences between tribal perceptions of the state and federal government in this area. As many as 31.2% of tribes reported that they were satisfied with the federal government’s responsiveness to their needs, compared to only 13.0% for the state government. In terms of being very satisfied, 4.3% of tribes were very satisfied with the efforts of the federal government, contrasted with only 2.2% for the state government. Just as in the understanding of unique needs data sections, tribes reported being more dissatisfied and very dissatisfied with state government than they were with federal government. As the results show, 30.4% of the tribes reported being dissatisfied and 9.4% very dissatisfied. With regards to the federal government, 14.5%, less than half of the percentage that was reported for the state government reported being dissatisfied with the efforts of the federal government and 5.8% were very dissatisfied with how the federal government responded to tribal needs.

The implications of tribal nations’ reports of being less than satisfied with the responsiveness of the units of the U.S. government are grave. Figure 13 supports the contentions presented by tribal nations in the literature, providing further evidence of tribes’ assertions that states are not receptive to tribes’ attempts to establish and maintain contact. This implies that there is reluctance on the part of the U.S. government to respond to tribal governments. The data demonstrates that from the tribal perspective, efforts aimed at developing and sustaining a working relationship with states and the federal government in the area of homeland security and emergency management has become the sole burden of the tribes with limited support from the U.S. government.
Communication with Tribes

The variable ‘Communication with Tribes’ captures the extent to which tribal nations are satisfied with the rates at which state and federal actors communicate with tribes regarding homeland security and emergency management matters.

Out of the 138 respondents, 29.7% of tribes reported being satisfied with their communication with the federal level compared to a little less than half, only 13.9%, of tribes that were satisfied with the state government. Only 7.2% of tribes reported that...
they were very satisfied with their communication with the federal government, while 5.1 reported being very satisfied with the state government. Conversely, tribes’ levels of dissatisfaction with the state government were higher than those of the federal government, and again, in some cases were almost double. As many as 26.1% of tribes responded that they were dissatisfied with their communication levels with the state government, compared to only 15.9% with the federal government. Out of the 138 responses, 9.4% were very dissatisfied with their communication with the state government, almost double the 4.3% that were very dissatisfied with their communication with the federal government. When comparing how satisfied tribes are with their levels of communication, differences between the state and federal government levels surface. In some cases, the tribes’ levels of satisfaction with the federal government were almost double their levels of satisfaction with state government.

Understanding that the creation of a unified system of homeland security and emergency management is a function of collaboration, coordination, and communication, the implications of these units of government having limited communication is important to acknowledge. Coordination and collaboration cannot happen without effective communication between the governing actors. If tribes are dissatisfied with the basic communication relationship that they have with units of the U.S. government, the opportunities to develop effective collaboration practices become extremely limited as well. With the absence of these basic elements between tribes and units of the U.S. government, significant barriers remain in the path towards the achievement of a unified homeland security and emergency management system.
Technical Assistance Offered to Tribes

The variable ‘Technical Assistance Offered to Tribes’ captures the extent to which tribal nations are satisfied with the ability of state and federal actors to initiate contact with tribes to propose help with either one, or a combination of the following activities: (1) the completion of a hazard identification and risk assessment, (2) disaster prevention and/or mitigation planning, (3) application process for FEMA grants, (4) implementation and management of FEMA grant programs, (5) adoption, implementation, and enforcement of building codes and land use planning, (6) development and deployment of emergency response teams, (7) development of mutual aid agreements with federal, state, and local governments, (8) personnel and financial resource management for emergency response activities, (9) development of communication warning systems and procedures for emergency response activities, (10) procedures to conduct damage assessments after a disaster, (11) application for federal disaster declarations, and the (12) establishment of a public education and information programs to inform people about emergencies.
When comparing how satisfied tribes are with the technical assistance offered to the tribes, as with the three areas previously presented, differences between the state and federal government are apparent. In this case, 37.0% of tribes reported being satisfied with the technical assistance offered by the federal level, compared to 13.8% of tribes that were satisfied with the state government. The data indicates that 3.6% of tribes reported that they were very satisfied with the technical assistance offered by the federal government, while 2.2% reported
being very satisfied with the state government. Conversely, tribes’ levels of dissatisfaction with the state government were higher than those of the federal government. As many as 22.5% of tribes responded that they were dissatisfied with the technical assistance offered by the state government, compared to only 12.3% with the federal government. Also, as many as 8.7% were very dissatisfied with the technical assistance offered from the state government, compared to 5.8% with the federal government. The implications of the high rates of tribal dissatisfaction with the state and federal government offers of technical assistance underpin and support the findings from the other predictor variables presented.

The low rates of completion for homeland security and emergency management activities and the lack of reported dissatisfaction with the rates of communication and responsiveness to tribal needs can be considered the result of a lack of technical assistance being offered and delivered to tribal nations. From assistance with completing a hazard risk assessment, to help developing an emergency operations plan, to establishing public education and information programs, there are a number of options for technical assistance that the federal government and states are able to offer tribal nations. However, according to the reported rates of dissatisfaction, those offers have either not been made or there was limited follow through. The impact of a lack of technical assistance being offered is evident as was revealed with the limited amount of homeland security and emergency management activities that were being accomplished by tribal nations combined with the extremely low reports of collaboration,
communication, and overall responsiveness to tribal needs for such technical assistance.
**Tribes’ Overall Working Relationship with Units of the U.S. Government**

The variable ‘Tribes’ Overall Working Relationship with Units of U.S. Government’ captures the extent to which tribal nations are satisfied with their ongoing intergovernmental relationships with states and the federal government within the area of homeland security and emergency management.

![Figure 16. Tribes’ Assessment of the Nature of the Working Relationship with the State and Federal Government](image)

When assessing the data regarding how tribes view the quality of their working relationships with state government, only 7% of tribes reported having a “very good” working relationship with the state government. Out of the 138 responses, 7% reported a
relationship that was “not at all good.” 15% reported having “no working relationship at all” with the state government. With regards to the federal government, 18% of the tribes reported having a “very good” relationship, while only 1% reported that it was “not at all good.” Ten percent reported having “no working relationship at all.” Despite the policies developed to achieve a unified system of homeland security, the fact that there are double-digit percentages in which tribes report having ‘no working relationship at all with U.S. government officials’ is alarming.

In addition to the data confirming a lack of satisfaction with the working relationships on behalf of the tribes with the levels of the U.S. government, the data also revealed a pattern that commands great attention. Until this point, the data have demonstrated that friction indeed exists between tribes and level of the U.S. government in the area of homeland security and emergency management. However, the pattern that has emerged reveals that there is a stark contrast between the views that tribes hold about their relationship with federal government versus those that they hold about state governments. On average, tribes have reported that overall they are less satisfied with their working relationships with state governments than they are with the federal government. Aside from validating that the relationships between these groups are indeed contentious, the data have illustrated that the tribes are experiencing different levels of contention in their relationships with the different levels of the U.S. government.

The descriptive statistics provide evidence to support the assertion that there is a difference between how the tribes are evaluating the state government and the federal government. While in no way perfect, and in need of improvement, the relationships
between the tribes and the federal government has proven to contain high percentages of the crucial characteristics laid out by Agranoff. When compared to the state government, the federal government is better able to communicate with tribes, understand their unique cultural, legal, and geopolitical uniqueness, respond to their needs, and offer them technical assistance. However, it can be argued that this is exactly what should be found. As sovereign nations on American soil, tribes are to deal only with the federal government. As a result, these relationships have had time to solidify and the federal government has had no choice in working to improve their relationships with tribal nations in an effort to deliver on past promises.

After the descriptive statistics on how tribes view their relationships with state and federal government, analysis of the qualitative data revealed a similar pattern.

**Qualitative Data Results**

In the 2002 survey, tribes were asked the following question:

*What can FEMA do to assist in improving your tribe’s capability to plan and respond to disasters? (Please be specific about your individual Tribal needs such as training, pre-disaster mitigation, technical/financial assistance, etc.)*

Figure 17 displays the results of the a priori coding process. The four a priori codes (communication, understanding of tribes’ unique needs, responsiveness to the needs of the tribe, and technical assistance offered to the tribe) were used to classify information provided in the open-ended response portion of the survey. There were a total of 85 responses.
As shown in Figure 17, the majority of the tribes (36%) reported that FEMA could assist in ensuring that the levels of communication were increased. The next largest response of 26% requested FEMA assist in creating programs or facilitating conversations that would help to increase the understanding of the unique tribal needs by other units of government in the U.S. governance system. In terms of technical assistance, 24% of tribes reported that FEMA could do more to assist in ensuring that more technical assistance programs were offered to the tribes not just at the federal level, but also at the state and local levels. Lastly, 14% of the tribes noted that it would be beneficial if FEMA could assist the tribes in obtaining responses to their efforts to initiate contact with other units of the U.S. government.

To further support the results from the a priori coding process, the following section provides excerpts of the qualitative data extracted from the open-ended response questions that were classified underneath each a priori code (See Appendix H for complete display of qualitative responses).
Communication - When examining the area of communication, tribes asserted that a lack of communication existed between their systems of government and units of the U.S. government. Supporting Agranoff’s (2012) claims surrounding the importance of communication in producing effective partnerships, one tribe acknowledged that when it came to communication between the tribe and FEMA, that there was “[n]ot enough communication to establish an effective and consistent emergency management program.” This same tribe went on to comment that “tribal partnerships must be strengthened to have national emergency management continuity.”

Feelings of alienation in the area of emergency management also surfaced under the topic of communication. One tribe replied that it would be appreciated if FEMA could assist with “open[ing] the lines of communication and let[ting] other governments know [they] suffer from disasters too.” This notion of alienation of the tribes by the sectors of the U.S. government threads throughout the qualitative responses.

Understanding of the Unique Needs of Tribes - One of the key areas that this study has sought to explore has been how important it is for units of the U.S. government to understand the unique geopolitical and cultural aspects of tribal nations in order to form and maintain effective cooperative partnerships in homeland security and emergency management. Many of the respondents used the open response portion of the survey to explicate the unique positions of their tribal lands and how that position complicates how they approach efforts to provide emergency management on tribal lands.
The survey captured that a great majority of the tribes reported that FEMA could provide assistance through acknowledging these unique positions and helping to tailor emergency preparedness training to those unique positions. The tribes pinpoint areas of concern such as the duty of the federal government to acknowledge and fulfill the trust responsibility, the problems that arise when the states become involved in the intergovernmental partnerships, and consideration of the barriers that exist when tribal lands lie across multiple jurisdictions.

The issue of honoring the trust responsibility relationship continued to rise to the top among the responses. As one tribe explained, “FEMA could assist by simply do[ing] a needs assessment and fulfill[ing] the trust responsibility.” According to another tribe, it is imperative that FEMA take seriously, the government-to-government conditions set forth in the trust responsibility instead of using state governments as middlemen, stating: “FEMA needs to stand behind their partnership with the tribes directly, without the State involvement which only complicates, side tracks, and undermines the very concept of a ‘partnership’.” An additional tribe underlined the importance of the differences that they saw in the emergency management training offered by units of the U.S. government and how it does not meet the unique geopolitical and cultural requirements of the tribe, noting that “the courses offered by State emergency management agencies often do not meet the needs of the tribes.” This respondent goes on to highlight that “FEMA needs to communicate directly with the program manager [of the tribes] rather than through the state”, again emphasizing the importance of upholding the government-to-government
conditions of policy communication that the federal government established long ago with tribal nations.

Those tribes located in more than one contiguous county and/or state also explained how their unique geopolitical position has significantly impacted how they carry out emergency management and homeland security efforts. Stating that they would like FEMA assistance in all homeland security and emergency management areas, one tribe acknowledges that their tribe is “uniquely located on the U.S/Mexico border which places it in an inevitable position of hazards resulting from illegal immigrant activity”; bringing to life the difficulties that tribes are facing across the country, with a special emphasis on border tribes. Another tribe also explained their unique geopolitical position, expanding across “a three state area” and “getting a lot of shipments of radioactive material”; their request from FEMA was for training in dealing with potential hazardous spills in their community.

Acknowledging the sovereignty of tribes was also revealed as a necessary condition to assisting tribes in establishing and maintaining an emergency management partnership. As one tribe explained, they recently found out that they were not covered by a neighboring fire department which was a U.S. government unit. The tribe disclosed that they were hesitant to enter into agreements with the neighboring government because of the fear that the U.S. government unit would try to annex the tribe. The tribe justified their trepidation to sign any agreements by stating that they “want to stay as independent as humanly possible.” This illustrates one of the principle challenges that tribes face. For
this tribal nation, entering into any mutual aid agreements must take into account the fear of tribes losing their sovereign rights and provide protection for those rights.

In terms of providing FEMA with guidance on how to assist tribes in the area of homeland security and emergency management, one tribe recommends that FEMA seek to gain an understanding of all of these unique aspects of the tribes. The tribe suggests that FEMA, “coordinate with federal and state representatives to meet with tribe[s] to gain a comprehensive understanding of needs” and insisted that FEMA establish meetings between tribes and “federal and state agencies or visit [the tribe] to understand [their] needs.”

**Responsiveness to the Needs of Tribes** - In the area of responsiveness to the needs of the tribes, one tribal nation bluntly stated that FEMA must be “more responsive to the training needs of tribal emergency management personnel.” Another tribe advised that “returning [their] calls would be a good start.” The same tribe also alludes to differential treatment and/or alienation of the tribes in the forming of intergovernmental relationships in homeland security and emergency management, stating that “tribes are left out of government decisions and [with] recent funding for homeland security-tribes were left out.”

However, sentiments towards FEMA under this topic area were not all negative. In fact, when it came to FEMA, one tribal government exclaimed that FEMA was “very responsive to the needs of the tribe and timely in assisting [them].” Yet, this particular tribe also maintained that “[o]utside of FEMA, no other organizations, local, state, or
federal ha[d] approached the tribe regarding disasters;” adding more evidence to solidify tribal claims of being ignored and not acknowledged by certain units of the U.S. government system in the area of homeland security and emergency management.

**Technical Assistance Offered** - With regards to the area of technical assistance offered, respondents noted that FEMA could assist in providing technical assistance in a variety of ways from planning and training, to assistance with grant development and funding. However, returning back to the significance of the unique positioning of tribes, some of the respondents requested that FEMA seek to provide technical assistance to tribes with an understanding of the geopolitical and cultural qualities of tribal communities. In one instance, a tribe suggested that FEMA “consider going to the reservation and/or Rancherias and do local training so all of the tribes who want to attend can do so.” They go on to explain that their “[t]ribe is small and [they] don’t have a large budget”, so it would be helpful if “FEMA could organize a training session where two or three tribes could attend at once.” Evidence of a lack of coordination and communication between tribes and units of the U.S. government is also demonstrated by one respondent’s request to FEMA in seeking assistance with their “strategic response program development [which is] in need of coordination among local, state, and federal jurisdictions.” Another respondent did report on a positive experience with FEMA. It noted that “FEMA Region 9 held its first Tribal Emergency Preparedness workshop in 2001, Reno, NV” and explained that it was “a great workshop & a beginning for FEMA and tribes in Region 9 to work together.” The experiences of this particular tribe illustrate that there is hope for
intergovernmental partnerships to form across the two government systems in the area of homeland security and emergency management.

