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COMBATTING TERRORISM  
OF THE  
UNITED STATES SENATE  
COMMITTEE ON INDIAN AFFAIRS

DURING THE  
ONE HUNDRED EIGHTH CONGRESS  
ON  
THE ROLE OF TRIBAL GOVERNMENTS IN ASSURING AMERICA'S  
HOMELANDS ARE SECURE

JULY 29, 2003



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## COMBATTING TERRORISM

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TUESDAY, JULY 29, 2003

U.S. SENATE,  
COMMITTEE ON INDIAN AFFAIRS,  
*Washington, DC.*

The tribal leaders forum was convened, pursuant to notice, at 8:45 a.m. in room DG-50, Senate Dirksen Building, Richard Trudell, executive director, AILTP (facilitator) presiding.

### STATEMENT OF RICHARD TRUDELL, EXECUTIVE DIRECTOR, AILTP

Mr. TRUDELL. Why don't we all take a seat so we can get started. Before we get started, I've asked Wallace Coffey, the chairman of the Comanche Tribe in Oklahoma, to offer an invocation or opening prayer. So at this time, Wallace.

Mr. COFFEY. [Invocation given in native tongue.]

Mr. TRUDELL. Thank you, Wallace.

My name is Dick Trudell, and along with John Echohawk, we've been asked to serve as facilitators for the meeting today. So for further identification, I run an organization that's based in California called the American Indian Resources Institute. I know many of the people in the room, but I'm sure there are a few that I don't know and should get to know.

The schedule is pretty packed with a lot of speakers throughout the day and we're making some adjustments in terms of, there are some people who are unable to be here and we'll have replacements for them. I think the schedule is pretty self-explanatory in terms of really hearing from a variety of speakers that represent organizations or departments here in Washington and appropriate tribal perspectives as well. Then obviously this afternoon we'll move into more of a dialogue between the tribes and to really hear from different parts of Indian Country in terms their perception or perspective on homeland security and what the tribes are doing to deal with that particular area.

The Senator is only going to be able to be here until roughly 9:25 a.m. or so, so we shouldn't waste any time. So at this time it's an honor and a privilege to present the vice chairman of the Indian Affairs Committee, the Honorable Senator Daniel K. Inouye.

[Applause.]

**STATEMENT OF HON. DANIEL K. INOUE, U.S. SENATOR FROM HAWAII, VICE CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS**

Senator INOUE. It is a bit early in the morning, so I welcome all of you who have traveled long distances to be with the Committee on Indian Affairs as we begin our first two sessions on the consideration of S. 578, a bill to amend the Homeland Security Act of 2002, to address the role of tribal governments in homeland security.

I am certain that since September 11, all Americans have been called upon to take part in a nationwide effort to protect our homes and our homelands from acts of terrorism. The Homeland Security Act provides the authority for the establishment of this department, the new Homeland Security Department, to serve as the focal point for the Federal Government's efforts to prevent terrorist attacks, to reduce our Nation's vulnerability to terrorism, to enhance the capacities of all governments to respond to a terrorist threat, to the coordination of homeland security activities with State, local and I underscore tribal governments.

There are six priorities identified in the act: First, the development of a comprehensive intelligence and warning system to detect terrorism before it manifests itself in an attack. Second, domestic counter-terrorism, including the improvement of intergovernmental law enforcement coordination. Third, we have border and transportation security. Fourth, a critical infrastructure protection. Fifth, catastrophic terrorism defense, and finally, emergency preparedness and response.

As the Federal Government begins to build homeland security capacities to meet the threat of terrorism, it should be clear that State, local and tribal governments have a critical role to play as well in homeland security. At the Federal level, it is well known that tribal governments serve as a primary instrument of law enforcement and emergency response for more than 50 million acres of land that comprise Indian Country. What is less obvious to many of those charged with implementing the Homeland Security Act is the extensive nature of infrastructure located on or near tribal lands that is critical to our Nation's security.

For example, dams, hydroelectric facilities, nuclear power generating plants. Many of them are located in or near tribal lands. Oil and gas pipelines, energy resources, transportation corridors or railroads, and highway systems, communication towers, proximity of Indian lands to military reservations, installations and population centers. These factors must be considered and considered seriously.

Like other governments, tribal governments need the necessary resources to develop tribal government capacities to respond to threats of terrorism, including access to information, an information warning system, law enforcement data bases and health alert systems related to the possible use of germ, chemical and biological warfare.

I find it ironic when I hear someone say, "I do not think that the Indian people can carry the load, I do not think they are prepared for this." I just want to remind them that in the last century and the beginning of this new century, on a per capita basis, more Native Americans have put on the uniform of this land to stand in

harm's way in our behalf than any other ethnic group, and no one has ever complained about that. They have all done a good job. On a per capita basis they have amassed large numbers of medals, demonstrating not only their patriotism, but their courage and determination.

This meeting, which will be followed by a hearing tomorrow before the Senate Committee on Indian Affairs, is designed to provide a forum for developing a better understanding of the homeland security challenges to critical infrastructure that is located in Indian country. I think most of you here can stand up and say, in my country or right next to ours is a big plant, or a dam, or something of that nature, as well as a critical role the tribal governments must play in working with Federal, State, and local governments to ensure that homeland security has a comprehensive network capable of emergency detection and response to activities that threaten our Nation's economy and security.

So this morning and today we look forward to hearing from those of you who have traveled great distances to be here for this important meeting. So on behalf of the members of the Committee on Indian Affairs, we thank you for your dedication and your perseverance. I hope that we will succeed in convincing our brother and sister governments, Federal, State, and local, that Indian country has a very important role to play in homeland security. Because it is in our mutual interests. I hope that we will be able to convince our Federal and State governments.

Thank you very much.

[Applause.]

Mr. TRUDELL. Thank you, Senator.

I think it would be helpful if everyone would sit at the table. I know some of you are behind the table, but maybe fill up the table if at all possible. I should point out that the proceedings today are going to be a part of the record, combined with the hearing tomorrow. So they do have a court reporter here who will be developing a transcript of the proceedings. So it would be very helpful to have people be sure to identify themselves when they speak to help him develop this transcript.

Let me just take care of a few logistical things before we hear from our next speaker. As you're well aware, I think there's coffee in the back of the room and it's my understanding there are going to be some box lunches provided at the lunch break, thanks to the contributions of a number of tribes who stepped up and are helping defray those costs, in particular the Mohican Tribe of Vieja Sequon, I think Jamestown S'Klallam and I'm sure there are a couple of others, Salt River. But anyway, we will certainly thank others once we are informed of who they are.

As I mentioned, John Echohawk will be sharing the duties or responsibilities of trying to move the meeting during the course of the day. It is kind of ironic that there's any kind of resistance or lack of appreciation for Indian country when it comes to homeland security, given the fact that tribal governments are the primary governments in Indian country. As the Senator pointed out, when you're responsible for policing over 56 million acres of land in the lower 48 and another 44 million in Alaska, it's a substantial percentage of the land mass in this country, as well as to have better

than 550 plus communities that have a responsibility to serve their communities. But nothing new, I guess.

I hope that between the forum today and the hearing tomorrow that a record is developed that removes any resistance to really having tribal governments fulfill their responsibilities to their communities. As I said earlier, there's a full program today and hopefully we'll have time to add some dialogue between the speakers and tribal leaders so everyone will get a chance at participating at some time or another.

Our first speaker is Ron Allen, the chairman of the Jamestown S'Klallam tribe. Ron, it would be helpful if you'd come up here. Most people know Ron from his past experiences and ongoing experiences with NCAI, and he's just always been kind of a workhorse when it comes to attending meetings and making sure that Indian country participates the way it should.

So at this time, it's always a pleasure to present Ron Allen.  
[Applause.]

**STATEMENT OF RON ALLEN, CHAIRMAN, JAMESTOWN  
S'KLALLAM TRIBE**

Mr. ALLEN. Thanks, Dick. It certainly is an honor to be here this morning. I was called by Billy Frank, Jr., a well-known leader from the Northwest who was going to provide these opening remarks, and he wasn't going to be able to make this meeting so he asked me if I'd pinch-hit for him. I said sure, I can do that, Billy, but I can't quite use the same kind of language that you use. I don't quite have that talent or that distinguishing honor.

Which reminds me, in terms of who put the agenda together, I noticed that my name was The Ron Allen. I hope there was supposed to be something in between The and Ron Allen, because otherwise, I'm going to have to do some explaining. [Laughter.]

Well, this is an important topic, combatting terrorism and the subtitle, Assessing Challenges, Building Capacity and Governmental Partnerships. It's a topic that has been on our minds since 9/11 for all of us, and I know that I'm very honored to be talking about this topic with my fellow chairs and presidents and governors and council members and distinguished officials from the Administration and members of the Congress. It's a topic we need to attack and address together. That last word I think was probably even one of the most important, partnerships.

From my perspective, this topic is one that we've been talking about for generation upon generation, between the tribes and the Federal Government in all its capacities, with regard to what our relationship is with the United States and what our role is in terms of dealing with all the many issues in the United States. We have to constantly remind that the backdrop of the relationship, in the Constitution, recognize the tribes as legitimate governments and as a part of the political governmental structure in America, recognizing the sovereignty of tribes, recognizing the unique relationships of Indian country from Alaska to Florida and Maine to California.

Today there's over 560 tribes across the United States. In that, we have over 60 million acres that we have responsibility for, for oversight. That is a lot of country to cover. That's a lot of issues;



25 or more tribes have land along the borders or land along the oceans and the waterways which we have to protect the interests of America.

So when we talk about homeland security, we talk about how the tribal governments coordinate and collaborate and join in partnerships with the Federal Government, the State governments, the local governments and so forth, with regard to moving our agenda forward. Our jurisdiction is very clear in our minds. Now, we know that some have difference of opinion, and we have court opinions that create difference with regard to what our jurisdiction is.

But regardless of that, when it gets right down to the bottomline, it is, who is protecting the interests of Indian country with regard to activities that take place in Indian country? Whether it's on the borders or whether it's within the borders of the United States, because terrorism kinds of activities can take place all over the United States. It doesn't have to be just on the borders. And it is an issue that is of great importance to all of us.

So we have, across the United States, literally hundreds of tribal jurisdictions, tribal enforcement teams, who have responsibilities within our territories, as Senator Inouye referenced. We basically protect the interests of our community and provide oversight over the activities in our community, coordinating and watching and observing the kinds of activities that may be of concern to us that are relative to terrorism or any other kinds of mischievous kinds of illegal activities that threaten the danger and public safety of American and our communities.

That is an important objective that we have, and we need to pay attention to that. Many of us will ask that our Federal and State and local counterparts, are you really in our back yard, working with us and collaborating with us. If anything happens, are we prepared to join together and work together, to take corrective and constructive and aggressive actions in order to protect the safety of our people.

Senator Inouye referenced the dams, referenced the infrastructure, other kinds, hydro activities or power plants that are all taking place that all reside near or on our reservations. That's an important issue. That's an important issue for America, it's an important issue for our communities. And we believe that we need to make sure that we work closely together in collaborating this effort.

We know that when the Homeland Security Act was passed, the United States was moving quickly to take aggressive and constructive and progressive activities to protect America and protect the people of America. So in doing so, what happens often is that the United States, when it passes legislation, forgets about Indian country. We're often afterthought policy, an afterthought with regard to policy development in the United States. We have regularly told president after president, Congress after Congress, that if you're going to pass laws which you're going to deal with cross-jurisdictional issues, it is always about the Federal Government, the State government and the Indian governments.

So quickly our leadership in the United States just stops after State or local government and then just tries to meld Indian country into local government. Yes, we are a local government, but our

status, our legal, political, historical status is different. And when you look at what's going on within our communities, there is a legal and moral obligation for us to work collaboratively together. And we would argue that it is important for us, it is absolutely important for us to think about how we're going to manage these affairs, so that we don't have some sort of unfortunate event or activity taking place in our community that would be detrimental, and all of a sudden we ask ourselves, did we not think about what could happen in these Indian communities.

John Wooten, the famous basketball coach from UCLA used to always tell his players, failing to prepare is preparing to fail. Now, that is an underlying theme in homeland security. That's a fundamental underlying theme. So it's about preparing to deal with terrorism, it's about preparing to protect the safety and welfare of our communities, Indian and non-Indian alike. And we would argue that as we go through this dialogue today and prepare for the hearing tomorrow and in the discussions on the Hill and in the Administration in the coming weeks that we would remember what our important relationship is, that we would rise to a higher level with regard to the unique relationship in America for Indian communities, criss-crossing America, an important component of America, an important component of the family of the governmental structure in America.

I remember a phrase that I had used before and I had heard from Robert Redford when he was talking about the entertainment industry. That phrase was, we're constantly living in a sea of change. And we're constantly surviving that change. But we cannot just survive the change. We have to lead it. And in Indian country, we think we have to lead it too. Within the Administration together in terms of how we're going to fight terrorism, how we're going to protect the interests and welfare of our society, we have to be respectful of who we are in our society and what our responsibilities are, so we can grow together.

So I would continue to champion Senator Inouye's comments that he has argued to the Administration, to the Congress and to the tribes: We must seize the reins of control to advance and enhance the unique sovereign relationship of Indian country in America, no matter what we're dealing with. Whether we're dealing with advancing government to government relationships or whether we're going to deal with homeland security measures and activities, seize those reins of control. Homeland security is a part of that relationship. We must figure out how we're going to make that happen.

We can't fight over the reins of power. The notion that somebody has to be in total control, the Federal Government knows it can't be everywhere. It is not omniscient. I can assure you that there are corners of Indian country you won't be, just like you know there are corners of America you won't be. You'll be coming in and called in if the event calls for it. But it will be because of the local enforcement, that they did their job and brought you in in order to play your rightful role with regard to protecting the welfare and the safety of our society, all our society, Indian country, too.

Let's work together in true partnership. Thank you.

[Applause.]

Mr. TRUDELL. Thank you, Ron.

Our next speaker is in his second tour of duty as a U.S. attorney. He's been in his current position since September 2001 and had also served as a U.S. attorney during the first Bush presidency. So at this time, I'd like to call on Tom Heffelfinger. Tom?

[Applause.]

**STATEMENT OF TOM HEFFELFINGER, U.S. ATTORNEY FOR  
THE STATE AND DISTRICT OF MINNESOTA**

Mr. HEFFELFINGER. Thank you very much, Ron.

As Minnesota's lead Federal law enforcement officer, the word "the" is associated with my name a lot. Usually it has "the" and some other expletive after it. So be thankful that all they're calling you is "The." [Laughter.]

I want to thank Senators Daniel K. Inouye and Ben Nighthorse Campbell for inviting me to participate in this forum to address the important and crucial topic of the role of tribal governments in homeland security. I'm the United States Attorney for the State and district of Minnesota.

I also chair the Attorney General's Advisory Committee's Subcommittee on Native American Issues. That's a long title for the group of U.S. attorneys responsible for advising the Attorney General on issues related to Indian country. We are a large group, we represent almost a third of all the U.S. attorneys in the Nation. We are the U.S. attorneys who have significant Indian country in our districts.

In regard to today's conference, our committee has identified terrorism, border and infrastructure protection as our number one priority. The Attorney General has endorsed that prioritization. In order to enhance the role of the Department of Justice in responding to terrorism and security in Indian country, and to learn about the issues related to it, we have either attended or conducted numerous conferences, including one in February 2003 in Tucson for 2½ days, devoted entirely to border security issues. As part of that, we were honored to have the opportunity to meet with a number of Arizona tribal leaders and to tour the Tohono O'Odham reservation and see first-hand the issues faced by that community. I understand that chairperson Vivian Juan-Saunders is on the agenda today, and I want to again extend my appreciation of the Tohono O'Odham's hospitality to our committee last February.

Although it's been 22 months since the attacks of September 11, the Government continues to be committed to homeland security as our number one priority. As recently as 2 weeks ago, the President addressed all of the U.S. attorneys and reaffirmed that the war on terrorism is our top priority, and reaffirmed that this is a long term effort. Such an effort is necessary in light of the demonstrated patience of our enemies, those terrorists avowed to kill us, to hurt us.

Perhaps the best proof of the patience that we need and the demonstrate commitment of our enemies is in the words of Al Qaeda itself. A training manual recovered in England in September 2001 contained the following mission statement:

The confrontation with these godless and apostate regimes does not know Socratic debates, Platonic ideas nor Aristotelian diplomacy. But it knows the dialogue of bul-

lets, the ideals of assassination, bombing and destruction, and the diplomacy of the cannon and the machine gun.

In responding to these threats, it's important for us to recognize that our enemy is waging a war against all people in this country. No distinctions were made on September 11 between civilian or military, between adult or child or between people of different races. It's also important to recognize as we consider how to wage this war that this is the first battle fought by the United States that is being fought as much by law enforcement and first responders as it is being fought by our military.

The terrorists have clearly identified United States infrastructure and key economic centers as party of their targets. The World Trade Center was not chosen because it's a series of tall buildings, but rather because of its symbolism of America's leadership in a world economy. And according to the Al Qaeda training manual, one of the main mission of Al Qaeda is "attacking vital economic centers."

Terrorists can only be successful in attacking us domestically if they can both enter our country and gather information and intelligence while they are here. To do that, they must avoid detection. Again, Al Qaeda trains its operatives to travel great distances and to be successful in gathering information by avoiding being known or being conspicuous. In light of these lessons from the enemy, it is important for us to recognize that Indian country is both a vital economic center of the United States and it has border areas and lands that are generally remote and sparsely populated areas in which it is easy to avoid detection.

For example, there are roughly 260 miles of international border and international shorelines within the reservations of more than 25 Native American communities. The examples are known to many, Akwesasne Mohawk, in my own district, the Red Lake Band of Ojibwa. Red Lake, for example, the reservation includes Northwest Angle, which is the northernmost mass of land in the lower 48. And the Tohono O'Odham Nation of Arizona, which has the largest expanse of international border, roughly 75 miles.

In the area of infrastructure, we've heard about this, the Senator mentioned it, but some examples may help bring it home. In my own State, the Prairie Island nuclear powerplant is next door neighbor to the Prairie Island Band of Mdewakanton Sioux, and I note that President Audrey Bennett is on the agenda today, and I look forward to hearing from her. If we are going to protect the Mississippi River, on whose banks that powerplant sits, we must work collaboratively.

Grand Cooley Dam in Washington State is on the Colville Indian Reservation. Grand Cooley Dam was on a list of targets recovered from a Taliban cave in Afghanistan.

In providing effective anti-terrorism response in Indian country and integrating that response into the nationwide homeland security system, we face certain challenges in addressing homeland security concerns for Indian country. And we must focus on those challenges over which we have control, and we must plan and prepare for those challenges over which we do not have control. Among the challenges are distance and remoteness, the time necessary to respond to instances in Indian country, and the harsh

weather we find in many of our communities. These are not factors over which we have control; however, they are factors for which we can plan and for which we must work with our State and Federal partners to plan in responding to a terrorist threat.

Jurisdiction of Federal, State, local and tribal law enforcement to act in connection with terroristic attacks or homeland security, or even criminal and public safety issues, is a confusing, complex and difficult issue. As Tracy Toulou, from the Office of Tribal Justice and I advised the Senate on July 11, 2002, the Department of Justice urges and continues to urge that Congress undertake a comprehensive clarification of jurisdiction in Indian country in order to further enhance our ability to protect the public, both against criminal acts and terrorist acts.

At last year's National Native American Law Enforcement Association tribal homeland security summit, former Assistant Secretary for Indian Affairs for the Department of the Interior, Neal McCaleb, made the following observation, that even with additional funding, there will never be enough law enforcement resources to cover all of the vast territory of the Nation's Indian country. Recognizing that, we must learn to do our best with existing resources. This means we must get adequate training, this means we must support independent tribal police forces, and most importantly it means that Federal tribal and State law enforcement officers must develop cooperative arrangements in order that we might leverage available resources to maximize the protection in the vast areas we're talking about.

Communication, coordination and information sharing are another of the challenges. This is within the control of law enforcement. There's only one model which we can follow, and that is the model that was used during the Olympics in Salt Lake City, and that is to develop a law enforcement turf free zone, so that all law enforcement agents work together to coordinate, communicate and share information for the maximum protection of all.

Among those things that we should focus on, then, is enhancing communication and coordination, and those things that are necessary to facilitate coordination and communication. For example, one of the things that the Native American Issue subcommittee has learned is that most tribal police departments are not linked to their Federal and State partners with coordinated radio and computer or telecommunications systems. Without such systems, a rapid response is very difficult.

In addition, the tribes must be directly involved in homeland security planning and preparation. And I applaud the Senate for its identification of this issue and its work on it.

Although these challenges that I've identified are large and they are real, there are certain opportunities available to us in addressing them. First of all, every tribal leader, national leader and law enforcement officer with whom I have dealt, both in this tour and last tour of duty as U.S. attorney are committed to waging this war against not only crime but also against terrorists in Indian country. That commitment, quite frankly, is at the heart of our ability to succeed, and we will succeed.

As evidenced by the efforts of NNALEA at last October's meeting, national focus in Indian country on the area of homeland secu-

riety has increasingly been on enhancing communications, coordination and information sharing. This is absolutely essential. And the evidence that this works was published in an article in the Arizona Republic newspaper just last week about success that has been achieved at the Tohono O'odham Nation by a collaborative relationship between the tribal police, U.S. Customs Service and the U.S. Border Patrol, and dramatic reductions in calls for illegal border crossings in that community, based upon enhanced resources being applied to that border. And I look forward to hearing more about the success of that operation when we hear from President Juan-Saunders.

Last, homeland security, I'd like to reaffirm Ron's earlier statement, homeland security can only be achieved by planning and preparation. The tribes must be involved and increasingly we are seeing that tribes are being brought into the planning process. I believe that conferences such as this will only expand on that opportunity.

The tragedy of September 11 remains engraved on all of our memories as a day of suffering and tragedy, so much so that as the 2-year anniversary approaches next month, it remains difficult to see that such tragedies present opportunities. One such opportunity is that afforded to us to have an opportunity to work cooperatively with tribal law enforcement, tribal leaders and the tribal communities generally, so that all might participate equally as partners in defending this country. On behalf of the U.S. attorneys and the Department of Justice generally, we're excited about the opportunities to advance this effort.

Again, I thank you for the opportunity to attend, and I look forward to being here today to listen to the observations of others involved. Thank you.

[Applause.]

Mr. TRUDELL. Thank you, Tom.

I think most of you realize that this meeting was developed on very short notice and we certainly appreciate the efforts of the Committee to decide to have this meeting preceding the hearing. I should point out that organizations such as NCAI and NARF and a couple of others were very helpful in trying to develop this meeting on a very short notice.

As I mentioned, we are going to have some substitute speakers for people that are listed on the program, but we certainly hope to include every perspective that we should hear from and hopefully have enough time to have some dialog as well, because I'm sure that some of you may have questions for say, like Tom Heffelfinger. Fortunately, he'll be with us for the whole day, so we'll have an opportunity to maybe interact during the course of the day as well.

As the schedule points out, the perspectives from Indian country on Federal agency activities is, the agenda is structured so that we'll hear from a tribal leader or tribal perspective and then hear from someone from one of the Departments as well, in as many areas as we can. So the first topic, critical infrastructure in Indian country, we were hoping to have Ricky Anderson, the president of the Seneca Nation, here to address that topic. Unfortunately, he is not able to be here today. So in his place, we've asked George Lit-

tle, who is the environmental coordinator for the Intertribal Council of Arizona, who will offer a perspective in that area.

So at this time, George, would you like to come up?

**STATEMENT OF GEORGE LITTLE, ENVIRONMENTAL PROGRAM COORDINATOR, INTER-TRIBAL COUNCIL, ARIZONA**

Mr. LITTLE. My name is George Little, and I work with the Intertribal Council of Arizona down at Phoenix.

As I was introduced, I am the environmental program coordinator, and like many tribes, that's the title that was given to you, but then you wear many hats. That's one of my hats, is doing a little bit of this and a little bit of that. But my primary duty is working with EPCRA and SARA title III. That's how I got started in emergency response. But since you deal with emergency responders, you kind of deal with law enforcement, fire, everything in the emergency response field.

The critical infrastructures that are located in Arizona, there's quite a bit, since 27 percent of the land is in Indian country in Arizona. We have those powerlines, as was mentioned earlier, high power transmission lines, major highways, dams, the border issues, aquifers, major railroads and communication towers. And one thing that was not mentioned, too, is the hospitals. We have those hospitals that are in the rural areas that are very much needed, if something should happen. So those are some of the issues that we're concerned about, and also cultural, agricultural and traditional sites. Many of the non-natives don't see that perspective from the Indian view.

Again, I'm reiterating what has been said before, but true partnerships and communication is needed, cooperation. And again, tribes are always considered as an afterthought. In working in Arizona for the tribes, the State of Arizona is one step ahead. I'm saying that, kind of patting myself on the back. We had a meeting on May 22 where the State of Arizona, the State government, Federal people came down and the tribes of Arizona sat down and had a meeting to discuss exactly this. The tribes, 14 tribes were represented, and they were able to discuss with the State of Arizona, where do the tribes fit in all of this. Again, like I said, it's always an afterthought. They've done their plans, they've done their committees. And with this meeting, the tribes were able to present their concerns and issues.

I do have a paper that will be submitted tomorrow, and I have some copies, if anybody is interested I'll make that available. But another thing that's also again that was reiterated is the funding, training and exercise that is needed. Arizona has put together a committee called the Arizona Homeland Security Coordinating Council, of which Richard Saunders, who I believe will be presenting also later on and myself have been appointed to this council. We will be there discussing the issues in Indian country for the State of Arizona.

But any questions, I will be happy, I'll be around for the day. But other than that, that's all I have. Thank you.

[Applause.]

Mr. TRUDELL. The next two speakers I don't see in the room yet. So we may skip over the law enforcement perspectives, or the first

responders for law enforcement and accommodate them when they get here, or if we can find—if there are others in the room that have the law enforcement experience, then obviously you want to offer or share a perspective on what’s happening on their reservation, it would certainly be appreciated.

Our next speaker is going to be back shortly here, so I’ll kind of wait until she gets here. We thought we’d even call on Randy Noka, since he’s got some on the ground experience now in terms of law enforcement, from Narragansett. That’s just a joke. [Laughter.]

For those of you who saw the information on the internet, it wasn’t a pleasant situation there in Narragansett, and it certainly had national coverage. Randy was one of the people on the ground.

Our next speaker is rapidly approaching her seat. As I mentioned, we’ll leapfrog over the law enforcement area for the time being, and move to the border security in Indian country. And her name has been kind of bandied about here quite a bit, and obviously if you’ve ever been to Tohono O’Odham, you can realize that they have a very long border, given the size of the reservation, which I guess exceeds 3 million acres. They’ve had border issues for quite some time. So it’s certainly a pleasure to have our next speaker here, who is the chairwoman of the Tohono O’Odham Nation in Arizona and has been very involved on the national scene prior to being elected to her current position. So at this time, it’s a privilege to present Vivian Juan-Saunders.

[Applause.]

**STATEMENT OF VIVIAN JUAN-SAUNDERS, CHAIRWOMAN,  
TOHONO O’ODHAM NATION, ARIZONA**

Ms. JUAN-SAUNDERS. Good morning. It’s an honor to be here on behalf of the Tohono O’Odham Nation. I’d like to introduce Richard Saunders, who is the chief of police for Tohono O’Odham Nation, has served in his capacity for over 18 years as police officer and over the last 5 years in administration. Happens to be my husband, so it’s been very interesting over the last 20 years as we’ve made attempts to draw attention to these issues.

Today I want to speak in honor of all the elders who are still living, all the elders who have passed on, who have carried the flame in terms of advocating these issues and drawing attention to the tremendous need and focus on the international boundary. I just want to first begin by sharing that, in terms of the national homeland security strategy, our understanding is the overall strategy after 9/11 is: First, to prevent terrorist attacks; second, reduce our homeland vulnerability to terrorism; and third; minimize the damage and recover from attacks that do occur.

After 9/11, I read in the paper, and I watched on the news on TV how the United States was moving to secure the borders, north, east, west and south. As a citizen of the Tohono O’Odham Nation at that time, my immediate concern was the 75 miles of international boundary that is adjacent to the Tohono O’Odham Nation. My father lives one-quarter mile from the international boundary in the United States, so obviously I was very much concerned about my father and my relatives.



