

1 SENATE JOINT MEMORIAL 51

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

3 INTRODUCED BY

4 Richard C. Martinez

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10 A JOINT MEMORIAL

11 REQUESTING THE UNITED STATES CONGRESS TO AMEND THE ROBERT T.  
12 STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT TO ALLOW  
13 TRIBAL GOVERNMENTS TO DIRECTLY APPLY FOR FEDERAL DISASTER AID.  
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15 WHEREAS, in 2011, a number of New Mexico pueblos were  
16 severely and adversely affected by natural disasters, including  
17 the Las Conchas fire, which affected the Pueblo of Santa Clara,  
18 Pueblo of Cochiti, Pueblo of Jemez, Pueblo of Acoma and Pueblo  
19 of San Ildefonso, both directly and through subsequent flooding  
20 events and snow emergencies; and

21 WHEREAS, although federally recognized tribes have a  
22 government-to-government and trust relationship with the United  
23 States, pursuant to the Robert T. Stafford Disaster Relief and  
24 Emergency Assistance Act, only states, through the governor,  
25 can make disaster declaration requests directly to the

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1 president of the United States; and

2 WHEREAS, amending that law would acknowledge the  
3 sovereignty of federally recognized Indian tribes and the trust  
4 relationship of the United States and would enhance the working  
5 relationship between tribal governments and the federal  
6 emergency management agency, yielding better emergency response  
7 outcomes; and

8 WHEREAS, the United States house of representatives is  
9 considering legislation that would amend the Robert T. Stafford  
10 Disaster Relief and Emergency Assistance Act, which provides  
11 authorization for the federal emergency management agency to  
12 include procedures for Indian tribal governments to directly  
13 request of the president of the United States a disaster  
14 declaration on their respective reservations and to provide a  
15 cost share waiver for nonfederal contributions; and

16 WHEREAS, on July 21, 2011, the United States senate  
17 committee on Indian affairs held a hearing entitled "Oversight  
18 Hearing on Facing Floods and Fires - Emergency Preparedness for  
19 Natural Disasters in Native Communities", in which the main  
20 tribal witness was Governor Walter Dasheno of the Pueblo of  
21 Santa Clara, who testified to the value of allowing Indian  
22 tribes to request directly of the president of the United  
23 States a disaster declaration on their reservations and to  
24 provide cost share waivers; and

25 WHEREAS, the United States senate committee on Indian

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1 affairs is working on draft legislation to address the concerns  
2 raised by the governor of the Pueblo of Santa Clara; and

3 WHEREAS, on December 7, 2011, the federal emergency  
4 management agency announced that it supports amending federal  
5 law to allow federally recognized tribal governments to make  
6 disaster declaration requests directly to the president;

7 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
8 STATE OF NEW MEXICO that the United States congress be  
9 requested to amend the Robert T. Stafford Disaster Relief and  
10 Emergency Assistance Act to allow federally recognized Indian  
11 tribes to make disaster declaration requests directly to the  
12 president of the United States and to provide for cost share  
13 waivers; and

14 BE IT FURTHER RESOLVED that the New Mexico congressional  
15 delegation be requested to support such an amendment and to  
16 work closely with the New Mexico tribes on the terms of the  
17 amendment; and

18 BE IT FURTHER RESOLVED that copies of this memorial be  
19 sent to the speaker of the United States house of  
20 representatives, the president pro tempore of the United States  
21 senate and the members of the New Mexico congressional  
22 delegation.