To further understand the components of these working relationships and the patterns that arose from the descriptive statistics and the qualitative data, the next section will discuss the results of the logistic regressions of $P_I-P_{IV}$. Tracking and assessing the emergence of this pattern through a more advanced and robust analytic process will add an additional layer of analysis for these relationships, as well as further isolate specific areas of contention between tribes and the particular level of U.S. government. While helping to pinpoint particular areas of concern for the state level and the federal level, tracking this pattern of differences will also be integral to the formulation and implementation of policy recommendations.
## Quantitative Results: Logistic Analysis Results

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<thead>
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<th>Variables</th>
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<th>Ordered Logistic II Federal Government (N=46)</th>
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<td>—</td>
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<tr>
<td>Index Variable: Interactions with Federal Government</td>
<td>—</td>
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<tr>
<td>Location of Tribe</td>
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<td>0.909 (0.33)</td>
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<td>Completed Hazard Risk Assessment</td>
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<td>Completed Emergency Operations Plan</td>
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<td>McFadden’s R²/Likelihood Ratio R²</td>
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<td>0.0927</td>
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</tbody>
</table>

State Government: **p<0.05; *p<0.10; Standard Errors in Parentheses  
Federal Government: **p<0.05; *p<0.10; Standard Errors in Parentheses

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### Table 9. Logistic Regression Analysis Results:
Tribal Satisfaction with their State and Federal Relationships in Homeland Security and Emergency Management
Logistic Regression Analysis Results: State Government

As displayed in Table 9, in testing Propositions I-IV, for every one unit increase in a tribes’ level of satisfaction with their interactions with state government (consisting of the ability of the state government to: (1) understand the unique cultural, legal, and political positioning of the tribe, (2) communicate effectively with the tribe, (3) respond to the unique needs of the tribal nation, and (4) offer technical assistance), there is a 1.26 increase in the likelihood of the tribe reporting that they have a good working relationship with the state government, holding all other variables constant. The P-value is 0.002 which is less than the predetermined significance level of 0.05 making this test statistically significant. The reported control variables (location of tribe in more than one contiguous county, completion of an emergency operations plan, and completion of a hazard risk assessment) were not statistically different from zero.

The key predictor variable “Interactions with State Government” was set to zero and the wald test was used to assess the significance of the prediction power for the variable. As displayed in Table 9, with one degree of freedom, the chi-square value for state interactions was 9.20, which was higher than the critical value of 5.991. Therefore, the variable is not equal to zero, and as a result is adding significant prediction value to the model. In determining goodness of fit for the overall model, with four degrees of freedom, the likelihood ratio chi-squared statistic of 17.00 is higher than the critical value of 9.488.

There was significant statistical evidence to support the claim that tribal interactions with state government have an impact on the quality of the working
relationships that exist between tribes and the state government in this context. Based upon the logistic regression results shown in Table 9, the more likely that a tribe is able to state that they are satisfied with the elements of their working relationship with states, the more likely they are to report that they are satisfied with the overall working relationship that they possess with states. However, support the data results from the descriptive statistics as well as the qualitative analysis. The working relationships between tribes and states are strained and the volatile nature of the interactions, or lack thereof, is indeed having a negative impact on the working relationships that exist between these units of government as well as hindering progression towards the completion of essential homeland security and emergency management activities such forming collaborative partnerships; completing hazard risk assessments and emergency operations plans; establishing and maintaining effective lines of communication; offering technical assistance; and being responsive the needs of neighboring jurisdictions.

**Logistic Regression Analysis Results: Federal Government**

As shown in Table 9, in testing Propositions I-IV, for every one unit increase in a tribes’ level of satisfaction with their interactions with the federal government (consisting of the ability of the federal government to: (1) understand the unique cultural, legal, and political positioning of the tribe, (2) communicate effectively with the tribe, (3) respond to the unique needs of the Tribal nation, and (4) offer technical assistance), there is a 1.23 increase in the likelihood of the tribe reporting that they have a good working relationship with the federal government, holding all other variables constant. The P-value is 0.007
which is smaller than the predetermined significance level of 0.05 making this test statistically significant. However, the test was statistically significant at the 0.10 level. The reported control variables (location of tribe in more than one contiguous county, completion of an emergency operations plan, and completion of a hazard risk assessment) were not statistically different from zero.

The key predictor variable “Interactions with Federal Government” was set to zero and the wald test was used to assess the significance of the prediction power for the variable. As displayed in Table 9, with one degree of freedom, the chi-square value for federal interactions was 7.16, which was higher than the critical value of 5.991. Therefore, the variable is not equal to zero, and as a result is adding significant prediction value to the model. In determining goodness of fit for the overall model, with four degrees of freedom, the likelihood ratio chi-squared statistic of 9.22 is less than the critical value of 9.488. In this case, there is no significant statistical evidence which supports the claim that tribal interactions with the federal government have an impact on the quality of the working relationships that exist between tribes and the federal government in this context. Based upon the descriptive statistics, on average, most tribes reported that they fairly more satisfied with their interactions with the federal government than they were with the state government. While they were not perfect, the analysis of the descriptive statistics showed that tribes had higher satisfaction rates with the federal government, higher satisfaction with technical assistance offered, higher satisfaction with the rates of responsiveness, and higher satisfaction with the federal government’s ability to understand their unique tribal needs. Unlike with the case of the state government analysis, there is insufficient evidence to infer that the interactions tribes have with the
federal government have a negative impact on their overall working relationship in homeland security and emergency management.
Discussion

Understanding (1) that a primary goal of DHS is to establish policy which integrates the activities of the federal government with those of sub-national units of government (Wise & Nader, 2002), and (2) that if the United States is going to achieve the goal of a unified system of homeland security, they must consider the unlimited inclusion of Native American tribes into their policies and practices; this study set out to explore the conditions under which that goal is or is not being met. A number of policies, presidential executive orders, and mandates exist which specify how Native American tribes are supposed to be integrated into this system of homeland security and emergency management. Despite the existence of those documents, in order to capture the impact of the policies and determine if the outcomes have lined up with the intended consequences of those policies, it is necessary to examine how Native American tribes perceive the inclusion process.

As has been previously discussed, the unified system of homeland security and emergency management is based upon elements of coordination, communication, and cooperation amongst and between different jurisdictions in the U.S. Evidence of collaborative partnerships is the foundation for many of the homeland security grant programs. A concrete example of the successful inclusion of tribes into these networks would be the presence of effective cooperative partnerships. Determining whether or not tribes have been integrated into this system consisted of investigating how tribes perceived their inclusion into these networks and exploring the interactions between these groups. The greater part of the literature that has covered the interactions between Native
American tribes and units of the U.S. government has characterized these interactions as intensely volatile. The presence of conflicts between these groups has been a clear indicator of problems with the integration of tribal nations into this system. It has been an even clearer sign of the presence of barriers to the overall goal of the U.S. government to provide safety and protection on American soil.

As learned from Agranoff (2012), there are six key defining characteristics of an effective collaborative relationship. Again, they are as follows: (1) the policy problems that exist must be complex and the solutions must lie across different agencies and jurisdictions, (2) there must be extreme complexity in the decision making process, (3) there must be an opportunity to promote effective working relationships and mutual support amongst parties, (4) participants should be willing to confront and manage potential conflicts, (5) there must be a willingness to treat all participants as equals, and (6) effective communication must be present. Agranoff also makes the point that effective intergovernmental partnerships, even between governments with conflicting views, are possible. The first two characteristics certainly fit the situation that already existed between tribes and units of the U.S. government for centuries. Therefore, the working relationships between these two systems of governance were examined to see if they demonstrated any evidence of the last four characteristics.

Based upon the above theoretical assumptions, effective cooperative partnerships between tribes, the state, and the federal government should depend upon all or some combination of the following: (1) tribes must be able to state that they are satisfied with their communication with state and federal government, (2) tribes must be able to state that they are satisfied with state and federal government willingness to understand unique
tribal needs and treat them as equal partners, (3) tribes must be able to state that they are satisfied with state and federal government willingness to confront possible conflicts by responding to tribal needs regarding U.S. Homeland Security policy on tribal lands, and (4) tribes must be able to state that they are satisfied with the ability of state and federal government to promote effective working relationships through the offering of technical assistance to tribes. This list of theoretical assumptions that are specific to tribal nations and units of the U.S. government within the area of homeland security and emergency management outlined the key variables that were crucial to effective partnerships and were used to produce the following propositions:

**P₁:** The more likely a tribe is satisfied with their home state and federal government communication levels within the area of homeland security and emergency management, the more likely a tribe is to be satisfied with their overall working relationship with states and the federal government within the area of homeland security and emergency management.

**P₂:** The more likely a tribe is to report satisfaction with the ability of their home states and the federal government to understand their unique cultural needs within the area of homeland security and emergency management, the more likely that a the tribe will be satisfied with their overall working relationship with states and the federal government within the area of homeland security and emergency management.

**P₃:** The more likely a tribe is to report satisfaction with the ability of their home states and the federal government to respond to their needs within the area of homeland security and emergency management, the more likely the tribe is to report satisfaction with their overall working relationship with states and the federal government within the area of homeland security and emergency management.

**P₄:** The more likely a tribe is to report satisfaction with the technical assistance offered by states and the federal government within the area of homeland security and emergency management, the more likely the tribe is to report satisfaction with their overall working relationship with states and the federal government within the area of homeland security and emergency management.
A cross-sectional survey method was applied to gather data about how tribal nations perceived the working relationships that were taking place in the system. The survey produced both quantitative and qualitative data which shed light on the nature of the interactions between these groups. Based upon the data that was presented for analysis, and despite the existence of policies and procedures that have been implemented to include tribal nations into the unified system of homeland security, an overwhelming majority of the tribes actually felt culturally and politically alienated from their counterparts in the U.S. system of governance. While assessing the preliminary quantitative and qualitative data surrounding the nature of the working relationships, it became increasingly clear that there was a distinct difference between the perceptions that tribes held about state governments and those that they held about the federal government. In comparing the responses rating the overall working relationships between tribes and states and tribes and the federal government, on average, tribal nations reported that they were more satisfied with their interactions with the federal government than they were with the state government. In the response rating categories of “good” and “very good”, the majority of tribes used these labels to characterize their relationship with the federal government more often than when compared to the state government. Likewise, in the response categories of “no relationship exists”, “not good at all”, and somewhat good”, the majority of tribes used these labels more often to characterize their relationship with the state government when compared to the federal government.

To be more exact, Figure 16 revealed that only 7% of tribes view the quality of their working relationships with state government as “very good”, compared to 18% for the federal government. Findings also showed that 7% of tribes reported that their
relationship with the state was “not at all good”, compared to only 1% of tribes that described their relationship with the federal government as “not at all good.” This pattern of distinct differences between the state and federal government also appeared when assessing the group of tribes that reported having no working relationships with the state and the federal government. Of the respondents, 15% of tribes responded that they have “no working relationship at all” with the state government, compared to only 10% that have no working relationship with the federal government. While the fact that there are double digit percentages in which tribes report having “no working relationship” at all with U.S. government officials is alarming, it contributes to the evidence of the need for better intergovernmental policies within the context of homeland security and emergency management.

Despite data which illustrates that, on average, the tribes are more satisfied with their relationships with the federal government than with the state government, this revelation is evidence of concrete barriers to attempts to build a unified system of homeland security on American soil. While the federal government might be making progress with tribal nations in this area, the relationships between states and the tribes do not show evidence of meeting the criterion outlined by Agranoff (2012). Any signs of disjointedness between states and tribes to form and maintain intergovernmental relationships in the area of homeland security and emergency preparedness, must be seen as inexcusable when seeking to establish a strong, unified system on American soil.

To further support these levels of dissatisfaction amongst tribes as well as the absence of effective cooperative partnerships, the use of a priori coding processes demonstrated: (1) tribal perceptions of cultural difficulties in understanding how tribes,
the states, and the federal government are to establish contact and maintain communication, (2) misunderstanding regarding consultation procedures between tribes, the states, and the federal government within the area of emergency management, (3) a lack of communication between the tribes, state governments, and FEMA, (5) tribal perception that the other governments are unaware that they too are at risk for terrorist threats targeted at the U.S., (6) lack of training and knowledge amongst tribes in the area of emergency management and how to protect against potential attacks, (5) the intense need for the offering of technical assistance, and (7) a lack of tribal inclusion in existing FEMA and state homeland security policies.

The coding process also revealed that tribes are in dire need of training and financial assistance in order to meet expected preparedness levels and response capabilities. The qualitative data shows that a large majority of tribal nations seek to enter into cooperative agreements in the area of homeland security and emergency preparedness, but are hesitant to do so for fears of conceding inherent sovereign rights.

After applying the results of the data analyses to Agranoff’s guiding theoretical framework, the analyses conducted with the data collected in 2002 provides sufficient evidence to suggest ineffective cooperative partnerships exist between tribal nations and units of the U.S. government. Figure 14 showed that overall, a vast majority of the tribes were unable to report that they were satisfied with their communication with state and federal government and the willingness of these government units to understand unique tribal needs and treat them as equal partners. There was also evidence of an unwillingness to respond to tribal needs regarding U.S. homeland security policy (Figure 13) on tribal lands and to promote effective working relationships through the offering of
technical assistance to tribes (Figure 15). It was apparent throughout the data analyses that tribal nations perceive that there is a lack of understanding of the unique tribal needs and that they are not being treated as equal partners within the homeland security and emergency preparedness system.

To further explore this data, a logistic regression analysis was conducted to test P1-P4. As a result of the presence of multicollinearity, the key variables were combined into index variables and used to further contextualize the levels of contention between these groups. The index variable for state government was termed “Interactions with the State Government” and the federal government termed “Interactions with the Federal Government.” Agranoff (2012) asserted that satisfaction with those variables presented in P1-P4 or as is presented by the new index variables would yield satisfaction with a working relationship between parties. The results of the logistic regressions performed solidified this assertion. As shown in Table 9, for state government, with a 0.05 significance level, tribal governments reported that the more likely they are to be satisfied with their interactions with the state government, the more likely they are to report that they have a good overall working relationship with the state government. For the federal government, at a 0.10 significance level, tribes expressed the same sentiments.

Despite the information presented in the literature review which told of extremely volatile and historically persistent intergovernmental conflicts, it was alarming to uncover the extent to which those ineffective partnerships had permeated the field of homeland security and emergency management; a field that prides itself on attaining unification of efforts and building sustainable relationships. Early on, the data presented in Tables 4-7 began to paint the sordid picture of the interactions between tribes and units of the U.S.
government within emergency management and homeland security. From a lack of collaboration on integral preparedness and response plans to limited communication and sharing of resources, the results of the logistics regressions supported the fact that contrary to expectations, the implications of the data presented revealed a rather dismal view of the condition of tribal-state and tribal-federal affairs. More surprisingly was the lack of assistance tribes reported receiving from FEMA to assist in the completion of many of the essential preventative and response activities. This presented another layer to the study, uncovering the possibility that despite being guided by principles such as coordination and collaboration, that within the homeland security and emergency management field in general there are issues surrounding the most effective method to employ coordination across the board in the U.S. governance structure.

As this study continues to demonstrate, gaps in communication, understanding tribal sovereignty, cultural differences, and jurisdictional disputes have all posed significant barriers to the inclusion of tribal nations in those policies. Many of these barriers are rooted in the differences between the U.S. federalist system and the governing practices of the tribal nations. Finding common ground that will allow these two governmental styles to co-exist has been difficult. Suggestions for solutions have been routinely biased against either government, prompting the other to respond with a lack of participation. These historical rifts are having contemporary effects on policies that seek to protect and save lives.

In order for the United States to be able to achieve a unified system of homeland security and produce partnerships that include tribal nations, it is important for these groups to put aside historical differences and the consequences of those conflicts. If
remnants of past conflicts remain, all parties must be willing to resolve those issues (Agranoff, 2012). The results presented, especially those in the open-ended section of the survey, brought to light much of the dissatisfaction, frustration, and disappointment of tribal nations with regards to their past and contemporary relationships with units of the U.S. government. Despite historically deep-seated and persistent conflicts, and the current reporting of the less-than-stellar nature of the intergovernmental relationships, are units of the U.S. government and tribal nations ready to put their differences aside and create a shared policy space in the area of homeland security and emergency management? While not yielding extremely high results of implementation and impact, the existence of recent executive orders and other policies produced by the U.S. government does show a willingness on the part of the U.S. government to take steps to address or move past previous conflicts. However, that willingness must be mutual. The following section reports on a question that appeared on the survey as well, that gives insight into the willingness of tribal nations to overcome those same barriers.