So I called and just informed them, they're securing the borders, there may be an increase in military, increase in activity. And they waited and waited and waited, and there was none. That's an example of how the isolation of not only the Tohono O'odham Nation but other tribes is currently, in our view, the need to influence others to provide more resources in terms of border security. Our understanding is that terrorism is any premeditated, unlawful act dangerous to human life or public welfare that is intended to intimidate or coerce civilian populations or governments. We also know that terrorism includes hijackings, kidnappings, shootings, bombings, attacks involving chemical, biological, radiological or nuclear weapons, cyber attacks, et cetera.

Terrorists can be U.S. citizens or foreigners acting alone, in collaboration with others or on behalf of a hostile nation or group. And this leads us to the vulnerability of border tribes. It's important to recognize that there are 25 tribal governments that have land located on or near Canada or Mexico. A total of 260 miles of the U.S. border is near or adjacent to tribal governments. A 171 tribal law enforcement agencies across the United States protect dams, water impoundments, electrical generating systems, power plants, sanitation systems, gas fields and pipelines, railroads, interstate highways, State and Federal routes.

Indian lands comprise 5 percent of the total land area of the United States. But they contain an estimated 10 percent of all energy reserves in the United States. Whole natural gas and other energy minerals produced on tribal land represent more than 10 percent of total nationwide onshore production of energy minerals. The 20 largest tribally operated law enforcement agencies are responsible for 50,000 square miles of U.S. territory.

This also includes communication towers and water resources and casinos. We know that terrorists will identify entertainment centers, and as you know, with the advent of Indian gaming, we've seen an increase and expansion in Indian casino entertainment. So this is an important note. Coal mines, power transmission lines, tourist attractions on or near tribal lands, and obviously that does include Indian casinos.

I don't want to purport to speak on behalf of the 25 border tribes, I feel that each has its own unique story. I'd just like to in general summarize the experience that all of us experience everyday. For the Tohono O'odham Nation in 1848, the United States and Mexico entered into a treaty known as the Treaty of Guadalupe Hidalgo. In that treaty, it placed a southern boundary at the Gila River. If the treaty was placed and the line was placed at that location, all of the Tohono O'odham Nation would have remained in Mexico.

In 1854, through the Gaston Purchase, the United States and Mexico further defined the southern boundary and brought the southern boundary to its present location. In doing so, it cut into the heart of the Tohono O'odham Nation. The aboriginal land base of the O'odham extended south to the Gulf of California, east to the San Pedro River, north to the Gila River, and west to the Colorado River. That was the aboriginal land base of our nation.

The 75 miles of international boundary that we have today is very isolated, very vast. Some of the issues that we deal with today

include on an average day every officer within the Tohono O'Odham police department spending 60 percent of his or her time working on border related issues. In 1999, our officers assisted the Border Patrol with 100 undocumented immigrant apprehensions per month. In 2002, our tribal officers recorded 6,000 undocumented immigrants detained, pending U.S. Border Patrol pickup.

Obviously that's a Federal responsibility, but due to the land base, the isolation and the hours it takes to travel from the Tucson-Casa Grande-Ajo sectors, to the Tohono O'Odham Nation, it's a waiting game at that point. In 2002 and 2003, 1,500 undocumented immigrants crossed our tribal lands each day. Illegal narcotics seizures have more than doubled in the last 3 years to over 65,000 pounds in 2002. It's no longer just Mexican nationals that are crossing our lands. We have undocumented immigrants from Guatemala, Honduras and all of Central America who are apprehended on our nation. The apprehensions that are made is a combination of the Tohono O'Odham police department, Border Patrol and the U.S. Customs.

In 2002, 4,300 vehicles were used for illegal drug and immigrant smuggling. A total of 517 stolen vehicles were recovered on tribal land. And these stolen vehicles are from Tucson, Phoenix, Chandler, Mesa, that are stolen for illegal activities that occur on the Tohono O'Odham Nation.

Since January of this year, 49 undocumented immigrants have died on our reservation lands due to heat and exposure. When the deaths occur on the reservation, the tribal police, through the seven staff members in criminal investigations, they conduct the investigation at our expense. If there's an autopsy, it's \$1,400 per body that comes out of the tribal police funds. Last year alone, the Tohono O'Odham police department spent one-half of its budget, \$3 million, dealing with issues related to the international boundary. Last year, the Indian Health Service spent one-half a million dollars on health care for undocumented immigrants. This is a drain on our resources and health care that does not come to our people as a result of expenditures on undocumented immigrants.

In summary, I wanted to share these statistics with you to give you an idea of how important it is for tribal governments to receive homeland security resources. Currently, if we were to request for homeland security funds in Arizona, we'd have to lobby the local counties. The Tohono O'Odham Nation is located in three counties, Pima, Maricopa, and Pinal. We don't have the staff to participate in emergency preparedness planning sessions with the three counties. It's important for us to receive the funds directly.

We currently are involved in coordination and collaboration with entities in Mexico that are near or close to the reservation or O'Odham in Mexico. We're working with their hospital personnel, their Red Cross in terms of developing a bioterrorism plan. And so the planning efforts extend south into Mexico. Because of the international boundary we have approximately 1,000 O'Odham who are still in what we know now today as Mexico. It's important for the resources to come directly to the Tohono O'Odham Nation for the following reasons.

When the Department of Homeland Security was established after 9/11, there were a series of policy decisions that were made

here in Washington, DC here last year. Over the last month or so, we have started to feel the impact of those policy decisions at the local level. Consequently, the Tohono O'Odham Nation had no other choice but to develop its own position paper on how we want Federal entities to conduct activities on the Tohono O'Odham Nation.

For the last 20 years, the U.S. Border Patrol has conducted its activities on our nation. The U.S. Customs has a long history as well, since 1985 they entered into an intergovernmental agreement with the Tohono O'Odham Nation to establish a base there on reservation lands. Currently, the Border Patrol does not have the same agreement. It would take an act of Congress for them to set up a substation on our lands. In place of that, one of the local communities and districts provided a land base for the local Tohono O'Odham police department to establish a substation that will be shared by the Bureau of Customs and Border Protection.

On the Tohono O'Odham Nation, we have a total of 21 American Indian customs agents who are part of an elite unit known as the Shadow Wolves. Their primary mission is in drug interdiction. They've been very successful, they've been called at the international level to provide their expertise and skills. In the reorganization of Customs and Border Patrol, the Shadow Wolves were transferred to the Customs and Border Protection. Our concern was that we were not consulted as a tribal government in any reorganization within homeland security. Consequently, our position paper, Strengthening Relations Between Federal Agencies, first and foremost, we request government to government consultation regarding any reorganization and regarding any plans for activities on the Tohono O'Odham Nation.

In 1848 and 1854, our people were not consulted, even back then, when the international boundary and the provisions of the treaties and agreements were established. And today we felt, well, 2 months ago, the feeling back then was, we weren't being consulted, even in the 21st century. As you continue your discussions on resources and additional manpower on tribal lands, it's important to recognize that tribal governments must establish the provisions and organization and position on conduct and activities of additional deployment of agents.

We're concerned that we have an increase, as you see an increase of additional Federal agents on the reservation lands, we see and we hear increase of concerns about harassment of our people, reservation lands being viewed as militarization zone with towers going up, with Border Patrol helicopters flying above every day. Someone referred to the environment as a concentration camp. And we have concerns by people that it's impacted the everyday lives of our people. Speeding through O'Odham villages, placement of agents within the nation, reporting methods, currently the Border Patrol has three separate reporting, Tucson, Ajo and Casa Grande.

If a member of our tribe reports illegal activities, we're given a 1-800 number to call, but it's a voice messaging service. And when there's an illegal activity occurring in front of you, you don't know if anyone on the other end will respond to your call. So we requested that we initiate a one person, one center reporting for our tribal members.

All of these concerns that we have, the lack of government to government consultation is important as we move forward in addressing S. 578, but especially section 13, with regards to tribal authorization for criminal and civil jurisdiction. Our tribal police officers today, they detain and they apprehend undocumented immigrants today, as we wait for the Federal agents to arrive. The isolation of our nation is so vast that we have to make decisions on the spot to ensure the safety of our people. But overall, we join with everyone in stating that our first and primary concern is national security for the entire United States.

However, we are on the front lines. And as we continue to work with the State of Arizona, we continue to work with the national Homeland Security office and its staff as important to understand that the resources for emergency preparedness, bioterrorism and for equipment and training of our local law enforcement and the emergency response team is so critical, because we know our people, we know our lands. Another concern that our people have expressed is, if Federal agents are not familiar with our reservation lands and you have sacred sites and people who are responding to calls don't realize that they're on or near a sacred site, they're very concerned. So we're grappling with an increase in manpower, which is so necessary. But respect for people and land also must play hand in hand.

At this time I'd like to turn some time over to our chief of police to share with you the specifics of our communications and collaboration that we have with some of the agencies on the reservation.  
[Applause.]

**STATEMENT OF RICHARD SAUNDERS, CHIEF OF POLICE,  
TOHONO O'ODHAM POLICE DEPARTMENT**

Mr. SAUNDERS. Good morning. My name is Richard Saunders, I'm chief of police with the Tohono O'Odham police department.

Just to reiterate what Vivian said and bring you up to speed, this year's, some of our statistical numbers, and I'll get into some more detail, some of the drugs that were apprehended by the Tohono O'Odham police department, and we don't have a large department, probably very much like many of the Indian tribal jurisdictions represented here, we've got, including myself, 69 officers attempting to patrol and provide law enforcement service to the entire Tohono O'Odham Nation, 2.8 million acres in southern Arizona.

We've got a two-man drug team, including a four-man canine unit, and then the rest of our patrol division, obviously. To date, just this year alone, we've seized in excess of 58,000 pounds of narcotics attempting to gain entry into the United States and then into very much of your communities, the rest of Arizona and the rest of the United States. If you add those numbers, along with the border protection, Customs and Border Patrol, we're exceeding 160,000 pounds just since January alone.

In addition to that, when migrants die in our desert lands, as represented, last year we investigated 85 migrant deaths on our reservation. The Border Patrol does not do death investigation. That falls upon local law enforcement. In that case, last year we investigated that many deaths. Up to date this year alone, just

since January, we've already investigated 49 deaths of migrants dying on our reservation, including crashes, vehicle crashes and at least 1 dozen migrants killed also tragically on our roadways.

That provides for a direct impact on our local law enforcement. In terms of the investigations, we sent out a full criminal investigative team. It's treated as a homicide until proven otherwise, and that further demonstrates the professionalism of the tribal police department. In addition to that, we pay for the autopsy cost, again as required by law, as an attempt to identify the persons and identify and determine the cause of deaths in those cases.

In addition, up to date, since January, 2,600 plus vehicles that were attempting to come into the nation's lands were apprehended, were seized that were directly to be used for illegal alien smuggling. We've recovered in excess of 300 stolen vehicles and again, these vehicles weren't stolen from tribal members on nation's lands, they were stolen from points throughout Arizona. So that's a good thing for the rest of the State of Arizona, as well. There's been in excess of 260 individual search and rescue efforts on migrants who are lost or in distress in our desert lands, creating additional work and manpower problems for us.

As mentioned, in excess of 60 percent of our time, effort and energy and resources were used at what we consider border related issues. This really, we had to create a partnership, if you will, with Border Patrol and customs there. Some of the initiative and some of the partnerships, I'd like to elaborate on briefly. They were killing us in terms of the Federal mandated strategy. The local Border Patrol, they were operating on a Federal mandated strategy of full deployment, if you will, trying to hold the line. They were being defeated. How could a 75-member Border Patrol unit attempt to stop the flow of migrants crossing our nation's lands and the 75 miles that exist on our nation? It was impossible.

So just working with them and getting them to be sensitive to the nation's lands and perhaps rethinking their deployment strategy, they finally were given some flexibility to do so. With that, they created some redeployment strategies further north from the border, still with an emphasis along the border. Now we've got additional manpower, resources and technology further north there. They got helicopter support to us, lookout stations if you will. However, there's an opposite to that in terms of militarization along the Tohono O'odham Nation is identified by tribal members.

Some other things that are working is some emphasis on cultural sensitivity. We try and offer these new agents coming into the nation's lands who are not understanding or not informed or educated about Indian country, trying to provide them some cultural sensitivity training, so that they become familiar with the Tohono O'odham Nation, its people, the culture and traditions. We continue to work on that.

Additionally, this year I had a wonderful opportunity to travel to Mexico City with United States Attorney Paul Charlton, from the district of Arizona. He was going to Mexico to talk with his counterparts in terms of what's occurring within Arizona and how better, I asked if I could go, simply, can I go. How better than the Tohono O'odham Nation to describe our impacts and effects of border related activities. So truly, exercising the sovereignty of the

Tohono O'Odham Nation with the international Mexican Government, they're our counterparts in Mexico. Clearly, the border situation doesn't stop or start at the border. Obviously, it starts into Mexico with situations as they are there.

So on this visit, we had an opportunity to travel as a sovereign independent nation, not representing the State of Arizona or the United States, if you will, but the Tohono O'Odham Nation, in informing and educating my counterparts in Mexico of the impacts, the law enforcement impacts that we are up against. As a result, I believe there were some initiatives with the Mexican law enforcement. Within a few weeks, within the last several weeks, they are doing raids down south there and really going after their smugglers and trying to put a stop to some of the migrant flows directly through the Tohono O'Odham Nation, the avenue of choice, if you will. So that was successful in that, and we continue to try and pursue that opportunity to revisit that continuously.

Some other initiatives that are working for us, we had a, trying to address the Federal Government in some of our issues. One of them was the telecommunications that probably exist in many of the rural Indian communities that are represented here. Through a project, a pilot project, if you will, through the national homeland security senior executive director of the telecommunications and wireless system, Charlie Cape, came to the Tohono O'Odham Nation to see first-hand our communications issues.

As a result, we were provided some equipment, some resources with what's known as an AC1000. Basically what it is is a computerized system. You insert your handheld radios, and it allows now local law enforcement to have operability, communications operability with other law enforcement entities that are working within our jurisdiction area. So now we have an opportunity to communicate with Border Patrol, border protection at Customs and other local law enforcement responders. That was a success.

In addition, we've been asked to provide, we've been concerned about no involvement at the State level and certainly at the Federal level with our involvement in homeland security. I'm pleased to announce that finally there is some tribal representation at the Arizona homeland security level. There's a newly appointed member by the Governor of Arizona, Janet Napolitano, to the Advisory Committee to the homeland security director, Frank Navarett.

With that, I've been asked to wrap up, and clearly I'll be available the rest of the day to answer any questions. Thank you for the opportunity, as we address our issues and concerns impacting the Tohono O'Odham Nation, and certainly in protecting the rest of Arizona and the United States. Thank you.

[Applause.]

Ms. JUAN-SAUNDERS. Just in conclusion, I just wanted to stress the vulnerability of the 25 tribes that are along or near the international boundary and how it's important, as we discuss terrorism, the vulnerability that exists within the nation's lands, the tribal lands. And due to the lack of border security on tribal lands, it frightens me to think that anyone who wanted to scope the United States and look at the vulnerable spots would target tribal lands in terms of access to the United States.

So I would very much stress that we continue to move forward to ensure that the adequate resources are provided to tribal governments. Thank you.

[Applause.]

Mr. TRUDELL. Thank you, Vivian and Richard.

In my rush to hear their remarks, I inadvertently leapfrogged over a speaker who was listed in the program. He is here. We also have somebody from the Department of Homeland Security that will share with us her remarks as well.

But at this time, I'd like to call on Larry Parkinson, who is the Deputy Assistant Secretary for Law Enforcement within the Department of the Interior. Larry?

**STATEMENT OF LARRY PARKINSON, DEPUTY ASSISTANT SECRETARY, LAW ENFORCEMENT AND SECURITY, DEPARTMENT OF THE INTERIOR**

Mr. PARKINSON. Thank you. It's an honor to be here.

I'm Larry Parkinson, Deputy Assistant Secretary for Law Enforcement and Security at the Department of the Interior. I've been on this job 1 year, 1 year this week. I come to it with some background in homeland security. I was the general counsel and assistant director at the FBI until 1 year ago. And I remember 9/11 quite well. Director Mueller was on the job 6 days when the planes hit. We spent a wild day and a lot of days after that facing up to these new challenges that we've got.

I came over to the Department 1 year ago because Secretary Norton has restructured law enforcement and security programs within the Department of the Interior. I was a little surprised to see how much of my time and the time of my staff would be spent on homeland security issues at the Department. Certainly more than one-half my time in the last year has been spent focused on homeland security challenges.

I'd like to give you just a quick overview of the Department's homeland security issues and lead into Indian country issues. They obviously, everything that we're challenged with the tribes and others in Indian country are faced with the same challenges. Generally, we have four broad issues that fall within the homeland security umbrella at the Department. The first category is protection of monuments and icons, things like the Mall, Statue of Liberty, St. Louis Arch, things like that. We've talked about oil and gas pipelines and facilities, that's a huge responsibility for the Department, as it is for the tribes. We have things like shared responsibility for securing the Trans-Alaska Pipeline, because one-half of that is on BLM land, and a number of other things. We have things like over 4,000 offshore oil platforms that Minerals Management Service has to address security for.

The third category is dams, and we heard about that. I'm going to touch on that briefly. Almost all of the big dams out west are part of the Department of the Interior's responsibility, through the Bureau of Reclamation. And fourth and the most significant and the one that I'm going to spend the most time on, I'm not going to spend a lot of time, but try to keep my remarks reasonably short, is borders, because those are where our most significant challenges are, and it's where I think the Government's most sig-

nificant challenges are, and certainly the most significant challenges for Indian country.

I have to say, and emphasize again, not that others haven't emphasized that, that these dangers are extraordinarily real. They are as real today as they were 2 years ago. And if anybody has any doubts, all you have to do is open the Washington Post today and you will see the story, which is again quite real, a warning from the Department of Homeland Security, Department of Justice, FBI and CIA, about the fact that Al Qaeda wants to hit the United States again. And it wants to hit the United States soon.

The story relates to a warning that was put out yesterday, talking about a potential Al Qaeda threat as early as the end of this summer. They are remarkably resilient, and as somebody, I think Tom noted this morning, they are extraordinarily patient. I learned in the years that I was in the FBI that they will spend years and years planning attacks. And while we've made significant strides in taking them down, there are a lot of folks out there still.

Let me touch briefly on dams. I don't want to reiterate things that have been said already. Several of the speakers have made mention of the fact that dams and other infrastructure affects Indian country just like it affects us in other areas. Some of those dams are exclusively within Indian country, like Yellowtail. My deputy just came back from Montana, Yellowtail Dam is exclusively within Indian country. It is run by the Bureau of Reclamation, and one of our challenges is to make sure these Interior bureaus work together, let alone working together with all the other partners in Federal, State and tribal issues.

Some are very near or adjacent to Indian lands. Grand Cooley was mentioned earlier. That's one of the better examples out in Washington State. Cooley's the largest dam that we've got in the United States, in lots of different categories it's the largest. And Indian country is affected every single day in lots of ways. If there is ever an attack on Cooley, they would feel the pain more than anybody else. And they would suffer the consequences more than anybody else. Not only that, they would be the first responders if there was something to respond to, along with a small number of law enforcement and Bureau of Reclamation security folks. So that is a significant issue throughout the country.

I want to spend most of my remarks on borders. I was on the job 3 weeks, and I got a phone call that said we had had a park ranger killed on the southwest border. So my first trip on this job, 1 month after I arrived, after attending the funeral, was to the southwest border. And I've been down there three times since then, three times directly on the border, including a trip to Tohono O'Odham in March that was sponsored by Senators McCain and Kyl, where they brought Asa Hutchinson, the under secretary for Homeland Security, down for a first-hand look at the problems on the borders. I'll talk in 1 minute about the murder next door to Tohono O'Odham on park land.

Interior has, when Indian country is included, Interior has 40 percent of the southwest border, 40 percent of those lands are Interior lands, about 15 percent of the Canadian border and over 30 percent of the southeast border, which tends to get neglected, and



we've focused some significant attention recently on that border as well.

We've heard the numbers about Indian country, 56 million acres in the lower 48, 25 tribes directly on the border. When we look at the borders, we don't look just at land on the border. We look at land, we had to pick some arbitrary number, we usually pick 100 miles when we usually talk about it, lands within 100 miles of the border. There are 37 tribes that have land on or near the Mexican and Canadian borders. And the impact is significant, whether you're directly on the border or not. And Tohono O'Odham is a good example. You go 50 miles off the border and it looks pretty much the same as it does directly on the border. The impacts are the same.

BLM has some land, Ironwood National Monument outside Tucson, which has to be, I haven't measured it lately, but it's probably 70 miles off the border. And it has the same abandoned vehicles, a trail ever 14 feet, almost literally, and garbage and the same kinds of devastation and problems that are faced by us and by the tribes directly on the border. So we try to send a message that this is just not the lands directly on the border, it's a lot of other lands.

I was going to use two examples, Tohono O'Odham was one, and I was delighted to see that Vivian and Richard were here, so I can shorten my remarks on Tohono O'Odham. It's the one I'm most familiar with, because I've been down there several times on the job. But they gave you the numbers, and I don't need to repeat them, other than to emphasize how devastating the impacts of the traffic down there have been. Even things that most people wouldn't think about, \$266,000 a year for autopsies alone has a devastating impact. Whether it's \$3 million or \$7 million, it's in that range of border related expenses for Tohono O'Odham. They are obviously being hurt very badly and they need assistance.

One of the reasons that the impact has been so significant, not just at Tohono O'Odham but to other lands on the border, other Interior lands as well, is that the Border Patrol has been very effective in the last several years at tightening up the ports of entry, the official ports of entry at Lukeville and Nogales and the other locations, Naco, down on the southwest border. And this is not a criticism of Border Patrol, this is a compliment to Border Patrol, they put their resources and have put their resources lately at the places where they get the most bang for the buck, which is at the ports of entry, which are obviously the jumping off points for those who are going to enter the country.

Well, the consequence of that is that as their numbers have gone down at the ports of entry, the bad guys and illegals are going around. And when they go around, they are in Indian country land or they are on other lands that we have responsibility for. And that is a, I think Homeland Security recognizes that. And we have the challenges to expand the success that Border Patrol and Homeland Security have had at the ports of entry, expand those out to places like the west desert of Arizona.

We have, as Richard said, there are 69 officers total at Tohono O'Odham, tribal officers. Next door to that, we've got a 30-mile border, several hundred thousand acres at Organ Pipe Cactus National Monument. One year ago we had three, count them, three

park rangers. That was our law enforcement force at that 30 mile stretch of border next door to Tohono O'Odham to the west. And this leads me to the significant issue which faces all of us, particularly in law enforcement, and that is protecting the safety of our officers and our citizens and our visitors to those lands.

The phone call I got last August 9 was that Chris Egley, who was a superstar ranger, he was class valedictorian, all star cross country runner at the University of Michigan, Eagle Scout, you name it, he was the all American boy. What happened in August was that the Mexican police were chasing these two bad guys in a car. The radioed ahead, told the Border Patrol that they were in pursuit and that this truck had crossed the border. Chris Egley and the Border Patrol partner of his responded to the scene. What they were not told is that these guys had been involved in a quadruple execution killing the day before and that they were being pursued for that. So obviously they were armed and dangerous. Our guys responded without really knowing that.

They abandoned the vehicle in Organ Pipe Cactus. This is just a few miles from Tohono O'Odham. Our guy, Chris Egley, was ambushed. The bad guy had an AK-47, shot him. He had a vest on, it went under his vest, through his radio, severed his femoral artery and he bled out pretty quickly and died on the desert there. It is unfortunate that we had to have something like that to get attention to some of the issues down there. I raise it simply to make the point that that could just as easily have been a Tohono O'Odham tribal officer, it could have been one of our refuge officers at Cabasa Prieta to the west of Organ Pipe Cactus. It could have been any of our folks who are out there every given day on the borders. And as I said, we had three people at the time, where Park Service is bumping that up and we've now got 11 folks at Organ Pipe. We should have 16 there by the beginning of October.

But you compare that, Border Patrol last count had 1,800 Border Patrol officers in the western sector of Arizona alone, in the Tucson sector. So we are coordinating well on the ground, but we need to have a comprehensive governmental solution to those problems. The solution is not, as Organ Pipe is an example, the solution is not to pump 1,000 or even 100 Park Service rangers down there, or 1,000 tribal officers. But something's got to be done.

Our responsibility has not traditionally been border protection, obviously, but our folks and our resources are at risk down there. One of the issues about coordination as a concrete example is, this was in the works before Ranger Egley was killed, but it obviously took on a greater urgency after that, is the Park Service decided that we should have a vehicle barrier across the 30-mile border at Organ Pipe Cactus National Monument. So they are investing, ground is about to break and over the next 3 years they're going to spend \$17 million to put up a vehicle barrier. It's not going to stop human traffic on foot, but it would stop vehicles from crossing the border. Because obviously anybody who's been down there knows that the existing fence is a joke. If anybody thinks that provides any security to the border, it does not.

So anyway, they're investing a significant amount of money in building this vehicle barrier. Well, the issue obviously is going to be, what happens if somebody is on the Mexican side and wants

to get into our land, all they've got to do is go around the 30-mile stretch at Organ Pipe. And if they go to the east, they'll be on Tohono O'Odham. If they go to the west, they'll be on Fish and Wildlife Service national wildlife refuge at Cabasa Prieta. So we have to have a comprehensive solution. We've been talking to the tribe and the Department of Homeland Security about how we can assist in extending a vehicle barrier to those other lands, including our own lands on the national wildlife refuge, and who's going to do it. Is it going to be the Department of Interior, is it going to be the Department of Homeland Security, who's going to pay for this.

Let me move just briefly to the Canadian border, as an example. And again, these are just examples, as we mentioned. There are at least 37 tribes who have significant border related challenges. The northern border example that I like to use is Akwesasne at St. Regis Mohawk Reserve on the border of Ontario and upstate New York. It is similar to Tohono O'Odham in the sense that the reservation itself is both on the Canadian side and the United States side, similar to Tohono O'Odham, where the nation is on both sides of the border. And there's traditionally been free movement across the border.

Akwesasne is really a 12-mile border, it's a fairly short border, but particularly in winter what it really is is a 12-mile ice bridge. The seaway freezes, and if you want to get into the United States, all you have to do is drive across the ice. There's no fence, there's nothing. All you have to do is drive across. Some of you may recall on Christmas Eve, last Christmas Eve, December 24, there was a nationwide manhunt by the FBI and others. It was alleged that five Middle Eastern terrorists had come across from Canada. The number ranged from 5 to 19, there were some news reports that it could be as many as 19. And it kind of put a little bit of a scare on the holiday season, that these Middle Easterners had come across the border.

What had been alleged, and actually had been told to the FBI through a source, turned out fortunately that he was making it up, was that they had come across through Akwesasne and St. Regis Mohawk. That was the way they had gotten in. It had been known as a smuggling route from Canada for some time. Even though it washed out about 1 week later, law enforcement officials throughout the country were on alert for a long time trying to find these guys. Turned out the guy had lied about it.

But the reality is that it could very well have been reality, because it's easy to get across. And traditionally, particularly when you focus on Al Qaeda, they have crossed into the United States through Canada, not necessarily from Mexico. Although one of our biggest concerns, and several folks have made reference to this, Vivian in particular, that as we make it harder to fly into this country, for the bad guys to fly in, whether it's Al Qaeda or somebody else, they're going to walk. And it's not that hard to walk. As we all know, the borders, particularly in Indian country that are on the borders, as well as Interior's lands, anybody can come across. It's not necessarily easy, that's why we had 89 people die on Tohono O'Odham last year. But our borders are completely porous.

So let me close, what do we need to do? First, with respect to Indian country, we obviously need to educate folks and recognize the role of our tribal governments. They really are, as Vivian said, on the front lines. We've had our own challenges at a broader level at Interior, explaining what we do and why we have a significant role in homeland security. When the Homeland Security Department was stood up, nobody was really thinking too much about the Department of the Interior, no fault of theirs. But it's become quite apparent what our role has been, and that we need to do the same kind of education with respect to Indian country in particular.

When we've asked for assistance and added resources for things, what we've been told by those who control the purse strings, some in Congress, some in the Executive Branch, is, what are you doing that for? That's Homeland Security's responsibility, things like, yes, look, we need a vehicle barrier down at Organ Pipe Cactus, we need a vehicle barrier on the southwest border. Well, you guys shouldn't have to pay for that, that ought to be Homeland Security.

Our response is, that would be great, but they don't have any money. When we have problems, we have to rectify. We have people that are at risk, visitors, employees, officers, every single day. We need some resources, if nothing else just for pure protection of those folks, as well as protecting the resources. Because the resources down there are being completely trashed.

