

112TH CONGRESS
2D SESSION

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. TRIBAL REQUESTS FOR A MAJOR DISASTER OR**
4 **EMERGENCY DECLARATION UNDER THE**
5 **STAFFORD ACT.**

6 (a) MAJOR DISASTER REQUESTS.—Section 401 of
7 the Robert T. Stafford Disaster Relief and Emergency As-
8 sistance Act (42 U.S.C. 5170) is amended—

1 (1) by striking “All requests for a declaration”
2 and inserting “(a) IN GENERAL.—All requests for a
3 declaration”; and

4 (2) by adding at the end the following:

5 “(b) INDIAN TRIBAL GOVERNMENT REQUESTS.—

6 “(1) IN GENERAL.—The Chief Executive of an
7 affected Indian tribal government may submit a re-
8 quest for a declaration by the President that a
9 major disaster exists consistent with the require-
10 ments of subsection (a).

11 “(2) REFERENCES.—In implementing assist-
12 ance authorized by the President under this title in
13 response to the request of the Chief Executive of an
14 affected Indian tribal government for a major dis-
15 aster declaration, references to State and Governor
16 in this title and in section 319 of this Act shall
17 mean Indian tribal government and the Chief Execu-
18 tive of an affected Indian tribal government, respec-
19 tively.

20 “(3) SAVINGS PROVISION.—Nothing in this sub-
21 section shall prohibit an Indian tribal government
22 from receiving assistance under this title through a
23 declaration made by the President at the request of
24 a State under subsection (a) if the President does

1 not make a declaration under this subsection for the
2 same incident.

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

9 (b) EMERGENCY REQUESTS.—Section 501 of the
10 Robert T. Stafford Disaster Relief and Emergency Assist-
11 ance Act (42 U.S.C. 5191) is amended by adding at the
12 end the following:

13 “(c) INDIAN TRIBAL GOVERNMENT REQUESTS.—

14 “(1) IN GENERAL.—The Chief Executive of an
15 affected Indian tribal government may submit a re-
16 quest for a declaration by the President that an
17 emergency exists consistent with the requirements of
18 subsection (a).

19 “(2) REFERENCES.—In implementing assist-
20 ance authorized by the President under this title in
21 response to the request of the Chief Executive of an
22 affected Indian tribal government for an emergency
23 declaration, references to State and Governor in this
24 title and in section 319 of this Act shall mean In-

1 dian tribal government and the Chief Executive of
2 an affected Indian tribal government, respectively.

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

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

16 (c) DEFINITIONS.—Section 102 of the Robert T.
17 Stafford Disaster Relief and Emergency Assistance Act
18 (42 U.S.C. 5122) is amended—

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

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

24 (3) by inserting after paragraph (5) the fol-
25 lowing:

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

8 (4) by adding at the end the following:

9 “(12) CHIEF EXECUTIVE.—The term ‘Chief Ex-
 10 ecutive’ means the person who is recognized by the
 11 Secretary of the Interior as the chief elected admin-
 12 istrative officer of an Indian tribal government.”.

13 (d) REGULATIONS.—In promulgating such regula-
 14 tions as the President determines are necessary and ap-
 15 propriate to carry out the provisions of this section, in-
 16 cluding cost share adjustments, the President shall con-
 17 sider unique conditions that affect the general welfare of
 18 the affected federally recognized Indian tribe.

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

22 **“SEC. 103. REFERENCES.**

23 “Except as otherwise specified, any reference to
 24 ‘State and local’, ‘State or local’, or ‘State, local’ govern-
 25 ments or officials in this Act, and all references to ‘local

1 government' in section 417, shall be deemed to refer also
2 to Indian tribal governments and officials, as appro-
3 priate.”.

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