In the results section, data collected from respondents about the following question was presented:

_In your opinion, should the federal government provide at least some of the funding for an emergency manager for the tribes, even if the money is given through the state?_

The results of this question have significant implications for future intergovernmental relationships between tribes and units of the U.S. government in homeland security and emergency management. Firstly, including this question on the survey administered by the federal government is considered odd for a couple of reasons.
To begin with, the question suggests that the federal government is aware that giving money to the tribes through the state may be perceived as problematic. Secondly, according to Presidential Executive Orders 13084 and 13175, which plainly state that the interaction between the federal government and tribes should be one of government-to-government, the inclusion of this question implies that the federal government has plans to undermine this partnership, by shifting responsibilities to the states that should remain at the federal level. Despite direct orders from the President, directive Supreme Court rulings, and tribal policies that hinge on government-to-government interaction, the federal government appears to seek to continue this ambiguous approach to federal-tribal policy within the area of emergency management. When the political and geographical positioning of the tribes is taken into consideration with regards to conflicts with the states, and urging the federal government to refrain from including the states in their federal-tribal partnerships, it would be expected that the tribes would be against such a re-delegation of power. However, that is not the case.

<table>
<thead>
<tr>
<th>N of Responses</th>
<th>Percentage of Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>111</td>
</tr>
<tr>
<td>No</td>
<td>7</td>
</tr>
<tr>
<td>Unsure</td>
<td>20</td>
</tr>
</tbody>
</table>

Table 10. Should Tribes Receive Federal Funds through States

As Table 10 indicates, over eighty percent of tribes agree that the federal government should give money to tribes for emergency management even if it is through the states. At first glance, these findings seem peculiar. Many of the tribes expressed
disdain for any procedures handled through the state and strongly admonished the federal government to hold true to the federal trust responsibility and honor its government-to-government conditions. Why would tribes agree that assistance should be given to them through the state? As peculiar as it seems, when considering that many of the tensions between these units of government are so high within this policy area due to a desire to protect the lives of their respective citizenry, the results are actually not at all that strange. What becomes clear is the truth and the reality of the need for homeland security and emergency management preparedness and response capabilities. When it comes down to the possibly of saving lives versus winning political battles, for some, the choice is apparent. Within emergency management policy, the right to be able to prepare, protect, respond, and recover from potential disasters and terrorists attacks on U.S. soil transcends all levels of conflicts, even those that are seemingly intractable and centuries old.

Areas that have ignited conflict in the past, such as natural resources and jurisdiction, do not have to be framed as points of contention, but rather shared resources for both tribes and states. States and tribes not only share common resources, but they also share common problems (Wilson, 2002). Solving these shared problems means seizing opportunities that exist for mutually beneficial interactions (Evans, 2011). Tribes and states are beginning to recognize that a mutual approach to policy creation and implementation could help them discover the most effective approach to service delivery for both governments. Mason (2002) writes that while the power struggles between the tribes and states are now more intense than at any other time, the stakes are also higher. This is the case for the achievement of a unified system of homeland security where cooperation and collaboration are the only viable options.
Posner and Conlan (2008) explain that “intergovernmental systems are by their nature plagued—and sometimes blessed...ultimately, our intergovernmental system is well-suited for many of the wicked problems we face today—problems with contestable definitions and dimensions and no fixed boundaries” (p. 349). The relationship between tribes and the U.S. has changed course over time (Bays, 2002) and with the shared goal of protecting lives on American soil, the relationship must continue to evolve; taking in both the good and the bad, while setting the willingness to reach a collective goal as the focus of their relationships. The intergovernmental relations framework was designed to bend and has the ability to adapt (Posner and Conlan, 2008; Steinman, 2004). It will become further strengthened by addressing these complex situations head-on rather than overlooking their presence. The intergovernmental framework is only as good as the actors within it. As long as there is willingness to explore the many aspects of the framework which would allow for increased communication and cooperation amongst these parties, cooperative partnerships between these two systems of governance within the context of homeland security and emergency management is possible.

The partnerships must seek to meet the needs of all of the stakeholders, while making the best use of shared resources. In the case of tribal nations and the U.S. government, this must always be the case, regardless of past volatile interactions. The group must always place great significance on the overall effectiveness and efficiency of the group’s decisions. Meeting homeland security and emergency management needs and being resourceful at it should be the primary goal of the group. Protecting citizens cannot wait until all governmental disputes are resolved. Each governmental actor must be committed to moving beyond their disputes. To accomplish this, adopting an incremental
approach to addressing past grievances, while retaining a focus on homeland security is required. The tribes and the U.S. government must understand that they all share the same goal: protecting their citizens. Disagreements between tribes and states over the allocation of homeland security funding reveal that both governing structures are interested in protecting their citizens. The parties must all come together and discuss the value of life and how the rewards from winning conflicts only benefit some lives of some jurisdictions and not all lives on American soil.
Chapter 7: Moving Forward: 
Conclusions, Policy Implications, Limitations, and Further Study

After experiencing terror attacks and unbearable natural disasters, it is imperative that citizens witness strong leaders coordinating operationally and working to: (1) help the public understand anticipated threats to their safety, and (2) ensure the public’s protection (Kettl, 2007; Agranoff, 2007). It is the responsibility of government actors to provide effective and efficient service delivery across numerous policy areas regardless of its complexity. In the wake of recent disasters, terrorists’ attacks, and attempted terrorist attacks on U.S. soil, perceptions of what it takes to achieve effective homeland security and emergency management has become even more salient throughout society. As the public seeks to ensure that their protection remains a top priority for government officials, it is no longer acceptable to continue to place political conflicts before the safety of its citizens. As Lester (2012) explains in his article *Business ‘Not’ As Usual: The National Incident Management System, Federalism, and Leadership*, the nation is extremely aware of its leadership needs as well as its failures, and the requirements that must be fulfilled in order to meet generally accepted expectations in the area of emergency management; expectations which lie in coordination and cooperation amongst and between multiple acting governments.

A lack of goal congruence between units of the U.S. government and tribal nations produced seemingly intractable conflicts between governance systems and hindered progression towards a unified system of homeland security on American soil.
One of the areas that this study explored, which did not meet those generally accepted expectations for effective homeland security and emergency management policy creation and implementation, was the role of the federal government in helping to fuel those conflicts between tribes and units of the U.S. government through the use of ambiguous policies and deferring federal powers to state governments. Placing unfair burdens on states and tribes and deferring responsibility left little room for cooperation and coordination, as there remained no accountability for those volatile interactions. This became increasingly apparent when patterns emerged in the data which revealed that on average, tribes reported having more contentious relationships with states than with the federal government.

Data from this study has also shown that communication; sensitivity to the unique political, legal and social positioning of tribes, responsiveness to needs of tribes, and the offering of technical assistance to tribal nations are all integral factors in helping to lay the foundation for effective working relationships between tribes, states, and the federal government. The data for this study was collected in 2002 and being one of the first empirical studies of its kind, it can be used as a foundation upon which to examine the evolution of the cooperative partnerships between the U.S. and tribal nations in the area of homeland security and emergency management over time.

With the creation of the Tribal Homeland Security Grant Program in 2008, the creation of Executive Orders 13084, 13175, 13336, and the development of tribal policies across federal agencies as a result of these Executive Orders, there is evidence that the interactions between these two systems of government is incrementally progressing. For example, to date, FEMA’s Emergency Management Institute (EMI) offers a total of five
courses specific to preparedness and response training on tribal lands. To help those tribal nations located on international borders and struggling to meet the security demands placed upon them, the creation of the Operation Stone Garden (OSG) grant program allocates money to cooperative homeland security and emergency management partnerships between states, tribes, and local governments along the Mexican and Canadian borders. As noted in this study’s introduction, Secretary Napolitano expressed that she understood that disasters and emergencies do not stop at geopolitical boundaries and that tribal nations must ensure that they have access to the same resources as states with similar land bases.

And again, it was at this same conference in 2012 that the Governor of Pueblo of Acoma located in New Mexico, Randall Vincente, presented Resolution #SAC-12-072, Support all Legislative Efforts by the U.S. Congress to Amend PL 92-288 (the Stafford Act) to Allow the Tribal Governments to Request Disaster Declarations Directly from the President of the United States to members of the National Congress of American Indians, the largest representative body of Native American tribes with the resolution passing unanimously. However, the presentation of this resolution must further be explored.

Despite the meaningful advancements made on behalf of the U.S. system of government in those ten years to include tribal partners in the efforts towards a unified system of homeland security, why then, would such a resolution be necessary? It is clear that this resolution expresses the importance of one of the tenets of Native American tribal culture that they have expressed as being integral to their political survival; their sovereignty. As one respondent wrote in the open-ended response section of survey, receiving protection from the only fire department near their tribal lands would not be
sought through a memorandum of understanding until the fear of annexation was
addressed between the tribe and the U.S. government unit. While wanting and needing to
participate in the creation and maintenance of the unified system of homeland security
being created on American soil, tribal nations remain stoic that integration into this
system cannot and will not come at the price of giving up their unique political, legal, and
cultural identities. As further explained in the qualitative responses, from the perspective
of the tribes, before hope of any level of cooperation amongst these governing units can
be achieved, a comprehensive understanding of the complex philosophical, legal, and
identity driven differences between the groups is necessary (Organick & Kowalski,
2009). Policies and government actions that continue to be birthed out of this lack of
understanding will invariably lead to issues with policy implementation and the
unnecessary continuation of ineffective cooperative partnerships. Adamant about the
conditions under which participation, cooperation, and coordination within the U.S.
system of emergency management and homeland security would happen, it wouldn’t be
long after the presentation of Resolution SAC-12-072 that tribal nations would begin to
see light at the end of that tunnel.

On January 29, 2013, more than a decade after tribes expressed their concerns on the
FEMA survey and less than a year after the NCAI 2012 annual conference, President
Barack Obama signed the Sandy Recovery Act which, amongst other changes, amended
the Stafford Act to allow federally recognized tribal governments to seek a federal
emergency or major disaster declaration directly from the President of the United States.
The unwavering persistence of tribal nations to not have their sovereignty jeopardized in
order to participate in the U.S. system of homeland security and emergency management
yielded them a milestone victory. The amending of the Stafford Act serves as evidence that true and meaningful advancement is being made and that it is not at the expense of the unique political, legal, and cultural identities of tribes. The presence of ambiguous policies that violate the rights of tribal nations are being reviewed and promises of government-to-government communication between the federal government and tribes, without state involvement, are being honored.

The purpose of this study was to establish a solid foundation upon which leadership in units of the U.S. government and tribal governments could base future interactions. A foundation that addressed past and present issues between actors in the system in the area of homeland security and emergency management, but also provided the information necessary to understand conflicts amongst tribe and the U.S. government and how they differed significantly across levels of the U.S. government. The amendment of the Stafford Act is not where the story ends; it is where it begins. There is hope for the creation of a neutral space to be created where effective policies are produced that lie at the nexus of tribal governments, U.S. governments, intergovernmental relations, and homeland security and emergency management policy.

“Communicating with partners and coordinating activities provide two legs of the three-legged stool upon which integration must stand. The third is relationship building.”

Goldsmith and Eggers, 2004 (p. 106)

Despite the cultural and political differences between these two systems of governance, there have been multiple neighboring jurisdictions with diverse cultural and political identities that have been successful in creating and maintaining a functioning network within the area of homeland security and emergency management.

The Saint Louis Area Regional Response System (STARRS) was created as an Urban Area Security Initiative (UASI) with funding awarded by the Homeland Security Grant Program in 2003. STARRS’ objective is to help coordinate planning and response for large-scale critical incidents within the Saint Louis Urban Area. The region that STARRS serves consists of Franklin, Jefferson, Saint Charles, and Saint Louis, all counties located in the State of Missouri; as well as, Madison, Monroe, and Saint Clair counties located in the State of Illinois. 7 Within the borders of the Saint Louis urban area, the represented counties all possess different forms of local government. Each county differs in its approaches to policy making culturally, politically, and legally. In addition to the inherent differences that make up the governance systems represented in the Saint Louis urban area, in order to accomplish the goal of providing effective prevention, protection, mitigation, response, and recovery for the region, the counties must work to coordinate

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7 Tribal governments are not represented within STARRS as there are no federally recognized tribes in Missouri or Illinois.
the efforts of 171 fire agencies, 146 law enforcement agencies, 42 Emergency Medical Services (EMS), and 193 different municipalities nested throughout the eight counties.

STARRS has operated for over a decade working to organize and coordinate meaningful and effective collaboration for the Saint Louis urban area within homeland security and emergency management. Throughout this time, the region and the STARRS organization have learned many lessons learned. One of their greatest lessons has been discovering how to build effective governance structures across multiple jurisdictions. When considering the extreme levels of diversity amongst and between the counties in the Saint Louis region, and comparing that to the differences that exist between tribes and sectors of the U.S. government, it is apparent that the Saint Louis urban area could certainly provide a template for the interactions between tribes and the U.S. government across the country. According to STARRS and the Saint Louis urban area, there are seven basic principles that must be adopted if multiple jurisdictions are going to be able to develop and maintain a successful governance structure within homeland security and emergency management. According to STARRS, it is essential to: build consensus, ensure participation, ensure equity and inclusiveness, be transparent, be effective and efficient, and be accountable. All stakeholders must be actively involved in the process.

The basic principles outlined by STARRS also align with the theoretical assertions put forth by Agranoff (2012): there must be an opportunity to promote effective working relationships and mutual support amongst differing parties, participants must be willing to confront and manage potential conflicts, there must be a willingness to treat all participants as equals, and effective communication must be present.
Taken together, the practical recommendations provided by STARRS for how to form effective working relationships in extremely complex multijurisdictional situations and the theoretical guidance provided by Agranoff (2012) explaining the conditions under which those relationships can best thrive, can be applied to the key elements of the intergovernmental relationship that were explored in this study. Based upon the findings of this study, the below section will provide recommendations for how to effectively address each of these essential elements if effective cooperative working relationships between tribes, states, and the federal government are to be achieved.

**Understanding of the Unique Needs**

Achieving effective cooperative relationships requires consideration of the different concerns and interests amongst all stakeholders in order to be able to reach a broad consensus about what is in the best interest of the group. Before consensus can be achieved, trust must be built so that each stakeholder is comfortable with expressing their interests with the group. This should precisely be the case with tribes, states, and the federal government. The lack of understanding the unique needs of tribal nations ranked extremely high in terms of barriers to communication and by extension collaboration. Stakeholders should be encouraged to build trust across jurisdictional lines. Building trust within the group first will help to lay the foundation for stakeholders to share their respective beliefs, viewpoints, and perspectives. They have to develop trust for each other as well as their differing cultural and political identities. This trust will inevitably lead to the willingness to enter into working relationships and provide assurance that the baseline
of trust that was established will also assist in the group’s ability to handle complex, overarching policy issues as well.

Cultural sensitivity training will be a necessary investment for the representatives from the two governance structures. As was discussed in the qualitative data, a great majority of the conflict is stemming from a lack of familiarity with the cultural differences between the groups. Once they have been able to share and begin to develop a foundation of trust, the group can work to find common ground amongst their perspectives so that agreements can be made where consensus exists, compromises can be discussed, and unrelenting disagreements between members can be further explored as a group.

Also, it is imperative that the federal government be intricately involved in these processes, at the very least, by requiring the presence of a general counsel. General counsels must be involved to assist in the formulation of policies and memorandums of understanding to ensure that the inherent rights of involved governments are protected and properly acknowledged. This will also assist in establishing trust amongst the members as the legal basis for each jurisdiction and their sovereign rights will be communicated by an authorized third party.

As this study has shown, there are distinctive cultural, political, and historical differences that exist across Native American tribes and all levels of the U.S. government. As a result of these unique and multifarious relationships, boiler plate memorandums of understanding and other general, non-specific policy agreements will not be effective. They will only lead to opportunities for further conflict to arise. This must be an extremely hands on, involved process for general counsels in which they seek
to provide legal and regulatory policies to guide the interactions between these parties. Before a collective, common objective can be achieved, the inherent and fundamental differences of all parties must be understood, respected, and threaded into incremental progress agreements. In addition to ensuring that the policy agreements are inclusive on the front end, it is equally as important for the federal government to express that there will be ramifications on the back end for parties that fail to respect any elements of the policy agreement or unmet mandated requirements.