We obviously need to work together. We're not going to succeed without coordination. And as Tom said, we need to leverage whatever resources we have, because that's the only way that we're going to succeed. And folks are spending some, putting some serious attention to these issues. That March trip to Sells was a good example, when Senators McCain and Kyl brought Asa Hutchison down there to see it first-hand. So we are talking and working well, I think. But we still lack a coordinated Government-wide approach to these issues. Obviously the new Department of Homeland Security, that you'll hear from very soon, is a recent creation and as they get things sorted out, we're going to see some significant changes, I'm confident of that.

Finally, we need some direct assistance to the tribes. There's legislation that is going to be considered in some specificity tomorrow, S. 578. That needs to be passed. The director of the Bureau of Indian Affairs will be here tomorrow afternoon to express the Bureau's and the Department's strong support for that legislation. Assistance for first responder training and you name it has got to come directly to the tribes and not be filtered through the States.

I'll just close by commending Senators Ben Nighthorse Campbell and Daniel K. Inouye and the Committee on Indian Affairs for sponsoring this and for bringing national attention to these issues. I'll be here throughout the morning and be delighted to participate in whatever discussion there is. Thanks very much.

[Applause.]

Mr. TRUDELL. Thank you, Larry.

We have about five more speakers this morning, and it would be nice to take a break, but I think this information is extremely helpful and obviously educates all of us. I have a schedule that's a little different than what you have in your booklets. It's more updated. So what I'd suggest we do is keep moving forward, and hopefully

there will be some time before the morning part is over so there can be some discussion or dialog.

I think Larry's remarks were a good segue into homeland security. What I'd like to do first is call on Dave Nez, who's the Acting Homeland Security Coordinator for the Navajo Nation, just to kind of share with us what is happening at Navajo. So at this time, Dave.

**STATEMENT OF DAVE NEZ, ACTING HOMELAND SECURITY  
COORDINATOR, NAVAJO NATION**

Mr. NEZ. Good morning, everyone. My name is Dave Nez, from Navajo Nation. Like our facilitator said, it was a very short notice, it was Thursday afternoon that I got this message to be here today, along with my presentation here a few minutes ago.

I'd like to refer to the law enforcement, our first responders. In that I also would like to include all our health care workers, our community emergency response teams. With Navajo Nation, we're now getting to planning and implementation and recognizing the people and training them down at the local level.

Our first line defense, referring to our public safety personnel, this is where I'm going to speak on how critical and how important this is to our community. I've seen reports, I've seen counties that report on how they're going to plan and how they're going to structure and work with tribal entities. It's offensive to hear that in these reports, counties are debating whether tribes have the capacity or the capabilities against acts of terrorism. But still, we still have to protect our people, that's our main mission statement.

So in that respect, within the last three allocations, I believe it started about 2001, 2002, 2003 now, and I'm speaking for Navajo Nation, we haven't really been involved in the planning, the organization, the allocation or distribution of funds and so on, and to training, equipment, exercise. But that's where we need to really get involved in the training aspect of it as well. I talk to the chief of police, people in chief status under criminal about what kind of preparation or what kind of training they have taken so far, and there's none.

I know that in Indian country, jurisdiction plays a major role. Down to the simplest report of terrorism, it seems to be FBI is our first resource for these kinds of activities. Because we haven't really considered offenses for these types of activities, we haven't really talked about protocols or new policies and procedures for these types of activities. I think we need to really get involved in those areas and just basic training of detection, prevention and also investigation.

But we also need to be covered with intelligence. These are data collection on terrorism, some places they have already established centers for analysis for this information, particularly dissemination of this information. It seems like we get the facts or we don't get the first alert on a lot of this information.

Then comes the equipment. We need to work on the list. I know that with the State of New Mexico, which also is part of Navajo Nation, they have outlined three separate lists of equipment, one calling it phase 1, phase 2, phase 3. We haven't really begun to start with phase one yet. And according to their outline, you can't

get phase three equipment until you get phase 1 equipment, which is the basic necessity of a lot of the protection equipment. These are anywhere from protective gear, different ratings, or different protection against different bioterrorism.

Challenges, again, some of the things mentioned are remoteness and time. Speaking for Navajo Nation, we're looking at 27,000 square miles, somewhere close to 300 plus population including all our visitors and vacationers out in our areas. Another challenge that we need to consider right from the beginning is the three State mutual agreement that we're going to be working on, the 10 and 12 counties that we have to deal with.

And then we look at our infrastructure, some of the ones that were mentioned. This is going to be part of my presentation this afternoon or tomorrow. Navajo Nation has five coal-burning generator stations located on or near Navajo Nation. They generate approximately 9,380 megawatts of electricity to major cities, any major cities west of Navajo Nation, which is Nevada, California and down in southern Arizona. Page Dam provides hydroelectricity, where we get most of our electricity for Navajo Nation.

Navajo Nation is also working on a major Navajo transmission project, which consists of 470 miles of 500 kV high powered transmission line from the Four Corners all the way down to Las Vegas, NV, with interconnection points north of Flagstaff, which will provide access to metro Phoenix area. El Paso Gas provides 286 land miles of four 34 diameter pipelines that transport approximately 2.2 billion cubic feet of methyl gas daily. TransWestern Gas Company also has a similar transport system.

The old Route 66 which is now Interstate 40 borders the full length of the southern edge of Navajo Nation. That's about 300-miles of superhighway, including two railroads that run parallel along I-40. Navajo Nation also has five major aquifer systems that supplies groundwater to wells and streams to the Navajo Nation.

So these are just, I mentioned a few, and it's been reiterated over and over about cooperation and coordination with resources. Again, because of jurisdiction, because of responsibilities, because of limited resources, because of the remote areas, we do have to share responsibilities. When it comes to a vast crime scene investigation, I know that Navajo Nation doesn't have that capability. And in some respects, we don't have that jurisdiction. So we have to strongly rely on other agencies.

When we present our position papers, I believe we're going to strongly talk about tribal participation. As we speak, States, counties, committees, they're talking about how policies are being structured, what are going to be the procedures, what are going to be the protocols, how are the coordinations going to be put in place together. And as I said, Indian tribes have not fully been at the table at a lot of these meetings and a lot of these plannings at the moment. I think that's where we need to really encourage, bring encouragement to all Indian country, that we need to be involved at that level and participate in our responsibility, our mission statement that we also have to protect our people in Indian land.

Thank you.

[Applause.]

Mr. TRUDELL. Thank you, Dave.

A person who is not on your program is Cheri Roe, who is the director for tribal coordination within the Department of Homeland Security. She is here and will introduce herself a little further than what I've said, as well as to explain her duties and to talk about ongoing DHS tribal outreach efforts. So at this time, Cheri.

**STATEMENT OF CHERI ROE, DIRECTOR FOR TRIBAL COORDINATION WITHIN THE DEPARTMENT OF HOMELAND SECURITY**

Ms. ROE. Hi, thank you for the opportunity to be here. I used to be a school teacher, so this is about as big as some of my classes were, so this isn't too bad.

I'd like to introduce myself. My name is Cheri Roe, I'm with the Office of State and Local Coordination, the Office of the Secretary, Department of Homeland Security. Right now, I would like to thank you, thank Senator Daniel K. Inouye and Senator Ben Nighthorse Campbell for the opportunity to be speaking here.

We've heard a lot about homeland security. One of the things that my background, I come with a background in emergency management. I worked as the tribal coordinator at FEMA before they joined the Department of Homeland Security.

So my background, I've worked with lots of people in the room about emergency planning and preparedness and response to disasters. One of the things, the key notes that you should take home from here is to be prepared and to plan. Those are two of the most important things. I know that there's a notion out there that planning is something that everybody should do in a mutual, together way. A lot of the tribes out in, I know I've worked with Gila River before and I've worked with NCAI in basic awareness, the plans and the preparedness in Indian country are very well done and are very extensive. And I know that they've done a lot of work in supporting them.

So I would like to say, with the development of the Homeland Security Office of State and Local Coordination, one of the first things that was developed was to have a tribal coordinator. So in that job, it's my responsibility to coordinate with the other directorates within the Homeland Security Department, and to ensure that there is a coordinated method to inform and again, coordinate with tribal governments.

Right now, we have several different directorates. We have the IIAP, FEMA, which is the emergency preparedness and response, BTS, and all of the different departments, we work together to include tribes in our outreach. In the current distribution of our grants, it is true that we do provide grants to the States. My encouragement is to work with the Homeland Security advisor to go out and put together the plans, and a lot of the tribes have plans, take those plans to the Homeland Security advisor and participate in the planning for the grants for the ODP money and the other monies that are available out there.

We are also working with different tribes in training. There was a mention here about training. There are several different opportunities for the tribes to provide themselves training on planning through FEMA. If you go to the emergency preparedness response, the fire and EMI, Emergency Management Institute, and the U.S.

Fire Academy, they do have classes that tribal members can participate in. The Office of Domestic Preparedness has training. That was brought up just recently about some of the tribal people and the first responders actually not having the training, but the training is available.

I would encourage again the first responders, the fire, the EMS, the emergency manager. I know that you probably wear all those hats at once. One of the things that happens is that somebody will come to the forefront and will be the emergency manager because they are the police chief or because they've done something else, and they know about incident command. And sometimes it doesn't occur until a disaster occurs or some kind of event occurs that we see that need. But there are classes and there is training available. So I again would encourage that.

I just would like to talk about some of the things that we've done at the Department of Homeland Security. We're new. We're 6 months old. And I must admit, it's been a wonderful 6 months. I've been there since day one. We've done a lot of work, a lot of outreach. I've had the opportunity to participate in the National Congress of American Indians forum just recently with some of the other departments and agencies in the Federal Government and tribes. I've also had the opportunity to meet with several of the different leaders and first responders. That's been great.

I must say that I really enjoy what I do. I think that our mission and our statement of working to have the country respond to any kind of terrorism event, have the country prepared for the terrorist events is very important.

I was also going to talk about critical infrastructure. We have met, and I've met with the Navajo Nation and talked about the critical infrastructure that is in the Navajo Nation. I have passed that on to our IIAP directorate. I think that the notion of critical infrastructure, again, I would encourage you to work with the States and to make sure that the States and the Homeland Security advisors know what critical infrastructure is on the tribal lands, and to work out some kind of method of planning for the protection and the information sharing of what is out there.

At the Department, again, I would like to reiterate that when the Secretary developed the Department of Homeland Security, there was a tribal representative from day one from the Office of State and Local Coordination. We are currently working and have worked with the National Congress of American Indians on tribal issues and we presented at the recent conference. We are participating with the National Native American Law Enforcement Association, working closely with them and we're providing partnership and working on the Homeland Security forum that is coming up in the near future.

We also have coordinated with the different agencies. I look around the room and I see some of my other partners in homeland security. We have sat down and dialogued and have meetings regularly on what is available out in Indian country. One of the real benefits of this is that in the different agencies, we all have different missions and we all have different ways and means of getting to different things. One agency may be able to provide some property, and somebody else may have a building that they can



move to that property. By us sitting around and talking informally with each other, we are able to find out what is available and how we can encourage and work with each other to provide our assets and our help to Indian country.

We have included in the upcoming national response plan and national incident management, we have included tribes in the coordination process. We participate in the DOD/Indian country working group, and we provide outreach and coordination with our partner bureaus and other directorates within the Department of Homeland Security to encourage and to provide a forum for coordination for Indian country.

And I'd like to again reiterate the planning and the preparedness. We need to be prepared, we need to plan. In planning for the minimum, in planning for an event that would occur in your home, and then you prepare for the event that would occur in your community and then in the larger community of the reservations and then the larger community of the State and then the Nation. It all comes down to planning preparedness. And it's not a far step from planning for your family, the Secretary talks about the Ready campaign. If you prepare for your family and you prepare for your security, it's not that much different preparing for our national security. You become more aware, you become more prepared. You know where your assets are.

One of the key concepts out there is talking about mutual aid, working with your partners, making sure that you know what everybody else has around you. You may have, I've been down to Gila River several times, and they have a fire department there. By being able to have that fire department, and I was out in Yakima not too long ago for a big exercise that occurred out there, if the fire department there has a hazmat team and the fire department next door doesn't, then they need to work with each other on mutual aid, or work with each other on how they can share those assets and how they can educate each other on how they're going to respond to disasters or as first responders to any kind of disaster or preparedness event.

So that's one thing, again, that we need to work on mutual aid and work with each other. I'd like to again thank you for the opportunity to be here and we strive in the Department of Homeland Security to coordinate with tribes and within ourselves to coordinate with each other. It's a great opportunity. We're new, we've brought a lot of different people together, and we're starting our own community and culture. It's a real exciting work, and I'd like to thank you.

[Applause.]

Ms. ROE. I always give out my own phone number. My direct line, it goes directly to my desk and I return calls within 1 day, is 202-282-8214. And if you have any questions, give me a call directly. I have e-mail, it's Cheri.Roe@DHS.gov. So give me a call and I'll answer your questions. Thanks.

Mr. TRUDELL. Thank you, Cheri. You're going to be here for the morning only?

Ms. ROE. Yes.

Mr. TRUDELL. Okay. So we'll try to make sure we have some time for any questions that we may want to direct at Cheri before the morning is over.

We have three more speakers. The next individual, Keller George, many of you know him. He's the special assistant to the tribal representative for the Oneida Nation of New York, as well as the president of USET. We've asked Keller to share some thoughts on tribal emergency and medical response capabilities. As you well know, the number of people on reservations any more is significant, primarily because of the tourism and resorts and what have you. There are significant kinds of mini-cities, so to speak, on many reservations now. So I think it's worthwhile to hear from a tribal leader before we hear from representatives from HHS. So at this time, Keller.

**STATEMENT OF KELLER GEORGE, PRESIDENT, USET**

Mr. GEORGE. Thank you, Dick. I appreciate having this opportunity. However, I'll remind you I'm a pinch hitter this time. Chief Philip Martin was invited, unfortunately was unable to be here. But I'm better looking than him anyway. [Laughter.]

Some people say I'm a legend in my own mind. So I'll just get on.

What I want to talk about briefly is tribal emergency and medical response capabilities of the tribes. I come from the State of New York, and it's been mentioned that the St. Regis Mohawk Tribe at Akwesasne has the border between Ontario and Quebec. But a lot of us in New York, particularly the Seneca Nation, the Onondaga Nation and the Oneida Nation have nuclear plants in our area, Nine Mile One, Nine Mile Two nuclear plants are within 60 miles of our reservation lands for the Oneida Nation in New York.

We also have a large number of high electrical transmission lines that run through our reservation. We also have pipelines for natural gas, and other pipelines of that sort. So if a disaster was to happen, we need to be prepared with medical people because on our reservation lands we're going to be first responders.

One thing that hasn't been mentioned. On our nation, we contract with local municipalities for fire protection, because we have not as yet been able to establish our own fire department. We have medical technicians that work for us in the police department and in the IHS facility at our clinic. But we are not up to the way we should be to be prepared for a major attack on any of the nuclear plants. We don't have the proper training, we don't have the proper equipment in terms of masks and suits and all this to protect against radiation if something ever happened to one of those nuclear plants.

So that's what we're trying to do. One thing that has been mentioned so many times is that as the grants go to States, as they filter down, by the time they get to Indian tribes, most of those resources are exhausted before it gets to us. So this is one of the reasons why I think my nation in particular and all of the nations within USET, I think, could support the amendment to the Homeland Security Act. That's part of the purpose for the hearing tomorrow. But I wanted to get it on record to say that the USET tribe does support this amendment that will allow more coordination

and training and in terms of dollars, because that's what runs the show in my mind as we get to try to be prepared for any of this.

We have a number of tribes within the USET area that are on the borders, particularly the Micmac up in northern Maine, Pasamaquoddy, Penobscot, are close to the Canadian border. So we do have a lot of concerns. Also the Seneca Nation is very close to the Ontario border, which there are dams and waterways there that are very significant to producing power and things like that along the Seneca Nation's territory.

Also within the USET tribes down south in Florida, we have the Seminole and the Miccosukee Tribes that are close to the Gulf of Mexico and those areas, I don't believe, although the Park Service has some capability in that area, and particularly down in the far southern part of the Florida borders, with Cuba and other areas, where we're vulnerable. So we need to get the training, particularly the training, the equipment and all these things that we need to be able to respond as first responders from our tribes.

One other thing that we need to do is be able to have collaboration with local and State law enforcement agencies. I think currently these relations are strained and not where they should be in order to provide service during a national emergency, mostly due to lack of funds and competing for those funds. I think that's one of the main things that we have to have, is more coordination, particularly in the intelligence, if something's known to be happening our law enforcement people and our first responders in the EMS and the ambulance services and all these things need to have some type of sharing of information of something that's coming down. If they say there's going to be an alert, we find we go from a yellow alert to an orange alert, we really don't know what's been happening, because there is not that much collaboration and passing of information between the State law enforcement and the local law enforcement agencies with tribal law enforcement agencies and medical services.

So these are some of the things that we are hopeful will come out of this hearing, this roundtable today and this hearing that will be coming tomorrow. So I appreciate this opportunity to make a few comments on behalf of the Oneida Nation and USET. Thank you very much.

[Applause.]

Mr. TRUDELL. Thank you, Keller.

The final two speakers before we open it up for some discussion are two representatives from Health and Human Services, Dr. Craig Vanderwagen and J.R. Reddig.

#### **STATEMENT OF CRAIG VANDERWAGEN, HEALTH AND HUMAN SERVICES**

Mr. VANDERWAGEN. J.R. will be right back, so I'll take first opportunity to speak. It's really a pleasure to be here with a group that really forms the corporate board of directors for our organization. Ultimately, Indian Health Service exists because there are Indian people who the Federal Government has an obligation to. I recognize you as our corporate board of directors, and I'm glad to be here to speak for just a few moments.

Keller, thank you so much for sort of setting the stage a little bit around health. We've heard a lot of discussion about law and order, and that's very appropriate and very necessary. Law and order really is a continuum, I think, at least the way I look at it as a public health person, where on one end of the spectrum you have crime and punishment, and on the other end of the spectrum you really have public health. Because law and order is really about the security of the people, and ultimately that's what public health is, is the security of the people.

And as we heard from our esteemed friend from Jamestown this morning, preparation, anticipation and thought really fits with Indian culture in large measure, because ultimately traditional Indian values of wellness and preservation of health really are at the core of what concerns you as tribal leaders.

Indian Health Service provides health services, both directly where tribes elect to have us do that, manage the program, or through funding that we provide to the tribes to exercise their governmental function on behalf of the health of their people. And as Keller stated, one aspect of that health program and activity is really about emergency response capacity, first responders, your EMS people.

Two or three years ago, along with the National Highway Transportation Safety Administration, we reviewed the status of EMS programs in Indian country. Recognizing that there are about 80 Indian Health Service funded programs, 78 of those are tribally operated. Tribal governments are exercising their governance capacity through their EMS programs.

But much like the rest of rural America, those EMS programs are not as complete as we might expect them to be. The good news is that your EMS people are better trained at base than the average rural EMS program, and even some urban EMS programs. Because the percentage of staff in the tribally controlled EMS programs that have EMTP and the LDMTC training is higher than it is in other segments of the EMS delivery system. It's true, we don't have the paramedic, the EMTPs, but at base you have well trained people.

But as was noted by the U.S. Attorney from Minnesota, the communication capacity of those programs lags. We are dealing with communication equipment that's 30 years old. It is not the digital, up to date communications that both the law and order and EMS people need to be in communication with their State and Federal counterparts. So we have areas, as Keller highlighted, where we need training, where we need equipment. And those are areas that we've worked closely with the Department to try and develop, working through the States, given the Stafford Act requirements.

There are some good things that have happened, and we need to build on those. The State of New Mexico, for instance, has hired a full time tribal EMS coordinator. The Governor has committed in New Mexico to consult with the tribes, and those are positive steps. I will note for you, however, that our Deputy Secretary, as recently as two weeks ago in meeting with the State health people pointed out where there are more steps that could be taken for the State to work with and honor the tribal government in its sovereign responsibilities.

Maine has taken some positive steps. There are other States that have taken positive steps. But it continues to be difficult, as Keller pointed out, to work through the county then to the State in order to access the resources. Our Secretary has tried to fulfill his sense of obligation by communicating directly with the governors his commitment and concern that tribes be included. As you'll hear from J.R., we've gone so far as to withhold funds from States where there is not good evidence that they are trying to participate in a meaningful way with tribal governments.

J.R. will give you the bigger picture. I think there are organizations that you as tribal leaders can utilize to support your policy position. NNALEA was mentioned. Last year I attended that meeting in Reno. Your EMS and public safety people were well represented there. There were significant leaders from the Department of Homeland Security, from the FBI, from the other relevant Federal entities. This next year, hopefully you can take advantage of the opportunity to bring your message to them in policy as well as through your law and order and first responder staff.

The Native American EMS Association has grown in strength in the last 10 years. It's another organization of technical and professional people that you as tribal leaders can use to advance your policy position. I would advocate that you do that. They work very closely with us, they work with NHSTA, the National Highway Safety and Transportation Agency. Take advantage of those technical and professional people. They can be advocates for the policies that you stand for.

We're prepared to continue to work with you. We believe in your programs. We believe in the sovereignty of your governments. J.R. I think will pick up and speak a little bit about the position of the Department on a broader basis as they interact with the States. Thank you very much.

[Applause.]

#### **STATEMENT OF J.R. REDDIG, HEALTH AND HUMAN SERVICES**

Mr. REDDIG. I'm J.R. Reddig, and I've been set up. I'm supposed to give the big picture? Ha. There is such a big picture out there that it is almost inconceivable.

I want to start out my remarks, I find it curious that I am in the bioterrorism business. And the bioterrorism business has a unique relationship with Indian country. It was the British General Geoffrey Amherst who first devised a bioterrorism campaign against the indigenous peoples of this continent, by which he thought he could bring smallpox to the villages by providing blankets to them. That is bioterrorism. And it started here. Indian people were the victims of that. This is something that is deeply personal, and this is something that we've got to be aware of.

I am an intelligence officer. I did not say an intelligent officer. [Laughter.]

For the first 26 years of my career, we looked outward, and I traveled the world, looking at the threat, at the bad guys. Always in the background for us was the Soviet Union, the evil empire that President Reagan used to talk about. And they were, they were bad guys.

But the fall of the wall brought us face to face with some other bad guys, some other bad guys who felt that they had been wronged by the west, that their lands had been occupied by the colonial powers, by France, by Britain. And after the end of World War II, after the fall of the Berlin Wall, the end of the Cold War, the last one standing, the last superpower was the United States of America, the flower, the shining symbol of the west.

And it occurred to them that if they were to restore the glory that had been the culture of Islam that they had to destroy us. When I say us, I have to be as inclusive as I possibly can, because it means everyone in this room. It means the sovereign tribes and it means the people of the United States at large. They want to kill as many of us as they possibly can. And you are seated in one of the targets that is most significant to them, the target that they wanted to take with United Airlines Flight 93, which was inbound toward the U.S. Capitol over Pennsylvania, not far from Indian country. That flight was to destroy the most powerful symbol of our democracy. Instead, simple Americans, civilians, rose up and said no, we're not going there. Wherever we go, we are not going there.

Having spent most of my career looking out at the bad guys, I want to tell you a little bit about them before we move to some direct public health emergency preparedness issues, which is what I do for a living now. We like to think of them as angry young men in caves with Kalishnikovs. Some of them are. But that's not what all of them are. In fact, it's not even the really scary part of them. Some of them are graduates of the Lajore Institute of Microbiology. Some of them are veterinarians. Some of the most dangerous are physicians who have turned their back on their oath to heal and turned their attention to killing large numbers of people. And they are here.

Osama bin Laden first began to establish his cells in the United States in 1983. Many of them are law-abiding citizens. Some of them work for the Government of the United States. The vast majority of them have never done a wrong thing in their lives. But they are prepared to do something to us which will be in their minds as spectacular as bringing down the World Trade Center.

I'm not a Pentagon survivor, I did work there for 8½ years, and I had just relocated a budget staff that I was privileged to have to that part of the Pentagon. I was there that morning and then drove up to CIA for some meetings. We heard the first airplane go in, you know, well, stuff happens. We heard the second one go in, and we went, okay, we're under attack. By the time we got to the hall, the Pentagon was burning, and from the only available camera angle, I could see that the people I had led for 3½ years were probably among the dead. Thankfully, they were not, because we practiced.

As a sailor in the early part of my life, I always believed you had to find two ways to the fresh air. Because on a ship, nothing more than a series of steel boxes, you had to find your way in the darkness, often times in toxic, cloudy, smoky passageways, sometimes crawling on your hands and knees. But I believed that if you could do it with your eyes closed then you were going to have a fighting chance at living. I practiced that with my staff, and they all cheerfully considered me to be the crazy one. But I said, you live in a

highly significant target, a symbol of America. And those are the kinds of targets that the bad guys want to come and take.

What's our immediate threat? Our immediate threat is going to be, we here, toward the end of the summer, the beginning of the fall. Osama bin Laden asked his people to lay low, not raise a high profile, allow us with our national attention deficit disorder to pretend that the war on terrorism was somehow some other war in Iraq, and for us to grow tired and to turn our attention to something else. We are in the process of doing exactly that. But I tell you that our enemies are here and our enemies are prepared to act.

What will that agent be? I don't know. We have had a national initiative sponsored by the President to try to prepare ourselves against smallpox, something that has been used on the North American continent, as I mentioned. It could be anthrax. And we are not very far from Senator Daschle's office, where that scourge emerged, powder-like, from an envelope. It is entirely possible that some of the microbiologists trained in Pakistan who are living here may choose that as their means of attack, something spectacular, to bring home to us that our enemies wish nothing less than the complete destruction of our way of life.

That said, had I been talking to you before March 1 of this year, I would have talked about the Office of Emergency Response. I would have talked to you about how our office marshaled medical resources to respond to catastrophe and tragedy. I would have told you how we became apprised of the critical deficiencies in our for-profit health care system in dealing with the specter of mass casualties, the idea that thousands of tens of thousands of American citizens, Indian or other, may appear at a hospital demanding treatment against an instrument of mass casualty.

Those functions transferred to the Department of Homeland Security, but we did not lose interest in them. We now are confronted by the idea that we must somehow adequately posture ourselves to deal with the prospect of mass casualty.

I talked to some representatives from the Central Intelligence Agency this morning, and they said, well, if they were able to deliver, say, 50 gallons of anthrax in a slurry mixture driven in a vehicle across the Beltway, we could possibly deal with 100,000 people who might have been exposed to anthrax. I said, is it possible to do that? Sure, they've got commercial stuff out there all over. It's easy, you buy it. Ah.

Well, have we exercised our ability to respond? Not yet. We're working toward it. The key to all of this is beds, training and equipment. And we are moving to have those things in the stockpile. We believe that the tribes, that Indian country should have the same opportunity to gain those resources to be prepared.

What are the targets? One of my favorite ones, you may remember Khalid Sheikh Mohammed, he was a somewhat disheveled looking individual that they rounded up in Pakistan a few months ago. He's talked, he's dissembled. But one of the targets they considered was a major dam near the Hanford Nuclear Reservation. And in their minds, in their engineering minds, they thought perhaps if they could bring that dam down the resulting spill of water would overflow the original course of the river, would roll across the Hanford Nuclear Reservation, across those places where there

are residual traces of dumped plutonium from the Manhattan Project, that it would spread this material across the lands and it would dry when the water levels went down, and then it would blow with the wind, both across Indian country and towards the grain belt of the United States of America, polluting our food chain.

These people had a lot of time to think, and we've helped them. We all read the Post. And most of these things have appeared in the Post as good ideas. And Khalid Sheikh Mohammed said, you know, it's really cool, we used to read the Post, we'd read it online, too, you guys gave us some great ideas. The horror of what they could do, the horror of what they want to do, the horror of what they have the resources, the agents and the technology to be able to do, are things for which we must be prepared.

Now, in the Bioterrorism Act of 2002, the one which established our office and which went a long way toward beginning to posture America to protect itself and all of its peoples, we had some fits and starts. That's fair to say. The original grants for bioterror went to the States, to the territories and to the three target cities, New York, Washington, and Chicago. That's the way the funding went, with the assumption that things would, in the due course, penetrate to all those with equities in bioterror defense.

It didn't quite work out that way, for a variety of perfectly good reasons. But we are committed to working the grants process, to help fund good grants, to help the tribes and the sovereign people of America prepare themselves to deal with the specter of bioterror, to help to prepare us to take mass casualty, if necessary. If we are not alert to that, if we do not recognize what has already happened on this continent hundreds of years ago as a template for what could happen, then we would be very shortsighted indeed.

