

INTRODUCING THE TRIBAL GOVERNMENT HOMELAND SECURITY COORDINATION AND INTEGRATION ACT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. PALLONE. Mr. Speaker, I rise today as a member of the Native American Caucus to introduce the Tribal Government Homeland Security Coordination and Integration Act and urge my colleagues to co-sponsor and vote for this legislation. This bill will help ensure that the United States is better prepared to prevent and respond to terrorist activities and other emergencies.

Once this bill is signed into law, federal, state, local and tribal governments within the United States will be fully integrated in a national homeland security strategy. Moreover, my bill will ensure that all levels of government are engaged in a coordinated effort and well equipped to defend against bioterrorism and to handle any other public health or safety emergency that threatens our land or people. For the first time in the history of our country, every government in America will be positioned and united to assist in the singular effort of protecting what we have here on our shores.

Ever since President Bush stated in his State of the Union Address earlier this year that State and local governments should have access to Federal homeland and anti-bioterrorism security funding, it has been my strong belief that tribal governments should participate in these programs and be included in the distribution of these funds.

However, since the president did not mandate the inclusion of tribal governments in homeland security and emergency preparedness programs, there has been confusion within the departments of the Federal Government as to whether or not Indian tribes should receive homeland security program or grant funds. Similar to State governments, tribal governments have citizens to serve and protect and their decisions often benefit the larger surrounding communities and states.

Tribal governments administer hospitals, law enforcement and public safety agencies, research centers, childcare facilities, primary and secondary schools, colleges, court systems, environmental protection agencies and carry out numerous other governmental functions. Tribal business interests include a full range of activities from agriculture to industrial production to business parks. As a result of such tribal governmental administration and commercial activity, Indian tribes provide major contributions to the local, regional and national economy by providing both revenue and employment opportunities to both Indian and non-Indian people of America.

During the first round of homeland security funding distribution every state was allocated \$5 million in federal funds to develop their homeland emergency preparedness plans. However, tribal governments struggled to develop their emergency preparedness plans with their existing resources.

It is vital that Congress and the Administration guarantee that the Federal Government and State, local and tribal governments participate in an integrated and coordinated effort to

protect our people and lands. A failure to integrate and coordinate with tribal governments in the homeland security plan could leave many weak governmental links in America's homeland security chain of protection. Since we are spending a great deal of time and resources developing a national homeland security strategic plan, we might as well strive to get it right the first time. Therefore, I urge my colleagues to support the Tribal Government Homeland Security Coordination and Integration Act.

During a House Energy and Commerce Committee hearing in March, I asked Health and Human Services Secretary Tommy Thompson if tribal governments would have access to homeland security funds administered by his Department, and if so, by what means would the Secretary inform tribes of their eligibility? Secretary Thompson responded by stating that to the best of his knowledge, tribal governments would be eligible for such funding and that he would notify the tribal governments of their ability to access these funds. I hoped that by informing tribal governments of their ability to request these funds, that this would encourage such governments to come forward and successfully receive the funds crucial to protecting their people and land and participate in the national strategy to protect America here at home.

Unfortunately, Secretary Thompson has failed to clarify the eligibility of tribal governments to participate in homeland security administered by the Health and Human Services Department. In addition, Secretary Thompson did not adequately contact tribes about their needs or reach out to provide them with homeland security information. Instead, he responded to my request by sending a letter to Governors reminding each that they should not overlook the existence of tribal governments within their borders.

While I was disappointed that Secretary Thompson had not chosen to reach out to tribal governments prior to March, I believed that the lack of communication between the new Administration and tribal governments stemmed from the President's non-issuance of an Executive Order requiring the Federal Government to establish a consultation policy with tribal governments. Without such an order, I believed tribal governments would have continued to be left out of the loop on Federal programs and other information that could dramatically benefit their governments and citizens.

In an attempt to address this situation, I sent a letter to the President, which was co-signed by twelve of my colleagues, asking that he clarify his policy position regarding consultation with tribal governments and I urged him to offer an Executive Order. I am pleased that the administration responded to my letter by reaffirming the existing Executive Order on tribal consultation.

After 6 months of communications concerning the necessary role of tribal consultation and requesting that the President issue a directive for such interaction, I am pleased that the Bush Administration has clarified his policy. In a letter dated June 19, Alberto Gonzales, Counsel to the President, wrote:

Dear Congressman Pallone: On behalf of President Bush, thank you for the letter you and some of your colleagues sent on March 20, 2002, regarding the issuance of an Executive Order on consultation and coordination with Indian tribal governments.