**Communication**

There must be more communication that is focused on sharing information about the differing governing styles of each party, as well as their decision making processes and available resources; all of which could vary from tribe to tribe, and state to state as well. In order to establish and maintain effective communication, representatives from each group must be present. When they are present, stakeholders remain informed, interested, and involved. It is important for the stakeholders to hold each other accountable and for each stakeholder to do just that; hold a stake in the conversations being had, the plans being developed, and the implementation processes being completed.

Each member of the group must feel welcomed and included in the processes taking place and the decisions being made. All parties must be intimately involved in the process of creating, developing, and implementing policies and other collaborative agreements. Tribal nations have not been a part of a great deal of the conversations and decisions that have progressed to policies that have also impacted tribal lands. As recounted by much of the qualitative data, tribes have felt left out and believe
communication between their system of governance and the U.S. government in the area of homeland security and emergency management was either extremely low or non-existent. After forming collaborative partnerships, it should be expected that each government entity will work to find a balance in both giving to and receiving from the network.

To further facilitate active participation and maintain standardized communication amongst stakeholders, committees that seek to address the problems that are integral to the network should be composed. The committees should have a representative from each government and produce guidelines to help determine the expectations for contribution to the group’s objectives and overall progress. Any and all decisions made by the group or sections within the group should be easily accessible to all members and stakeholders. Transparency helps to alleviate any remaining issues of distrust amongst group members. This will also assist in increasing the amount of shared information while working to foster an increased sense of ownership for each member.

**Technical Assistance Offered**

In this particular context, all parties must agree that the area of homeland security and emergency management is an area of shared concern and must seek joint ventures to help in the achievement of a unified system of homeland security. The interactions between these governments should be guided by efforts to achieve the mission of the DHS. A method of ensuring that this focus remains at the forefront of the partnerships is to seek out joint funding opportunities such as the Urban Areas Security Initiative (UASI) or Operation Stonegarden (OPSG). This process will increase opportunities to solicit
collaboration, help to protect the nation in a unified and inclusive manner, and strengthen intergovernmental partnerships within the area of homeland security and emergency management.

In addition to seeking joint funding ventures, stakeholders should also seek to compile information that contains the capabilities, skills, equipment, reference books, lessons learned, and other key resources that other jurisdictions might find useful in the development and maintenance of their homeland security and emergency management programs. Such a resource would be a logical starting point for the governments to begin to engage in conversation about the types of technical assistance and other resources that are needed and the government that may be able to provide the assistance.

**Responsiveness to Needs**

As it has been shown, communication is integral to forming and sustaining relationships. When broken down, communication consists of a combination of initiatives being taken to reach out to potential partners, but also being responsive to that initial contact. States and the federal government should be committed to responding to the needs of their tribal partners, however, tribes must also be willing to respond to their own needs. All stakeholders must be accountable to themselves, each other, and to the public; in no specific order. Being responsive to the needs of neighboring jurisdictions, presupposes that primarily, those needs are identified and known. As representatives of their jurisdictions, stakeholders must be held responsible for adequately identifying needs and ensuring that they are active participants in finding resources to meet those needs.
This is a process embedded in proactivity and reactivity. As the nation continues to press forward with achieving a unified system of homeland security and emergency response, representatives must be willing to enter into partnerships that will help them to make incremental strides towards identified goals for their jurisdiction. They must be enthusiastic participants in the mutually beneficial relationships that characterize cooperative partnerships in the field of homeland security and emergency management, being willing to not only call upon others, but also be called upon and respond.
Limitations of the Study

The primary goal of this study was to conduct analyses to determine how the intergovernmental conflicts between tribes and units of the U.S. system of governance were impacting efforts to achieve an integrated system of homeland security and emergency management. Understanding that intergovernmental cooperation can ultimately be used to accurately implement unified homeland security policies, it was imperative that the researcher assessed information which would help identify the root causes of the intergovernmental conflicts between the tribal system of governance and that of the U.S. While this study was able to produce concrete conclusions regarding the nature of the intergovernmental conflicts as well as provide policy recommendations for moving forward, there were some limitations to the study.

Due to mailing the surveys and the anonymity promised to the respondents, the researcher was unable to ensure that the survey was completed by an emergency management official or tribal personnel that had knowledge of homeland security and emergency management policy and practices. Another limitation of the anonymity condition of the survey was that specific data gathered about each of the tribes could not be revealed and thus analyzed. In hindsight, such information would have been extremely useful to discover possible demographic trends in the data. Another consequence of this limitation was the need to refer to all tribes as one entity being identified as those groups that meet the definition presented in the introduction. While the intent of this study was indeed to study American Indian and Alaska Native tribes as distinct entities from the units of the U.S. government, it is however recognized that additional information
regarding differences between the tribes presented in the survey could have provided vital information about outliers or clusters of respondents represented in the sample. The author of this study in no way assumes that the tribes presented in this study are a homogenous group in any manner. In future research, this limitation could be avoided by convening focus groups and conducting face-to-face interviews. Face-to-face contact with respondents will give the researcher an opportunity to ensure that the survey instrument is in fact completed by an emergency management official. Also, this collection method would provide the researcher with the opportunity to ask follow-up questions and to provide clarity to any portion of the respondent’s survey responses that may not be clear.

It has been determined that financial stability, resources, and the legal history of tribes can considerably impact the nature of the intergovernmental relationships between tribes and states. Therefore, another limitation was the inability to control for key variables such as whether a tribe was considered to be a gaming nation with great financial stability or whether a tribe has sued the state or vice versa. In these cases, the financial and legal histories of the tribe would need to be controlled for, as it is expected that it would impact the tribes’ responses about their relationship with the state. For future research, the survey instrument would need to pose questions to respondents about their status as a gaming nation. Accounting for these variables would also allow for the researcher to determine the impact that they have on the creation and maintenance of intergovernmental relationships between other tribes and unit of the U.S. government in the area of homeland security and emergency management.
As the result of using a 5-point likert scale to collect data, it has been noted that there are probable issues with the researcher determining the amount of variability amongst the survey responses. Close analysis of the frequency tables showed that for four of the six independent variables, the majority of the responses (32%; 31%; 33%; 37%) were classified under the response: “Neither Satisfied nor Dissatisfied.” This could be explained by tribes’ reluctance to provide responses to certain questions since many tribes receive funding from the federal government and that the survey was administered by the federal government. The 5-point likert scale also limited the use of more definitive parametric statistical analysis methods, making it difficult to assess direct impacts on the dependent variables, as well as the amount of the impact. This also leads to high levels of multicollinearity after the decision was made to combine the predictor variables. This resulted in a loss of potentially significant data during the logistic regression analysis. It is imperative that future research in this area employ strategic methods to select the use of predictor variables that seek to measure vastly different aspects of the relationships; this will not only decrease the potential presence of intercorrelation amongst the variables, but also provide a more in-depth assessment of the working relationships. The use of dichotomous questions on the survey instrument combined with face-to-face interviews can help to address this limitation in future research.
Further Study

“Unfortunately, the loss we inflict upon ourselves by failing to reach out to the Tribal world so different from our own is a missed opportunity.”

Ortiz, 2002 (p. 479)

This section of the study would like to propose two tracks for further study. An overarching track will suggest that further studies concentrate on developing a value-based tribal governance research agenda that applies alternative theoretical frameworks, aside from intergovernmental relations which is rooted in the federalist framework, to understanding how tribal nations can be suitably accommodated for inclusion into the U.S. service delivery governance structure. The second track for further study encourages additional studies that can more intricately examine the condition of tribal-state, tribal-federal partnerships within the area of homeland security and emergency management with a focus on the role of the federal government.

Developing a Value-Based Tribal Governance Research Agenda

Although a difficult and complex issue, failure to include the topic of Native American governance for whatever reason: cultural elitism or the inability to neatly place tribes into the parameters of the American system of federalism--leaves the field open to criticism. Claiming expertise in understanding the nature of federalism without widening the scope can be potentially dangerous as the field continues to progress. Across policy areas, the federal government has historically tried to find ways not to deal with the issue directly and state governments are either not open to the idea of the unique legal and geopolitical positioning of tribes, or do not understand all of its characteristics (Ortiz, 1999).
As neutral parties, scholars can help to widen the scope of the system of American governance. Scholars have the ability to provide more insight into the intricacies of the nature of the relationship between the levels of governments and tribes. Such insight will help to shed light on the misunderstandings on both sides, in terms of culture and tradition between the forms and levels of government, and how policymaking suffers. According to Federalist Paper #10, James Madison wrote about issues such as this in terms of diversity: The greater number of religious and political sects comprehended by the constitutional reality, the stronger the body politic (Ortiz, 1999). After identifying some key concerns regarding interactions between tribal nations and the U.S. government and then identifying seven key steps that must guide future interactions between tribal nations versus the U.S. government in the area of homeland security and emergency management, the reality remains that there is still more work to be done. As was discussed earlier, research on Native American tribes within the area of homeland security and emergency management policy is scarce. Yet, as was illustrated here, the importance of incorporating tribes into the system of homeland security will only continue to grow. The data used in this research study was collected in 2002. After more than ten years, and the implementation of a number of policies and other government decisions which have sought to advance the status of Native American – U.S. relations, the time has come again to conduct an exhaustive data collection process. Research on tribes and their experiences within this system over time must be tracked. As questions continue to loom about the progress that the DHS has made in working to solidify cooperative partnerships in homeland security and emergency preparedness across the U.S., the experiences of tribal nations will remain fundamental to answering that
question. In understanding the limitations of this particular study, future research conducted in this area can be guided more effectively. This includes not only altering the survey instruments used to collect the data and employing more effective practices to increase the number of respondents, but also adjusting methods to better capture the cultural and political differences that exist.

Taking into consideration the complexities of the position of tribes outside of the American governance system and seeking to discover ways to reduce volatile interactions, will thrust the study of the impact of DHS policies into a new era. While the case has been made that further research about tribal nations is extremely warranted, the author would like to heed the lessons learned from this work and call attention a research toolkit which discusses the core values that should guide all research endeavors concerning Native Americans.

The National Congress of American Indians has produced a toolkit entitled *Research that Benefits Native People-- Foundations of Research: An Indigenous Perspective*. The toolkit provides tribal leaders and other research scholars with five suggested core values that are related to research in Native Communities. They are as follows: (1) indigenous knowledge is valid and should be valued, (2) research is not culturally neutral (research that has been designed to not be influenced by culture has actually harmed Indigenous people), (3) research should be used to enhance community well-being and not be harmful to the tribes, (4) expression of tribal sovereignty (tribal sovereignty includes the right to regulate research and unguided research relinquishes tribal power over the results and diminishes tribal sovereignty), (5) beneficial to Native People (the researcher has an ethical obligation to build the tribe’s research capacity).
While this toolkit provides a basic foundation on how to establish a research agenda in this area, it also sets a precedence of cultural relativism that has been ignored in other research on Native Americans and that has been highlighted as meaningful throughout this work.

Should public administration take into consideration the issues at hand and apply the values addressed in the toolkit, it will help to encourage fulfillment of the hope for diversity announced since the field’s inception. Even with the political and cultural differences that exist between tribal governments and sectors of the U.S. government, a disaster—whether natural or manmade—will not be able to tell where one jurisdiction ends and another begins.

If continued progress is going to be made, tribal nations and sectors of the U.S. government must adopt a comprehensive approach to creating a governance structure that seeks effective collaboration, as well as addresses the different levels of contention between tribes, the federal government, and the states. Despite lying outside of the governance structure of the U.S., tribes lying within the physical borders of the U.S. must be effectively integrated into the system of homeland security and emergency management. According to Mason (1998), part of the reluctance on the part of the American government to address the issues with tribal nations is the fact that most lawmakers, in the Congress and in state legislatures, simply do not understand Indian issues because they do not have to since they do not depend on Indian votes to get reelected. Now that efforts to achieve a unified system of homeland security include extensive cooperation and collaboration amongst tribal and U.S. governments, a different approach is warranted.
The recommendations listed above refer to policy implementation within the federalist framework. However, the author of this study contends that much of the reluctance to include Native American tribes into the U.S. governmental system is rooted in the rigidity of the federalist framework. As was presented earlier, the federalist framework was not built to systematically include tribal nations into its system. In fact, it was understood that tribal nations were to lie outside of the federalist framework. However, this author argues that the field of public policy must explore alternative governing models when including tribal nations into the U.S. service delivery system.

**Take Two:**

*An Assessment of Intergovernmental Relationships between Native American Tribes, the States, and the Federal Government in Homeland Security and Emergency Management Policy*

Further study related to this project should explore the role of the federal government in possibly inadvertently perpetuating intergovernmental conflicts and volatile interactions between states and tribes. As was discussed in the literature review, many of the works that have discussed the interactions between tribes and states have characterized them as rooted in conflict and marred by historically persistent disputes. The quantitative and qualitative data presented in this study provided empirical evidence to support those claims. Tribes reported that they were overwhelmingly dissatisfied with their interactions with state governments across the board. Tribes noted that the communication was poor, states did not offer technical assistance to tribes, they were not responsive to their requests for assistance, and perhaps most importantly, states did not truly understand and respect the unique geopolitical and cultural positioning of tribes. In
terms of the federal government, tribes did not report that the federal government had perfected its interactions with tribes, but tribes did note that they were much more satisfied with their interactions with the federal government than they were with the state government. Despite these findings, the author of this study suspects that a great deal of the contention between states and tribes may be inadvertently originating at the federal level.

This study has presented evidence which has supported claims that despite the federal trust responsibility agreement, the federal government has continued to delegate numerous responsibilities for tribal affairs to state governments. Tribes know that states are not authorized to exercise control over tribal jurisdictions and without fully understanding the unique positioning of tribes, it appears as though state officials are unsure how to exercise those delegated powers over the tribes. While the federal government may see the delegation of tribal affairs to states as a means of encouraging collaboration and coordination amongst the two governance structures, this process has yielded very few successes and has in many instances unequivocally exacerbated existing conflicts.

As unexpected findings that were presented in this study have shown, the abdication of a number of its responsibilities relating to tribal affairs, especially within the area of homeland security and emergency management, is having an adverse impact the Department of Homeland Security’s mission. For the sake of the relationships between tribal nations, states, the federal government, and the efforts to create and maintain a unified system of homeland security and emergency management on U.S. soil, further studies must begin to examine what the role of the federal government should be
in tribal homeland security and emergency management policy. This process would inevitably need to take a closer look at the current role of the federal government, the practical and theoretical implications of past and current policy decisions, and the specific role of FEMA in the process. By defining the role of the federal government, additional studies can then be produced to further begin to outline the function of the states and the conditions under which tribal homeland security and emergency management policy can effectively interface with the overall U.S. homeland security and emergency management agenda.
References


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114. United States Constitution. (1787). Article 1, Section 8: Commerce Clause.


Appendix A:
Map Index: Indian Reservations in the Continental United States
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Appendix B: Executive Order 13084
Retrieved 2013 from Federal Register, United States Government Printing Office
Executive Order 13084 of May 14, 1998

Consultation and Coordination With Indian Tribal Governments

The United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, Executive orders, and court decisions. Since the formation of the Union, the United States has recognized Indian tribes as domestic dependent nations under its protection. In treaties, our Nation has guaranteed the right of Indian tribes to self-government. As domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory. The United States continues to work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, trust resources, and Indian tribal treaty and other rights.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish regular and meaningful consultation and collaboration with Indian tribal governments in the development of regulatory practices on Federal matters that significantly or uniquely affect their communities; to reduce the imposition of unfunded mandates upon Indian tribal governments; and to streamline the application process for and increase the availability of waivers to Indian tribal governments; it is hereby ordered as follows:

Section 1. Definitions. For purposes of this order:

(a) "State" or "States" refer to the States of the United States of America, individually or collectively, and, where relevant, to State governments, including units of local government and other political subdivisions established by the States.

(b) "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

(c) "Agency" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

Sec. 2. Policy Making Criteria. In formulating policies significantly or uniquely affecting Indian tribal governments, agencies shall be guided, to the extent permitted by law, by principles of respect for Indian tribal self-government and sovereignty, for tribal treaty and other rights, and for responsibilities that arise from the unique legal relationship between the Federal Government and Indian tribal governments.