It is a great honor to be here as it was to appear up with the Region V consultations a couple of weeks ago. I'm from a little town in northern Michigan that is Indian country. And I have a prospective daughter who is Cherokee. This means a lot to me. The defense of America means an enormous amount to me. And the key role of the tribes and the sovereign peoples of America is something that we must absolutely be committed to.

I'd like to thank you for your time and hopefully will be around for a few minutes before we get to the luncheon period. Thank you so much for your attention.

[Applause.]

Mr. TRUDELL. J.R. was our last scheduled speaker this morning, so we have some time to have you direct questions at any of the speakers that you heard, but in particular the agency representatives from the Department of Homeland Security, Cheri Roe, Department of the Interior, Larry Parkinson, Department of Justice, U.S. Attorney Tom Heffelfinger, and the two gentlemen you just heard from Department of HHS, Craig Vanderwagen and J.R. Reddig.

So at this time, if any of you have questions you want to direct at any one of them, take your shot right now before lunch. They may not be with us after lunch. It would be helpful, if you do have a question, if you could come to a microphone. There are some microphones up here at the front, or this one, if you want to use



this one. But you can just identify yourself and direct your question at whoever you want to direct it at. Questions?

Keller.

Mr. GEORGE. My name is Keller George, and I'd like to address this question to Dr. Vanderwagen.

My understanding is that there's been some memorandum of understanding with the Canadian Government. So if you could, could you expand on that, and maybe it's something that we could be interested in, and something that will help us.

Mr. VANDERWAGEN. Thank you, Keller. You know, Indian Health Service really doesn't have an international portfolio, that's not our business necessarily. Our business is to work for Indian people here in the United States.

But we believe that work with Canada and Mexico both may have benefits for Indian people here in the United States. Yes, 1 year ago Secretary Thompson, at the World Health Assembly, did sign an agreement with Ann McClelland, who is the Minister of Health with Canada, and the language was very broad. We left it intentionally broad because it was done in a hurry and we hadn't had an opportunity to fully consult with tribes about what they might expect from such a document.

And over the last year, we've worked some with the Canadian Government officials and now we've begun to work with the tribes to articulate what the elements of that MOU should be over the next 5 years, that tribal leadership thinks are important things that the two governments can do to support the health needs of the indigenous people of both Canada and the United States. In brief, we're working with NCAI, NIHB, self-governance tribes and in fact, the Inuit people specifically asked for the Alaska Native Health Board to participate, because of the connection between the Inuit peoples of Canada and the United States. And on the Canadian side, the Assembly of First Nations and ITK, the Inuit organization are participating as representatives of the Canadian tribal leadership.

We hope to have a presentation prepared for folks who are able to attend the NIHB meeting in Minneapolis in September or early October to talk about some of the ideas that have come forward. We would like input, we'd like thoughts about how we can use that document to prepare for such things as drills. Keller, you mentioned preparedness drills. Where we have cross border opportunities for preparedness drills we'd like to make sure that the tribes are active participants in that. There are other aspects to Indian health, obviously, that can be a benefit.

In Mexico, the Federal Government has not really stepped forward to sign such an agreement, but over the last 3 or 4 years we've had in fact a tri-national health fair in Sonora, with the minister of health for the State of Sonora, the tribe, Tohono O'Odham, and the United States Government. We hope to use that kind of interaction with the Mexican Government to build stronger relationships with them and their recognition of the needs of their Indian people in the border environment.

One other thing I want to mention is there is a Congressionally directed border commission that really focuses on the Mexican border in California, Arizona, Texas, and New Mexico. I've been in-

volved. It's another opportunity for tribal leadership to engage with the Mexican Government, the United States Government. There will be a meeting here in fact, in Washington August 18 and 19, where the Denali Commission, which the Alaska Native people are quite active with, the border commission, which I think the Tohono O'Odham may have interests with, and some other tribes in the southwest. It might be an opportunity to raise what about the Canadian border as an issue.

There are two other commissions that really Indian country hasn't been too active with. There is a Mississippi Delta Commission, and Tim may be, NBCI might be interested in what that commission might do, both in economic and preparedness terms. Then there's an Appalachian Commission, and again, the Catawbas, the Eastern Band of Cherokees, may have an interest in that as well.

So there are opportunities in this wider level for tribes to have influence. We work with them on a staff basis for some of these issues, but we need your policy input as to how these instruments can be used to effect the kind of policies that are useful for you. Thanks for asking, Keller.

Mr. TRUDELL. Is there any native participation on this border commission?

Mr. VANDERWAGEN. The border commission participants by law are designated by the governors of the four States along the boundary. And for the border health component of that commission, we've had two Indian people, I don't think tribally designated representatives, but there is an Indian Pasaweeocki physician that lives in Sierra Vista that was on the Arizona side. There was also a woman who had Mexican-Indian family folks from Arizona as well.

But I do not believe that the tribal leadership has been consulted in designating members to that commission. It's another opportunity, however, I think, for tribal leadership to bring their issues to the floor. Tohono O'Odham has made the best, the best presentations. The tribe, represented through the vice chair and the health committee have made the best representation of how border issues and health can be dealt with at the border commission. So I have to acknowledge the quality of the program and Sylvia and the other folks have just done a marvelous job with that. But there is no formal representation from the tribes on those commissions, as I'm aware of it.

Mr. TRUDELL. Any questions, come forward and speak into the microphone. Others who may have questions, you can slide toward the front here to get to a microphone when you see an opening.

Mr. STENSKAR. Good morning, and I'm glad to be here. My name is John Stenskar, a member of the Colville Business Council. Not so much a question, just a comment. There are some ears here that could possibly hear it, what an example of why homeland security is not working at this time as far as Washington and how those dollars are passed out.

I guess to give a little bit clearer picture of Grand Cooley, which two-thirds of it sits on the Colville Indian Reservation, as was mentioned, it was on a list of targets that was found by Al Qaeda in one of their caves. If Grand Cooley was to be taken out, there are six or seven dams down the river along with, as was mentioned, Hanford. The west coast virtually would be without power, the ma-

jority of the power comes from those dams on the Columbia River. And the other interesting thing that he points out, earlier was pointed out about Hanford, if they use the same ideas that they did in New York, what if those planes were loaded with chemicals when they took out Grand Cooley, the devastation that would cause throughout the west coast. Irrigation districts, there's a major irrigation district that would be completely shut down.

Talking about preparedness, one of the things that we don't see happening, they all continue talking about what happens after. We don't see anything being done to protect Grand Cooley to begin with. They have a security force on the ground, which we have a few of our tribal members that are part of that force. But there's no air protection, water protection.

And the other thing is, talking about Grand Cooley itself, there's 150 miles of water behind that. As I stated earlier, it will take out everything down along the Columbia. I heard of an estimate clear back in the 1970's that if Grand Cooley was to go out, it would not only take out all of the towns, but all of Portland would be, Portland-Vancouver would end up in the ocean. It is a major target. And I appreciate hearing the other concerns that have been brought up this morning about border crossings. But in our stance, looking at the situation, there's a total lack of protection of that facility.

Currently, in Washington, we have to, we are at the same levels with the local county governments and municipalities, the first draft has come out without any consultation with tribes as far as I know, at least with Colville. Colville, in north central Washington, we are the largest employer, we have the largest law enforcement office, largest EMS programs. Not a word was said to us. They set up how much dollars are going per county. There are two counties that "overlap" our boundaries. We weren't asked which county we'd elect to be with, or if we'd preferably have our own dollars, so that we can decide what to do with those.

Prior to that document coming out, we were working with the local counties and municipalities a preparedness plan, a course of action should something happen to Grand Cooley. Since those dollar amounts and that document has come out, those meetings have virtually stopped. Kind of halted our coordination efforts that our staff was working with.

Furthermore, the original document that came out did not come to the tribal government, it came to one of our staff people indirectly because they attended a meeting. So that really shows the lack of commitment to working with tribes.

Where do we go from here? To me that's a prime example of why the funding should, in our case, come directly to the tribes, especially when we have the largest force. You look at our area, all the hospitals are off the reservation. We have a clinic. We are currently building two new health facilities that we're kind of hurting for funding for. It's all coming out of the tribal dollars and third party billings and contracting of the plan. But these facilities will be up and running this fall or early spring. And looking at dollars, if Grand Cooley was taken out, the only medical facilities anybody would have, they'd have to rely on the tribes on our side of the river in our area.

But I guess, it's just more of a comment than a question, just to explain what we're dealing with and what we're looking at. And they talked about border issues and considering everything within 100 miles. The Colville Indian Reservation, our northern boundary is approximately 40 miles from the Canadian border. But I just wanted to make that comment and thank you very much.

[Applause.]

Mr. TRUDELL. Other questions? I know in reading the USA Today, last week, I think, when there was an article about various communities receiving Federal funding, and they didn't even know what they were going to do with it. And here you have tribes who have responsibilities that just can't get their foot in the door or are just kind of an afterthought.

I think for those of you who are new in your positions and new in the Federal Government, many relationships between tribes and States, when it comes to funding, it just doesn't work. I don't know what it's going to take for certain members of the Congress to recognize that and deal with it for what it is, as opposed to trying to make it something that is just not going to work. So hopefully that becomes a discussion topic for you as you try to do your outreach.

Ms. STACEY. Good morning. My name is Naomi Stacey, I'm an attorney at the Umatilla Tribes over by Pendleton, OR. I really want to thank you for the comments from Colville, because actually they pretty much laid out the groundwork for what the Umatilla Tribes has experienced.

Umatilla Tribes takes this very seriously. We've brought with us some of our elected officials, Armand Menthorn, our fire chief, Rob Burnside. They've been tremendous in making sure that our message is brought to Washington, DC, because our work at home has been a big drain on the limited resources that we have, and we know we're not in a different boat than many people, including our local governments around us and the State.

What I wanted to focus on, ending up with a question, with just a few more comments to kind of give some background to my question, is that I'm focusing on tribes designated as local governments. And mostly I'm interested to see in the Administration what kind of experience they have or what kind of knowledge they have of the issues and if they have any comments they could give us on the Senate hearing that will look at S. 578 here tomorrow.

Our issues are that homeland security is pretty much set up in designating tribes as local governments, much like the Stafford Act does in FEMA. And we've had a miserable experience with FEMA. The Umatilla Tribes are actually one of FEMA's pilot tribes, and part of our visit this week is to say that we don't want to continue to waste our resources at the local level. We haven't had a real good experience. And if this is what FEMA has to give other tribes, they're not going to have success in Indian country.

We understand that FEMA is now a part of DHS. What we're concerned about is, does the Administration, do they have an idea about what kind of impacts that puts on the tribes as far as keeping them as local governments. Because what we're finding is we cannot rely on the State to carry our messages and not to treat us as important as we are in the region. We're not too much different than Colville in the respect that we have a lot of power grids, we

have a dam adjacent to our reservation. We are the largest employer in the county, we're better equipped than the county. We provide the only 24/7 emergency response in many instances in our area.

At the same time, our State actually has a constitution that does not allow their agencies to give funding directly to the tribes. So Stafford Act will never work until something's changed. Homeland security follows the same path, so you're never going to have something that actually works in our area. And even so, unfortunately, we have not been able to rely on our State to carry the messages or declarations of emergency and emergency response as we would.

So I was hoping to get some feedback, actually, on what your understanding of those situations is and if you guys can actually speak at all on 578.

[Applause.]

Mr. MIKO. I'm John Miko, from the Office of Legislative Affairs. Although Cheri handles our tribal coordination, the question gets a little bit over into the legislative area. So first, I really appreciate and thank everybody for their comment. As you know, Cheri and I and our entire department are new to this process. I hope that our presence here today communicates the Department of Homeland Security's desire to work with tribal governments in improving the systems that are necessary to help you be the critical partners in our nationwide homeland security effort that you need to be.

With respect to S. 578, and the issue of the Stafford Act structure, the Department of Homeland Security, being so new, has inherited many things. We've inherited people, we've inherited organizations, we've inherited responsibilities, we've inherited some challenges. And we've inherited some protocols, systems and laws that we are at present trying to make work to the best of our ability. So the real challenge of our department is trying to make the systems which we have brought in work as best we can. That's why Cheri's position was established, and that's why we're so excited to have somebody in the Department that has a background in working with tribal governments.

So as for S. 578, we are going to provide testimony on it tomorrow. Actually that testimony is still in its final stages of preparation. But I can say that we're excited that S. 578 provides an opportunity for everybody to sit down and take a look at whether there isn't perhaps a better way of doing business than the status quo that we have inherited. So I guess our short term challenge is to make things work as well as we can, given the current law and the protocols that we have, and to seize opportunities like the presentation of S. 578 to sit down with the Congress and discuss if perhaps we need legislative action to be able to do better in the future.

I'm not sure if that answers your question or not. Go ahead, Cheri.

Ms. ROE. Armand, we're going to meet tomorrow at, I think it's 11 o'clock over at FEMA. And we'll discuss, I understand the concerns and the MOU that is being worked out. We're going to get together and discuss that tomorrow. So I believe tomorrow we'll be able to answer your question more directly about the relationship with FEMA and the MOU.

Ms. STACEY. We just want to know more about it, about S. 578 or no or partial.

Ms. ROE. I don't think we have—

Mr. MIKO. I think it's best that we testify on S. 578 when we testify on S. 578, so we look forward to doing that. And we'll do it at the hearing tomorrow. I think that's maybe the best way to do it. I don't want to get ahead of our witness for tomorrow's hearing. We will provide testimony on S. 578.

Ms. STACEY. So it will come out tomorrow?

Mr. MIKO. Yes.

Ms. STACEY. Thank you.

Ms. JUAN-SAUNDERS. I have a question for staff in DHS. Do you have a policy on government to government consultation with tribal nations, or are you working on a policy? That's really important to tribal governments in general, but more importantly through our experience over the last month, in dealing with the changes coming down from Washington, DC.

Ms. ROE. And I agree, I do understand the importance of a strategic plan. And we have not developed that as yet. And our workings, we're still getting a handle on the different policies and plans that exist already through the other departments, bureaus and then we'll put that together and come out with a strategic plan.

Mr. ALLEN. I couldn't agree more with Chairman Saunders' issue about government to government relationships and the policy and process for the new Department. Probably more important to all the Federal agencies is resources. I think that we are in synch with regard to the importance of the coordination, collaboration, communication. The bottom line is that the enforcement vehicles that we have in our communities, the communication systems, the ability, the training capacity in order to get up to speed with all the more current techniques to communicate, the Tohono O'Odham are just one example, Blackfeet another one, St. Regis another one. So you know about all those various areas and the complexities of their respective terrains, or whether it's a tribe in the heart of America, whether it's in Lakota country and so forth.

So the bottomline is, we can certainly get in synch on the concurrence of the importance of being prepared for terrorism in all its forms, and all the different kinds of activities. But what resources are being planned in order to assist us in dealing with these matters? When we look at the Indian budgets across every department, we're not getting any resources. No resources are coming to us.

So if this is a priority for America, then it needs to be a priority for the Indian communities as well. So I guess the question I would have to you as representatives of the various departments is, are you planning and making adjustments to the budgets in order to assure that sufficient and reasonable resources are being made available to the tribal governments in our infrastructural capacity as much as any other government?

[Applause.]

Mr. NOKA. Good morning. My name is Randy Noka, I'm first councilman for the Naragansett Tribe. I think Dick may have made some kind of mention about me before. I've been in the news a little bit lately, as well as others from my tribe. But one could argue homeland security there, too. [Laughter.]

But in any event, and on a more serious note applicable to today, it's too bad, maybe in a perfect world if we ever get there, or a better world for Indian people and Indian nations, then the Administration, Congress, whichever side, it won't be necessary to have this type of legislation brought forward, because we'll automatically be in the legislation that brings about a homeland security act or whatever the case may be. It shouldn't be that tribes have to resort to a secondary amendment type legislation in order to be given the same considerations as States and local governments.

I forget your name, sir, but you spoke about the testimony you'll be giving tomorrow, and keeping it close to the vest as to what type of testimony. I know I had a question that I was going to address more so to Larry, perhaps, but it's in the same thought that, where is the Administration on this. Granted, this is the Senate and it's friends of Indian country that are bringing it. But it would be nice to know. I guess we'll find out tomorrow, perhaps, where the Administration is on this, where Interior is on this. Because frankly, that's who should be the strongest advocates for us.

But time and again, it seems like we're fighting them just as much as we're fighting others, or we're not getting the support that we think we deserve or we should be having, the government to government consultation that hasn't been acknowledged with the Tohono O'Odham and others, the St. Regis Mohawk, whatever the case may be, border tribes, never mind wherever they are, interior tribes. We should have the same respect, the same protocol, the same understanding that the States have, no second thought, no hesitation given to the States. If we ever come to that point, then maybe tribes wouldn't have to fight the way we are fighting time and again.

And again, if you're not ready to answer it, fine, I guess we'll see what tomorrow will bring for testimony. But where is the Administration on this, is what I'd like to know. Thank you.

[Applause.]

Mr. JOHNSON. Good morning. My name is Anthony Johnson. I'm the chairman of the Nez Perce Tribe.

My question is to Cheri. You made a statement in your comments about the Native Americans being active participants in the shaping of the policies for, I believe it was State advisory boards and what-not, and your involvement in FEMA. So with that, I've heard from the Umatillas and the Colvilles that they, like the Nez Perce Tribe, have not been involved in the process.

So my question gets to how tribal participation has occurred, because answering the how will help us as Indian tribes get to what has gone wrong and how to fix it and kind of help gauge in whatever the conversation tomorrow would be. So I'd like a little bit on how we've been involved and maybe in that manner we'll be able to find out where the communication has broken down from State to State, as it seems to have. That's what I'd like to know. Thank you very much.

[Applause.]

Ms. ROE. I think I was saying that through the process, in the planning that goes to the Homeland Security advisor, right now the money is given through the State and the State develops a plan. Through that plan is the communication between the locals and the

tribes and the Homeland Security advisor and the councils that are put together in the different States.

In the money, in the Homeland Security Office of Domestic Preparedness Bill, the money is provided through the State to the locals and the tribes. And the coordination of how that State decides in the plan how they're going to distribute that money. So I can't speak to the fact that how the communication between the tribes and the State has occurred. I know in some States they have opened dialogue. I know George Little, we worked together and you put together a meeting with the Arizona homeland security advisor and had a dialogue that I believe was pretty successful in at least sharing ideas. And so that is the process that exists right now, with the money that goes out from ODP.

As far as other moneys through the Department of Homeland Security, I know that the fire grants are provided directly to and through the fire departments. They make the application and the money goes there. That's the answer to your question.

Mr. MARTIN. My name's Tim Martin. I'm the executive director of USET, United South and Eastern Tribes, representing 24 tribes in the east and southeastern part of the United States.

To that particular issue, I'm only aware of three States that I know of, Arizona, I think Wisconsin and the State of Maine that have actually given money to tribes to combat bioterrorism. USET was actually, in the State of Maine, given a grant from the State of Maine to work for the five tribes in the State of Maine.

The problem being is that as you talked about, of course, is moneys going out to the States and then the States using allocation. They're using allocation of the makeup of the citizenships of the States as far as allocations. And by and large, tribes in most of the States represent less than 1 percent of the population of the States. But what they're missing, the fact is that we have the legal standing through our treaties and obligations, and that we have to look at the core preparedness costs of those.

The other question is, is there a pool of emergency money that if you have an incident that will go way beyond the core capacity to respond to be able to respond to the actual emergency that may occur on or near the reservations. But I would like for you to take back that they've got to change their thinking about their allocation, that we have a legal standing. We're not a minority. We are a special relationship and enjoy government to government relationship with the Federal Government.

[Applause.]

Ms. ROE. I'll take that back, and I will make sure that I say that to the appropriate people. Thanks.

Mr. VANDERWAGEN. I think Tim asked a fair question. Is there a pool of dollars that's held in reserve for emergencies, and in general, Congress doesn't appropriate that way. I think individual agencies may have, as you know in Indian Health, we do have a small reserve that the director maintains for such emergencies. But on a larger scope, no, there probably isn't.

Now, we can call upon, the tribes can call upon the strategic stockpile, should there be a need for drugs and medical equipment in an emergency environment. And in fact we've deployed the commission corps folks for a number of tribal requests in Alaska, Cali-



ifornia, and other places. And there would be those resources to call upon in an emergency situation to support the core of what is available at the community level. But at this point, there really is not an emergency fund that's there to draw down against of any large magnitude.

Mr. MARTIN. [not at microphone.] I don't know if they took care of it. But I didn't see them taping into any kind of core funding [inaudible]. We have tribes already planning. Indian Health Service went by far, can demonstrate now, we have the capacity to respond. We have a better capacity to respond than the majority, I would think, of any local non-Indian government within the general areas of the tribes.

But what you're finding is you're having this money going to the non-Indian local governments which don't even have the capacity to take the money and do anything. And they bypass tribes that have the capacity that could protect those local non-Indian communities, but yet we're not begin able to participate in it. That's what's got to be corrected. We can show evidence we can do more with the money than the non-Indian communities, and protect them better than they otherwise would be protected now.

Mr. VANDERWAGEN. Tim, I happen to agree with you that we have capacity in our emergency response that isn't available in much of the rest of rural America, in particular. But supplementals, I think, are the only approach that Congress really puts together out there to deal with a broad scale emergency. Other than those pieces that I just described.

Ms. LFRANCE. Hi, good morning. My name is Rita LaFrance and I'm the director of Health and Human Services with the St. Regis Mohawk Tribe in Akwesasne, NY.

I'm also a Kaiser Fellow this year, and my question is in relation to my placement, which is with Senator Tim Johnson of South Dakota. And this question and comment is for the HHS representatives. Senator Johnson is very concerned about his constituents, particularly because they are direct service tribes for health services. It is our understanding that Indian Health Services and the Bureau of Indian Affairs cannot access dollars for bioterrorism or the homeland security matters directly from State allocations. So we're very concerned that our direct service tribes, particularly in South Dakota, are not being considered at all and have no access to prepare or respond.

The question, I guess, is how does HHS propose to address the direct service tribes?

Mr. VANDERWAGEN. I think that Rita raises a real valid concern, and that is for those tribes that rely on us to manage their health system, as opposed to managing it directly, there are issues around, can we access funds that tribes might be able to access that we can't. In fact, it varies from State to State. Our office of general counsel sees no specific prohibition necessarily against us receiving funds as part of a local planning process for certain ones of the funds. But then that depends on how the State has worked out its relationships with the locals.

So that in Arizona, for instance, some of the funding is being provided to our facilities for some aspects of the emergency response.

But it is not consistent and it's not coherent in its authority and its application. And I'll defer to J.R.

Mr. REDDIG. The problems with the Patriot Act in not being inclusive or recognizing the historical relations between the tribes and Washington, which predate the States, the States didn't exist, that's all true, things were done in haste to try to get ready.

The way I would approach rectifying it, what I intend to do our office, is to specify in the guidance from the Secretary that when these funds go to the States, which is our only cooperative agreement mechanism at this point, when those funds go, the States must consider the needs of the tribes in any allocation, and directly addressing the fact that no, this is not a per capita deal. This is a reflection of historical relationships, sizes and responsibilities. Not to mention the fact that there is a capability in rural America that happens to be an Indian capability that is funded.

So that's the way I intend to go. And if we can, we can work toward a better mechanism in the grant process. In fact, we have deployed assistance for grant writing in the process of going to the ten regions.

So that's the way we intend to go. I think we juggled the ball a little bit in 2002 and 2003. But don't we always? Isn't it always the afterthought in saying, oh, geez, maybe we ought to recognize our historical treaty commitments first? Sorry. But we'll get better. I know my office will.

Yes, ma'am?

SPEAKER FROM AUDIENCE. [Not at microphone.] Can you tell us how your Department could be helpful to the tribes who have a particularly challenging environment in certain States, such as South Dakota, how you could help maybe, I don't know, I don't want to say mediate, but how you can help facilitate or bring together the States to recognize the responsibility that may not be choosing to do so?

Mr. REDDIG. I probably didn't say it strongly enough, I think the point is, and the Secretary's guidance to the States is that they must incorporate that. And if that recognition is not present in the request for cooperative grants, then it doesn't meet the criteria. Is that—

SPEAKER FROM AUDIENCE. [Not at microphone.] There were very few States who even, less than seven States that I recall, or around that number, who even had any, in their documents and everything, any indications that they had even consulted with the tribes to any extent or even considered the tribes. Yet the [inaudible] proceeded to go out.

So I'm concerned that, how serious is the Department on trying to resolve these issues, well, we know that there are serious State-tribal relations in some of these States.

Mr. REDDIG. I have spent more time in the chow line in the Navy than my office exists. So this is going to take a couple of cycles to get together. We were lucky to get the money out at all in the first cycle. And was there rigorous review? Not as rigorous as it could be.

I've just got to say, mea culpa, we're new, we're going to get better. I believe that the guidance is the way to influence them, but then you have to have oversight and scrutiny over the grants them-

selves as they come back from the States, and you have to have understanding of those States where there are more tenuous relations between State health offices and the tribes. I've got you.

All I can do is say that we're going to pay attention to it. And the guidance mechanism is the only hammer we have on the dollars.

Ms. JACKSON. [Not at microphone.] Back to this direct service problem, and I really appreciate the fact that you're new [inaudible].

Mr. REDDIG. She says she really appreciates that I have made a commitment to give all kinds of dollars to the tribes. [Laughter.]

Ms. JACKSON. I do appreciate the fact that HHS has indicated their willingness to help us. Oh, I'm Dana Jackson, I work with Rita for Senator Tim Johnson of South Dakota. I'm tickled that HHS is going to help us, because South Dakota isn't alone in being a State that has had challenging relationships, I think is what Jackie said, with the tribes.

But I want to reiterate the point, and we've got to think of Navajo here too, and we've got to think of our South Dakota-North Dakota tribes, that's probably, I'm going to go so far to say, and I think it's Cherokee too, who are direct service tribes. That is a significant chunk of tribal populations. And I think there are some Montana direct service tribes, if I'm not mistaken.

What the problem is, is that because IHS is conducting the services on behalf of the tribe, they have to go, a Federal agency would have to go to the State to apply. And the inherent problem of the Federal Government being subservient to the State government is I think, it might even be a tremendous legal difficulty. I think that if we're going to talk seriously about legislation, we should contemplate that particular section, and we're happy to look at it from our office if it needs to be fixed on a legislative perspective. Of course, we can't do that without the Administration's blessings. So we are encouraged to hear that you're willing to work with us, and I hope that you get what a serious problem that is for our direct service tribes.

[Applause.]

Mr. NEWCOMB. My name is Steve Newcomb. I'm Shawnee Delaware. I'm indigenous law research coordinator at DQ University of Sequon and director of the Indigenous Law Institute.

I just want to say that I was struck by the evident lack of transparency in response to several questions that were asked, particularly by the chairperson from Nez Perce, by the representative from Umatilla, in asking about the rationale for the definition of Indian nations as local governments within the Homeland Security Act. And there was no answer forthcoming.

Also a question with regard to communication between Indian nations and FEMA, and whether or not that had actually occurred. There was no answer forthcoming to that question. I would just like to suggest that in the spirit of cooperation and some of the other themes that have been discussed here today that are so vitally important to the issues that are being discussed that it would be really wonderful to have a much more open and direct and candid conversation on these very fundamental and important issues.

I would like to say one last thing, that it is important to keep in mind that there's a larger context to this definition of Indian nations within the international arena. Some of you may know that with regard to the U.N. draft declaration on the rights of indigenous peoples that the Clinton administration, right when it ended, came out with a policy statement regarding Indian nationhood. It said that Indians only have the right of self determination to be negotiated, with the nation states within which, I'm paraphrasing here, but within which they are basically encircled. And that they do not have an inherent right to simply define their own status.

I see that perhaps the homeland security language with regard to Indian nationhood is actually a conscious intention on the part of the U.S. Government to undermine and directly, in a sense, weaken the definition of Indian governments as a concerted strategy that's in keeping with that policy position that was actually taken on by the Bush administration and became formal policy of the Bush administration as well.

So if anyone would like to address any of these, I'd be willing to hear your answers. Thank you very much.

[Applause.]

Mr. HEFFELFINGER. I'm not going to address DHS' position on sovereign to sovereign, but let me suggest, and I think I really need to respond because the impression I've gathered over the last 15 to 20 minutes is there is some concern that the Administration is not being candid and open, nor confirming its intent to deal with the nations, tribal communities, on a sovereign to sovereign basis.

