



# Homeland Security

MEMORANDUM FOR: Chairman Peter Yucupicio  
Chair, DHS Tribal Homeland Security Advisory Council

CC: Secretary Kimberly Hampton  
Vice Chair, DHS Tribal Homeland Security Advisory Council

FROM: Alejandro N. Mayorka  
Secretary

SUBJECT: **DHS Tribal Homeland Security Advisory Council (THSAC) Taskings**

Thank you for the thoughtful discussion and dialogue during the first meeting of the Department of Homeland Security's (DHS) Tribal Homeland Security Advisory Council (THSAC) on February 14, 2023. The expertise, insight, and recommendations of the THSAC members are critical to ensuring that we meet the DHS mission of keeping the homeland safe.

I respectfully request that the DHS THSAC form three subcommittees to provide findings and recommendations in these critical areas:

1. How the Department can more effectively support Tribal Nations in cybersecurity protection and services.
2. How the Department can enhance its efforts to support Executive Order 14053 Improving Public Safety and Criminal Justice for Native American and Addressing the Crisis of Missing or Murdered Indigenous People.
3. How the Department can improve equity and accessibility to grant funding and DHS resources for Tribal Nations.

These taskings will increase the Department's constructive engagement with tribes and further the Department's compliance with the federal government's treaty and trust responsibilities.

These three taskings mirror the concerns expressed to the Department by Tribal Nations and Tribal organizations and associations in various settings, including formal Tribal consultations, Tribal engagement meetings, Tribal conferences, and publications. The Department is aware of several cyberattacks on Tribal Nations. Regarding Missing or Murdered Indigenous People (MMIP), there are grave concerns about this crisis and the need for continued work and collaboration between governments and law enforcement agencies. Finally, tribes often express concerns about

a lack of equity and accessibility to OHS grant funding and resources; for instance, the FEMA Flood Mitigation Assistance Grant Program.

I request that the THSAC submit its findings and key recommendations to me no later than 120 days from the date of this memorandum.

Thank you for your work and dedication on these important matters, and your service on the THSAC.

### **Cybersecurity**

Within the United States, the federal government has trust and treaty responsibilities with more than 570 federally recognized tribes, each their own sovereign nation with varying capabilities and vulnerabilities. Due to this uneven distribution of cyber proficiencies, ransomware and malware attacks on Tribal Nations have significantly increased. These attacks have the capacity to expose further external systems and infrastructure. The Department wants to ensure cybersecurity resources are widely deployed and available to all stakeholders. This includes the sharing of best practices and providing expertise to those with less developed cybersecurity infrastructure.

The THSAC will form a subcommittee to engage with subject matter experts and provide recommendations for how the Department can address cyber vulnerabilities within Tribal Nations. Specifically, the subcommittee will:

- a. Review the current cyber capabilities of Tribal Nations, including the following:
  - Governance structure,
  - Level of cyber expertise,
  - History of ransomware attacks,
  - Vulnerability gaps, and,
  - Any other factors that the Council believes would be beneficial for the Department's awareness when drafting new policies or programs related to providing cybersecurity support.
  
- b. Based on the review, provide actionable recommendations on how the Department, within its authority and capabilities, can more effectively support, prevent, and respond to the vulnerabilities identified.

### **Addressing the Crisis of Missing or Murdered Indigenous People**

Native Americans face excessively high levels of violence and are victims of violent crime at a rate much higher than the national average.<sup>1</sup> Under Executive Order 14053 (EO), the Department is tasked with providing support to the Departments of Justice, Interior, and Health and Human Services in their efforts to address the crisis of missing and murdered indigenous people. The EO

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<sup>1</sup> See, e.g., Fairchild, D.G., M.W. Fairchild, and S. Stoner, "Prevalence of Domestic Violence Among Women Seeking Routine Care in a Native American Health Care Facility," *American Journal of Public Health* 88 (1998): 1515-1517; Oetzel, J., and B. Duran, "Intimate Partner Violence in American Indian and/or Alaska Native Communities: A Social Ecological Framework of Determinants and Interventions," *Journal of the Center for American Indian and Alaska Native Mental Health Research* 11 (2004): 49-68; Robin, R.W., B. Chester, and J.K. Rasmussen, "Intimate Violence in a Southwestern American Indian Tribal Community," *Cultural Diversity and Mental Health* 4 (4) (1998): 335-344.

specifically highlights the Department's role in the following areas:

1. Coordination of a Federal Law Enforcement Strategy to Prevent and Respond to Violence Against Native Americans.
2. Supporting Tribal and Other Non-Federal Law Enforcement Efforts to Prevent and Respond to Violence Against Native Americans.
3. Improving Data Collection, Analysis, and Information Sharing.
4. Strengthening Prevention, Early Intervention, and Victim and Survivor Services.

The THSAC will form a subcommittee to engage with subject matter experts and provide recommendations on the Department's support in EO 14053, with stakeholder feedback and including potential legislative reforms. Specifically, the subcommittee will:

- a. Provide an independent assessment of DHS's current actions relating to item 3 of the EO, *Improving Data Collection, Analysis, and Information Sharing*. This assessment should include but not be limited to:
  - Collection of relevant criminal data and data related to MMIP from Tribal Nations and organizations;
  - Review and assess the efficiency and effectiveness of the Department's information sharing to enhance the security and preparedness within Tribal Nations. This includes recommendations for new information-sharing mechanisms, whether via platforms or networks, or by creating a new process that will effectively communicate threat information and other relevant federal resources to Native Americans; and,
  - Outline further areas in which FEMA can promote its Integrated Public Alert Warning System (IPAWS) in relation to cases of MMIP.
- b. Provide an independent assessment of DHS's current actions relating to item 4, *Strengthening Prevention, Early Intervention, and Victim and Survivor Services*. This assessment should include but not be limited to:
  - Distribution of education, awareness, and training materials from the Blue Campaign to Tribal Nations;
  - Engagements on prevention and intervention with Tribal Nations; and,
  - Recommendations for DHS to improve access to information or services relating to item 4 of the EO.

### **Accessibility of DHS Grants**

Many resources supporting building more resilient communities are accessible through DHS's competitive grant opportunities, such as the Tribal Homeland Security Grant Program, Building Resilient Infrastructure and Communities, Hazard Mitigation Assistance, Pre-Disaster Mitigation, the Nonprofit Security Grant Program, Tribal Cybersecurity Grant Program and the Targeted Violence and Terrorism Prevention Grant Program. Within Tribal Nations, there is a wide breadth of capabilities in emergency management services. Some tribes have very robust emergency management offices that can navigate the grant process, from application writing to distribution of funds, to reporting on progress. Others may not have the resources or the capacity to take advantage of DHS grant opportunities.

The THSAC will form a subcommittee to engage with subject matter experts and provide recommendations on increasing equity and accessibility to DHS grants, considering stakeholder feedback and including any potential requisite legislative reforms. Specifically, the subcommittee **will:**

- a. Provide recommendations for how the Department can most effectively and appropriately address barriers to access or other challenges for tribes in the grant application process, and
- b. Provide recommendations for how the Department's existing resources can more equitably meet the needs of Tribal Nations. This includes any suggested legislative and programmatic changes to congressional authorities outlining access to those grant opportunities.