Sec. 3. Consultation. (a) Each agency shall have an effective process to permit elected officials and other representatives of Indian tribal governments to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.

(b) To the extent practicable and permitted by law, no agency shall promulgate any regulation that is not required by statute, that significantly or uniquely affects the communities of the Indian tribal governments, and that imposes substantial direct compliance costs on such communities, unless:
(1) funds necessary to pay the direct costs incurred by the Indian tribal
government in complying with the regulation are provided by the Federal
Government; or

(2) the agency, prior to the formal promulgation of the regulation,

(A) in a separately identified portion of the preamble to the regulation
as it is to be issued in the Federal Register, provides to the Director
of the Office of Management and Budget a description of the extent
of the agency’s prior consultation with representatives of affected Indian
tribal governments, a summary of the nature of their concerns, and
the agency’s position supporting the need to issue the regulation; and

(B) makes available to the Director of the Office of Management and
Budget any written communications submitted to the agency by such
Indian tribal governments.

Sec. 4. Increasing Flexibility for Indian Tribal Waivers. (a) Agencies shall
review the processes under which Indian tribal governments apply for waivers
of statutory and regulatory requirements and take appropriate steps to
streamline those processes.

(b) Each agency shall, to the extent practicable and permitted by law,
consider any application by an Indian tribal government for a waiver of
statutory or regulatory requirements in connection with any program admin-
istered by that agency in a general view toward increasing opportunities
for utilizing flexible policy approaches at the Indian tribal level in cases
in which the proposed waiver is consistent with the applicable Federal
policy objectives and is otherwise appropriate.

(c) Each agency shall, to the extent practicable and permitted by law,
render a decision upon a complete application for a waiver within 120
days of receipt of such application by the agency. The agency shall provide
the applicant with timely written notice of the decision and, if the application
for a waiver is not granted, the reasons for such denial.

(d) This section applies only to statutory or regulatory requirements that
are discretionary and subject to waiver by the agency.

Sec. 5. Cooperation in Developing Regulations. On issues relating to tribal
self-government, trust resources, or treaty and other rights, each agency
should explore and, where appropriate, use consensual mechanisms for de-
veloping regulations, including negotiated rulemaking.

Sec. 6. Independent Agencies. Independent regulatory agencies are encour-
aged to comply with the provisions of this order.

Sec. 7. General Provisions. (a) This order is intended only to improve the
internal management of the executive branch and is not intended to, and does
not, create any right, benefit, or trust responsibility, substantive or
procedural, enforceable at law or equity by a party against the United States,
its agencies or instrumentalities, its officers or employees, or any other
person.

(b) This order shall supplement but not supersede the requirements con-
tained in Executive Order 12866 ("Regulatory Planning and Review"), Executive
Order 12988 ("Civil Justice Reform"), OMB Circular A-19, and the
Executive Memorandum of April 29, 1994, on Government-to-Government
Relations with Native American Tribal Governments.

(c) This order shall complement the consultation and waiver provisions
in sections 4 and 5 of the Executive order, entitled "Federalism," being
issued on this day.
(d) This order shall be effective 90 days after the date of this order.

William Clinton

THE WHITE HOUSE,
Appendix C: Executive Order 13175
Retrieved 2013 from Federal Register, United States Government Printing Office
Executive Order 13175 of November 6, 2000

Consultation and Coordination With Indian Tribal Governments

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes, it is hereby ordered as follows:

Section 1. Definitions. For purposes of this order:

(a) “Policies that have tribal implications” refers to regulations, legislative enactments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

(b) “Indian tribe” means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

(c) “Agency” means any authority of the United States that is an “agency” under 44 U.S.C. 3502(3), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

(d) “Tribal officials” means elected or duly appointed officials of Indian tribal governments or authorized intertribal organizations.

Sec. 2. Fundamental Principles. In formulating or implementing policies that have tribal implications, agencies shall be guided by the following fundamental principles:

(a) The United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. Since the formation of the Union, the United States has recognized Indian tribes as domestic dependent nations under its protection. The Federal Government has enacted numerous statutes and promulgated numerous regulations that establish and define a trust relationship with Indian tribes.

(b) Our Nation, under the law of the United States, in accordance with treaties, statutes, Executive Orders, and judicial decisions, has recognized the right of Indian tribes to self-government. As domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory. The United States continues to work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, tribal trust resources, and Indian tribal treaty and other rights.

(c) The United States recognizes the right of Indian tribes to self-government and supports tribal sovereignty and self-determination.

Sec. 3. Policymaking Criteria. In addition to adhering to the fundamental principles set forth in section 2, agencies shall adhere, to the extent permitted by law, to the following criteria when formulating and implementing policies that have tribal implications:
(a) Agencies shall respect Indian tribal self-government and sovereignty, honor tribal treaty and other rights, and strive to meet the responsibilities that arise from the unique legal relationship between the Federal Government and Indian tribal governments.

(b) With respect to Federal statutes and regulations administered by Indian tribal governments, the Federal Government shall grant Indian tribal governments the maximum administrative discretion possible.

(c) When undertaking to formulate and implement policies that have tribal implications, agencies shall:

(1) encourage Indian tribes to develop their own policies to achieve program objectives;

(2) where possible, defer to Indian tribes to establish standards; and

(3) in determining whether to establish Federal standards, consult with tribal officials as to the need for Federal standards and any alternatives that would limit the scope of Federal standards or otherwise preserve the prerogatives and authority of Indian tribes.

Sec. 4. Special Requirements for Legislative Proposals. Agencies shall not submit to the Congress legislation that would be inconsistent with the policy-making criteria in Section 3.

Sec. 5. Consultation. (a) Each agency shall have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications. Within 30 days after the effective date of this order, the head of each agency shall designate an official with principal responsibility for the agency’s implementation of this order. Within 60 days of the effective date of this order, the designated official shall submit to the Office of Management and Budget (OMB) a description of the agency’s consultation process.

(b) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has tribal implications, that imposes substantial direct compliance costs on Indian tribal governments, and that is not required by statute, unless:

(1) funds necessary to pay the direct costs incurred by the Indian tribal government or the tribe in complying with the regulation are provided by the Federal Government; or

(2) the agency, prior to the formal promulgation of the regulation, (A) consulted with tribal officials early in the process of developing the proposed regulation;

(B) in a separately identified portion of the preamble to the regulation as it is to be issued in the Federal Register, provides to the Director of OMB a tribal summary impact statement, which consists of a description of the extent of the agency’s prior consultation with tribal officials, a summary of the nature of their concerns and the agency’s position supporting the need to issue the regulation, and a statement of the extent to which the concerns of tribal officials have been met; and

(C) makes available to the Director of OMB any written communications submitted to the agency by tribal officials.

(c) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has tribal implications and that preempts tribal law unless the agency, prior to the formal promulgation of the regulation, (1) consulted with tribal officials early in the process of developing the proposed regulation;

(2) in a separately identified portion of the preamble to the regulation as it is to be issued in the Federal Register, provides to the Director of OMB a tribal summary impact statement, which consists of a description of the extent of the agency’s prior consultation with tribal officials, a summary of the nature of their concerns and the agency’s position supporting the
need to issue the regulation, and a statement of the extent to which the
concerns of tribal officials have been met; and

(3) makes available to the Director of OMB any written communications
submitted to the agency by tribal officials.

(d) On issues relating to tribal self-government, tribal trust resources,
or Indian tribal treaty and other rights, each agency should explore and,
where appropriate, use consensual mechanisms for developing regulations,
including negotiated rulemaking.

Sec. 6. Increasing Flexibility for Indian Tribal Waivers.
(a) Agencies shall review the processes under which Indian tribes apply
for waivers of statutory and regulatory requirements and take appropriate
steps to streamline those processes.

(b) Each agency shall, to the extent practicable and permitted by law,
consider any application by an Indian tribe for a waiver of statutory or
regulatory requirements in connection with any program administered by
the agency with a general view toward increasing opportunities for utilizing
flexible policy approaches at the Indian tribal level in cases in which the
proposed waiver is consistent with the applicable Federal policy objectives
and is otherwise appropriate.

(c) Each agency shall, to the extent practicable and permitted by law,
render a decision upon a complete application for a waiver within 120
days of receipt of such application by the agency, or as otherwise provided
by law or regulation. If the application for waiver is not granted, the agency
shall provide the applicant with timely written notice of the decision and
the reasons therefor.

(d) This section applies only to statutory or regulatory requirements that
are discretionary and subject to waiver by the agency.

Sec. 7. Accountability.
(a) In transmitting any draft final regulation that has tribal implications
to OMB pursuant to Executive Order 12666 of September 30, 1993, each
agency shall include a certification from the official designated to ensure
compliance with this order stating that the requirements of this order have
been met in a meaningful and timely manner.

(b) In transmitting proposed legislation that has tribal implications to
OMB, each agency shall include a certification from the official designated
to ensure compliance with this order that all relevant requirements of this
order have been met.

(c) Within 180 days after the effective date of this order the Director
of OMB and the Assistant to the President for Intergovernmental Affairs
shall confer with tribal officials to ensure that this order is being properly
and effectively implemented.

Sec. 8. Independent Agencies. Independent regulatory agencies are encour-
gaged to comply with the provisions of this order.

Sec. 9. General Provisions. (a) This order shall supplant but not supersede
the requirements contained in Executive Order 12666 (Regulatory Planning
and Review), Executive Order 12886 (Civil Justice Reform), OMB Circular
A–19, and the Executive Memorandum of April 29, 1994, on Government-
to-Government Relations with Native American Tribal Governments.

(b) This order shall complement the consultation and waiver provisions
in sections 6 and 7 of Executive Order 13132 (Federalism).

(c) Executive Order 13084 (Consultation and Coordination with Indian
Tribal Governments) is revoked at the time this order takes effect.

(d) This order shall be effective 60 days after the date of this order.
Sec. 16. Judicial Review. This order is intended only to improve the internal management of the executive branch, and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law by a party against the United States, its agencies, or any person.

THE WHITE HOUSE,
November 6, 2000.

William Clinton
Appendix D: Executive Order 13336
Retrieved 2013 from Federal Register, United States Government Printing Office
Executive Order 13336 of April 30, 2004

American Indian and Alaska Native Education

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to recognize the unique educational and culturally related academic needs of American Indian and Alaska Native students consistent with the unique political and legal relationship of the Federal Government with tribal governments, it is hereby ordered as follows:

Section 1. Purpose. The United States has a unique legal relationship with Indian tribes and a special relationship with Alaska Native entities as provided in the Constitution of the United States, treaties, and Federal statutes. This Administration is committed to continuing to work with these Federally recognized tribes and governments on a government-to-government basis, and supports tribal sovereignty and self-determination. It is the purpose of this order to assist American Indian and Alaska Native students in meeting the challenging student academic standards of the No Child Left Behind Act of 2001 (Public Law 107-110) in a manner that is consistent with tribal traditions, languages, and cultures. This order builds on the innovations, reforms, and high standards of the No Child Left Behind Act of 2001, including: stronger accountability for results; greater flexibility in the use of Federal funds; more choices for parents; and an emphasis on research-based instruction that works.

Sec. 2. Interagency Working Group. There is established an Interagency Working Group on American Indian and Alaska Native Education (Working Group) to oversee the implementation of this order.

(a) The Working Group’s members shall consist exclusively of the heads of the executive branch departments, agencies, or offices listed below:

(i) the Department of Education;
(ii) the Department of the Interior;
(iii) the Department of Health and Human Services;
(iv) the Department of Agriculture;
(v) the Department of Justice;
(vi) the Department of Labor; and
(vii) such other executive branch departments, agencies, or offices as the Co-Chairs of the Working Group may designate.

A member of the Working Group may designate, to perform the Working Group functions of the member, an employee of the member’s department, agency, or office who is either an officer of the United States appointed by the President, or a full-time employee serving in a position with pay equal to or greater than the minimum rate payable for GS-15 of the General Schedule. The Working Group shall be led by the Secretaries of Education and the Interior, or their designees under this section, who shall serve as Co-Chairs.

(b) The function of the Working Group is to oversee the implementation of this order. The Working Group shall, within 90 days of the date of this order, develop a Federal Interagency plan that recommends initiatives, strategies, and ideas for future interagency actions that promote the purpose, as stated in section 1, of this order. In carrying out its activities under this order, the Working Group may consult with representatives of American Indian and Alaska Native tribes and organizations, in conformity with Executive Order 13175 of November 6, 2000, and with the National Advisory Council on Indian Education (NACIE). Any such consultations shall be
for the purpose of obtaining information and advice concerning American Indian and Alaska Native education and shall be conducted in a manner that seeks individual advice and does not involve collective judgment or consensus advice or deliberation.

Sec. 3. Study and Report. The Secretary of Education, in coordination with the Working Group, shall conduct a multi-year study of American Indian and Alaska Native education with the purpose of improving American Indian and Alaska Native students' ability to meet the challenging student academic standards of the No Child Left Behind Act of 2001.

(a) The study shall include, but not be limited to:

(i) the compilation of comprehensive data on the academic achievement and progress of American Indian and Alaska Native students toward meeting the challenging student academic standards of the No Child Left Behind Act of 2001;

(ii) identification and dissemination of research-based practices and proven methods in raising academic achievement and, in particular, reading achievement, of American Indian and Alaska Native students;

(iii) assessment of the impact and role of native language and culture on the development of educational strategies to improve academic achievement;

(iv) development of methods to strengthen early childhood education so that American Indian and Alaska Native students enter school ready to learn; and

(v) development of methods to increase the high school graduation rate and develop pathways to college and the workplace for American Indian and Alaska Native students.

The Secretary of Education shall develop an agenda, including proposed timelines and ongoing activities, for the conduct of this study, and shall make the agenda available to the public on the Internet.

(b) The Secretary of Education, in coordination with the Working Group, shall issue a report to the President that shall:

(i) provide the latest data available from the study;

(ii) comprehensively describe the educational status and progress of American Indian and Alaska Native students with respect to meeting the goals outlined in the No Child Left Behind Act of 2001 and any other student achievement goals the Secretary of Education or the Secretary of the Interior may deem necessary;

(iii) report on proven methods for improving American Indian and Alaska Native student academic achievement; and

(iv) update the Federal Interagency plan outlined in section 2(b) of this order.

Sec. 4. Enhancement of Research Capabilities of Tribal-Level Educational Institutions. The Secretary of Education and the Secretary of the Interior shall consult with the entities set forth in section 2(a) of this order and tribally controlled colleges and universities to seek ways to develop and enhance the capacity of tribal governments, tribal universities and colleges, and schools and educational programs serving American Indian and Alaska Native students and communities to carry out, disseminate, and implement education research, as well as to develop related partnerships or collaborations with non-tribal universities, colleges, and research organizations.

Sec. 5. National Conference. The Secretary of Education and the Secretary of the Interior, in collaboration with the Working Group and Federal, State, tribal, and local government representatives, shall jointly convene a forum on the No Child Left Behind Act of 2001 to identify means to enhance communication, collaboration, and cooperative strategies to improve the education of American Indian and Alaska Native students attending Federal, State, tribal, and local schools.

Sec. 6. Administration. The Department of Education shall provide appropriate administrative services and staff support to the Working Group. With
the consent of the Department of Education, other participating agencies may provide administrative support to the Working Group, to the extent permitted by law and consistent with their statutory authority.

Sec. 7. Termination. The Working Group established under section 2 of this order shall terminate not later than 5 years from the date of this order, unless extended by the President.

Sec. 8. Consultation. The Secretary of Education and Secretary of the Interior shall consult the Attorney General as appropriate on the implementation of this order, to ensure that such implementation affords the equal protection of the laws required by the due process clause of the Fifth Amendment to the Constitution.

Sec. 9. General Provisions.

(a) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

(b) Executive Order 13099 of August 6, 1998, is revoked.