The President, in November 2001, issued a proclamation reaffirming this Administration's commitment, as prior Administrations have done, to dealing with nations on a sovereign to sovereign basis. The issues laid out in S. 578 address those issues, and on behalf of the Department of Justice, we're glad that the Senate is looking at those issues as they apply to the homeland security bill.

But I need to suggest to you that on a broad range of issues, at least those of us in the Department of Justice, in our dealings with the various tribes, feel it is essential to our performing our mission, on a broad range of issues, to deal face to face with the tribes. I said in my prepared remarks, I alluded to a meeting we had in Tucson where we met with Tohono O'Odham and several other of the Arizona tribes regarding the border. That was to give us an opportunity to have a dialog in a smaller environment than this about the concerns and needs of the particular tribes in that region.

Every time that we meet, and we meet quarterly, we meet in Indian country. For example, we met about 1 year or so in Albuquerque to address issues of domestic abuse. And in Albuquerque we had a meeting with representatives of everyone of the tribes and Pueblos in New Mexico. We met 3 months ago up in Rapid City to discuss issues of drug abuse and gang violence in Indian country. We had representatives from several of the South Dakota tribes in attendance at that.

We'll be meeting in 3 months in California, actually Nevada, to address issues of Indian gaming with the entire NIGC. And we'll be inviting representatives of NIGA as well as the California tribes to address us at that.

So on a broad range of issues, other than, beyond what we are talking about here today, this Administration attempts to deal on a sovereign to sovereign basis, as the President has affirmed we will. I think you need to recognize that we were invited by, and I will speak tomorrow regarding the Department of Justice's position on S. 578, but we were asked to address those issues tomorrow. And I apologize if that request for some patience is interpreted as evasiveness. It is not. We will be, at least on my behalf and on behalf of the Department of Justice, we will be clear on our position.

Thank you very much.

[Applause.]

Ms. ROE. I just wanted to make one last comment. The Department of Homeland Security does, and is working, government to government with the tribes and in our outreach. I just wanted to reaffirm that. And again, to the testimony, we will again give the testimony tomorrow.

But I just wanted to confirm that any questions or any kind of interaction or any kind of meetings or any kind of information that we need to share within the Department, give me a call, I'll share that within the Department and we'll make every effort to do what we can and coordinate with the tribes and the different departments and bureaus and divisions. Thank you.

Mr. TRUDELL. Well, we look forward to hearing your positions tomorrow in terms of where the Administration stands on some of these matters. It's unfortunate in some respects that the train has left the station and the tribes were left off the train, which isn't new in many respects when it comes to the relationships and certainly funding.

I appreciate everyone being patient this morning and sitting through this without a break or anything. But there's been a lot of good information laid on the table. I would certainly encourage the Administration, there needs to be many more frank discussions.

I know Tom, on a quarterly basis, any more it's not even good on a quarterly basis. Some of the issues we're dealing with, just in the jurisdictional arena, are just overwhelming. And to me, it's easier said than done, but obviously any kind of government to government relationship and, you know, the need for consultation, there's just no excuse for not having it. It's easier said than done, and obviously I'm probably preaching to the choir here in terms of the tribes, we've been through this roller coaster ride so often.

To me, just commonsense tells you you need to be working together and obviously, even though DHS has only been in place for a short period, there are lessons to be learned from a number of areas why relationships haven't worked well with tribes. We hate to see them repeated.

Again, I thank everyone for taking the time to be here this morning. This afternoon there will be more dialog between tribal representatives, and we will have a representative from Senator Collins' office, since she is the chair of the primary committee that has responsibility for homeland security in the Senate, the Committee on Governmental Affairs. It would have been nice to have her here as well, but we will certainly hear from her representative, and

then get into seeing how Indian country is going to make homeland security work in Indian country.

Having said that, there are box lunches in the back of the room. We need to try to get started on time this afternoon, and the schedule points out that we will reconvene at 1:30 p.m. So that's just a little more than 1 hour, 1 hour and 10 minutes from now. So there should be box lunches for everyone, and hopefully we will see everyone back at 1:30 p.m. Thank you.

[Luncheon recess.]

#### AFTERNOON SESSION

Mr. TRUDELL. I think it would be helpful if more people would move toward the front of the room, if you can, because I think when there's a dialog occurring, I think it makes it a little better if we're at one end as opposed to spread around the table or the backup chairs.

There's a number of empty chairs on this side, or to my left, especially for the people who are on the program and are scheduled to speak this afternoon, it would be nice if they would come up a little closer. I think this afternoon will be as equally informative as this morning was. I thought everyone really put a lot on the table in terms of their concerns and obviously the work that lies ahead for Indian country in terms of really trying to engage the departments more to get different responses, and in terms of their working on something or what have you. But hopefully they'll take this area a lot more seriously.

As the schedule points out, we have a representative from Senator Collins' office. We have a person different than is listed on the program. His name is Michael Bopp, and he is the staff director and chief counsel for the Committee on Governmental Affairs. I think as we mentioned this morning, Senator Collins chairs that committee, and is also active in a number of other areas.

I was looking forward to meeting her. Her bio is very impressive in terms of, and maybe Michael will comment on it as well, the fact that she's been a dedicated person to public service and obviously has received a number of, a lot of good things said about her in terms of her concern about effective governance and what have you. But rather than to say much more, I think we should just turn the mic over to Michael Bopp, who will share with us some of the thoughts or suggestions that the Senator would have shared with us if she had been here.

Michael.

#### **STATEMENT OF MICHAEL BOPP, STAFF DIRECTOR AND CHIEF COUNSEL, COMMITTEE ON GOVERNMENTAL AFFAIRS**

Mr. BOPP. Thank you, and thank you for inviting me to speak to you here today. Senator Collins, unfortunately Chairman Collins could not make it. She was actually planning on coming, but in the week before the August recess, schedules are very unpredictable. We actually have two hearings in the Committee on Governmental Affairs today, two hearings tomorrow and another one Thursday. Unfortunately she could not be here and sends her regrets.

I am the staff director and chief counsel of the Committee on Governmental Affairs, which has primary jurisdiction over the Department of Homeland Security within the Senate. And the Committee on Governmental Affairs has been very active in overseeing the Department and helping the Department get up and running in its first, now I guess it's about 160 days or 50 days. It's amazing to think that the Department didn't even exist less than 1 year ago, when Congress finally came together and passed legislation. Now it really is up and running. It's not fully functioning, but it's definitely up and running.

The Committee on Governmental Affairs oversees all of the programs, or actually that's not quite true, most of the programs of the Department of Homeland Security, most notably, perhaps of most interest to you, including its homeland security grants programs. And I appreciated, I know Senator Collins did as well, the opportunity to discuss the need for the Department to improve its partnership with tribal governments. The issues that you've been discussing today, as I understand it, and many of the issues raised in the bill, S. 578, introduced by Senator Inouye and Senator Campbell and others, are issues that came up to some extent in the Homeland Security bill, when the Senate debated it last fall. However, those issues were not resolved. And Senator Collins knows that there needs to be a continuing dialog, and something needs to be done to improve the Department's partnership with tribal governments.

The role of tribal governments, law enforcement and emergency responders is clearly vital to our Nation's security. Protecting the critical infrastructure, such as dams, military bases, and guarding international borders are just two of the many ways our tribal governments and their first responders assist the Department in preventing against terrorist attacks. The fact is, the needs of tribal, State and local governments are as diverse as the communities they represent. And we must make sure that homeland security programs are flexible enough to address these unique needs.

Over the past 6 months, the Committee on Governmental Affairs has held a series of hearings, I think it's eight in all now, to take a comprehensive look at homeland security grant programs for States, communities and for first responders. These hearings have illustrated what many of you know first-hand, that the Federal Government needs to improve its homeland security partnership with State and local governments and tribal nations. The hearings have shown that too much red tape is holding back homeland security dollars from reaching your communities, and the issues that you have been discussing today and the issues you've experienced through much frustration, no doubt, are issues and frustrations that are shared largely by local governments as well. We've heard quite a bit about that, and we're very sensitive to those issues.

After a series of hearings, Senator Collins introduced legislation, the Homeland Security Grant Enhancement Act, to streamline and strengthen the way we support our first responders. The bill would make it easier to apply for grants, promote more flexibility in grant funding and make sure every community receives a long term, steady stream of funding, which I know is important for tribal governments as well.

Just about 1 month ago, the Committee on Governmental Affairs unanimously approved this legislation. The committee is also reviewing a number of other homeland security issues. For example, I know that the bill that Senators Inouye and Campbell have introduced would explore the way the tribal governments receive homeland security dollars and would actually change the way they now receive or don't receive homeland security dollars. Senator Collins shares their interests and that of many here today to make sure tribal governments receive the resources they need to better protect the homeland.

The legislation Senator Inouye introduced, the Tribal Government Amendment to the Homeland Security Act of 2002, has actually been referred to the Committee on Governmental Affairs, so it is in our jurisdiction. Our staff is currently reviewing the legislation and we understand that the Committee on Indian Affairs has scheduled a hearing on the proposal tomorrow. Senator Collins is very supportive of that hearing and is eager to review the testimony that is taken tomorrow.

We feel that through that testimony and through the legislative record that is set out tomorrow and developed tomorrow, our committee can then move forward and try to figure out a better way for the Federal Government to partner with tribal governments to better protect our communities. I know that's sort of a very general overview of what the Senate Committee on Governmental Affairs is doing. And I would be the first to admit that you are all more familiar with S. 578 than we are. However, we are definitely taking a close look at it, and have taken a look at it to some extent already.

The final thing I would say is that the hearings we've conducted on Senator Collins' bill that passed out of the committee unanimously, and that probably will become at some point a Floor vehicle, we do expect to get some Floor time in the Senate, either later this year or early next year, also becomes a vehicle for the changes you're looking to make. It's extremely difficult to get Floor time at this juncture, particularly given that we have nine appropriations bills that haven't been completed and have to be completed by September 30 of this year. The rest of this year is going to be devoted almost exclusively to appropriations measures.

However, Senator Collins is working very hard in a bipartisan basis with Senator Levin, Senator Carver, Senator Lieberman, and others, to move her legislation and to get Floor time. If that happens, that's the vehicle in which to deal with the issues that S. 578 raises. Senator Collins has asked me to make it very clear that she is open to and really wants to sit down and figure out a way that tribal governments don't experience the same sorts of frustrations that local governments are now experiencing because they're not getting their money as they're supposed to and as the legislative language actually mandates that they get. They're not getting the money and it's just taking too long and the process is not working as it should.

So with that, if anyone has any questions, I'd be glad to try to field them.



Mr. TRUDELL. Mike, do you want to comment on the funding for homeland security, is that a separate spending bill or is it a part of one of the other existing bills?

Mr. BOPP. Actually this year was the first year that a separate homeland security appropriations bill moved through the Senate and it actually moved and passed the Senate last week by a resounding margin. The House has also passed a homeland security appropriations bill, so that bill will be conferenced and should be wrapped up actually by September 30 or October 1 the start of the next fiscal year.

That bill contained very little legislative language in it. It really wasn't, because of Senate rules, it really was not a vehicle for legislative change, as Senator Collins did not try to move her bill, trying to fix the grants process through that bill. In other words, we need an actual legislative vehicle on the Floor. Senator Collins has already talked to Senator Frist and the leadership actually on both sides to try to get Floor time for that measure.

Mr. TRUDELL. Does anybody have questions? Come up here and identify yourself and speak into the microphone. As we mentioned this morning, the proceedings for this meeting will become a part of the record here in the Senate for Tribes and Homeland Security. So we're trying to make it as accurate as possible, particularly for the court reporter here who needs to know who is speaking.

Ms. STACEY. Good afternoon. I'm Naomi Stacey, I'm one of the attorneys at the Umatilla Tribes out by Pendleton, OR.

I was wondering if you could share any of the input the committee has been receiving, particularly whether this is well received or if there's criticism, anything you could share on that.

Mr. BOPP. As you can imagine, most of the input we've received, largely from local governments, county governments, State emergency managers, has been somewhat critical of the Department's process for distributing grant funding. It's truly amazing how much grant funding has gotten out the door already. For that, I think, the Department deserves some praise. In the last 3 years alone, I've seen figures, if you total up the 2004 money as well, so you have 2002, 2003, and 2004 money combined, about \$8 billion have gone out or will go out the door by the end of 2004, specifically for State and local governments and first responders to address homeland security concerns.

The testimony we've received at the Committee on Governmental Affairs has by and large pointed out problems with the way that money is distributed. Some people have problems with the formula through which the money is distributed. Some people believe that larger, more populous States should get a bigger slice of the pie. Others believe that small States aren't getting enough, and that each State has homeland security problems whether it's Wyoming or New York.

The other problem we've been hearing is that there's too much redtape, and that States who right now are sort of the focal point for homeland security funding, when the funding leaves the Department of Homeland Security, it goes to the States and the States are supposed to distribute the funding according to a plan. One criticism we've heard is that States are not including all of the right parties at the table. Not everyone's got a seat at the bargain-

ing table, not everyone who needs homeland security funding is being allowed even to sort of participate and to receive a portion of what is a whole lot of money.

The other testimony we've received that bears upon changes that need to be made to the homeland security grant program is that the funding that's gone out so far is relatively inflexible. The funding has gone out in four different categories. If it turns out that a State has used, let's say, all its equipment dollars but hasn't used all its training dollars, it can't shift training dollars to buy more equipment. And in some cases, including in Maine, a lot of that money is still, or a good chunk of that money is still sitting there unused, because the money has come with these strings attached.

SPEAKER FROM AUDIENCE. [Not at microphone] [inaudible].

Mr. BOPP. I'm sorry, actually we have not taken any testimony specifically on S. 578 in the Committee on Governmental Affairs. We've not held a legislative hearing on S. 578. We are eager to read the record of today's and tomorrow's proceedings, and then if another hearing is warranted after that, we'd certainly take it up. It's a bit of an unusual situation, since Senators Inouye and Campbell introduced the measure, Chairman Collins felt it made sense to give them the first opportunity to hold a hearing on their own bill, even though the bill has been referred to Governmental Affairs. What we're going to do is treat the record of this hearing as if it had been a legislative hearing in Governmental Affairs for purposes of whether or not and how to move your bill, or to move S. 578.

So we haven't taken any testimony on S. 578. What I was trying to do was recount testimony we've taken that might be of interest or might reflect concerns the tribal governments have that are the same concerns as local governments.

SPEAKER FROM AUDIENCE. [not at microphone] [inaudible] can you share [inaudible].

Mr. BOPP. On S. 578? We haven't gotten any feedback, to be honest with you.

SPEAKER FROM AUDIENCE. [not at microphone] [inaudible].

Mr. BOPP. No; informal or otherwise.

Ms. HERDMAN. Thank you, Mr. Bopp. My name is Vernita Herdman. I'm Inupiak. I'm from the native village of Unlalikleet.

I have specific concerns, and it's good to hear you say that you're treating this as kind of a quasi-hearing. With an obscure section of S. 578 under the definitions, which most people pass over when they're looking at legislation, specifically under section 3 table of contents, definitions, non-Indian tribe. There's been a lot of talk in the papers lately about 16 words from our President. I'm talking about five words in this bill. And those five words are, excluding the State of Alaska. If this language, five words, excluding the State of Alaska, is allowed to stay in this bill, then it effectively erases the ability of Alaska's 229 federally-recognized tribes from being part of those who are involved and at the table when talking about homeland security. I think that is an insult to people like the people of my home village.

I spoke about that village when NCAI conducted its meeting in Portland last week as a village that has been in that place for 1,500 years. We've been there since 500 A.D. And we've always

been self-governing and we've always taken care of our own people. Members of my family, including my father and my brothers, have served in the military forces of the United States. I think it should be brought up here again, and I haven't heard it brought up this morning, that Native Americans, per capita, provide the largest number of people to serve in the United States armed forces. For this definition to exclude our 229 federally-recognized tribes and for the definition of those governments that can participate in this legislation to exclude tribal governments is an insult to that record.

I would appreciate it if you would pass that on to your chairman, Mr. Bopp. This is a matter that is not trivial to my people. My parents are still alive, my father is 86. He served in what was back then called the Eskimo Guard, the people that guarded the coastlines of Alaska. Alaska has 30,000 miles of coastline, 586,000 square miles of land. We also have the Canadian border. We have Inupiak people, we have Tlingit people, we have Athabascan people. And all of those nationalities have relatives on the other side of the borders that they share with Russia and Canada. I would hope that you would pass this concern on to the committee, and specifically to Chairman Collins.

Thank you very much.

[Applause.]

Mr. BOHNEE. Good afternoon. My name is Gary Bohnee, I'm with the Gila River Indian Community from the Phoenix, AZ area.

We're set to testify tomorrow at the hearing on S. 578. But I did just want to mention to you, one of the things that we will be submitting forward to you is, I think you referenced S. 1245. And while I think the Inouye-Campbell is a right step in the direction of establishing more of a direct partnership between the Department of Homeland Security and tribes, obviously S. 1245 is where the money's at. In terms of building infrastructure and funding for training and all the things necessary where I think tribes lack, I think we would like, and I think we will be proposing some specific amendments to that bill, which I think, I hope, will be helpful to you as tribal governments are always looking for the programs that would benefit us to participate in that process.

And I think we'll also be, Governor Napolitano from the State of Arizona will also be providing a letter in support of the Campbell-Inouye legislation. I think she has worked hard with the tribes and will continue to do so, so that both not only the Federal-tribal relationship but also the State-tribal relationship in this whole process, because it is a very complicated nexus, we hope to work productively and assist you in your efforts here.

Thank you.

[Applause.]

Mr. BOPP. I'd just like to say I appreciate the comments of both speakers and we'll bring those comments to Chairman Collins. In particular with S. 1245, as I mentioned, we know that the bill is a work in progress, and in particular this issue, the issues addressed by S. 578, are issues we still want to address and consider in the context of S. 1245.

Mr. TRUDELL. Thank you, Michael.

As the schedule points out, we want to begin to hear from various tribes on a regional and tribe specific basis in terms of per-

spectives about challenges in the homeland security area. But before we do that, I want to see if John Echohawk has anything to say. He has to leave shortly to get on a conference call regarding the *Lara* case, which some of you are aware of, which may be on its way to the Supreme Court.

John, is there anything you wanted to share before you leave?

#### STATEMENT OF JOHN ECHOHAWK

Mr. ECHOHAWK. Thanks, Dick.

I wanted to begin by thanking you for all of your efforts in putting together this tribal leaders forum on these Homeland Security Act issues. As many of you know, Dick Trudell and the American Indian Resources Institute over the years has sponsored a number of these forums for tribal leaders to discuss issues of important national-tribal concern. This issue certainly fits within that category.

As has been mentioned here today, tribes have really been left out of the formation of the Department of Homeland Security. It's not really the first time that tribes have been left out a big national initiative, but again, it's not too late to try to correct that, and that's the intent of S. 578. I was pleased to work with Dick in trying to move this issue forward. I know tribes are very concerned about it. I think many of you were at NCAI down at Gila River last month when the delegates approved a resolution supporting S. 578.

As follow-up to that, Dick was kind enough to put together a tribal leaders forum out in San Francisco at the beginning of the month of July to address the crisis in tribal sovereignty. Among those items of discussion at that conference was homeland security and S. 578. As part of that conference, we had a good discussion on these issues and realized at that time that we needed further discussion on those issues, and that led to the organization of this meeting here today, preceding the hearing tomorrow.

In addition to the tribal leaders forum, this has also been an issue of concern to tribal leaders participating in the tribal sovereignty protection initiative. I think many of you have participated in that, and know that the objective of the initiative is to try to enhance tribal sovereignty in every way possible, including homeland security. We need to take advantage of opportunities that are presented here in Washington when major pieces of legislation move forward that impact tribes, to make sure that tribal concerns are addressed in that legislation. Of course, that's exactly what these homeland security amendments do for tribes.

Based on the representations from Senator Collins' representative, who spoke a few minutes ago, it looks like we've got a chance to get the important provisions of S. 578 through in terms of the Congress' amendments to the Homeland Security Act that they passed last year. So I think if we're all vigilant and keep working this issue with our delegations that we may be able to have tribes recognized for having an important role in homeland security. But it's not going to happen unless we're all very busy with our delegations, making sure our Senators know that this is an important issue, not only for our tribes but also for the entire Nation.

So I'm pleased that we've been able to have this meeting and to work with Dick Trudell and Patricia Zell and Paul Moorehead of

the Committee on Indian Affairs staff, putting this meeting together. Dick and I were talking earlier about the next steps after meetings today and tomorrow. We've still got the House of Representatives to go in terms of trying to get these kinds of tribal concerns addressed. It's probably going to require further meetings like this.

For better or worse, I think this is the work group that we have in Indian country on homeland security. This is a big work group, but I think it's one that we have to try to keep energized and moving forward with. So I offer my services and I think Dick's going to be offering his services as well to do whatever kind of follow-up we need to do to make sure these homeland security issues keep moving forward in the best interests of Indian country.

Sorry I'm going to have to leave. But as Dick mentioned, this tribal Supreme Court project is having a conference call here this afternoon on this *United States v. Lara* case, which raises a very important set of issues dealing with the power of Congress to recognize inherent sovereign authority that the Supreme Court has failed to recognize. So we have, I think for better or worse got an important case coming up in the Supreme Court that is going to decide who's the final word on inherent tribal sovereign authority, the Supreme Court or the Congress.

So with that, I'm going to have to be excusing myself here shortly and rejoining you all tomorrow at the hearing. Thank you.

[Applause.]

Mr. TRUDELL. Thank you, John. As we were discussing, obviously there needs to be some kind of work group developed or whatever. Otherwise this stuff won't happen. Obviously looking at the Congressional schedule, with the House already in recess and the Senate about to go out, you come back and deal with the spending bills and what does that mean in terms of homeland security, what does it mean in terms of the tribal perspective. So we need to figure out a way to get geared up. I think some of the speakers this morning, the tribal speakers in particular, I think really provided some invaluable information in terms of what they're confronted with and what it's costing them, just resources, both human and financial.

As the schedule points out, I think this part of the program is really designed to facilitate some dialogue amongst the people in this room. What I wanted to do was change the sequence of speakers a little bit, mainly just to kind of set the table the correct way. What I mean by that is, I think we need to hear from tribes from different States, so we kind of get a snapshot of their perspective and what they feel the challenges are. So I'm taking the liberty of just trying to skew this thing just a little bit to hear from some people I think we need to hear from, from different States. But we will accommodate everybody that is on the schedule and then some as well.

What I'd like to do is first call on Anthony Pico and Drucilla Espinoza from California, the Viejas Band of Kumeyaay Indians, and to hear a California perspective. Then we will begin to pick off some of the others who haven't had a chance to really put some of their concerns on the table.

So at this time, Anthony and Drucilla.

Mr. PICO. Thanks, Dick.

**STATEMENT OF ANTHONY PICO, CHAIRMAN, VIEJAS BAND OF  
KUMEYAAY INDIANS**

Mr. PICO. I'm Anthony Pico, I'm chairman of the Viejas Band of Kumeyaay that's located near San Diego. And we're here to support, our tribe supports S. 578, which recognizes tribes as sovereign governments and rightful participants in homeland security. Because of that statement, I'm certainly that the California tribes will support S. 578.

The Federal policy of governmental and self-determination, economic self-sufficiency, had begun with the Nixon administration, and has had a profound effect on Indian people. It's given us heart and revived our spirit on many reservations in many ways not experienced since conquest or our forced dependency. In addition, to economic development, the tribes are moving to strengthen our governments and take our place not just in the country but among the mix of strong, sovereign States upon which the American constitutional and democratic values and federalism rest.

The policy has proven effective because it once again allows American Indians to hold our heads high, knowing that we have a stake and a voice in our future, and the future of our children. Our future is tied to America even as it is tied to our own ancestral roots.

We want to be truly free. Freedom and the right to self-govern is the source of America's strength. American Indians know, as well as the founding fathers of America, that freedom and responsibility go hand in hand. Only the free learn the disciplines of freedom, only the free can practice and experience responsibility. Only the free can succeed and fail, and between failing and succeeding is the space where the human spirit and character are formed and our spirit shines.

Strong tribal governments capable of meeting responsibilities to our people, any who travel or live within our jurisdiction, is not possible if we are not recognized as sovereign governments. Along with the benefits of America, we must share in the obligations. We don't want to become enclaves of times gone by; we want to be vital, contemporary communities that participate in the building of America's future.

To leave us out is to leave us behind. To leave us out of the homeland security planning, the coordination, the funding, except through the States, is to cripple not on the tribes but also the renewed spirit tribes find when treated as equals. And by equals, I mean people capable of caring, people capable of self-governance and caring for our own, participating with other governments and proud to be doing our share. I think that's the spirit of homeland.

Who better to understand the spirit of the American homeland than the original people? Indians have fought in great numbers in every war to defend our homeland. We even fought for the United States when we were denied recognition as citizens of our own ancestral lands. Native Americans are in Iraq and have died there, along with every other race and creed that comprises our country.

My tribe was angered and saddened by the attack on the Twin Towers as much as any American. We demonstrated our patriotism in the American way and in the Indian way. We held prayer vigils on our reservation and hosted the Here's New York photo exhibit

on the anniversary of 9/11 as a place for all San Diegans to go, to remember and honor that tragedy. We sent our ceremonial prayer singers to the Twin Towers site to pray for peace for the spirits of those who died and the healing for those who had lost loved ones.

The Viejas Indian Reservation is in San Diego County. It's a county that's bigger than five of our States, a county adjacent to the Mexican border. In our county, the three largest Government landholders are the Federal, State, and tribal governments. Most of this land, aside from military bases, is undeveloped forest, parklands, waterways and Indian reservations. Excellent places to hide, to get lost or to lose others. There are 17 cities and 17 tribal governments in our county. There are 107 recognized tribal government reservations in our State of California.

You all know the saying that a chain is only as strong as its weakest link. Despite our presence, potential and interest in California, there are no reciprocal government agreements for disaster or emergency evacuation planning. This is true despite the State's history of earthquakes and devastating wildfires. Despite San Diego County's high military profile and potential as an enemy target, the State, county and cities have never thought to include Indian tribal governments in emergency planning or disaster preparedness. We don't expect the State of California to change this pattern of behavior when it comes to terrorism. This great threat to national security is precisely the opportunity for Congress to reaffirm that tribal governments have a legitimate sovereign stake in America.

Maybe some people think that we don't have enough populations on reservations to worry about. Well, they're wrong. Our governments have a responsibly, the inherent sovereign responsibility to every single person in our jurisdiction. We want to make sure that our children and grandmothers are safe, whether it's a natural disaster or an act of terrorism. Equally important, we're part of the geography that needs guarding, and we have resources from water, land and people.

We're part of a larger community, and welcome the shared responsibility for the welfare of our neighbors, Indian or non-Indian. Most of our neighbors in California are far from urban centers and disaster services. In the rural areas, we are doubly vulnerable and more dependent on each other. San Diego County and the State need an enhanced capacity to patrol reservoirs, border crossings, forests and deserts. And our governments need to be part of the larger network of communication and coordination that is being established, if not today, then for tomorrow.

A tribal government like Viejas government can provide mutual aid for emergency medical services to personnel. We have sought and now provide these services for our unincorporated neighbors. No one sought our participation. We offered it voluntarily.

The Honorable Hank Murphy, council member of the Sequon Band of Kumeyaay Nations of San Diego County, is here with me now. Chief Murphy wanted to let the committee know that the tribes are concerned because California State officials have stated that homeland security funds are too limited to meet the State's needs. Meanwhile, between Viejas, Brone and Sequon Bands of Kumeyaay, we have six advanced life support units providing

emergency medical services to reservations and our non-Indian neighbors. We volunteer our fire trucks and medical units to the county-wide mutual aid support system. The tribes pay for the equipment and the salaries.

However, to be prepared to respond on a larger scale, we need financial support from homeland security. The county-wide mutual aid system needs our help, but it can't pay us. We don't want to be ignored, we don't want to be left behind or forgotten any more. We don't want to be the weak link. Nor do my people want to be isolated from responsibility for our neighbors or county in times of need, especially when we can contribute.