As you know, President Clinton issued Executive Order 13175, entitled Consultation and Coordination with Indian Tribal Governments, on November 6, 2000. In early 2001, the Bush Administration reviewed the Executive Order and found it to be consistent with the views of the Administration on tribal consultation and coordination. Currently, the Administration is working to see that the order is implemented. It is our hope that growing experience with tribal consultation and the emergence of agency policies and procedures will result in better federal governance on issues of concern to tribal governments."

I applaud the administration for clarifying the role the federal departments will take in consulting with tribal governments on issues that affect them. Yet, I remain concerned about their record in implementing this policy. My bill will remedy the Administration's failure to establish tribal participation in homeland security activities and provide that tribes are treated as states, as appropriate, but there are many other instances in which federal programs need further clarification with respect to the eligibility of Indian tribes.

I want to thank all of my colleagues in Congress who supported my letter to the President requesting clarification of his tribal consultation procedure. I want to thank Representatives BACA, BLUMENAUER, FILNER, INSLEE, JEFFERSON, LEE, MALONEY, MCCOLLUM, REYES, ROYBAL-ALLARD, STUPAK AND UDALL, for their support on this initiative.

During this 107th session of Congress, the president and Congress have requested and approved substantial homeland security and emergency preparedness funding increases for federal and state governments in Fiscal Years 2002 and 2003. In an attempt to ensure tribal governments received access to these funds, I urged the Administration and my colleagues to mandate that a portion of these funds be made available to their governments. For the most part, such goals have gone unfulfilled and it is time to rectify this situation.

Since the terrorist attacks of Sept. 11, 2001, and the subsequent introduction of weapons grade anthrax into the United States postal system and congressional office buildings in Washington, D.C., the President and the Congress have worked closely to respond to the need to rebuild and strengthen the nation's public health, national security and emergency response systems.

Current versions of Homeland Security Department legislation incorporate state and local governments, health officials and law enforcement entities. However, to make certain the United States is fully prepared to prevent and respond to terrorist activities on all fronts, I believe tribal governments must also be included.

Despite the government-to-government relationship between tribal governments and the United States, the United States has not honored its trust responsibility and failed to include and consult with tribal governments in homeland security planning. Moreover, there are no specific provisions for the BIA or the IHS to participate in homeland security programs and funding.

In an attempt to remedy these situations, I am introducing this bill to ensure the coordination and integration of tribal governments in the national homeland security strategy and to establish an Office of Tribal Government Homeland Security within the Department of

Homeland Security. The bill will also designate specific provisions for the BIA and the IHS to participate in homeland security funding.

Throughout many areas of the United States, tribal, BIA and IHS facilities and services are the only sources available to provide emergency health services, disaster response, and law enforcement to tribal and surrounding non-tribal communities alike. Thus, enhancing the capacity of Tribes to plan, protect against and respond to bioterrorism or other public health or safety emergencies is vital to all Americans.

To ensure the bill meets the needs and honors the rights of tribal governments, I have consulted with representatives from the National Indian Health Board (NIHB), National Congress of American Indians, California Rural Indian Health Board and tribal governments in designing its contents. I am pleased that we are moving forward together on this initiative. I would like to acknowledge Ms. Lenna Aoki of NIHB for lending her expertise in government relations and strategic planning in this legislative effort.

Summary of events reestablishing tribal government participation in homeland security:

9/11/01, terrorists attack World Trade Center in New York City and shortly thereafter weapons grade anthrax is delivered into the United States postal system and congressional office buildings in Washington, D.C.

1/29/02, President Bush declares in his State of the Union Address that state governments should have access to federal homeland and anti-bioterrorism security funding. During his speech, the President fails to specify whether tribal governments are included in this homeland emergency preparedness plan, establishing great confusion within the departments of the federal government as to whether or not they have access to funds.

1/31/02, Health and Human Services Secretary Tommy Thompson writes a letter to all state governors in follow-up to his letter of 1/11/02 further advising them of the comprehensive financial resources that their states will be receiving, "in support of State and local public health measures to strengthen the nation against the threat of biological weapons." One billion dollars was made available to states to foster State and local preparedness. Each state received \$5,000,000 to implement part one of the two-part plan. Tribal governments were not mentioned in this letter and therefore received zero funding from this funding source.

2/1–28/02, Congressman Frank Pallone, Jr., instructs his staff person, Mr. Mark LeBeau, to take the lead to ensure access for tribal governments to homeland security and anti-bioterrorism funding. Mr. LeBeau, on behalf of Congressman Pallone, began to consult with the national and regional organizations which represent tribal governments, as well as with tribal governments directly, on this initiative.