THE WHITE HOUSE,

[FR Doc. 04-10377
Filed 5-4-04; 8:45 am]
Billing code 3195-01-P
Appendix E: Memorandum for the Heads of Executive Departments and Agencies: Tribal Consultation
Retrieved 2013 from Whitehouse.gov, Office of the Press Secretary
November 5, 2009

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Tribal Consultation

The United States has a unique legal and political relationship with Indian tribal governments, established through and confirmed by the Constitution of the United States, treaties, statutes, executive orders, and judicial decisions. In recognition of that special relationship, pursuant to Executive Order 13175 of November 6, 2000, executive departments and agencies (agencies) are charged with engaging in regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, and are responsible for strengthening the government-to-government relationship between the United States and Indian tribes.

History has shown that failure to include the voices of tribal officials in formulating policy affecting their communities has all too often led to undesirable and, at times, devastating and tragic results. By contrast, meaningful dialogue between Federal officials and tribal officials has greatly improved Federal policy toward Indian tribes. Consultation is a critical ingredient of a sound and productive Federal-tribal relationship.

My Administration is committed to regular and meaningful consultation and collaboration with tribal officials in policy decisions that have tribal implications including, as an initial step, through complete and consistent implementation of Executive Order 13175. Accordingly, I hereby direct each agency head to submit to the Director of the Office of Management and Budget (OMB), within 90 days after the date of this memorandum, a detailed plan of actions the agency will take to implement the policies and directives of Executive Order 13175. This plan shall be developed after consultation by the agency with Indian tribes and tribal officials as defined in Executive Order 13175. I also direct each agency head to submit to the Director of the OMB, within 270 days after the date of this memorandum, and annually thereafter, a progress report on the status of each action included in its plan together with any proposed updates to its plan.
Each agency’s plan and subsequent reports shall designate an appropriate official to coordinate implementation of the plan and preparation of progress reports required by this memorandum. The Assistant to the President for Domestic Policy and the Director of the OMB shall review agency plans and subsequent reports for consistency with the policies and directives of Executive Order 13175.

In addition, the Director of the OMB, in coordination with the Assistant to the President for Domestic Policy, shall submit to me, within 1 year from the date of this memorandum, a report on more

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the implementation of Executive Order 13175 across the executive branch based on the review of agency plans and progress reports. Recommendations for improving the plans and making the tribal consultation process more effective, if any, should be included in this report.

The terms "Indian tribe," "tribal officials," and "policies that have tribal implications" as used in this memorandum are as defined in Executive Order 13175.

The Director of the OMB is hereby authorized and directed to publish this memorandum in the Federal Register.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Executive departments and agencies shall carry out the provisions of this memorandum to the extent permitted by law and consistent with their statutory and regulatory authorities and their enforcement mechanisms.

BARACK OBAMA

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Appendix F: Federal Emergency Management Agency Tribal Policy
Retrieved 2013 from FEMA.gov, Office of the Press Secretary
FEMA Tribal Policy

TITLE: FEMA Tribal Policy

DATE: June 29, 2010

PURPOSE: This document responds to the Presidential Memorandum directing each department and agency to develop a detailed plan of action for compliance with Executive Order (E.O.) 13175. Both President Barack Obama and Secretary Janet Napolitano have committed to increasing nation-to-nation relationship building with Tribal communities nationwide. As a result, the Department of Homeland Security (DHS) has announced an initiative for increased consultation and coordination with federally recognized Tribes across the United States — building on current Tribal partnerships to protect the safety and security of all individuals on tribal lands through the DHS Tribal Consultation and Coordination Plan.

In support of the Administration and DHS’ effort, the Federal Emergency Management Agency (FEMA) engaged all Federally-recognized Tribes to gather suggested revisions to FEMA’s existing Tribal Policy. This revised policy statement has been developed, based on feedback received, to enhance FEMA’s relationship with the Nation’s American Indian and Alaska Native Tribal communities to support preparing for, recovering from, mitigating, and responding to all natural and manmade hazards and disasters.

SCOPE AND AUDIENCE: This policy applies to all disasters declared after publication of this document. It is intended to guide all personnel responsible for engaging in consultation and coordination with Federally-recognized tribal communities across the United States.


BACKGROUND: On January 5, 2010, FEMA Administrator W. Craig Fugate sent a letter to all 564 Federally-recognized Tribes in the United States transmitting and requesting their review and response to FEMA’s existing Tribal Policy which was originally issued on September 25, 1998. The Tribal community was asked to submit suggested revisions on the original policy to FEMA’s Tribal Liaison 30 days after receiving the initial material.

Simultaneously, FEMA established an internal working group to determine changes and updates needed to ensure the document is comprehensive and meets the needs of our tribal community partners. The internal working group first met in February, 2010 to discuss reaching out to the Tribal community, the current policy, and possible revision to be made once FEMA received feedback from Tribal and FEMA’s regional community representatives. This internal working group will meet periodically to discuss the most recent feedback received as well as to ensure proper implementation is taking place throughout the course of the year.
FEMA recognizes that the participation of American Indian and Alaska Native Tribal Governments is vital to enhancing nation-to-nation relations and will continue to seek their consultation. FEMA is committed to enhancing the implementation of this policy by working more closely with our governmental partners in the Nation’s American Indian and Alaskan Native Tribal communities with the publication of the revised policy. We echo the sentiment expressed by Secretary Napolitano that this partnership will lead to “better policy outcomes” and will ultimately assist FEMA in achieving its mission.

FEMA’s policy, as first stated in the September 25, 1998 FEMA Tribal Policy, applies to the American Indian and Alaska Native Tribal Governments as follows:

*In the spirit of community, FEMA commits itself to building a strong and lasting partnership with American Indians and Alaska Natives to assist them in preparing for the hazards they face, reducing their disaster vulnerabilities, responding quickly and effectively when disasters strike, and recovering in their aftermath.*

PRINCIPLES: FEMA recognizes the need to support the unique status of the American Indian and Alaska Native Tribal governments by engaging in meaningful dialogue when developing and implementing policy directives that will assist the Tribal community with their emergency management needs that fall under the auspices of FEMA. This includes, but is not limited to, the building, sustaining, and improvement of Tribal capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.

This policy outlines the guiding principles and establishes implementation objectives under which all employees of FEMA are to operate with regard to Federally-recognized American Indian and Alaska Native Tribal governments.

FEMA acknowledges the inherent sovereignty of American Indian and Alaska Native Tribal governments, the trust responsibility of the federal government, and the nation-to-nation relationship between the U.S. Government and American Indian and Alaska Native Tribal governments as established by specific statutes, treaties, court decisions, executive orders, regulations, and policies. FEMA further acknowledges the precedents of the Constitution, the President of the United States, and the U.S. Congress as the foundation of this policy’s content.

This policy is intended to be flexible and practical providing for the evolution of partnerships among FEMA, American Indian and Alaska Native Tribal governments, state and local governments, and other federal agencies. Working within existing statutes and authorities, FEMA will strive to be consistent in the Agency’s interactions with American Indian and Alaska Native Tribal governments nationwide.

This policy is consistent with existing law and does not alter or supersede the authorities of FEMA or those of any other Federal agencies. Further, this policy does not diminish or modify existing Tribal government authority in any way, nor does it suggest recognition of Tribal authority that does not currently exist beyond inherent tribal sovereignty. FEMA has authority to work with American Indian and Alaska Native Tribal governments under existing law.
DEFINITIONS AND TERMS:

Indian Tribal Government: any Federally-recognized governing body of an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian tribe under the Federally Recognized Tribe List Act of 1994, 25 U.S.C 479a. This does not include Alaska Native corporations, the ownership of which is vested in private individuals.

POLICY: The following policy principles define the commitment of FEMA and its employees to build a strong and lasting partnership with American Indian and Alaska Native Tribal governments. These principles direct the Agency’s interactions with American Indian and Alaskan Native Tribal governments and mirror DHS’ commitment to implementing E.O. 13175, Consultation and Coordination With Indian Tribal Governments, and the President’s Memorandum of November 5, 2009, Tribal Consultation. FEMA recognizes the sovereign rights, authority, and unique status of Tribal Governments and is committed to working in partnership with Indian Tribes on a nation-to-nation basis. FEMA acknowledges that a concerted effort between the Agency and American Indian and Alaska Native Tribal governments is needed in order to establish regular and meaningful consultation and collaboration in the development of policies that have Tribal implications, to strengthen the United States nation-to-nation relationships with Indian Tribes, and to minimize the imposition of unfunded mandates upon Indian Tribes.

- FEMA commits to nation-to-nation relationships with American Indian and Alaska Native Tribal governments.

FEMA recognizes that the Tribal right of self-government flows from the inherent sovereignty of American Indian and Alaska Native Tribes as nations and that Federally-recognized Tribes have a unique and direct relationship with the Federal government. Native American and Alaska Native Tribal governments are not political subdivisions of States, but are recognized by the United States as distinct sovereign entities.

- FEMA will consult, to the extent permitted by law, with American Indian and Alaska Native Tribal governments before taking actions that affect Federally-recognized Tribal governments to ensure that Tribal rights and concerns are addressed.

FEMA recognizes that, as a sovereign government, each Tribal government sets its own priorities and goals for the welfare of its membership, which include the considerations Tribal governments make to fulfill their responsibilities to their non-Tribal residents, relatives, employees, and neighboring jurisdictions. FEMA will involve Tribal governments in consultations to seek their input on policies, programs, and issues so that they may evaluate the potential impacts for their communities.
• FEMA acknowledges the trust responsibility of the Federal Government to American Indian and Alaska Native Tribal governments as established by specific treaties, court decisions, statutes, executive orders, regulations, and policies.

In recognition of this trust responsibility, FEMA will evaluate the impact of policies, programs, and activities on Tribal trust resources and consider the rights and concerns of Tribal governments in its decision-making. FEMA will also assist Tribal governments, should they seek assistance, in setting priorities for the interests of their community members as it relates to FEMA programs.

• FEMA will identify and take reasonable, appropriate steps to eliminate or diminish procedural impediments to working directly and effectively with Tribal governments.

FEMA recognizes there may be legal, procedural, organizational, or other impediments that affect its working relationships with Tribes. FEMA will apply the requirements of Executive Order (E.O.) 13175, Consultation and Coordination With Indian Tribal Governments, the “DHS Plan to Develop a Tribal Consultation and Coordination Policy,” E.O. 12875, “Enhancing the Intergovernmental Partnership,” and E.O. 12866, “Regulatory Planning and Review,” to design solutions and tailor Agency programs to address specific or unique needs of Tribal governments as permitted by law.

To this end, FEMA will examine the feasibility of strengthening the nation-to-nation relationship with Tribal nations in the following areas:

• Review portions of the Robert T. Stafford Disaster Relief & Emergency Assistance Act, other laws, policies, and administrative rules in emergency management activities to determine how that may allow FEMA to work more directly with local Tribal communities.
• FEMA will encourage States to incorporate the inclusion of Tribal governments into grant programs and processes to support the trust responsibility between the government and nation-to-nation relationship.
• Consider the designation of full-time Tribal liaisons in appropriate FEMA regional offices and explore the possibility of assigning attorneys within the FEMA Office of Chief Counsel (OCC) who are trained and experienced in Federal Indian Law.
• Send senior FEMA leadership periodically to engage Tribal government leadership in planning discussions prior to disasters and coordinate follow-up visits to discuss practical solutions.
• Consider expanding existing training efforts to include the development and delivery of regional homeland security and emergency management training to Tribal locations (on-site)

Within 180 days of publication of this policy, FEMA will issue an implementation plan to accomplish these activities.
FEMA will work in partnership with other Federal departments and agencies to enlist their support of cooperative efforts to further the goals of this policy.

FEMA recognizes the importance of interagency communication, coordination, and cooperation to pursue and implement its Tribal policy to fulfill the Agency’s commitment to work with Tribal governments in a nation-to-nation relationship.

Advisory councils within DHS have been established and proven valuable in understanding the views and opinions of our tribal partners within the homeland. Through the Federal Advisory Committee Act (FACA), these bodies enable the Secretary and other Departmental leadership to routinely hear first hand from those on the front line of state, local, and tribal government for implementing DHS policies and regulations.

The FEMA National Advisory Council (NAC), established by the Post-Katrina Emergency Management Reform Act (PKEMRA) of 2006 (Public Law 109-295), advises the Administrator of FEMA on all aspects of homeland security and emergency management. The NAC incorporates stakeholder input in the development and revision of the National Preparedness Guidelines, the National Incident Management System (NIMS), the National Response Framework (NRF), and other related plans and strategies. The NAC has both an elected Federally-recognized tribal official and tribal government representative on the council.

FEMA will encourage cooperation and partnership between and among Federal, Tribal, State, local governments, and public and private entities.

Effective homeland security and emergency management require the cooperation, partnership, and mutual consideration of neighboring governments, which include Tribal, State, or local governments. Accordingly, FEMA will encourage partnerships in the interest of implementing effective homeland security and emergency management practices. The Agency’s support is not intended to lend Federal support to any one party that would place the interests of another in jeopardy. In these fields, issues are often shared and the principle of partnership between equals and neighbors often serves the best interests of both.

The National Preparedness Task Force is the most recent addition to the Department of Homeland Security’s advisory councils established by the Department of Homeland Security Appropriations Act for Fiscal Year 2010. This task force will advise the FEMA Deputy Administrator for Protection and National Preparedness on all aspects of the goals and objectives to improving the Nation’s level of preparedness for all hazards (Tribal and local) regarding disaster emergency guidance and policy, including Federal grants and requirements, and performance measurement efforts. The task force includes three tribal representatives.

FEMA acknowledges as precedents, the policy commitments and decisions of the Executive, Legislative, and Judicial branches of the United States Government.

This policy reinforces and incorporates the commitments contained in various Presidential policies emphasizing that such a nation-to-nation relationship be pursued. The Agency’s policy also recognizes the 1988 U.S. House of Representatives Concurrent Resolution #331, which
declares the policy "To acknowledge the contribution of the Iroquois Confederacy of Nations... and to reaffirm the continuing nation-to-nation relationship between Indian tribes and the United States established in the Constitution." Further, this policy acknowledges the importance and precedence of treaties, court decisions, statutes, executive orders, and regulations regarding Tribal policy.

- **FEMA will use its best efforts to institutionalize this policy within the fundamental tenets of the Agency's mission.**

FEMA will incorporate the principles of this policy into the Agency's daily activities and operations. This policy is intended to reflect a continuous and long-term planning and management effort.

The Agency also recognizes that one of the best ways to institutionalize this policy is to develop an implementation plan that heightens the Agency's level of meaningful consultation and collaboration with American Indian and Alaska Native tribal governments. FEMA will draft such a plan in consultation with FEMA's Tribal Working Group with coordination facilitated by FEMA's National Tribal Liaison. The plan will support greater tribal government participation by permitting the National Tribal Liaison to reach out directly to tribal governments and avoid exclusion of some tribes simply because they do not belong to a professional organization. Ultimately, the implementation plan will build upon existing tribal partnerships to promote the safety and security of all people on tribal lands.

As Administrator of FEMA, I have designated a FEMA National Tribal Liaison to serve as our liaison with American Indian and Alaska Native Tribal governments for engagement on policy issues. This policy is subject to annual review based upon lessons learned in the course of its implementation.

**RESPONSIBLE OFFICE:** Office of External Affairs, FEMA

**SUPERSESSION:** This policy supersedes the FEMA Tribal Policy published in the Federal Register – January 12, 1999 and all previous guidance on this subject.

**REVIEW DATE:** This policy does not automatically expire, but will be reviewed every 3 years from the date of publication.

W. Craig Fugate, Administrator
Retrieved from the Department of Homeland Security Online Library
THE WHITE HOUSE
WASHINGTON
March 30, 2011

PRESIDENTIAL POLICY DIRECTIVE/PFD-8

SUBJECT: National Preparedness

This directive is aimed at strengthening the security and resilience of the United States through systematic preparation for the threats that pose the greatest risk to the security of the Nation, including acts of terrorism, cyber attacks, pandemics, and catastrophic natural disasters. Our national preparedness is the shared responsibility of all levels of government, the private and nonprofit sectors, and individual citizens. Everyone can contribute to safeguarding the Nation from harm. As such, while this directive is intended to galvanize action by the Federal Government, it is also aimed at facilitating an integrated, all-of-Nation, capabilities-based approach to preparedness.