Terrorism, like wildfires and earthquakes, doesn't recognize national, State, or county jurisdictions. When it comes to working with Indian tribes, it seems that the States fear losing power more than they fear America's enemies. The Federal Government realized some 40 plus years ago that doing away with Indian governments and communities was not going to happen. We are a strong and resilient people, and it has become clear that keeping our governments dependent and impotent wasn't working either. Congress set about an agenda that is now working. The agenda honors the United States Constitution, historic treaties that affirmed the sovereignty of Indian people. Modern policy recognizes America's trust responsibilities to tribes, its policy confirms that American Indians are not an enemy, nor is our sovereignty a threat, but that we desire and need to develop our own strength through our own governments.

Sharing the burdens and the power of governance is the only possible policy for American Indians. Time has proven this so. Unfortunately, most States have yet to learn this lesson. Congress must once again take leadership in reinforcing our role and place in America. If States fail to recognize this resource or honor our sovereignty, the Congress must. For it's Congress to whom we look to keep America's promise to American Indians, a promise that in return for our land, we will be respected and treated as sovereign governments.

In closing, I would like to thank the Senate Committee on Indian Affairs for its advocacy for Indian sovereignty and S. 578, which is the latest of many battles that the committee has fought with us and for us. America's enemies aren't going to limit their next terrorist attacks to Federal or State jurisdiction. Neither should the Homeland Security Act limit the capability to respond and protect only the Federal or State government.

Please help us educate your colleagues in Congress about American Indians and tribal governments and our right and responsibility to participate as equals to the States in homeland security. This is the most important service the Committee can perform on our behalf.

We stand ready to serve our country. All we need is for Congress to support S. 578. Thank you.

[Applause.]



**STATEMENT OF DRUCILLA ESPINOZA, COUNCIL MEMBER,  
VIEJAS BAND OF KUMEYAAY INDIANS**

Ms. ESPINOZA. Good afternoon. I serve as an elected council member of the Viejas tribal government. The Viejas Band of Kumeyaay Indians is located in the southern California region and county of San Diego, adjacent to the Tiajuana-Baja Mexican border.

I work with tribal youth. My goal is to prepare them to be the best possible citizens and contributors to our tribal community and the county we share. When my children asked why I was coming to this hearing in Washington, DC., I told them I wanted to testify that the tribal governments, like the Viejas government, want to be able to assist in protecting our homeland and our neighbors from terrorism. They wondered why I had to ask Congress. Don't they know that we love our homeland?, they asked. This is the spirit which my people want to add our voices in support of S. 578.

I ask you to remind Congress that we love our homeland. We have fought to defend the United States in World War I, even before we were recognized as citizens. I ask you to remind Americans that according to the U.S. Constitution, treaties and an entire body of legal precedents, tribes are recognized as sovereign governments. We loved, preserved and protected the land of this country in times of disaster, before there was a U.S. Government. We have tribal members serving and dying in Iraq. We ask to assist because there is a need for our resources and because the Homeland Security Act represents an opportunity for tribal governments to be linked to national emergency and national defense systems in the same way as States.

In California, where we are located, we are not included in any of the State or local governments' emergency response or disaster planning. And we will not have the opportunity to work as partners with the States and Federal Government unless Congress makes it clear that tribes must be included in the Homeland Security Act. Neither the State nor counties nor cities have seen fit to include us in the past, even though there are 107 governments in California. Services and personnel are stretched, from border agents to police. Immigrants have long found ways to illegally enter and hide in rural areas where the only active governments are tribal communities.

You need our help, yet we are not included. There is no one to monitor the reservoirs, like the one place on the Captain Grande Reservation, where I am from. The Viejas Band, as administrators of that large tract of inhabited land, have admittance and oversight. There are many such reservoirs, waterways, bays and borders where the most immediate response should come from tribal communities. One small bomb could blast away the restraining walls of this precious water commodity and send millions of tons of water hurtling down a valley that is crowded with houses, urban and suburban residents and towns.

To be without water in any emergency in a State with a very limited supply is a formula for disaster, with ramifications lasting beyond a natural catastrophe such as an earthquake or one created by an enemy act. We have security forces, we have tribal people who have shown their skill and courage as elite firefighters, working with the Department of Forestry. There is a generation of tribal

youth willing and able to fill positions of responsibility for national protection of our lands, neighboring lands and shared resources. We have assisted our neighbors in fighting local fires, housing and contributing to those left homeless by wildfire. And we have done it on a voluntary basis.

We don't understand why our sovereign governments should not be included in this national effort. We ask to be acknowledged as sovereign governments by the States and Federal Government, and respected for what we can contribute. Failing to include tribes in the Homeland Security Act is an oversight that if left standing reduces the status of tribes to non-entities in this very significant national effort. We need to be recognized as part of the network of sovereigns, linked and cooperative efforts to protect our homelands. I believe this would foster and strengthen tribal government relationships and communications with States and local governments. Eventually setting a precedent and including tribes in a national agenda of this sort will extend to other areas where tribes and States need to work together as partners. Excluding tribes only perpetuates the indifference or even hostility that exists towards tribal governments in many States.

We realize money is limited. In California, without Federal direction, the State, facing a large deficit and political turmoil, will not share either resources nor responsibility with tribes. But the benefits needed at this time in our history, as well as the opportunity such collaboration could engender is worth the initial investment of including tribes. The Viejas Band, like tribes across the Nation, stands ready to come to our country's aid. Today is a good time to start involving the tribes in this national effort. Tomorrow is too late.

In closing, I would like to thank the Indian Affairs Committee for constantly reminding the rest of the Federal Government that there is another group of sovereign governments who not only have the right but the desire to be considered a part of America, and share in all her endeavors. We want to be part of the solution to national dangers and problems, just as we want to share in the United States' benefits and sovereignty. Thank you.

[Applause.]

Mr. TRUDELL. Thank you, Drucilla and Anthony.

Our next presenter is President Audrey Bennett from the Prairie Island Indian Community in Minnesota. She offers a midwest regional perspective. Audrey?

Ms. BENNETTE. Thank you, Dick.

**STATEMENT OF AUDREY BENNETT, PRESIDENT, PRAIRIE  
ISLAND INDIAN COMMUNITY, MINNESOTA**

Ms. BENNETTE. Some of you don't know me, my name's Audrey Bennett, I'm president of Prairie Island Indian Community in the State of Minnesota. We are about 35-45 minutes southeast of St. Paul, MN. We're right on the banks of the Mississippi River, on one side, our reservation is on a peninsula. South to us is the Vermilion River. The other neighbor that we have living on our reservation, adjacent to us, is a nuclear power plant with two reactors, high level radioactive waste stored above ground in 17 casks.

So when this homeland security issue came up, it was a big concern for us on Prairie Island. Although we always have been active and participating on a Federal and State level when it came to nuclear waste and nuclear energy, we took it upon ourselves, fortunately through our gaming dollars we had the resources to get involved with emergency preparedness for ourselves, for the simple fact that we are the only community in the United States who lives 600 yards away from a nuclear power plant with two reactors. That is a big concern for a lot of our tribal members.

We have a small land base. Where we are located is 340 acres. Back in the early 1920's and 1930's when they built Lock and Dam Number 3 was sited, it flooded over one-half our reservation, which we never got compensated to this day. And then in the 1960's is when they built the nuclear power plant. So I'm the generation who grew up watching the powerplant being built. It's been there for 30 some years now. The issues that it all entails, talk about health and safety, we have a lot of Native American reservations the number one death rate is diabetes or alcoholism. But on Prairie Island, it's cancer. So that's a big concern for us, because now it's people in my generation who grew up with the plant who are starting to see different types of cancers.

You could talk to scientists on both sides of the issues, they always say it's genetics or that's the way it is. But if it is genetics, I could understand it, most studies have one type of cancer, stomach, whatever. But on Prairie Island, it's all forms of cancer that our people get, and we don't know why. So we took it upon ourselves to hire the best environmental people we can to do soil samples, water samples and air samples around our reservation borders, specifically the ones that are mostly adjacent to the nuclear power plant. And we're collecting all that data, we have been doing that for eight years now. Hopefully we're doing a health study, we're trying to get involved and get a baseline study. That's one of the things that was neglected by the Federal Government and State officials when they sited that nuclear power plant next to our reservation.

So when 9/11 came, that was our big concern. Everytime on the news when you hear code, different levels of code orange and yellow and red, I think our tribal members lived under that all our lives, that unknown fear, always being aware of the plant being so close and every little noise you hear, you think, is it going to blow this time, is it going to go. There have been two minor accidents since the plant has been built there, back in the 1970's. At that time, those of us that lived on the reservation were the last to know that there was an accident at the plant. We weren't aware of it until national news media, helicopters were landing in the bean fields, asking what we thought about it.

So that's why it's been an important issue for us to get involved in and start talking with State, local units of government to be a part of the people at the table, sitting down, making the decisions to decide if something does happen, some disaster, what do we need to do? Because now that we have gaming, our responsibility has increased a hundred fold, because you're talking just on that little island alone, the power plant has 400 employees. We have a little under 400 tribal members living there. We have over 1,600

employees and at any given day of the week, we could have anywhere from 4,000 to 10,000 people at our facility.

So this is a major concern, and you also have to understand, in order to get to our reservation, there's only way on and off. And you have to cross the railroad tracks. In a 24-hour period, there are 40 trains that go through those railroad tracks. At any given day and time, sometimes those trains stop, they come to a complete stop, and they stop there anywhere from 5 minutes to a one-half hour. We had a couple incidents where we needed an ambulance from the nearby city of Red Wing. They got down to our tribal member's home who was having a heart attack. When they got there and they were ready to leave the island, they couldn't because a train had stopped. So there was no way on and off the island.

So this was a major concern, what if an accident happened and that scenario was there? Nobody would be able to get off the island. So we spent a lot of time, dollars and resources sitting down with State government officials to come up with an emergency preparedness. We've been involved with this now for the last 3 or 4 years where we do mock drills and we set command posts in St. Paul, on the reservation, and the nearby towns. But it takes a lot of work, and it's a lot of hard work to work with the different jurisdictions.

I think with this homeland security, even though tribes weren't included like the previous speakers before me, it's not too late. We've still got time to get involved. It's very important. I think that's why, when I first found out that the tribes weren't mentioned in this bill, because we were monitoring this when we heard it was coming out a little under 1 year ago, every legislator that I came out here to visit, I always mentioned it to them about this bill. I'm glad to see that we're finally talking about it as tribal leaders, because it's always been a concern on my mind.

But like I said, it's not too late. Hopefully we can get something done. But you have to remember, even if we get this approved and tribes are included, we've still got to get the Federal funding dollars. That's the other step. And it's important we do it this year also.

So the little amount of time we have, we have a lot of work ahead of us. I think as Indian people, we're very strong and we're pretty vocal and we get out here and we put our minds to it. I'm glad to see a lot of tribal leaders out here today that are taking an interest in this. Because there are all different facets of homeland security. Ours just happens to be a nuclear powerplant. Other people have borders. Other people have dams on their reservations.

But overall, it's all important, I think, as Indian people, Mother Earth is always sacred to all of us. It's up to us to take responsibility and be active and be a part and work together with the different jurisdictions to find solutions and a common ground so we can move on and keep protecting Mother Earth for the generations that aren't here yet.

So I'm going to say about that much, and I'll be on tomorrow speaking also. Thank you.

[Applause.]

Mr. TRUDELL. Thank you, Audrey.

Our next speaker is Roland Johnson, who is the Governor of the Laguna Pueblo, located in Laguna, NM. It's kind of an interesting segue, it wasn't too long ago that the bulk of the uranium being mined in this country was being mined in Indian country, and the Laguna Pueblo was one of the areas that a considerable amount of uranium was being mined. They've had to deal with that ever since then in terms of the reclamation.

So at this time, Roland.

Mr. JOHNSON. Thank you, Dick. Good afternoon.

**STATEMENT OF ROLAND JOHNSON, GOVERNOR, LAGUNA  
PUEBLO, LAGUNA, NM**

Mr. JOHNSON. Normally when I come to Washington this time of the year, I'm complaining about the heat and the humidity. But today it was downright cold in the room, wasn't it?

I'd like to begin my presentation by giving you a brief overview of some of the activities that have taken place at the State level. I think most of the tribes in the State of New Mexico are quite encouraged by the current administration, the State administration. As some of you are probably aware, former ambassador, Congressman, jack of all trades Bill Richardson was elected Governor of the State of New Mexico last year, and he took office on January 1. Just right after he took office, Governor Richardson convened a summit of all tribal leadership. We were encouraged by the fact that at that particular meeting we signed an agreement, which is basically a protocol statement that prescribes the manner in which the State and the tribes will come together to address issues of concern to either the State or the tribes.

Also since coming to office, the Governor has appointed a number of Native Americans to key positions in his cabinet. One of the things he did was sign an executive order which basically elevated what used to be the Office of Indian Affairs to the Department of Indian Affairs, and appointed one of our fellow Pueblo members as the secretary of that particular department, Bernie Teba, who used to work for the Northern Pueblos Enterprises, now the secretary of the Department of Indian Affairs.

Also by Executive order the Governor created the Office of Homeland Security, which has become the lead agency to coordinate Statewide homeland security and emergency preparedness efforts. The activities of the Department of Public Safety and the Department of Health are coordinated by the Office of Homeland Security. The Department of Indian Affairs received a contract not too long ago from the Department of Health to conduct a community based assessment on emergency preparedness in all the Native American communities in the State. I believe this is probably a first on a national basis of an initiative that has been undertaken by the State to assess the status of preparedness on the part of Native American communities. We look forward to seeing the results of that report and the implementation of recommendations that we're sure will come from that particular assessment.

The Department of Indian Affairs has also been designated by the Director of the Homeland Security Office to be the point of contact for all homeland security and emergency preparedness efforts for tribal communities. So we have one common point of contact,

which we think is good. Secretary Teba has also been appointed to the New Mexico Homeland Security Advisory Council, as well as to the Public Health, Emergency Preparedness and Response Advisory Council. There has also been a letter of agreement signed to formalize funding allocations from the United States Department of Homeland Security Domestic Preparedness grant office. It's the Department of Indian Affairs which is responsible for coordinating the distribution of these funds. The Governor has directed that a certain percentage of the funds that have been allocated to the State be reserved for assistance to Native American communities within the State.

As Dr. Vanderwagen indicated this morning, the State has also established and is now funding a full time emergency medical services coordinator, a tribal coordinator, that is. So we think that's a good move.

That, I think, covers pretty much what's happening at the State level. Obviously within our own respective communities, we have concerns and challenges that are quite similar to those that have already been enunciated by the tribal representatives before me. The case with the Pueblo of Laguna is that, our properties are situated in western New Mexico. We are, we consider ourselves to be extremely vulnerable to perhaps attacks of terrorism and perhaps other incidents that could test our state of preparedness, and have tested our state of preparedness in fact.

Across our reservation runs Interstate Highway 40. We have the Burlington Northern and Santa Fe Railroad which traverses our properties as well. We have two high pressure natural gas interstate transportation lines that cross our properties as well. We're in fairly close proximity to Albuquerque and Los Alamos, both of which house or accommodate military and defense type installations, national laboratories at Los Alamos, Sandia Laboratories in Albuquerque, and of course, the White Sands Missile Range in the southern part of the State, and the waste isolation pilot project is located in the southern part of the State.

The WIPP site is the repository for a lot of nuclear waste being shipped from places in Nevada and other parts of the country, including within the State itself, from the labs at Los Alamos. Interstate Highway 40 happens to be the route over which much of the nuclear waste is being transported to the WHIP site from Nevada. So it's of tremendous concern to us.

At Laguna approximately two months ago we had an incident occur that really tested our state of preparedness to react to situations of this nature. As I mentioned, Burlington Northern Santa Fe has its tracks across 40 miles of our property. And on Memorial Day, just this past Memorial Day, around 4:15 in the afternoon, we had a railroad derailment, in which 11 cars of an 86 car train jumped the tracks. It was not immediately known, but it was suspected that the box cars were carrying hazardous materials. Because of the lateness of the hour, we were successful in getting many of our own programs to respond, our emergency medical services activity, our fire department, our police department as well as our emergency preparedness response team to respond to the situation. But there was not enough time to really determine exactly what was on board the cars.

As a result of it, we had to evacuate about 500 people from the homes which were located in fairly close proximity to the scene of the incident. Some of the families were able to return home after 2 o'clock in the morning and others had to stay in the emergency shelters until around 2 o'clock or 3 o'clock the following afternoon. But the damage to the railroad tracks was of such magnitude that it stopped trains in both directions.

So it was conceivable that we could also have encountered a situation similar to what President Bennett described, where because of the stoppage of trains at a railroad crossing, we would not have been able to gain access to some portions of our community. Fortunately, that did not occur in this particular instance. But what this incident did was that it really called to our attention how inefficient or how we're lacking in terms of being truly prepared to respond to an emergency situation. We had the assistance of some of the State organizations and agencies, but even they too were somewhat limited in terms of what they could do.

So we've had the experience of realizing how much of an impact an incident, whether of the nature that I described or whether it was by act of terrorism, what impact it could have on a community. So we're looking forward to being able to present our story to the committee tomorrow. We will present testimony. We have offered some suggestions for modifying what has been proposed in the way of amendments, so that a situation that we have in New Mexico can be addressed, and it's a situation that has to do with, or that results from a Supreme Court decision that has an impact, that has impacted the status of lands over which the railroad traverses.

As a result of that, it used to be that the BNSF would pay a possessory interest tax that was imposed by Pueblo. Now because of the recent Supreme Court decision and other court cases that have come about, BNSF has refused to pay the tax any further. We think that's unfortunate, because we are dependent upon the resources that we receive from such a tax to help maintain a lot of the services that we have at Pueblo, including our police services, emergency medical services and the operations of our fire department. We think that by broadening the definition of Indian country as it's described in the law and the regulations that maybe that would correct the situation.

I know that the other tribes are also, other tribes in the State are also concerned about the impact of recent court cases, and know the northern governors are working collectively to try to find ways to resolve that situation. I'd like to at this time call on James Rivera, with the Pueblo Pojoaque to briefly describe the situation that impacts some of the northern pueblos, but it impacts Laguna as well, because it's a situation that does involve the status of Indian lands.

Thank you very much for your attention. I appreciate it.

[Applause.]

Mr. RIVERA. Thank you, Governor Johnson. While they're bringing that easel over here, I'd like to recognize former Governor Perry Martinez, former Governor Marvin Hideta, former Governor Terry Aguilar, and Governor Salizar from San Juan. They're part of the Eight Northern Pueblos.

[Applause.]

**STATEMENT OF JAMES RIVERA, PUEBLO POJOAQUE**

Mr. RIVERA. What I'd like to do is explain the Indian country in New Mexico, where Los Alamos is and where the WHIP site goes through. This green area here is all Santa Fe National Forest. This area right here is Los Alamos, which everybody knows, first it was an atomic laboratory, now it's a nuclear laboratory.

Through here, this is State Road 502, which runs through the Pueblo Santa Ildefonso, which I believe is the only Pueblo right now that butts up with Department of Energy land. You can basically just walk across. There's really no boundary set or fence up, but you can just literally walk across.

Here is Pojaque Pueblo. In between this area and here, you have several communities, you have a high school and elementary and a lot of home front, right on this highway here, which comes through Powhakee and then down through to Sukee and on into Santa Fe. But if you look at the surrounding areas here, the first communities that would be impacted if there was an act of terrorism or a malicious act, the first communities to be affected would be tribal communities. The WHIP route comes from Los Alamos down on through Santa Fe and through that area.

But one of the things, I just wanted to kind of briefly just give you guys and overview of what the location is and how vulnerable the tribes could be in New Mexico, the northern part of New Mexico. As we all know, terrorism is a situation where these guys, they hit anywhere, any time, without any regard. They're death missions. We've got to continuously remind our Congressmen and Congresswomen that this is a war on terrorism, and that the United States motto during war is, leave no man behind. We've got to continuously tell them that as tribal leaders, because we are part of this war on terrorism. We have facilities that are located in strategic areas where we're all vulnerable, or many tribes are vulnerable to an attack or a malicious act that could have a huge impact on our tribal communities.

[Applause.]

Mr. TRUDELL. Thank you.

The next speaker is Darrell Hillaire, who is the chairman of the Lummi Nation in Washington State, located near Bellingham, not that far from the Canadian border. So at this time, Darrell.

Mr. HILLAIRE. Thanks, Dick. Thanks to each and every one of you for being here to talk about this most serious issue.

**STATEMENT OF DARRELL HILLAIRE, CHAIRMAN, LUMMI NATION, WASHINGTON**

Mr. HILLAIRE. On behalf of the Affiliated Tribes of Northwest Indians, one of the Nation's oldest and largest regional Indian organizations, which is celebrating its 50th anniversary, and has a membership of over 50 federally recognized Indian tribes that spans Alaska, Washington, Idaho, Oregon, Montana, and California. I'd like to present the following regional perspective, as well as Lummi specific views on these homeland security challenges. I'm really just reiterating some of the views that were presented earlier by Jamestown S'Kallam, Colville, Nez Perce and Umatilla and Alaska.

Our perspective is, the first perspective and context that we should look at this is that, it's not a matter of if there's going to



be another terrorist attack but when. And we need to think that way until victory has been declared on this war on terrorism. I also think we're hearing today and we feel this way at Lummi that we've answered a lot of the internal questions in providing for the health and safety of our people. But there has not been a good external plan on how we make these connections with outside governments and especially the State and Federal Governments. What that says is that we're prepared to react but we're not prepared to prevent these acts of terrorism.

Then I think the third context is that yes, this is a great opportunity for Indian tribes with S. 578 to have in bold face lettering recognition of Indian tribes and its inherent tribal sovereignty. We see that as an opportunity.

The regional overview is yes, the AT&I has compromised the Washington, Oregon, and Idaho as well as northern California, western Montana and Alaska. The geographical landscape of the northwest region covers a broad area, such as the Pacific Ocean, the Bitterroot Mountains, the San Juan Islands, the Columbia River, the Cascade Mountain Range, and the Polos. The size and scope of these 50 federally recognized tribes are varied in size from 10,000 to 300. Reservation landholdings within the northwest region are diverse, from border coastline frontage to mountains to rivers and timber.

The I-5 corridor extends through a lot of our reservations, and we're close to a lot of metropolitan areas, such as Portland, Tacoma, Seattle, and Vancouver. Inland there are major cities that include Yakima, Spokane, and Boise.

For Lummi, we're located 12 miles from the United States-Canada border. We're the third largest tribe in the State of Washington that has a population of over 5,000 tribal members. Traditionally, Lummi derives its language, customs and cultural practices from the Koosaliish people. That's our larger family. When we think about it, as Indian people, we've had homeland security since time immemorial. In our language, homeland is defined by the word *skalatsis*. Within that word comes inherent rights, and I was so glad to hear the word responsibilities that go along with the protection of those rights.

What threatens us today? We're the Affiliated Tribes in the Pacific Northwest Region, those threats are significant. Numerous military installations exist in the Pacific Northwest. In the Puget Sound area, there's Fort Lewis Army Base, McCord Air Force Base, the Bremerton Naval Ship Yard, the Banger Nuclear Submarine base, the Woodbee Naval Air Station, and Everett Naval Port. Inland there also exists Fairchild Air Force Base, Yakima Firing Range, and the Pendleton Army Weapons Depot. This is not even talking about the installations in Alaska.

Numerous nuclear sites and oil refineries, the Hanford nuclear site, which is directly on the Columbia River and is between the aboriginal homelands of the Yakima, Nez Perce, Colville, and Umatilla Tribes. Smaller sites, such as the Satsup nuclear site, pose potential danger as well. Close to Lummi, Squanamish, Upper Skaget, and Nooksak, there are four oil refineries.

As was stated earlier by Councilman John Stenzgar, the threat to the dams in our area, not only within the Columbia River sys-

tem but also the Lower Elwa. We have the Columbia River and we have the Snake River. On those dams are the Grand Cooley Dam, the Bonneville Dam, and the Lower Elwa Dam on the Olympic Peninsula area.

What's not to be overlooked is that a number of tribes are located on the coastline and near U.S. borders. Tribes such as the Quinault, Quilute, Ho, and Macaw Reservations exist directly on the coastline of the Pacific Ocean. Within the Puget Sound region, places like Lummi are located directly on the coastline, within the northern San Juan Islands, with direct point of entry and access to Canada. I think this is really important to know, because our tribe and a lot of tribes that are located along the border are very active in practicing their culture and traditions, living out their lives with fishing or hunting or gathering.

Today if you read the USA Today, in those short blurbs that they have on what's going on in the different States, you'll recognize that the Tulalip Tribe is mentioned there. And there are over 60 canoes there today representing all of the tribes up and down the coast of Washington and Canada, clear up to Belacula in northern Canada. They are celebrating culture and tradition. So this is just a small example of how active we are in recognizing that our homelands extend beyond this border that's agreed to between the United States and Canadian Government.

For us, it's really important to be a part of homeland security, because we've decided to do something about a problem that is very important to us. It's the top priority within our community. And that's the mobilization against drugs. Twelve miles from our community is the Canadian border. On a regular basis, for the last 1½ years, 33 arrests have been made for the trafficking of drugs across that border that directly involved our tribal members. That pipeline extends into the city of Vancouver and to our sisters and brothers in other Koosaliish Nations in Canada. We need to recognize that problem and make sure that it's acknowledged within these efforts. It will only make us stronger.

Lummi, as well as a lot of our tribes, are located in remote locations within rural areas. Indian reservations within the northwest region contain a large number of uninhabited areas that become infiltrated by drug smugglers, terrorists, and illegal aliens. I don't take this lightly, because the snipers that terrorized this town, the young fellow that was actually pulling the trigger went to school with my son and actually played basketball with him. So it becomes very real for me that that could begin near our reservation. Not only these snipers, but there was also a terrorist that was arrested on his way to Los Angeles through our Canadian borders, just very recently, in the last 2 or 3 years these things are occurring.

The lack of proper funding for tribal law enforcement led to these negative safe havens being created. We see that as fishermen, when we're out on the waters, the amount of activity that goes on there. High speed boats everywhere. People coming across the borders undetected. I think we can help with the way we know these waters and these place names that are attached to hundreds of islands located near the border.

Also, the lack of tribal jurisdiction in intergovernmental agreements has contributed to these security challenges. So many of our tribes have begun to develop emergency response capacity and preparedness. This is accomplished through self-governance and self-determination. I know our tribe has completed our ERP, and I know Nez Perce is doing the same. But like other regional challenges, the implementation and development of the emergency response plans are minimal, based on the lack of funding or access to funds under the Homeland Security Act. So cooperation, coordination and funding, they all go hand in hand.

So we'd like to be involved, and we try to be involved locally. But without that fundamental acknowledgement of the tribal governments on the same level as the State and the Federal Government, then this won't be acknowledged, these efforts won't be acknowledged. So we need to have that. That's why we support this amendment, S. 578, and section 13 and what it states in affirming and declares inherent tribal sovereignty. We encourage that funding comes forward. Yes, we're prepared to not only react but to help prevent. So we can send a message that not in our homeland, not on our reservations, will these acts happen.

So that's our role, that's our job. And we want to join this fight. I really need to emphasize that I do get in line with the respected elder from Alaska that we need to stand together on this issue. Operation Liberty Shield, as I understand it, is what this has been named. And there's a purpose for that. I think we forget too soon those that have lost their lives not only at the Twin Towers, but in Shanksville and at the Pentagon. We're not going to forget. We're going to continue efforts to heal from this tragedy, but at the same time prepare ourselves as strong warriors like we all know we are, and work on this together with our friends within Congress, with our local partnerships to make this happen.

[Greeting given in native tongue.]

[Applause.]

Mr. TRUDELL. Thank you, Darrell.

The next speaker is a council member from the Fort Peck Reservation in Montana, A.T. Stafne. A.T.?

Mr. STAFNE. Thank you.

**STATEMENT OF A.T. STAFNE, COUNCIL MEMBER, FORT PECK RESERVATION, MONTANA**

Mr. STAFNE. You'll note, as Dick stated, I'm A.T. Stafne, I'm not on the regular program. I'm filling in for my chairman. I'm a tribal councilman from Fort Peck. First of all, let me state that it is a great honor for me to stand in front of such a distinguished group of tribal people and their representatives. Thank you for allowing me to be up here.

I'm from the Fort Peck Reservation, that's in northeast Montana. We're about 40 miles from the Canadian border. Our reservation runs about 90 miles width and about 50 miles from north to south. The southern boundary is the Missouri River. I think we could have had our boundary, our northern boundary, be the Canadian line. Because when they established our reservation, they took one old gentleman and told him to ride north. And as far as you can

ride in 1 day, that will be your northern border. I think he had a slow horse. [Laughter.]

