

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 health service to participate in homeland security initiatives; and

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

WHEREAS, tribal governments must strengthen governmental structures and infrastructure to provide an immediate response to emergency situations and to protect the health, safety and welfare of tribal members, as well as other citizens who

reside or are visitors on reservations; and

WHEREAS, tribal governments have been granted the status of states regarding the Clean Water Act, the Safe Drinking Water Act and the Clean Air Act for the purposes of administering environmental programs for the protection and overall public safety of people and resources in Indian country; and

WHEREAS, treatment as states serves to recognize and to include tribal governments as participants in regional environmental concerns, planning and hazard mitigation; and

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

WHEREAS, the inclusion of tribal governments in planning, consultation, coordination and federal grant eligibility will serve to enhance the national, state and local preparedness plans, hazard mitigation and emergency management services; and

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

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

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

WHEREAS, the homeland security and emergency management department will continue to work with tribal governments to develop memoranda of understanding, which agreements will delineate shared responsibilities, identify federal aid for tribes and assist tribal governments in meeting the compliance objectives of the national incident management system; and

WHEREAS, the United States has a unique and legal relationship with American Indian and Alaska Native people, which serves as the basis for the federal government's trust, responsibility and obligations; and this government-to-government relationship is a well-settled principle of federal Indian law that is reflected in the United States constitution and expressed in treaties, executive agreements and orders, statutes and hundreds of federal court decisions; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the Obama administration and United States congress be requested to take immediate actions to ensure Indian tribal governments are

treated as states for planning, consultation, coordination and eligibility for grant money and funds to improve capacity and help prepare, prevent and respond to activities affecting public safety and other related purposes; and

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