Therefore, I hereby direct the development of a national preparedness goal that identifies the core capabilities necessary for preparedness and a national preparedness system to guide activities that will enable the Nation to achieve the goal. The system will allow the Nation to track the progress of our ability to build and improve the capabilities necessary to prevent, protect against, mitigate the effects of, respond to, and recover from those threats that pose the greatest risk to the security of the Nation.

The Assistant to the President for Homeland Security and Counterterrorism shall coordinate the interagency development of an implementation plan for completing the national preparedness goal and national preparedness system. The implementation plan shall be submitted to me within 60 days from the date of this directive, and shall assign departmental responsibilities and delivery timelines for the development of the national planning frameworks and associated interagency operational plans described below.

National Preparedness Goal

Within 180 days from the date of this directive, the Secretary of Homeland Security shall develop and submit the national preparedness goal to me, through the Assistant to the President
for Homeland Security and Counterterrorism. The Secretary shall coordinate this effort with other executive departments and agencies, and consult with State, local, tribal, and territorial governments, the private and nonprofit sectors, and the public.

The national preparedness goal shall be informed by the risk of specific threats and vulnerabilities – taking into account regional variations – and include concrete, measurable, and prioritized objectives to mitigate that risk. The national preparedness goal shall define the core capabilities necessary to prepare for the specific types of incidents that pose the greatest risk to the security of the Nation, and shall emphasize actions aimed at achieving an integrated, layered, and all-of-Nation preparedness approach that optimizes the use of available resources.

The national preparedness goal shall reflect the policy direction outlined in the National Security Strategy (May 2010), applicable Presidential Policy Directives, Homeland Security Presidential Directives, National Security Presidential Directives, and national strategies, as well as guidance from the Interagency Policy Committee process. The goal shall be reviewed regularly to evaluate consistency with these policies, evolving conditions, and the National Incident Management System.

National Preparedness System

The national preparedness system shall be an integrated set of guidance, programs, and processes that will enable the Nation to meet the national preparedness goal. Within 240 days from the date of this directive, the Secretary of Homeland Security shall develop and submit a description of the national preparedness system to me, through the Assistant to the President for Homeland Security and Counterterrorism. The Secretary shall coordinate this effort with other executive departments and agencies, and consult with State, local, tribal, and territorial governments, the private and nonprofit sectors, and the public.

The national preparedness system shall be designed to help guide the domestic efforts of all levels of government, the private and nonprofit sectors, and the public to build and sustain the capabilities outlined in the national preparedness goal. The national preparedness system shall include guidance for planning, organization, equipment, training, and exercises to build and maintain domestic capabilities. It shall provide an all-of-Nation approach for building and sustaining a cycle of preparedness activities over time.
The national preparedness system shall include a series of integrated national planning frameworks, covering prevention, protection, mitigation, response, and recovery. The frameworks shall be built upon scalable, flexible, and adaptable coordinating structures to align key roles and responsibilities to deliver the necessary capabilities. The frameworks shall be coordinated under a unified system with a common terminology and approach, built around basic plans that support the all-hazards approach to preparedness and functional or incident annexes to describe any unique requirements for particular threats or scenarios, as needed. Each framework shall describe how actions taken in the framework are coordinated with relevant actions described in the other frameworks across the preparedness spectrum.

The national preparedness system shall include an interagency operational plan to support each national planning framework. Each interagency operational plan shall include a more detailed concept of operations; description of critical tasks and responsibilities; detailed resource, personnel, and sourcing requirements; and specific provisions for the rapid integration of resources and personnel.

All executive departments and agencies with roles in the national planning frameworks shall develop department-level operational plans to support the interagency operational plans, as needed. Each national planning framework shall include guidance to support corresponding planning for State, local, tribal, and territorial governments.

The national preparedness system shall include resource guidance, such as arrangements enabling the ability to share personnel. It shall provide equipment guidance aimed at nationwide interoperability; and shall provide guidance for national training and exercise programs, to facilitate our ability to build and sustain the capabilities defined in the national preparedness goal and evaluate progress toward meeting the goal.

The national preparedness system shall include recommendations and guidance to support preparedness planning for businesses, communities, families, and individuals.

The national preparedness system shall include a comprehensive approach to assess national preparedness that uses consistent methodology to measure the operational readiness of national
capabilities at the time of assessment, with clear, objective and quantifiable performance measures, against the target capability levels identified in the national preparedness goal.

Building and Sustaining Preparedness

The Secretary of Homeland Security shall coordinate a comprehensive campaign to build and sustain national preparedness, including public outreach and community-based and private-sector programs to enhance national resilience, the provision of Federal financial assistance, preparedness efforts by the Federal Government, and national research and development efforts.

National Preparedness Report

Within 1 year from the date of this directive, the Secretary of Homeland Security shall submit the first national preparedness report based on the national preparedness goal to me, through the Assistant to the President for Homeland Security and Counterterrorism. The Secretary shall coordinate this effort with other executive departments and agencies and consult with State, local, tribal, and territorial governments, the private and nonprofit sectors, and the public. The Secretary shall submit the report annually in sufficient time to allow it to inform the preparation of my Administration’s budget.

Roles and Responsibilities

The Assistant to the President for Homeland Security and Counterterrorism shall periodically review progress toward achieving the national preparedness goal.

The Secretary of Homeland Security is responsible for coordinating the domestic all-hazards preparedness efforts of all executive departments and agencies, in consultation with State, local, tribal, and territorial governments, nongovernmental organizations, private-sector partners, and the general public; and for developing the national preparedness goal.

The heads of all executive departments and agencies with roles in prevention, protection, mitigation, response, and recovery are responsible for national preparedness efforts, including department-specific operational plans, as needed, consistent with their statutory roles and responsibilities.
Nothing in this directive is intended to alter or impede the ability to carry out the authorities of executive departments and agencies to perform their responsibilities under law and consistent with applicable legal authorities and other Presidential guidance. This directive shall be implemented consistent with relevant authorities, including the Post-Katrina Emergency Management Reform Act of 2006 and its assignment of responsibilities with respect to the Administrator of the Federal Emergency Management Agency.

Nothing in this directive is intended to interfere with the authority of the Attorney General or Director of the Federal Bureau of Investigation with regard to the direction, conduct, control, planning, organization, equipment, training, exercises, or other activities concerning domestic counterterrorism, intelligence, and law enforcement activities.

Nothing in this directive shall limit the authority of the Secretary of Defense with regard to the command and control, planning, organization, equipment, training, exercises, employment, or other activities of Department of Defense forces, or the allocation of Department of Defense resources.

If resolution on a particular matter called for in this directive cannot be reached between or among executive departments and agencies, the matter shall be referred to me through the Assistant to the President for Homeland Security and Counterterrorism.

This directive replaces Homeland Security Presidential Directive (HSPD)-8 (National Preparedness), issued December 17, 2003, and HSPD-8 Annex I (National Planning), issued December 4, 2007, which are hereby rescinded, except for paragraph 44 of HSPD-8 Annex I. Individual plans developed under HSPD-8 and Annex I remain in effect until rescinded or otherwise replaced.

Definitions

For the purposes of this directive:

(a) The term "national preparedness" refers to the actions taken to plan, organize, equip, train, and exercise to build and sustain the capabilities necessary to prevent, protect against, mitigate the effects of, respond to, and recover from those threats that pose the greatest risk to the security of the Nation.
(b) The term "security" refers to the protection of the Nation and its people, vital interests, and way of life.

(c) The term "resilience" refers to the ability to adapt to changing conditions and withstand and rapidly recover from disruption due to emergencies.

(d) The term "prevention" refers to those capabilities necessary to avoid, prevent, or stop a threatened or actual act of terrorism. Prevention capabilities include, but are not limited to, information sharing and warning; domestic counterterrorism; and preventing the acquisition or use of weapons of mass destruction (WMD). For purposes of the prevention framework called for in this directive, the term "prevention" refers to preventing imminent threats.

(e) The term "protection" refers to those capabilities necessary to secure the homeland against acts of terrorism and manmade or natural disasters. Protection capabilities include, but are not limited to, defense against WMD threats; defense of agriculture and food; critical infrastructure protection; protection of key leadership and events; border security; maritime security; transportation security; immigration security; and cybersecurity.

(f) The term "mitigation" refers to those capabilities necessary to reduce loss of life and property by lessening the impact of disasters. Mitigation capabilities include, but are not limited to, community-wide risk reduction projects; efforts to improve the resilience of critical infrastructure and key resource lifelines; risk reduction for specific vulnerabilities from natural hazards or acts of terrorism; and initiatives to reduce future risks after a disaster has occurred.

(g) The term "response" refers to those capabilities necessary to save lives, protect property and the environment, and meet basic human needs after an incident has occurred.

(h) The term "recovery" refers to those capabilities necessary to assist communities affected by an incident to recover effectively, including, but not limited to, rebuilding infrastructure systems; providing adequate interim and long-term housing for survivors; restoring health, social, and community services; promoting economic development; and restoring natural and cultural resources.

BARACK OBAMA
Appendix H: Qualitative Responses to Open-Ended Survey Question
What can FEMA do to assist in improving your tribe’s capability to plan and respond to disasters?
(Please be specific about your individual tribal needs such as training, pre-disaster mitigation, technical/financial assistance, etc.)

1) Our Tribe operates on grant monies from various federal agencies. We have no other [income] with FEMA assistance the Tribe would be able to accomplish all the questions in Q 32 on page QA-9.

2) Provide more FEMA sponsored training-setting up an EOC, CERT, etc.

3) We would need financial assistance in this because we tend to get low funding and we don’t get money from anywhere else, but some by grants.

4) Technical/financial assistance for planning and training. FEMA Region 9 held its first Tribal emergency preparedness workshop in 2001, Reno, NV. This was a great workshop & a beginning for FEMA & Tribes in Region 9 to work together.

5) This program can assist the Tribe in each and every training available. (EPA Technician, ICVA Technician, VPSO, Education/Employment, Health aides, Tribal Administration, Admin. Asst., YOG technician, Suicide Prevention, Mental Health Counselor, Maintenance worker. Each one of the staff can receive training in various fields. We do have a VPSO working here @ the village. He will need training in various fields for these emergency-FEMA-disasters. I would also like the public and Tribal members to get all the training possible. I believe that before any major disaster all personnel and public needs all training possible.

6) We would like to be educated on the available trainings that FEMA has. Also we would like to know more about the FEMA programs listed in Question 31. Thank you for our participation in this questionnaire.
7) Our Tribe needs training which involve technical and financial assistance.

8) Alaska's unique sometimes more so than need be. Many tribe operate a number of programs, many are programs are provide by Tribal Consortium-Non-profit organizations that are authorized by the Tribes to do so. The State has an overall response system for disasters. We are not aware of its specifically in regards to our area (our village or region). There are individual plans but nothing comprehensive. Facilitating a conference in each region of Alaska inviting all key players, and Tribes to create a regional plan and in each village create a village plan.

9) We don’t have very many disasters, but we would need financial help if there were disasters. We have 2 govts. In our town of 120 and we work together to take care of most of our needs by working together. But, we always could use help with trainings.

10) Training-First Responders, Haz Mat, Hazard Evaluation. Development of Tribal Emergency Plan-Primary Risks: Earthquakes, Train derailment, hazmat spill, toxic gas, wildfire-prevention. Need to establish initial self-sufficient Tribal response in the event of an earthquake. Tribe are enough away from urban center that village needs to be able to meet its own basic needs for at least 3 days.

11) We need training & Technical/Financial Asst. in all areas of disasters.

12) Need financial assistance in all areas of FEMA capacity-administration funding, equipment, training.

13) We are a small and needy tribe in need of technical assistance funds to develop a emergency respond. And additional we the tribe would like to develop in
coordinating with local, state, federal government a plan. Also we would like to develop a memorandum of understanding with FEMA.

14) Well to start off with we recently found out that we are not covered by the Haines fire department to come up to the Village without some kind of agreement, that we are kind of leery to sign because of the chance that they try to annex us into the Haines Borough. We want to stay as independent as humanly possible. Can we get assistance to purchase a good size pumper truck to meet our needs for fire protection? Secondly we have a lot of slides around the village not only snow slides, but also mud slides that can cut out access to the town of Haines that is located 22 miles from the village where all the medical and transportation needs for the village are met. The snow slides are not too bad but if they happen late in the day the Department of Transportation will not come until the next day. That leaves us to fend for ourselves in case of emergency. The mudslides that happen almost yearly come very close to are fresh water treatment plant and storage tanks not to mention that they come into the village itself the last one went under a few of the houses cause a great deal of damage we did get some state help but a lot of the cost were absorbed by not only the village but homeowners as well. Any help you can give us in these matter as well as other will be greatly appreciated.

15) Have trainings in fall or early spring. Have grant classes in community or in Anchorage that cost less to attend. More grants that need less match. More grants for small communities. More building grant for communities.

16) At the present the Tribal Law Enforcement Department is the point of contact for disaster response. While we are presently working on a Search and Rescue
program there is no groundwork for a disaster response. We do have a great need
due to the area in which our members (Tribal) and local residents live, which we
also service. Present needs do encompass training of response teams, pre-disaster
mitigation, equipment, technical and financial assistance, emergency food and
equipment storage lists and items. The present possible disaster within this area
are landslide, avalanche and very heavy snow fall. There is only one road through
the valley with the closest town 15 miles away for store and markets. This is also
a main highway for transport to include chemical and other dangerous products.
This brings a possibility of spills with the closest response to address this from the
city of Anchorage sixty five miles away. There is no Tribal funding to support
training out of state or equipment. We would also need assistance in the building
and implementation of an Emergency plan to work into existing city plans where
possible.

17) We need assistance with funding. Need: search and rescue vessel,
rescue/emergency equipment, PPE, raingear, disaster relief materials, radios, Sat.
phones, non-perishable food, emergency shelter.

18) More funding. Can be all year thing. For hospital food, gas, stove oil, electricity.

Fundings for training.

19) Do a needs assessment and fulfill the trust responsibility.

20) Any assistance would be greatly appreciated thank you for your concern.

21) Always looking for ways to better serve the Tribal members and their needs. So
staff and Tribal members would like to learn more pre-disaster responses or plans.

So any assistance that can be provided to the tribe would be beneficial.
22) FEMA needs to stand behind their partnership with the Tribes directly, without the State involvement which only complicates, side tracks, and undermines the very concept of a "partnership." The tribe attended the partnership meeting in September of 2000. After that time, the tribe has had very little communication with FEMA. Not enough communication to establish an effective and consistent emergency management program. FEMA appears to have been side tracked by a change in government. FEMA's objectives should not change as a result. FEMA's objectives should continue to stay on track, especially after the September 11th 2001 disaster. Not only does emergency management respond to disasters after September 11th, but now national security has complicated the entire emergency management equation. Tribal partnerships must be strengthened to have national emergency management continuity.

23) What our community needs most but does not have is an emergency shelter. A tsunami or flooding caused by a tsunami is a very real threat here, and should it happen, there is no shelter or supplies located on higher ground.

24) Training on disaster preparedness.

25) Provide training on site on emergency responder. Provide informational training on site for Tribal leaders. Provide funding for response related equipment.

Provide funding for hazard & risk assessment.

26) Need training on developing emergency response plans & coordination with county & state governments. Assistance in developing & implementing MOU's or agreements between all levels with Tribes & government agencies. Provide
funding for a part time response coordinator. Assistance in developing and assessing risks.

27) Our emergency response plan needs help with revision of the document. We deal with periodic flooding. We also have a major highway that hosts a large amount of hazardous material. We need training and equipment to deal with spill management. We need training to help people deal with disaster management.

28) Risk Assessment training, technical and monetary assistance needed. Strategic response program development in need of coordination among local, state, and federal jurisdictions.

29) All of the above mentioned issues are somewhat of a concern. We do not have funding for staff to be specifically detailed to only FEMA/hazardous issues. We have to designate someone to add this information to many other categories they cover. Possible funding for this specific position would be top priority. We have several hazardous conditions. We are located near a lake, river, creek, railroad, and major highway.