Along our reservation we have a major highway, Highway Number 2. As the gentleman from New Mexico stated, we also have 90 miles of Burlington Northern Santa Fe Railroad traveling through our reservation.

You haven't lost the fight, New Mexico. Fort Peck is still fighting. We're still in the Ninth Circuit and it's been remanded back to the lower court. We're fighting that tax case yet.

On the Missouri River, on our western boundary, there's a large dam, Fort Peck Dam. At one time it was the largest, so they tell us, earth-filled dam in the world. Now they tell us it is the second largest. In any case, it is one of the larger dams. It has a hydroelectric powerplant, we have high voltage power lines going through our reservation. We have gas and oil lines going through our reservation, carrying oil down from Canada to the United States. We have gas and oil wells on our reservation.

One thing I would like to say on homeland security. I don't think that's anything new. I was a little fellow during World War II, and I was raised by my grandma and grandpa. They were always afraid of the Japanese coming over and bombing that dam. In fact, they used to have blackouts along the dam there, and since we didn't live too far, we lived in a little, just a little log house with Grandma and Grandpa, and we didn't have electricity, of course. All we had were kerosene lamps. But at night time, when they lit the lamps, they'd say, line those windows, grandson, we don't want those Japanese, we don't want to show them the way to that dam. That was their homeland security. We're still dealing with it, we still have the same problems.

I brought a resolution from our State of Montana. In a roundabout way, I think the State of Montana is supporting this S. 578. I'd like to read a letter that was sent to us by Bob Brown, the Secretary of State in Montana. It's dated April 17, 2003. It's addressed to the Fort Peck Tribal Council.

It says:

On behalf of the State of Montana, it is my honor and duty to send to you the attached copy of S.J. Res. 24 for your information. S.J. Res. 24 is requesting the U.S. Congress to authorize a feasibility study and demonstration project to consider transferring Federal funds allocated to the State of Montana for distribution to Montana's American Indians as a means of providing benefits to support tribal programs directly to Montana's federally recognized tribal governments in the form of direct payments instead of transferring funds through a State agency. On behalf of the president of the Senate, the speaker of the House and all the members of these esteemed bodies, I thank you for your consideration of this resolution. sincerely, Bob Brown, Secretary of State.

I certainly don't agree with them asking for a feasibility study, but I think in a roundabout way, this is their way of saying, yes, we agree, the money should go directly to the tribes. All of Montana, all the State senators and house of representatives joined in signing this resolution, as did all our tribes in Montana.

Again, thank you for allowing me to be up here.

[Applause.]

Mr. TRUDELL. Thank you, A.T.

The next speaker is Frank Gavigan, who is the police commander for the Mohegan Tribe. A number of you in the room have been up

there in terms of looking at those two gaming operations in Connecticut. On any given weekend they probably have anywhere from 100,000 to 125,000 people in both Foxwoods and Mohegan Sun in a 24 hour period. So it's just another kind of dimension that requires there be more cooperation.

So at this time, Frank.

Mr. GAVIGAN. Thank you very much, Dick.

**STATEMENT OF FRANK GAVIGAN, POLICE COMMANDER,  
MOHEGAN TRIBE**

Mr. GAVIGAN. Good afternoon, ladies and gentlemen. I want to thank you for giving me this opportunity to speak to you today. I'm here to give you the regional perspective on the eastern region, which is a tremendous land mass with a whole bunch of varied problems from tribe to tribe. There are 23 tribes in the USET conference, I believe, and we all have varying degrees of cooperation with the States. From the Passamaquoddy in Maine to the Miccosukee down in Florida, you get all kinds of flavors within that realm.

I'm going to concentrate mostly on the region I know best, which is the New England States. Passamaquoddy, as you are all aware, shares a border with Canada. They have their issues up there with problems, cross-border problems which were exacerbated recently by the Federal Government when they did a survey to locate the border. They did a clear-cut path right along the edge of the border approximately 8-to-10 feet wide, leading to major population centers. I guess that was to aid people moving across the border, I'm not quite sure why.

So issues like this, where we have a cooperative effort or a lack of cooperation among the various Federal, State, local, and tribal governments, can lead us into problems. That's what we're here hopefully to try and avoid.

In Connecticut, where I'm most familiar, we have an unusually good working relationship with the State. The State has recognized that both federally recognized tribes that have gaming operations in operation as a dynamic and very important financial asset to the State. As a result of that, they've gone out of their way, at least the Homeland Security department has gone out of its way to include us in the planning and implementation stages of the preparations that Connecticut is making.

As a result of the cooperation between the tribes and the State, we've been allocated a hazardous materials trailer, along with the Mashantuckets. Two other trailers have been located in eastern Connecticut, one in New London and one in Norwich. And all those teams have cooperated to the point where they have a regional response team. If anyone has a problem, any one of the four trailers can be activated and will draw manpower from all the operations concerned.

We have, as Dick was explaining, a tremendous population, daily population. We have a very small land base, under 500 acres. There are about 1,600 tribal members in the Mohegan Tribe, located in Connecticut. As a result of that, the State of Connecticut had to come up with an alteration of the formula used to compute area population. We have a very small resident population on the

reservation, only about 12 or 14 people. But as Dick mentioned, we do have upwards of 40,000 people a day that we count as population, our patrons and our employees. So in order to give the tribes greater input and greater entree into the homeland security measures, the State devised an alternative formula to determine population so that we would fit into the profiles and the models being used.

Running an operation the size that we do entails quite a bit as far as trying to maintain security. Some of the initiatives that we've instituted require all vehicles being brought in the validated areas located under the casino go through a scrutiny, both under carriage and in the trunk area and the passenger compartment area, basically a visual scrutiny, to determine anything of an unusual nature. We, as everyone knows, have deliveries daily from various vendors. Before a vehicle can enter into the back of house area or onto a loading area, it's first taken to a staging area where it's examined by members of my outside security department to ensure that it's not bringing anything of a dangerous nature in. They are given a pass. The pass has a number on it, we put our own seal on the back end of the truck to make sure the truck isn't tampered with between the staging area and the loading dock area. And they have to pass through one more checkpoint before they're allowed into the back of house areas.

We have established that security checkpoint so not only those trucks are stopped but any vehicle entering or attempting to enter the back of house area will be stopped, the driver questioned and the vehicle examined. To enter the casino, if you're carrying a package or baggage, you will be asked to submit that to visual examination by our security staff. At our arena events, we have an arena which will house up to a maximum of approximately 10,000 people, at the arena events we have continued to insist on patron pat-downs before entrance into the casino, or rather into the arena, prior to the event. This has been, my understanding is that most of the venues have ceased doing this. We continue it. And for the most part, our patrons don't seem to mind it. They actually applaud our efforts at trying to keep the peace inside the arena.

We've taken a proactive role in cooperation with both State and Federal authorities. Anytime we have a high profile event, it's not unusual to see a State bomb dog swing through the arena, or have the FBI send a representative down to do a security assessment.

As part of the continuing cooperation with the State, my boss, Joe Lavin, who was supposed to speak to you today, as a member of the steering committee for the Department of Homeland Security for the State, and an active member in a number of other sub-committees under that umbrella, our fire chief, Floyd Chaney, is a member and one of the planners of the regional hazardous materials response team, and is very active in that role. I participate through the Connecticut Chiefs of Police Association in a statewide emergency communications committee, which is working to facilitate the interoperability of radio communication throughout the law enforcement community in the State.

We expect that we will be receiving our hazmat response trailer some time either the end of this month or the beginning of next. We should be receiving the vehicle that will allow us to tow that

at some later date. At the present time, we have to make do with an F-350 that we traded off from one of the other fleet operations.

I've recently returned, as a matter of fact, I'm on my traveling cycle, I was up at EMI, which had been mentioned earlier today, at the Emmittsburg, Maryland National Fire Academy, and participated in training sessions put on by FEMA with members of police and fire departments from throughout the country. Next week we will also be participating in Operation Yankee Phase Two, which will be held in Newport, Rhode Island, which is another exercise put on by FEMA to try and regionalize the concept of exercising.

Our main concerns in the eastern region, at least in the New England area, is that the region itself is very densely populated and, at least in my neighborhood, is an extremely target-rich environment. Within 15 miles of the reservation, we have a nuclear power plant, Phizer Chemical, Dow Chemical, Electric Boat, where our submarines used to be made, a regional airport, the U.S. submarine base, and a number of communications facilities which everybody says don't exist.

Without the regional concept that is now going on within the State of Connecticut, any incident occurring at any one of those locations would quickly get out of control and would pose a serious impact to all of the communities located in that area. That includes three tribal communities. Those tribal communities are working hand in hand with the State and Federal authorities to assure that we can meet the demands placed on us, should an incident occur there.

It is the firm belief of everyone in the Mohegan Tribal Government and the State of Connecticut that tribal governments must be allowed to have input into the planning process at both the State and Federal levels for all homeland security initiatives. Now as perhaps no other time in our history is the time for all levels of government, Federal, State, tribal and municipal, to come together, work as equals for the common good and the protection of the homeland we all share. Thank you very much.

[Applause.]

Mr. TRUDELL. Thank you, Frank.

This morning, Larry Parkinson from Interior briefly commented on the St. Regis Mohawk Reservation. At this time, we're fortunate to have Andrew Thomas, who is the chief of police up there at St. Regis. At this time, Andrew, would you like to come and offer your thoughts about some of the border issues as well, and other concerns you may have, or the tribe may have? He's accompanied by Rita Swamp, who is one of the sub-chiefs there are Akwesasne.

#### STATEMENT OF RITA SWAMP

Ms. SWAMP. Good afternoon. You'll be happy to know that I'm a woman of few words.

St. Regis was mentioned several times this morning. I'd like to let you know that we were not invited. Some of you may not be aware of the significance of our location in upper New York State. We have two bridges, four or five rivers, including the mighty St. Lawrence River, which bypasses the American portion of the reservation and the Canadian portion of the reservation.

It's really unfortunate that New York City is located in New York, since per capita payments end there. The Homeland Security Act and program doesn't provide any money to our tribe. We would very much like to be in the realm of planning for homeland security, since our police force is made up of 15 to 20 officers. We are very capable of maintaining our northern door. And we do work, our police do work in collaboration with our CMP, the IBET team and others which Andrew will get into.

Thank you very much.

[Applause.]

Mr. THOMAS. Thank you, Dick, for allowing us to speak.

**STATEMENT OF ANDREW THOMAS, CHIEF OF POLICE, ST.  
REGIS**

Mr. THOMAS. As Rita was saying, the job of the St. Regis Mohawk tribal police department has been transformed. Our role used to be community policing. Now we've taken on the task of securing the northern border at Akwesasne. In that effort, we have joined forces with our local agencies, Federal, State, Canadian federal agencies and Canadian provincial agencies and formed the Central St. Lawrence Valley IBET, the integrated border enforcement team at Massena, New York and Cornwall, Ontario region.

We do have a counterpart, another Mohawk police department, that works on the Canadian portion of Akwesasne. As was mentioned earlier by Mr. Parkinson, our reservation straddles the border. So we do have duplicate services. The Canadian government has been very generous with the Akwesasne Mohawk police department, and their annual approved budget easily surpasses ours at least five times in amount. They have also received recent increases to budgets in light of the September 11 incident.

We discussed participation with our local agencies and continue in that vein. We have done that with the State agencies. I participate in, I am a committee member for the counterterrorism task force organized within the tri-county area in northern New York State. We also have a gaming compact with New York State. We have a very good working relationship with New York State. But when it comes down to allocations of homeland security dollars, we get absolutely zero from New York State. So the Senate bill that's proposed, I would strongly endorse if it means some financial assistance directly sent to the tribes.

I hear a few nations are concerned about the sovereignty aspect of the bill. To me, I'd like to emphasize the financial aspect of the bill. Because our sovereignty is inherent. And it's not something that can be added as an amendment to a bill. It's there. It's never going to be taken. We need to focus on the financial aspect of this bill.

I guess with that, that's all.

[Applause.]

Mr. TRUDELL. Thank you, Rita and Andrew.

We've got five more speakers listed, I'm sure there may be others in the room here. Tim Sanders, who's been very patient, he's with the Office of Emergency Management at Gila River, Tim, why don't you work your way toward the front of the room. And I've got Chairman Wallace Coffey from the Comanche Nation, Chairman



Harold Frazier from the Cheyenne River Sioux Reservation, Chuck Matheson, who's a council member from the Coeur d'Alene Tribe, and Dave Nez, from Navajo, who briefly spoke this morning but will be commenting on behalf of President Shirley from the Navajo Nation.

So at this time, Tim.

Mr. SANDERS. Thank you. I'd like to thank the committee for sponsoring this hearing, and the others who were involved in putting this together. I think it's important.

**STATEMENT OF TIM SANDERS, OFFICE OF EMERGENCY  
MANAGEMENT, GILA RIVER**

Mr. SANDERS. Gila River Indian Community supports S. 578 as a good first step in improving government to government relationships in the homeland security and emergency management arena. But there again, it's only a first step. There are other things that we need to keep pursuing. One I think was mentioned earlier this morning, S. 1245. That's where the money's at. That's where we have to focus some of our efforts to make sure that the proper language is in that bill and that the funding is available to tribes.

What I wanted to talk about are some of the implementation issues for homeland security that we've realized in Arizona. Some of the other States probably experienced the same things. By accident, we got a copy of the National Incident Management System that's being proposed to be implemented, kind of a chain of command for terrorist events and other events that might take place in the country. There again, that particular plan is silent on tribal governments. There was evidently no consultation with tribal governments, as this process was developed. It's based on the incident command system moving into a unified command structure in the event of an incident.

In Indian country, there's various levels of expertise and experience with incident command system. I think if the Department of Homeland Security is serious about implementing this program, they need to make sure that the tribes are provided with funding and technical assistance to build that incident command structure, incident command experience within the response agencies and tribal government.

It's going to call for the incorporation and the integration of law enforcement, emergency medical services, emergency management, transportation, public works, public health. All these are going to be players in that incident command structure. And there again, the capability is really lacking in Indian country. I think it's incumbent upon BHS if they're serious about implementing this that they do provide the tribes the resources to get this system in place.

The other issue that they're coming out with is a new national response plan. I suppose that this is going to replace the existing Federal response plan, which was structured around emergency management support functions and things like that. Again, the national response plan is silent on tribal governments. Guess what? No consultation as they were developing this issue as well.

So I think there again, they should consult and not insult by showing the tribes something, here's something we're going to implement and you really have no choice but to fall in line with this.

I think they should take that time up front to consult with the tribes, figure out how they can best integrate the tribes into this system. Because with S. 578 or not, they're going to be implementing the Homeland Security Act. So there are things they need to do to help the tribes get integrated into that system and move forward.

One thing I observed while reading the new national response plan is the emphasis is kind of moving away from an all hazards approach and going more and more into law enforcement and surveillance, issues like that. I think it's important that the Department of Homeland Security realize that an all hazards approach is perhaps the best approach to emergency management and homeland security. If we can be prepared for fires, floods, monsoons, storms, things like that, then we can be prepared for terrorist issues as well.

Another implementation issue that I see is with communications. We heard Richard talk about some of the communications efforts that took place at Tohono O'odham this morning. At Gila River, for example, our council allocated a pretty good chunk of money towards building our communications infrastructure. The problem we ran into was getting the Federal frequencies, getting the licenses and things we needed to attach to that system in order to communicate. We really had to battle the metropolitan areas to become part of their system. They didn't seem to realize that if we enhanced our capability that it would enhance that regional capability.

So I think DHS has a role to play there in making sure that the localities, local governments, State governments, county governments, understand that in order to have a real regional capability that they need to enhance that capability at the tribal level and make sure those resources are integrated.

Transportation, we've heard a little bit about the transportation issues, nuclear waste, hazards and materials up and down the interstates, all day long. There's been traditionally a lack of support for the tribes for planning, training, exercises for these type of events. I think as part of the implementation for the Homeland Security Act again those resources and technical assistance need to be applied to the tribes.

Our law enforcement, we've heard several excellent speakers talk about the law enforcement issues today, so I won't spend a lot of time on those. One thing I will say at Gila River, we've worked really hard with the State Department of Public Safety to cross-deputize some of their officers and all the officers at Gila River are post-certified. We've gone a long way toward solving some of those jurisdictional issues as far as law enforcement goes.

We also heard some talk about mutual aid agreements, memoranda of understanding and agreement, things like that. Sometimes it's hard for tribes to work these agreements out with their neighboring jurisdictions with other entities. I think DHS with the recognition of tribal governments, tribal governments do exist and they are players in this, I think that will go a long way to help the counties and States and other local governments understand that tribal governments are players, that they do have expertise and resource and that it's worthwhile to enter into some discussions

about mutual aid agreements, memoranda of understanding, things like that. At the end, I think this will lead to better cooperation, communication and coordination during emergency events and even for planning, training and exercising.

Another implementation issue, I think we've all probably had some experience with this, some better experience than others, but the Office of Domestic Preparedness comes down with the equipment grants each year. I think they're in the third go-around this year. In Arizona, Arizona chose to have only their counties be a reporting jurisdiction to do the threat assessment, risk assessment, needs assessment and report that to the State. Well, they invited the tribes to come and sit at the table. But if the reservation was stretched across two counties, we had to go with one county and kind of artificially divide our risk and our threats and our needs and kind of figure out which way to go. We could submit part of it to one county, part of it to another county.

We're currently working with the State of Arizona and I think Intertribal Council in Tohono O'odham have the same idea. The States need to recognize an allow tribes to have the option of being a reporting jurisdiction. Take a look at your threats and your vulnerabilities and your needs as a whole picture and be able to report that directly to the State. I think that would be mutually beneficial to the States, because as it is now, they're getting a fractured picture of what the threat and risk assessment is, the capabilities in Indian country. I think the States could actually make a better case for more funding if they had a good picture of the lack of capabilities and resources in Indian country.

So as the Homeland Security Act is implemented, I think this is another issue that kind of has to work its way down through the State, through the counties. And you have to be willing to negotiate for the funding and things that you need to enhance your capabilities with regard to health care and public health. Again, I think it's probably incumbent on the Department of Homeland Security to require that the tribes have direct access to some of this funding and technical assistance.

We heard a little bit about the strategic national stockpile today. If there were an incident, I heard the gentleman back there say that tribes would have good access to those medications and things. But down there where the rubber hits the road, in some of our meetings at the joint bioterrorism task force, with some of our counties, those issues still haven't been worked out. You say, oh, it will work just fine. But we would prefer to see some good, hard work going into some concrete agreements and concrete processes by which tribes could access that national strategic stockpile. I think again the Department of Homeland Security has a role to play in making sure that that happens.

Funding, after all, is the bottomline. We can't do it without the proper funding. We talked a little bit about S. 1245. Gila River is going to be preparing some language to try to get that bill in the proper form that would allow some direct funding. One thing we're running into with the grant process is that the announcements for these grants come through the States, through the counties. Then we hear about them 1 week or so before the proposals are due. Well, that's just not time to work through the council process for

approving cost shares and things like that. So I think those are some other implementation issues that we're facing.

I've got a couple of recommendations for DHS as they implement the Homeland Security Act. They need to include the tribes in the development and implementation of the national response plan and the national incident management system. and they must retain an all hazards approach to emergency management. If we're prepared for those natural, technological and intentional disasters, then we can handle those terrorism events.

Again, DHS should require the States to give the tribes the opportunity to be a reporting jurisdiction for their threat assessments. DHS should also support corrections to the Stafford Act and to the Homeland Security Act that gives proper recognition to tribal sovereignty and takes those small steps forward in helping tribes get the proper funding and technical assistance that they need.

Thank you very much.

[Applause.]

Mr. TRUDELL. Thank you, Tim.

Our next speaker is Chairman Wallace Coffey, who is the Chairman of the Comanche Nation in Oklahoma. Wallace?

**STATEMENT OF WALLACE COFFEY, CHAIRMAN, COMANCHE NATION, OKLAHOMA**

Mr. COFFEY. I want to commend each and every one of you for the seriousness that you have taken with regard to homeland security.

I want to ask some questions, because I've seen a lot of changes over the years, and because it takes tragic events to open our eyes and to try to create a more positive atmosphere in which our people can live. How many of you in this room remember where you were during the assassination of President Kennedy in 1963? Raise your hands. There's a lot of young people, they weren't even born in that time.

How many of you remember where you were in 1968 when Martin Luther King was assassinated? In the 1960's, there was a lot of racial strife, tremendous problems, especially in my State of Oklahoma. In the 1970s, we as Indian people, we had an occupation in Wounded Knee, and here in Washington, DC as well. Some of you may remember those times. And Government initiated some responses to that, like affirmative action, equal opportunity.

But they don't look ahead. They look behind and it's always a reaction to things. In 1977, there was a documentary that came out called Roots, the most widely watched mini-series in television today. Everybody went back to their Bibles, family trees, historical societies, to discover who they are and where they came from. I know a young lady that went to 11 B.C. Indian people, we didn't have to go anywhere. We already knew who we are, where we come from.

But when that happened, a new pride existed in being an American. But how quickly they forget. We thought everything was going to be okay until the early 1990's, whenever we saw things happening, apartheid come down, wall of Germany come down, then all of a sudden gangs and the cryps and a lot of us didn't even

know what anti-Semitism was. But like I said earlier, it takes tragic events to open our eyes.

Now, how many of you remember in 1994 when the Murrow building was bombed? How many of you remember where you were? See, now, the younger ones raise their hands. Then we all remember 9/11, but how quick they forget. We knew we weren't going to be included in this homeland security. That was just a given. They had done it to us before.

I'm a product of what I call historical trauma. Some of you may have seen this movie, *Dances with Wolves*. My great-grandfather was a principal character of that movie, Ten Bears. Actually, his name was Pano Samona, Ten Bear. But the white man gave him the name of Ten Bears. He was also in a movie, *Outlaw Josie Wales*. That time of terrorism, bioterrorism, was impacting on my people. I can take you to several places in Texas and Oklahoma where we are the products of smallpox and cholera. At one time there were 200,000 Comanches. When they came into the reservation in 1887, there were 1,800. We weren't afraid to fight.

But the greatest obstacle to our life was bioterrorism, smallpox and cholera. It even went into the 1940's, whenever some of our relatives had tuberculosis. My ancestors thought that was the work of government against our people again.

So this is not new to us. So we have to be prepared. My great-grandfather Ten Bears said, Comanches are not like pups, we're farsighted like grown horses. So when the Murrow Building was blown up, we started preparing for ourselves. We have this emergency response plan. From 1994 to 1997 we built community centers, shelters, so if time comes and something's going to happen, we can have a place that we can go. And I want to thank you for that food, because if it's not gone by the time we leave today, I'm going to take it home to my people. [Laughter.]

Whoever provided us with food, I want to say thank you, because that really did something good for us.

I've got some thoughts I want to share with you. Because from the State of Oklahoma, my reservation is located adjacent to Fort Sill military base. And I don't know who else is from Oklahoma, but there are 38 tribes in the State of Oklahoma and not all tribes have the emergency response plans.

But that does not mean that they are not interested, and I know that they are. It's just very unfortunate that the two agencies designed to serve us do not advocate for us, IHS and BIA. They're not putting their foot in the door with homeland security. Do you know why? Because there's no Indians in there. I want to see an Indian person that I can talk to that can assure me that we're going to get some services and some responses to our concerns and our needs. We're going to get overlooked again. So we have to take care of things for ourselves. That's the bottomline.

My grandfather died a very bitter man because he was betrayed. The person that promised him peace did not deliver. Also took our land through the Allotment Act and Dawes Act. And he watched as the Oklahoma, what they call the Oklahoma Run of 1889, and everybody gave our land away. He stood there watching everybody taking our territory. And now we have to prepare for what little territory we have, we don't have a reservation. So when the Dawes

Act created our communities, they did a checkerboard, we'll put you over here, and we'll put you over here, and we'll put you way over there so you all won't get together and create war again.

Well, we knew about that. So we're prepared as best we can. But we don't have everything. I'd like to see that some of the problems that we have is emergency preparedness and response. I'd like to have the resources to train our people that when time of terrorism comes, that they'll be prepared. I'd like to have warning systems whereas in the event of any attack, our people would know that these attacks are going to be upon us as well. I want to have a siren. [Laughter.]

I'd like to have some informational systems within our communities, so we can have coordination with other governments. But it's not them spending money to help us, it's going to be us to outdo them, so they can learn from our capabilities. And someone used to say in the history of our people, it's a good day to die. Our people don't think so when you're suffering from smallpox or cholera. That's not good, because my folks tell about the stories that their people went through during that time. And they're not good stories.

But we do need the basic idealism of Native American Indian traits to be aware of this threat awareness, preparedness and protection services. And I need resources. Resources to respond. I could use 1,000 MREs in five areas of our community right now, that's meals ready to eat. I could use 1,000 blankets in five different locations in our community right now. Plus I could use whatever medicines and supplies that are available right now to any community, why can't I have the same thing? That's not too much to ask.

Well, I wanted to call that attention to you, and I'm glad to be here. But it just says that if we don't do it, nobody's going to do it for us. So I appreciate you very much. Thank you.

[Applause.]

Mr. TRUDELL. Harold Frazier, Harold is the chairman of the Cheyenne River Sioux Tribe in South Dakota. He'll share with us what is going on in South Dakota.

I also want to mention that Cynthia Bender will speak also, she's the present CEO of the Alaska Native Health Board.

**STATEMENT OF HAROLD FRAZIER, CHAIRMAN, CHEYENNE RIVER SIOUX TRIBE, SOUTH DAKOTA**

Mr. FRAZIER. Thank you. I'm the chairman of the Cheyenne River Sioux Tribe. We have four bands of the great Sioux Nation that are on our reservation. Our reservation encompasses over 2.8 million acres of land. We have a major river on the eastern edge of our reservation, the Missouri River. There's Standing Rock, Cheyenne River, Lower Brule, Crow Creek, Yankton, and Santee Sioux Tribes that live along that river. I think that river is classified as the cleanest river in the United States. So it needs a lot of protection.

I'd like to begin by saying that it's time that the Federal Government needs to start living up to their promises, promises that are owed to our people through treaties. We have treaties with the U.S. Government that need to be honored, and we need to be treated as nations.

I agree with the previous speakers about homeland security is nothing new. We Indian tribes have been fighting terrorism since 1492. Like I mentioned before, we need to be treated as nations. We tribes need to be respected and treated, maybe even at the very least be treated like States. Fair treatment and funding, the sovereignty, the respect that is owed to our people.

There's a lot of tribes that do not have good relationships with the State governments. I always feel that where I'm from, back home they call it the Alabama of the north. That's South Dakota. So what we really need is direct funding to the tribal governments, bypassing the States.

In closing, Chairman Murphy from Standing Rock was supposed to talk. I wasn't really prepared to have a formal testimony. I just want to thank you for the opportunity to be able to say a few words and hope things come around. Because I agree with the Comanche chairman that no one's going to help us, we've got to help ourselves. That's one of the things, the Federal Government won't give us funding, they just need to leave us alone and respect us so we can utilize our lands and make a living off our lands for our people.

Thank you.

[Applause.]

Mr. TRUDELL. Thank you, Harold. Make sure you take some of those MREs with you back there. [Laughter.]

Our next speaker is Chuck Matheson, who is a council member and the law and order administrator for the Coeur d'Alene Reservation in the State of Idaho. Chuck?

**STATEMENT OF CHUCK MATHESON, COUNCIL MEMBER,  
COEUR D'ALENE RESERVATION, IDAHO**

Mr. MATHESON. Thank you. I really appreciate the opportunity to get up and speak, I'm very honored to be able to get up here and speak in front of the likes of all you great tribal leaders, leaders that we look up to and I've recognized over many years, like Anthony Pico and Keller George and many of you others that I've seen around over the years, or maybe heard my older brothers or my dad speak about over the years. It's very much an honor for me to get up here and speak to you all.

I was listening to everybody speak, I was kind of thinking about it. Throughout Indian country, with the growing industry of gaming, a lot of us have some pretty fancy facilities on our reservations, places that used to be ranches and farms and things like that are now big Vegas type buildings. I think maybe we've been kind of lucky that we haven't had a major terrorist attack on one of these facilities, or maybe it's more that we're more of an afterthought to the United States, that terrorists don't know how poorly funded and in the minds of the U.S. Government, we're probably the furthest thing in the minds of the U.S. Government as far as homeland security goes. That's what we need to do, we need to speak up and make sure that we're not an afterthought to those people any more.

