S. 2283

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include procedures for requests from Indian tribes for a major disaster or emergency declaration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 29, 2012

Mr. Tester introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include procedures for requests from Indian tribes for a major disaster or emergency declaration, and for other purposes.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. TRIBAL REQUESTS FOR A MAJOR DISASTER OR

EMERGENCY DECLARATION UNDER THE

STAFFORD ACT.

(a) MAJOR DISASTER REQUESTS.—Section 401 of

the Robert T. Stafford Disaster Relief and Emergency As-

sistance Act (42 U.S.C. 5170) is amended—
(1) by striking “All requests for a declaration” and inserting “(a) In General.—All requests for a declaration”; and

(2) by adding at the end the following:

“(b) Indian Tribal Government Requests.—

“(1) In General.—The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that a major disaster exists consistent with the requirements of subsection (a).

“(2) References.—In implementing assistance authorized by the President under this title in response to the request of the Chief Executive of an affected Indian tribal government for a major disaster declaration, references to State and Governor in this title and in section 319 of this Act shall mean Indian tribal government and the Chief Executive of an affected Indian tribal government, respectively.

“(3) Savings Provision.—Nothing in this subsection shall prohibit an Indian tribal government from receiving assistance under this title through a declaration made by the President at the request of a State under subsection (a) if the President does
not make a declaration under this subsection for the same incident.

“(c) Cost Share Adjustments for Indian Tribal Governments.—Notwithstanding any other provision of this title, any non-Federal contributions required under this title to be paid by an Indian tribal government may be adjusted or waived in accordance with criteria established by the President.”.

(b) Emergency Requests.—Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191) is amended by adding at the end the following:

“(c) Indian Tribal Government Requests.—

“(1) In general.—The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that an emergency exists consistent with the requirements of subsection (a).

“(2) References.—In implementing assistance authorized by the President under this title in response to the request of the Chief Executive of an affected Indian tribal government for an emergency declaration, references to State and Governor in this title and in section 319 of this Act shall mean In-
dian tribal government and the Chief Executive of
an affected Indian tribal government, respectively.

“(3) SAVINGS PROVISION.—Nothing in this sub-
section shall prohibit an Indian tribal government
from receiving assistance under this title through a
declaration made by the President at the request of
a State under subsection (a) if the President does
not make a declaration under this subsection for the
same incident.

“(d) COST SHARE ADJUSTMENTS FOR INDIAN TRIB-
AL GOVERNMENTS.—Notwithstanding any other provision
of this title, any non-Federal contributions required under
this title to be paid by an Indian tribal government may
be adjusted or waived in accordance with criteria estab-
lished by the President.”.

(e) DEFINITIONS.—Section 102 of the Robert T.
Stafford Disaster Relief and Emergency Assistance Act
(42 U.S.C. 5122) is amended—

(1) in paragraph (7)(B) by striking “; and” and
inserting “, that is not an Indian tribal government
as defined in paragraph (6); and’’;

(2) by redesignating paragraphs (6) through
(10) as paragraphs (7) through (11), respectively;

(3) by inserting after paragraph (5) the fol-
lowing:
“(6) INDIAN TRIBAL GOVERNMENT.—The term ‘Indian tribal government’ means the governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).”; and

(4) by adding at the end the following:

“(12) CHIEF EXECUTIVE.—The term ‘Chief Executive’ means the person who is recognized by the Secretary of the Interior as the chief elected administrative officer of an Indian tribal government.”.

(d) REGULATIONS.—In promulgating such regulations as the President determines are necessary and appropriate to carry out the provisions of this section, including cost share adjustments, the President shall consider unique conditions that affect the general welfare of the affected federally recognized Indian tribe.

(e) REFERENCES.—Title I of the Robert T. Stafford Disaster Relief and Emergency Assistance Act is amended by adding after section 102 the following:

“SEC. 103. REFERENCES.

“Except as otherwise specified, any reference to ‘State and local’, ‘State or local’, or ‘State, local’ governments or officials in this Act, and all references to ‘local
government in section 417, shall be deemed to refer also to Indian tribal governments and officials, as appropriate.”.