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HOUSE MEMORIAL 109

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Sandra D. Jeff

A MEMORIAL

REQUESTING THE UNITED STATES CONGRESS AND EXECUTIVE BRANCH TO
TREAT TRIBAL GOVERNMENTS AS STATES FOR THE PURPOSES OF
APPROPRIATIONS AND ASSISTANCE RELATED TO EMERGENCY MANAGEMENT
SERVICES.

WHEREAS, the focus of the United States government has
changed dramatically after the terrorist attacks of September
11, 2001, and the United States congress has acted to provide
unprecedented levels of funding for bioterrorism prevention,
public health and safety, border security and other homeland
security initiatives; and

WHEREAS, congress has largely overlooked the need for
Indian country to be included in the evolving national strategy
for homeland security and has failed to provide funding to
Indian tribes, the bureau of Indian affairs or the Indian

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1 health service to participate in homeland security initiatives;
2 and

3 WHEREAS, tribal governments are responsible for providing
4 for the health, safety and welfare of tribal citizens; and

5 WHEREAS, tribal governments must strengthen governmental
6 structures and infrastructure to provide an immediate response
7 to emergency situations and to protect the health, safety and
8 welfare of tribal members, as well as other citizens who reside
9 or are visitors on reservations; and

10 WHEREAS, congress has acted to make billions in homeland
11 security funding available to states and local governments
12 without any mandates for the inclusion of Indian tribal
13 governments in these new programs; and

14 WHEREAS, United States Senate Resolution 578 and United
15 States House Resolution 2242 add "Indian Tribes" to all
16 sections of the Homeland Security Act where "states" are
17 referred to; and

18 WHEREAS, that legislation also contains tribal inherent
19 sovereignty jurisdictional statements; and

20 WHEREAS, the secretary of the United States department of
21 homeland security has recognized that tribal interests are a
22 necessary and integral part in developing regulatory policies
23 and recommending grant procedures for tribes; and

24 WHEREAS, the United States has a unique and legal
25 relationship with American Indian and Alaska Native people,

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1 which serves as the basis for the federal government's trust,
2 responsibility and obligations; and this government-to-
3 government relationship is a well-settled principle of federal
4 Indian law that is reflected in the United States constitution
5 and expressed in treaties, executive agreements and orders,
6 statutes and hundreds of federal court decisions; and

7 WHEREAS, there are also moral components to the
8 relationship that has been described as a "mutuality of
9 obligations" between the United States and tribal governments;

10 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
11 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the Obama
12 administration and United States congress be requested to take
13 immediate actions to ensure Indian tribal governments are
14 treated as states for planning, consultation, coordination and
15 eligibility for grant money and funds to improve capacity and
16 help prepare, prevent and respond to activities affecting
17 public safety and other related purposes; and

18 BE IT FURTHER RESOLVED that copies of this memorial be
19 transmitted to the president of the United States and the New
20 Mexico congressional delegation.

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