Chairman Pico I think said that some people maybe don't think we have enough population to be concerned about terrorist attacks in our area. I can see why they would think that. My hometown, I think the official population is less than 200. If you count in the

tribal houses which are outside the city limits, maybe it's around 300 people. But a couple miles north of there, we have that casino. And in that casino, we just started construction, we'll soon have 200 hotel rooms, 1,500 slot machines and probably 700 and some employees when everything is said and done.

We've had a terrorist scare there once. This was actually a few weeks before the 9/11 incident happened. There was this middle eastern gentleman that had been calling up and saying he was going to bring a bus down from Vancouver, Canada. Initially when he called, he was very polite and very friendly and courteous to our employees. But on 9/12, the day after the Twin Towers went down, the gentleman called back and all of a sudden he was very abrasive and abusive to our employees when he called. Eventually we just told the guy he couldn't bring his bus and that's the last we heard of him.

I guess we'll probably never know whether the guy was really a terrorist or not. But it certainly wasn't worth taking the risk at that point anyway.

I've heard a couple other people talk about cross-deputization. We have two counties within our reservation and we have cross-deputization agreements with both counties. That certainly takes care of some of the jurisdictional questions, not all of them, but it takes care of a lot of them. One county that we deal with, they have a very large metro area off the reservation. And most any time that they get a call down in our area, you'll hear their shift supervisor, their sergeant or whatever it is, tell the dispatcher, see if the tribe can handle it. The other county is so small, they barely even have a sheriff's department. They refuse to respond to Indian calls.

So pretty much, we've handled even before we got the cross-deputization agreements and jurisdiction to handle all the calls. We've been handling most of the calls all along anyway.

One local fire district in our area, the Worley Fire District, told us that if we expected them to provide fire protection at our casino, we had to buy them \$3 million worth of equipment. We since just bought our own equipment and we're starting up our own fire department.

A couple of years ago, the Idaho tribes got together down in Boise and told the legislature that the use of the word squaw offended us. We asked them to please change the names of places that used the word squaw, for example, on our lake, Coeur d'Alene Lake, there's a bay that's called Squaw Bay. And across the lake from there, there's a bay called Little Squaw Bay. Well, they didn't think that was such a good idea, and they made remarks like, well, when I grew up, I knew an Indian when I was growing up and he thought it was funny when we called his little sister squaw. Squaw is not a bad word. That's the kind of mentality that we work with in the State of Idaho. I'm sure that Idaho is not the only State that's like that.

Working through the State of Idaho or any State as far as I can tell, to get access to homeland security money, does not work. The Idaho legislature absolutely positively opposes anything and everything that might be good for tribes.



I mentioned when I first began that maybe we're somewhat of an afterthought to some of these people. We need to make sure that we're not an afterthought any more. This hearing that's going on tomorrow doesn't get underway until 2 o'clock. That leaves us all morning to go out and pound on doors of Congressmen and Senators and hopefully I'll see you in the hallways tomorrow, in the Senate and the Congress. Thanks.

[Applause.]

Mr. TRUDELL. Cynthia Bender, who is the president and CEO of the Alaska Native Health Board. Cynthia, we're saving the best for almost last.

**STATEMENT OF CYNTHIA BENDER, PRESIDENT, ALASKA  
NATIVE HEALTH BOARD**

Ms. BENDER. [Greeting given in native tongue.] I'm very honored to be here today. I'm an administrator, I'm certainly not your peer. I am here in representation of the Alaska Native Health Organizations. I want to make sure that everybody is understanding that I am not a representative of the 229 Alaska federally recognized tribes. I am only an administrator, and here to testify on behalf of the chairman of the Alaska Native Health Board, who was unable to make it due to, he lives in the Aleutians in Alaska, and we've suffered some bad weather this week and he was unable to make it to Washington, DC. I live in Anchorage, in the biggest city and was able to get here very quickly yesterday.

Today I'd like to paint a picture of Alaska for all of you, our brothers and sisters from the lower 48. Tomorrow during the testimony I do not have a slot to testify, a verbal testimony. I ask that the things I present to you today, especially in regards to Alaska Tribes not being included in S. 578, that you carry our message on our behalf.

The Alaska Native Health System up in Alaska is the largest in America when it comes to native health, organized native health. On behalf of the organizations who operate health operations for the 229 tribes in Alaska, ANHB strongly encourages Congress to consider not pursuing language on S. 578 that separates Alaska tribes by the definition of Indian tribes. And what we'd like to offer, and we've provided this in writing, currently Alaska tribal leaders are analyzing language to further identify the funding stream issues related to the current language that separates Alaska from other federally recognized tribes. When this is completed, we'll submit that to the Senate Committee on Indian Affairs and across the Nation, throughout all our Native organizations.

The Homeland Security Act as written relegates Alaska tribes as a mere local government, while respecting other tribes in a government to government relationship. Despite many interpretations by the State, Congress and Alaskans, we are Alaska Native Tribes. We do not apologize for being who we are.

Fortunately, this oversight can easily be remedied with a minimum of controversy by simply amending the current definitions of Indian tribe in S. 578, with the well established statutory definition of that term found in the Indian Self-Determination and Education Assistance Act, which reads, Indian tribe means any Indian tribe, band, nation or other organized group or community, includ-

ing any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Again, I'll repeat that we do not have a slot for verbal testimony tomorrow. So I respectfully request to you in Indian country to assist Alaska Natives to be our voice, to include us, your most northern family, in S. 578. This is my most important message today.

Now for the big picture in regard to concerns that we have in Alaska when it comes to homeland security. The Alaska Native Health System works in conjunction with the Alaska Native Tribal Health, or ANHB, excuse me, Alaska Native Health Board works in conjunction with the Alaska native tribal health organizations and their health directors to provide comprehensive health services to over 120,000 Alaska native people and in some areas to non-native residents that have no other access to a health facility. Our health system is made up primarily of nine tribally operated service units, six regional tribal hospitals, 24 tribal health centers and 176 tribal community health aid practitioner clinics.

Alaska Native Tribal Health Consortium, which is our tertiary care hospital in Anchorage, along with the South Central Foundation, manages the Alaska Native Medical Center, the statewide referral hospital within the Alaska Native health system. The system has developed into one of the most sophisticated and comprehensive tribally owned and managed health care systems in the world.

Alaska Native tribes believe that the security of our homeland requires a significant role of tribes in performing critical government and first responder functions throughout this great Nation. We are firmly convinced that consultation with tribes would enhance national readiness and capacity to deal with acts of terror directed against the United States.

The Department of Homeland Security must consider that tribal lands could be direct targets or adjacent to direct targets of terrorist attacks. In Alaska, attacks on our oil resources and distribution system, the pipeline, Port of Valdez and oil tankers could have major disruptive and economic impacts to the United States. There are over 800 miles of pipeline and pump stations located throughout Alaska that run directly through federally recognized tribal villages and lands. This pipeline is one of the most critical infrastructures to be considered vulnerable.

Tribal resources should and will serve as a willing partner in United States efforts to deal with terrorism. In my home State of Alaska, about one out of six State residents are beneficiaries of our native health system. But our philosophy and responsibility transcends that definition of a beneficiary. In emergencies, the native health system serves all who need help, whether they are accident victims transported to the Alaska Native Medical Center in Anchorage or a tourist from New Jersey or fish processing plant worker from California who receives care at a tribal community clinic.

An example of our sense of commitment and responsibility is the disaster medical assistance team, supported and manned through the Alaska Native Medical Center. These teams are designed to respond to and provide emergency medical care during disasters and

medical emergencies. It was our honor to dispatch our team to New York City to assist with the World Trade Center recovery efforts.

There are three basic forms of local government that exist in Alaska. We have the tribe, city and borough. The borough is similar to the county in many other States. Alaska is unique, because most of it has not been organized into political units. Currently, 13 organized boroughs cover about one-third of our State.

Tribes and regional native health organizations will be the first emergency response teams in many areas throughout Alaska, including Anchorage as the Alaska Native Medical Center, as the only hospital in the State with a level two trauma center rating. In accordance with statutory eligibility rules set forth in the Indian Health Care Improvement Act, at 25 U.S.C. 1680(c), and in accordance with the Emergency Medical Treatment and Women in Active Labor Act for emergency patients, these tribes and tribal organizations usually serve all members of their respective communities, Alaska Natives and non-natives alike.

Since 9/11, ANTHC has been involved in bioterrorism preparedness for the community health providers. ANTHC is the consortium that is also the manager of the Alaska Native Medical Center. Because of the recent SARS outbreak, many of these health professionals have been evaluating their risk for exposure to contagious diseases. Alaska fortunately did not have any SARS cases, but we understand the value of planning for these types of terrorist contingencies. Alaska is a major pathway in the world market, whether it involves a tourist, process worker, air cargo and international flight crew or the military.

Terrorism or acts of war against civilians, the first responders, the front line defense are civil authorities, community emergency responders and health professionals. In many parts of Alaska, the first responders will be tribal members or their employees. And in rural Alaska, the victims of bioterrorism will almost certainly turn to a tribal health care provider for assistance.

If Alaska were attacked, or if Alaska had to respond, travelers infected or exposed to smallpox or plague or influenza or SARS elsewhere, the Alaska Native Health System would be involved. If mass casualties occurred, ANMC and our regional hospitals would be key and valuable resources for relieving suffering and saving lives.

In addition, there are over 1,000 commission corps officers that work in the IHS system in Alaska. We need a place in the system to ensure that in the event of a national emergency there will be considerations in place to handle deployment of these doctors and nurses in response to that effort. We will also need to ensure that the care of our Alaska natives will not suffer from the mass exodus of these professionals. The situation we need to be prepared for is maintaining an adequate number of providers to meet the current need as well as in a critical responsive nature.

Border security, as you know, is also a challenge in Alaska. With 586,412 square miles, or about 365 million acres, Alaska is the largest State in the Union, one-fifth the size of the lower 48 States. That means we are 488 times larger than Rhode Island, 2½ times larger than Texas, and larger than the next three largest States in the United States combined.

The last census puts Alaska's population at 634,892. Nearly one-half of the State's residents live in Anchorage. Alaska has .93 square miles for each person in the State. By comparison, New York has .003 square miles per person. Alaska natives make up about 19 percent of the State's population. There are hundreds of miles of Alaskan borders that are isolated and remote. In addition, there are many villages that are border communities. Alaska has 6,640 miles of coastline, and the estimated tidal shoreline is 47,300 miles. The Yukon River, almost 2,000 miles long, is the third longest river in the United States. There are more than 3,000 rivers in Alaska, and over 3 million lakes. Our State's adjacent saltwater bodies entail the north Pacific Ocean, the Bering Sea, the Chuckchee Sea and the Arctic Ocean. The Alaska-Canada border is 1,538 miles long, and the southeast border with British Columbia and Yukon Territory is 710 miles long, with a water boundary at 181 miles.

With all this land and coastline, and so little policing authority or resources, it is essential that tribes be consulted on homeland security, planning and development infrastructure and authority. We don't have very much of a road system in the State of Alaska, due to mountain ranges, glaciers and our vast wilderness. We have natural barriers for transportation, so we rely heavily, mostly on air transportation. In fact, Alaska has about 6 times as many pilots and 14 times as many aircraft per capita as the rest of the United States.

Lake Hood in Anchorage is the world's largest and busiest sea-plane base. Bethel, one of our regional hubs, serves 56 villages and is the third busiest airport in the State. In 1996, one out of every 58 Alaskans was a registered pilot. I was one of those. I got that in high school training. Over 200 Alaska communities do not have road access, so boats or ATV's, but more often planes are primary means of transport. With our roadless areas comes a challenge to access the nearest inpatient medical facilities. Approximately half of Alaska's population lives in these rural communities.

Fundamental access to health care is one of the most critical factors affecting our population. It is very obvious that we took our air travel for granted. September in Alaska is moose hunting season. And many of our subsistence hunters were out in the wilderness. Though they were cut off from communication with civilization, they knew something was wrong when they didn't hear or see aircraft traffic in our vast skies during 9/11.

Tribal law enforcement in our villages is challenging, as are our health programs. The village public safety officer [VPSO] program, much like our certified health aide practitioner program, is unique to Alaska. Not only is it critical to get health professionals to serve in remote, isolated communities in Alaska, but it is a challenge in the law enforcement field as well. Whereas in the certified health aide practitioner program, we took control of the lack of human resources by building up our own unique professional outfit, the VPSO program has been built up very much the same.

The law enforcement in most rural areas is the primary responsibility of the Alaska State troopers. From rural outposts, the troopers attempt to respond immediately to emergencies, felonies and misdemeanor cases. Their efforts however are often hampered

by delayed notification, long response distance and the uncertainties of weather and transportation. In communities associated with the VPSO program, citizens are afforded immediate response to all emergencies without the delay caused by weather, distance or budgetary restraints. However, VPSO's are not expected, nor are they physically equipped, to handle high risk situations or trained to execute complex investigations.

VPSO's are actually funded through a grant program. Those grants are given to tribal organizations, tribal health and tribal social organizations throughout the State of Alaska. Thus, VPSO's are not State employees or Federal employees, they are employees of our tribal organizations throughout the State.

In 2002, 85 communities were funded for a VPSO. Throughout the whole State there are at least 124 villages that have had a VPSO over the last 30 years. The State has just recently announced a cut in funding for up to 15 VPSO positions due to fiscal restraints. So over time, the VPSO programs are becoming increasingly tribal, from an economic perspective.

Realistically, in Alaska it would simply be impossible to carry out the letter and intent of the many law enforcement related provisions of the Homeland Security Act without mandating the full, fair and proper inclusion of all the tribes and tribal organizations that operate village public safety officer programs. VPSO's have been characterized by the State as the first responders of the last frontier. But we believe that the tribal government, the officers and the certified health aide practitioner program make up this distinction. These programs must have a place in the administration of homeland security.

Just to tell you a little bit about the community health aide program, in most Alaska communities, our CHAP's are of necessity health carers, first responders to virtually any crisis or public emergency that occurs. By virtue of the isolation and distance of most Alaska communities to more established ones forms of health care, such as doctors offices, pharmacies and hospitals, CHAP's are all in one. Like VPSO's in emergencies, CHAPs often lack the most basic forms of health care backup and frequently are called upon to undertake life and death situations or decisions regarding members of their communities, including their own family members.

CHAP's are statutorily authorized at 25 U.S.C. 16161(a)(2) to generally provide health care, health promotion and disease prevention services to Alaska Natives living in villages in rural Alaska. Under the express terms of the Indian Health Care Improvement Act, the CHAP program in Alaska is a Federal public function carried out by the Secretary of Health and Human Services through the Indian Health Service. However, under the Indian Self-Determination and Education Assistance Act, the CHAP function may be compacted by the IHS to an Indian tribe or tribal organization, and in fact has been completely and successfully compacted to numerous tribes and tribal organizations in Alaska for many years now.

We're also having a number of things that I'll just list here. Tribal search and rescue operations in Alaska, tribes or tribal organizations operate formal or informal search and rescue operations often without any formal funding or training for our search and rescue.

A majority of the search and rescue efforts involve snow machine detail, to find and pick up a hapless community member who's own snow machine has run out of gas or broken down. More frequently, however, it involves a heartbreaking days or weeks long process of dragging the rivers, the bottom of a river, lake or ocean for the remains of a loved one who had gone missing, but whose boat or snow machine has been recovered with no trace of the owner.

Tribal firefighting operations also are a concern for us. Many Alaska tribes or tribal organization contract or compact the Department of the Interior under the Indian Self-Determination and Education Assistance Act to hire firefighting crews during the summer to fight fires on Federal lands or Federal trust lands. These crews are known throughout the western United States for their superior skill, bravery and ability to work hard for long periods of time under grueling circumstances. What's most ironic about our expert firefighters is a great many of them come from coastal Arctic communities that don't even have trees.

We also have tribal sanitation and health facility construction issues. Over the years, Alaska tribes and tribal organizations have progressively managed a greater and greater percentage of all sanitation and health facility construction projects in rural Alaska. Collectively, tribes and tribal organizations now manage over nine figures worth of village sanitation and health facility projects annually, dwarfing the monetary value of such village projects managed by our own State of Alaska. The IHS funds only a small percentage of these tribally managed projects. The State of Alaska does not come close to Alaska tribes and tribal organizations when it comes to the critical government function of building water and sewer and health facility infrastructure in rural Alaska, including Alaska native villages.

The ownership of those systems also in dozens of Alaska native villages where there is no formal local municipal government, the local tribe is often the default governmental entity in the community. And as a result, often ends up taking up ownership of any water and sewer system serving the community per the funding rules found in Federal and State laws and regulations. For example, the Clean Water Act.

If there is even enough funding to build a basic water and sewer system in our remote communities, tribes find it extremely challenging to drum up the money and the technical capacity to maintain the most basic services that they rely upon to keep their families safe from infection and disease. Economy of scale and the benefits of shared support and services often give them little choice but to pool resources and to work cooperatively with a regional and/or statewide tribal health organization to carry out the basic governmental function of maintaining a clean, safe water and sewer system. Often the sanitation maintenance support role is specifically spelled out in the tribal organization's contract or compact with the IHS.

In many regions and communities of Alaska, the sole health care provider is the local tribe or tribal health organization, which typically will operate either a small primary care hospital or a village built clinic. In this manner, many Alaska tribes and tribal health organizations truly carryout the critical government and first re-

sponder function of being the sole community hospital or health clinic, and play exactly the same role that a county hospital or public hospital might play in other States. These tribes and tribal organization facilities can be predicted to be the epicenter of any significant public health event in their respective communities or regions, such as an outbreak of an infectious disease. It will be difficult if not impossible in Alaska to give full effect to the Homeland Security Act public health provisions without mandating the full and proper inclusion of all Alaska tribes and tribal health organizations that act as the sole provider of hospital or health clinic services in their respective communities or regions.

In our ongoing effort to build a world class health system, ANTHC, the Alaska Native Tribal Health Consortium, in cooperation with the South Central Foundation, has managed the Alaska Native Medical Center in such a way as to achieve a number of distinctions with regard to quality of care. For example, as Alaska's only level 2 trauma center, ANMC provides the highest quality of trauma care in the State. And as Alaska's only hospital with a prestigious nursing care magnet status, ANMC has set new unprecedented standard for patient care, high quality tertiary nursing care.

Even though we intend to continue setting quality standards of this nature, success has created new challenges that weren't anticipated. We also have a tribal health information system that is unique and could be shared throughout the world. For over 20 years, Alaska tribes and tribal organizations have taken a leadership role in building health information systems to beset serve their customer-owner patients. More recently, in the last five years, the Consortium has taken a leadership role in developing high quality health information systems. The most notable, in cooperation with the Coast Guard, the Department of Defense and the Veterans Administration, the Consortium manages the Alaska Federal Health Care Access Network, the largest privately managed telemedicine network in the world. The AFHCAN system is in widespread use among tribes, tribal organizations and Federal and State agencies statewide. But its applications are so new, unique and useful, especially at the small community level, that they constantly push the boundaries of traditional concepts of medical practice, such as what constitutes the practice of medicine, what constitutes a professional service versus a facility service, or what constitutes a reimbursable event.

In its role as the manager of the AFHCAN system, the Consortium is thrust into a dual role of performing the critical government functions of both performing research and development on a new and promising technology that could completely revolutionize how health care is delivered in the United States and throughout the world. In applying that technology in the here and now in the national interest to improve disease prevention and health promotion among a population, American Indians and Alaska Natives, that is desperately in need of it. We need the technology support provisions and its comprehensive integrated approach to security, the safety of communities without mandating the full, fair and proper inclusion of tribal organizations, such as the Alaska Native

Tribal Health Consortium, is a leader in establishing new world-wide standards of quality and health care information systems.

In conclusion, for all that has been outlined in the daily life of tribal operations in the State of Alaska, we already have a vested interest in all aspects of homeland security. We deserve to be a partner in the administration of such regulatory mandates. From border security, Medivac services, law enforcement, facility defense, health and associated care, we are already a part of the system. We need only to assure that recognition in S. 578.

Thank you.

[Applause.]

Mr. TRUDELL. Before we begin to kind of wrap up today, David Nez, did you want to add to the remarks you made this morning regarding Navajo?

Mr. NEZ. Thank you very much.

I'm going to be speaking and representing Navajo Nation. Our president, Joe Shirley, Jr., won't be here with us today. He's got other commitments.

Earlier in my presentation, when we speak on law enforcement, I identified some critical infrastructure that we have on or that borders Navajo Nation. I've also talked about preparation and protecting our first line defense in Navajo Nation. We solely depend on our first line defense, our first responders, the law enforcement, crime investigators, firefighters, EMS. So for those reasons, because of remoteness and distance, our resources do take a little time. That's where we really need to be prepared to protect and make sure that our first line defense is prepared and ready for their responsibility.

I'd like to followup on a statement that was made by one of the gentlemen here about why homeland security is not working on Indian country. Last week our Navajo Nation Council just went through a 1-week summer session. One of our special guests out there was Senator Lieberman. One of our delegates, council delegate Hope McDonald Long Tree, who is the chairperson for our public safety committee, raised the issue and concern about the same question. She went on and asked Senator Lieberman that they would like to raise these issues and concerns to the next level, and that perhaps they could arrange a joint committee meeting between Senate Committee on Indian Affairs and Senate Committee on Governmental Affairs and talk about commitments to Indian country in terms of homeland security funds, homeland security commitments. And from what I hear this afternoon is that Mr. Lieberman did make a commitment to followup on this request.

Tomorrow some of you guys and the leaders are going to be making testimony. I also would like to make a request that we also go back, that we go back to our notes. We shared a lot of information today. That we go back to our notes and take a look at the issues and concerns that we have shared this morning and this afternoon, and take a look at why homeland security is not working on Navajo Nation. Each tribe has its own unique government to government relationship with the Federal Government, with the State and the counties. So when it comes to another allocation, another funding through homeland security, these agencies seem to take this more convenient route to disseminate or allocate these fundings. Some-



times it's not as convenient for us, because we have to go through a lot of justification, we have to go through applications, we have to go through scrutiny on exactly how we're going to be using these fundings.

I know that from the State of Arizona, the Intertribal Council, they're asking for direct funding from the Federal Government to Indian tribes. What does that exactly mean? Does that mean take one of those government to government relationship funding routes? Or does it literally mean what it says, or what we're saying, that Indian tribes go to a Federal office and get the direct funding? Because I'd like to see something more specific in that area of direct funding.

The language could say that homeland security direct funding should supersede all other funding allocations for Indian country or Indian government. One example that I like to make with the State of New Mexico, because we're working with New Mexico and Arizona on how we're working on the distribution and allocation of funding. In New Mexico, there are several tribes in New Mexico and the Department of Indian Affairs, the money has been routed to the Department of Indian Affairs. And my understanding is that 10 percent of that homeland security fund has been set aside for Indian country.

Navajo Nation received \$25,000 to conduct an assessment within the eight counties that Navajo Nation resides on. And as you go further in how this 10 percent was set aside, again, that report is that the allocations are based on population and not by critical infrastructure or by assessment involving vulnerability or to increase our capabilities. So each State, each county seems to approach tribes in different manners. I believe a lot of these avenues that they are selecting are not very beneficial for Indian country. We need to work on a consistent process or procedure.

We have an office here, and I had a chance to talk with a couple of legal people and also the staff here that work with the Congressional staff here. And we talked about the solutions, we talked a lot about a lot of our issues and concerns and the problem areas. I believe we should also present some solutions tomorrow, as I just stated here. But for Navajo Nation, we're going to lobby, starting today as we speak, with letters and with telephone calls. We're talking about establishing a facility with staff, set up a data collection system for Indian country, because the first step is this assessment. Because assessment is information that is going to be the justification on your 2004 allocations.

And we do have a police academy that's available. I feel that we need to expand from that origin, that we need to really get involved in the training and the preparation.

I'd like to thank everyone that's here on behalf of the president, Joe Shirley, Jr., from Navajo Nation. Thank you.

[Applause.]

Mr. TRUDELL. Thank you, Dave.

Is there anybody else that wants to say anything? We don't want to leave anybody out.

It's been a long day, and I couldn't help but think of one of the lines from one of the Tom Hanks movies, I don't know if it was the astronaut or whatever, when he said, "Houston, we've got a prob-

lem.” We read it now, it’s “DHS, we’ve got a problem.” If we don’t somehow come together on these matters, then we’re going to leave this place, including the hearing tomorrow, just not having any kind of plan to move forward. Obviously there are a lot of factors to consider. Obviously we’re rapidly getting into the next political cycle, and who knows what lies ahead in that regard.

We have some unfortunate differences in terms of where different Congressional delegations stand, in terms of being supportive of tribes receiving the recognition that they rightfully deserve. I know with the sovereign protection initiative, we spent a great effort, and at the same time, we’re still not all on the same page. I would assume with this area it may be the same. Obviously it is all about funding.

But there have to be some tribes that step up and help facilitate kind of an organizing process, so we can follow through. Otherwise it’s going to be for naught. I know that a lot of tribes have a lot on their plate, such as; jurisdiction, funding, homeland security, or gaming. As John Echohawk was commenting, this *Lara* decision, what looms ahead with the Supreme Court, that particular case, if the Supreme Court does grant review, it can just provide chaos in Indian country.

But I hope that we will all take something from this meeting. Speaking for myself, it was very enjoyable to listen to all these different scenarios. I think within reason we’re kind of circling the same page, we just need to get on it and come up with a plan, in particular kind of a short-term plan with the spending bills in front of us. I assume once the Congress comes back from their August recess that the bulk of the time is going to be spent on the spending bills. It’s my understanding that some of the politicians will be talking a great deal about homeland security during the recess, as the parties search for issues in terms of what will make a difference next year with the 2004 election.

I don’t know if anybody has any other comments they want to throw on the table or express before we adjourn for the day. We certainly appreciate everyone being very patient, not taking any breaks and kind of sitting through a lot of very good presentations and a lot of good scenarios that educate all of us in terms of what we’re faced with. Is there anybody that wants to say anything before we begin to bring this to a close?

STEVE. I noticed that throughout this draft legislation that the word tribal is, with a few exceptions, is always lower case, and the word State is upper case, capital S on State, small t on tribal. It seems to me that’s actually a very significant semantic difference. It may seem very insignificant, but there’s a State department position paper from 1987 in which they actually went to the length of lower casing the word Indian, even though that is actually a proper noun, and as we all know, always capitalized according to the ordinary rules of English grammar. But they lower cased it, even when they quoted directly out of the Handbook on Federal Indian Law.

So there’s something going on there in terms of what they’re doing with their language in this report. It’s important to look at what may seem like a really small, insignificant thing. But it could have very significant indications.

Mr. TRUDELL. Jackie.

JACKIE. I just wanted to invite everyone, last week, I know it was mentioned several times during the meeting today, but last week NCAI held a meeting in Portland to talk about [inaudible] one of the three meetings we held that day. And homeland security was discussed in great detail. We have some briefing papers, some talking points, we have some press releases, and any of those materials are available to you. We'll also have some copies of the press packets tomorrow at the hearing. As you go to educate your community and your council and take the message back so tribes can work on this issue with your State representatives, and your Congressional delegations, you do have, like I said, the talking points and some background papers that may be helpful.

In addition to that, I have a request. That is, we've been putting together language, some amendments to propose to Senator Inouye, have given him the copies of the amendments that were discussed last week. Here today you heard some wonderful ideas, some additional concerns that came out from Indian country that need to be addressed. I would encourage you, as you look at this language, that if you would cc us or send it to us, we can add it to the list of things that are being developed so we can share it with all of Indian country to keep us united on the same page and helping us, supporting others. Because one thing that wasn't talked a lot about today was the struggle that I know Senator Inouye's staff has already come up against, the opposition to the amendments. That is some of the anti-Indian groups and other groups who are very concerned and have voiced early concerns.

So we need to make sure that as we move forward with this issue, we stay together. But we really are educating, through the governmental responsibility that you as tribal leaders fill a responsibility for and a willingness to be accountable for. Continue to target from that direction.

If you need any more information, we'll be here. Thank you.

Mr. TRUDELL. To bring this meeting to a close, Darrell Hillaire, would you offer a closing prayer? While he is coming up here, let me express our thank yous to Jamestown S'Klallam, Sequon, Viejas, Alaska Native Health Board, Mohegan, Salt River, NCAI, and Prairie Island Tribal Community for their support for this meeting. Thank them for the MREs, the meals ready to eat. [Laughter.]

At this time, Darrell.

Mr. HILLAIRE. [Pray sung in native tongue.]

Mr. TRUDELL. Thank you, and good luck tomorrow.

[Whereupon, at 5:05 p.m., the Tribal Leaders Forum was concluded.]