30) We basically have a need for planning and training through technical assistance. As well as technical assistance for grant writing and possibly with implementation. The [tribe] does not have a plan to share. I see a need due to the high fire danger partially because of the drought and lack of moisture and high winds. Please consider use for everything.

31) Application, implementation, and management of FEMA grant programs. Development of Mutual aid agreements with federal, state, and local
governments. Development of communication and warning systems for procedures and disasters and emergency response activities.

32) 100% funding without match. We already gave. Funding for our first responders at all levels fire, EMS, etc. @ EMI. Provide 100% for emergency equipment.

33) First Responders Training.

34) The tribe needs as soon as possible technical and financial assistance in the training of identified personnel who would assume the responsibilities of the emergency operations. Assistance and funding to establish an emergency operations center to include: equipment, supplies, and office space. Training for the identified personnel on pre-mitigation, chemical and hazardous spills, threats, natural disasters, haz-mat training, terrorists, school violence, and vehicle, train, and airplane accidents. This should include mock exercise training.

35) Examples of different emergency operations plans would be helpful to Tribes. So that they can establish or improve their own plans i.e. generic examples, formats, or layouts. Possibly provided on a webpage or notice sent informing availability. This would help by not having to re-invent the wheel.

36) Lets us know (notify us) of any local FEMA training would be very beneficial and grants.

37) Assist us in the drafting/update of our emergency response plan. Require a 10% match on disaster Assistance rather than 25%.

38) [The Tribe] had had no previous relationship with FEMA and has just really begun exploring FEMA as a resource. Although the Tribe has an emergency response plan, funded by USFDA, Gap Grant, it is not implemented. We have
also included in this fiscal year's GAP Grant funds for HAZMAT training, this training has not yet occurred. As such, the Tribe is highly interested in all aspects of assistance that FEMA may provide.

39) [The Tribe] is a very small tribe established by Executive Order 1891 with current members consisting of one adult and 8 children living off the reservation. The Reservation comprises approximately 520 acres in the Coachella Valley in Riverside Country, California. The Tribe has developed a fully functioning government operation, with guidance and financial assistance from the Bureau of Indian Affairs and the U.S. Environmental Protection Agency. Due to the limited personnel capacity and funding, the Tribe has not been able to set up appropriate emergency management programs to plan and respond to disasters that might impact the life, health, and environment of the Reservation. [The Tribe] will highly appreciate the support from FEMA in training and technical/financial assistance in developing the Tribal emergency management programs.

40) Our Tribe would like to see FEMA involvement (active) in all areas. [The Tribe] is located uniquely on the U.S./Mexico border which places it in an inevitable position of hazards resulting from illegal immigrant activity. We need: financial assistance to mitigate solid waste, HAZMAT, chemical and natural disaster incidents. Training in emergency response along with appropriate equipment.

41) Need for EOC training at EMI. Need for TERC drill evaluation. Need for W.M.D. preparedness (equipment, training). Need assistance with chemical (Tier II) reporting and risk management.
42) Training in hazard risk assessment. Technical and financial assistance in developing Tribal emergency management response plan. Financial assistance to develop Tribal communications strategy and protocol for coordination among state, local, federal governments and Tribes during emergency planning and response.

43) Currently working with county to develop a LEPL once functional. We will need assistance with training, equipment, and consumable supplies.

44) We need help in all areas. I was going to contact our local county emergency management director and see if he would assist me in doing an assessment and then developing an emergency plan. If your agency can help me in this area I would appreciate it.

45) [The Tribe] needs funds to obtain pre-disaster mitigation, training, and additional presentations to assist our community in preparedness. On-site or local training (educational classes) would assist us in obtaining necessary credit for personnel. Availability of funds to conduct annual experience and tabletop exercises to train personnel on disaster response. Access to funds to apply for generators for community facilities during disasters or power outages. Funds for an emergency management coordinator for our Tribe and technical/financial assistance to develop mutual aid agreements with surrounding counties that have Tribal lands and community members.

46) Training would be beneficial. Along with technical and financial assistance.

47) Provide planning grant to develop emergency management office. Provide technical assistance and funds to train hazmat personnel. Provide technical
assistance and funds to train fire-fighters for structural fires. Provide funds to purchase firefighting equipment.

48) Meet with each Tribe to develop needs assessment and get funds from Government to implement programs.

49) FEMA must provide more training for Tribes in planning, development, operation of emergency program. FEMA needs to provide grant funds for future programs.

Education for people living on reservations.

50) By having the technical equipment and needs to handle the problem. Just being available to help us out is a good start.

51) Police Department needs: training and funding for training and response equipment-access to training facility and resources. Equipment needs (i.e. suits, SCBAS, etc), funding for mobile E.O.C.

52) [The Tribe] needs grant fund (long term) to start a Tribal Fire Department which would employ permanent full time employees trained in disaster management and mitigation. \n
53) We would need all services mentioned above.

54) Any training would be appreciated. Would like to develop and implement an emergency plan for Tribal members.

55) How about some money and training.

56) [The Tribe] is in the process of relocating to a new site on Nelson Island and will need full support from FEMA and other agencies to cover costs and other needs to escape the erosion of our land.

57) Tribe needs a lot of training in fire and Ems. The Tribe needs ICS training.
58) The Tribe would need emergency plans for floods, wildfires, and earthquakes. In addition to a plan the Tribe would need financial and technical help to assure that if there was an emergency that the Tribe would be prepared. Right now we don't have anything in place if something might happen today.

59) Our village is located along the Bering Sea coast prone to fall storm flooding due to being located in a low lying area, sea level. We have a one person village safety officer and a one person village police officer. Floods have destroyed village boardwalk, and scatters trash and public/private property. We would like assistance in village emergency operations. Technical/financial assistance in establishing emergency operations centers including communications and emergency lifesaving equipment such as boats/motors.

60) The Tribe needs training in all areas including financial management for emergency/disaster situations. The Tribe needs emergency communication capability in the form of 2 way radios etc. The Tribe needs a designated and salaried emergency preparedness coordinator. Infrastructure development is needed.

62) Need more training in hazmat. We live in a three state area where we will be getting a lot of shipments of radioactive material-California, Nevada, and Arizona.

63) We would want to identify and make plans as to what type of disaster area we live in. We would want help in making other agencies aware of what potential disaster area we live in and what help we would need to respond to a specific disaster situation.

64) Training for financial assistance.

65) Training, technical assistance.

66) We are in the process of putting together a community strategic plan and will at some point address emergency response. It would be good to receive some technical assistance, training and perhaps some funds to incorporate emergency response into our plan.

67) Our Tribal representatives would like to receive technical assistance/training in on the areas as referenced in Question #32 such as pre-disaster mitigation, FEMA grant application, etc.

68) Village is trying to develop natural, environmental and other emergency response capabilities. More training relative to this needs to be provided in Alaska and this region.

69) Technical assistance

70) More communication with FEMA on all aspects regarding possible disaster in our area.

71) Financial assistance for emergency planning.
I have just started working with [the Tribe]. I have been unable to find any CEMP training, Haz-mat, or emergency management on any of the volunteer firefighters. I would accept any assistance, training, pre-disaster mitigation and funding.

Provide funding for comprehensive training equipment and technical assistance. One contact person who is consistent to work with. Coordinate with federal and state representatives to meet with Tribe to gain a comprehensive understanding of needs. Invitation to meeting with federal and state agencies or visit here to understand our needs.

Fund training including travel costs.

Most useful would be individual on site assistance for disaster planning.

React quickly to the process.

The Tribe has participated in the past in FEMA Emergency Management training, and will have future needs to participate in training. Should a disaster occur, the Tribe may need emergency funding.

Guides and manuals for developing plans.

Pre-disaster mitigation training for Tribal governments, Clarification on the Stafford Act, with a summary of revisions that affect Tribes. Grant opportunity workshops and notification for Tribes. Improved communications to Tribes regarding training opportunities, with grant funding to assist with attendance. Disaster recovery training/resource guide. Improved communications between the state and Tribal governments.

Have more technical assistance in local areas-most of FEMA training is done in Sacramento region areas. FEMA should consider going to the reservations and/or
Rancherias and do local training so all of the Tribes who want to attend can do so. Cost is always a factor when going to training in Sacramento, California. Our Tribe is small and we don't have a large budget. FEMA could organize a training session where two or three Tribes could attend at once.

81) [The Tribe] is in need of funding for training in Hazardous Materials, and training in emergency operation. No one from our Tribe has any idea of what needs to be done on our emergency operations plan. I have been overseeing the plan and meeting with Burnett, Polk, and Barron counties to join their LEPC to get the Tribe into compliance with EPA.

82) Provided funding and personnel. Bring state and Tribal personnel together to discuss cooperative efforts.

83) Tribes are not included in the Stanford Act or other parts of FEMA policy. At all levels there is no understanding of the consultation procedure with Tribes. It is not followed at the regional level-our area representatives state a meeting two years ago that she would contact us-we are still waiting. The area rep doesn’t return phone calls. Returning our calls would be a good start. Tribes are left out of government decisions. With the recent funding for homeland security-Tribes were left out. We need technical assistance in natural disasters and terrorist acts (domestic defense).

84) The overall scope of what FEMA looks for-training in all areas available.

85) We have only dealt with FEMA in one instance. There were very responsive to the needs of the Tribe and timely in assisting us. Outside of FEMA no other organizations, local, state, or Federal has approached the Tribe regarding
disasters. Maybe open the lines of communication and let other governments know we suffer from disasters too.
Appendix I: Quantitative Data Results: Descriptive Statistics and Cross-Tabulations of Key Variables
<table>
<thead>
<tr>
<th>Variable</th>
<th>Observations</th>
<th>Mean</th>
<th>Standard Deviation</th>
<th>Min</th>
<th>Max</th>
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</thead>
<tbody>
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<tr>
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<td>5</td>
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**State Government Descriptive Statistics**

<table>
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<tr>
<th>Variable</th>
<th>Observations</th>
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<th>Standard Deviation</th>
<th>Min</th>
<th>Max</th>
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**Federal Government Descriptive Statistics**

225
### Tribe Population

<table>
<thead>
<tr>
<th>Population</th>
<th>N of Responses</th>
<th>Percent</th>
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<td>Less than 1,000 People</td>
<td>88</td>
<td>63.8</td>
</tr>
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<td>1,000-4,999</td>
<td>25</td>
<td>18.1</td>
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<tr>
<td>5,000-9,999</td>
<td>9</td>
<td>6.5</td>
</tr>
<tr>
<td>10,000-14,999</td>
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<tr>
<td>15,000 or More</td>
<td>4</td>
<td>2.9</td>
</tr>
<tr>
<td>No Response Provided</td>
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### Tribe Reservation Holdings

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<th>Percent</th>
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</tr>
<tr>
<td>Less than 25,000 Acres</td>
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</tr>
<tr>
<td>25,000-49,999 Acres</td>
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<tr>
<td>50,000-74,999 Acres</td>
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<tr>
<td>75,000-99,999 Acres</td>
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<td>100,000 Acres or More</td>
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<tr>
<td>No Response Provided</td>
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</tr>
<tr>
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<td><strong>100.00</strong></td>
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### Geographic Location of Tribe

<table>
<thead>
<tr>
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<th>Percent</th>
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<tbody>
<tr>
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<td>3.6</td>
</tr>
<tr>
<td>Suburban</td>
<td>2.9</td>
</tr>
<tr>
<td>Rural</td>
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</tr>
<tr>
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<tr>
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<tr>
<td><strong>Total</strong></td>
<td><strong>100.00</strong></td>
</tr>
<tr>
<td>Geographic Location</td>
<td>Location of Tribe in More than One Contiguous County or State</td>
</tr>
<tr>
<td>---------------------</td>
<td>--------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Urban</td>
<td>1</td>
</tr>
<tr>
<td>Suburban</td>
<td>0</td>
</tr>
<tr>
<td>Rural</td>
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<tr>
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<td>Total</td>
<td>48</td>
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Tribal Geographic Location and the Location of a Tribe in More than One Contiguous County or State

![Bar chart showing the distribution of geographic locations and tribe locations.](image)

Tribal Geographic Location and the Location of a Tribe in More than One Contiguous County or State
<table>
<thead>
<tr>
<th>Geographic Location</th>
<th>Tribe Completed Hazard Risk Assessment</th>
<th>Total</th>
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<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Urban</td>
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<td>0</td>
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<tr>
<td>Suburban</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Rural</td>
<td>33</td>
<td>73</td>
</tr>
<tr>
<td>Combination of Any Two of the Above</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>No Response</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>50</td>
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Tribal Geographic Location and Tribal Completion of a Hazard Risk Assessment

![Bar chart showing tribal geographic location and tribal completion of a hazard risk assessment](chart.png)

Tribal Geographic Location and Tribal Completion of a Hazard Risk Assessment
<table>
<thead>
<tr>
<th>Geographic Location</th>
<th>Tribe Completed Emergency Operations Plan</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Urban</td>
<td>4</td>
<td>1</td>
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<tr>
<td>Suburban</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Rural</td>
<td>38</td>
<td>69</td>
</tr>
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<tr>
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<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>56</td>
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</tbody>
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**Tribal Geographic Location and Tribal Completion of an Emergency Operations Plan**

![Bar Chart](Image)

**Tribal Geographic Location and Tribal Completion of an Emergency Operations Plan**
Tribal Geographic Location and Assessment of Tribal Working Relationship with State Government

<table>
<thead>
<tr>
<th>Geographic Location</th>
<th>Tribal Working Relationship with State Government</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Very Dissatisfied</td>
<td>Dissatisfied</td>
</tr>
<tr>
<td>Urban</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Suburban</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Rural</td>
<td>8</td>
<td>37</td>
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<tr>
<td>Combination</td>
<td>2</td>
<td>5</td>
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<tr>
<td>of Any Two</td>
<td>-</td>
<td>-</td>
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<tr>
<td>of the Above</td>
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<td></td>
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Tribal Geographic Location and Assessment of Tribal Working Relationship with State Government

Tribal Geographic Location and Assessment of Tribal Working Relationship with State Government
<table>
<thead>
<tr>
<th>Geographic Location</th>
<th>Tribal Working Relationship with Federal Government</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Very Dissatisfied</td>
<td>Dissatisfied</td>
</tr>
<tr>
<td>Urban</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Suburban</td>
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<td>0</td>
</tr>
<tr>
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<tr>
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</table>

Tribal Geographic Location and Assessment of Tribal Working Relationship with Federal Government

![Bar chart showing distribution of tribal geographic location and assessment of tribal working relationship with federal government.]

Tribal Geographic Location and Assessment of Tribal Working Relationship with Federal Government
<table>
<thead>
<tr>
<th>Tribe Population</th>
<th>Geographic Location</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Urban</td>
<td>Suburban</td>
</tr>
<tr>
<td>Less than 1,000</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>1,000-4,999</td>
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<td>0</td>
</tr>
<tr>
<td>5,000-9,999</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>10,000-14,999</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>15,000 or More</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>No Response</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
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</table>

**Tribe Population and Tribal Geographic Location**

![Bar chart showing the distribution of tribe population and geographic location.](chart.png)
<table>
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<th>Total</th>
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</tr>
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<td>6</td>
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<td>10,000-14,999</td>
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<td>2</td>
<td>2</td>
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<td>No Response</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Total</td>
<td>49</td>
<td>79</td>
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<table>
<thead>
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<tbody>
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<td>No</td>
</tr>
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<td>Less than 1,000</td>
<td>37</td>
<td>48</td>
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<td>1,000-4,999</td>
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</tr>
<tr>
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<td>3</td>
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<td>10,000-14,999</td>
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<td>15,000 or More</td>
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<td>Location of Tribe in More than One Contiguous County or State</td>
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<td>6</td>
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<td>15,000 or More</td>
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</tr>
<tr>
<td>Total</td>
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<td>84</td>
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</tbody>
</table>

Tribe Population the Location of Tribe in More than One Contiguous County or State
Appendix J: Memorandum Sent to Craig Fugate, FEMA Director from the National Congress of American Indians Re: DHS FY2013 Proposed Grant Strategy
March 21, 2012

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

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 stand 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