3/13/02, Congressman Pallone, during a House Energy and Commerce Committee hearing, presses Secretary Thompson as to whether or not tribal governments would have access to homeland security and anti-bioterrorism funds. Secretary Thompson responds by stating that tribal governments are eligible for both types of security funds. The Secretary stated that he would notify the tribes of their ability to access these funds.

3/20/02, Congressman Pallone sends a letter with twelve colleagues to the President

asking the he clarify his procedure of consulting with tribal governments on all issues pertaining to Indian Country. In the letter, the Congressmen state, "we have spoken with numerous American Indian tribal representatives during the past six months, and have learned that they are incredibly concerned that the Administration has not issued an Executive Order on Consultation and Coordination with Indian Tribal Governments. Without such an Order, agencies and entities such as the Bureau of Indian Affairs and Homeland Security team have developed their own management systems without consulting the Indian tribal governments. Such non-inclusion stimulates confusion at the national, state and tribal level, and leaves Indian tribal governments out of the loop."

3/22/02, Health and Human Services Secretary Tommy Thompson writes a letter to all state governors requesting that, "State's plans take full advantage of the great resources and health care delivery systems that Tribes and the IHS have to offer and that you involve them to the maximum degree possible in both your planning and implementation."

5/13/02, Congressman Pallone sends "Dear Advocates of Indian Country" letter to tribal governments informing them of his effort to pressure the Bush Administration to make homeland security funds available to tribes.

5/17/02, Congressman Pallone publishes a column in Indian Country Today regarding the need for tribal governments to have access to federal homeland and anti-bioterrorism security funding, and urge such governments to request such funding from the federal government.

6/19/02, Alberto Gonzales, counsel to the President, responds to the letter sent by Congressman Pallone and the twelve colleagues regarding consultation with tribal governments. Mr. Gonzales writes, "In early 2001, the Bush Administration reviewed the Executive Order and found it to be consistent with the views of the Administration on tribal consultation and coordination. Currently, the Administration is working to see that the Order is implemented."

7/17/02, Congressman Pallone sends "Dear Advocates of Indian Country" letter to tribal governments, updating them on his decision to conduct a comprehensive review of the existing appropriations and authorization measures of the Anti-Terrorism Emergency spending bills; the president's budget request for FY 03 related to this initiative, as well as the newly planned homeland security department budget to determine where tribal governments can access such funding.

7/25/03, Congressman Pallone sends "Dear Advocates of Indian Country" letter to tribal governments informing them of the Administration's decision regarding the role the federal departments will take in consulting with tribal governments on all issues that affect them.

8/5/02, Congressman Pallone sends "Dear Advocates of Indian Country" letter to tribal governments updating them on the consultation meetings he has held with the National Indian Health Board regarding the proposed Homeland Security Department.

8/5/02, Health and Human Services Secretary Tommy Thompson writes a letter to Congressman Pallone to inform him of the recent efforts that the Department of Health and Human Services has made to ensure the inclusion of tribal leaders in bioterrorism and overall public health preparedness activities.

The Secretary states, "though we did not specifically include American Indian and Alaska native tribes in the initial letter sent to governors, the HRSA Bioterrorism Hospital Preparedness Program cooperative agreement guidance dated February 15, 2002 recommended that tribal and IHS hospital take a leadership role in regional planning."

8/28/02, Congressman Pallone publishes a column in Indian Country Today regarding his decision to introduce a bill to ensure the coordination and integration of tribal governments in the national homeland security plan and to establish an Office of Tribal Government Homeland Security within the Department of Homeland Security. The bill, developed in consultation with tribal governments and their representative organizations, will also designate specific provisions for the BIA and the IHS to participate in homeland security funding.

9/26/03, Congressman Pallone introduces the Tribal Government Homeland Security Coordination and Integration Act.

SIKH AUTHOR AND SCHOLAR
GURTEJ SINGH EXPOSES INDIAN
TYRANNY

HON. CYNTHIA A. MCKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 2002

Ms. MCKINNEY. Mr. Speaker, recently a seminar was held in New York on the oppression of minorities in Hindu nationalist India. One of the speakers was the Sikh scholar and author Gurtej Singh, Professor of Sikhism. He is also the author of the book *Chakravayuh: Web of Indian Secularism*.

Professor Gurtej Singh discussed the history of Sikh independence and the Sikh religion. He exposed the connivance of Sikh leaders of all parties with the Indian government. He discussed the efforts of the Hindu nationalists to absorb the Sikh religion.

Professor Gurtej Singh has been honored by the Shiromani Gurdwara Prabandhak Committee, which runs the Gurdwaras (Sikh temples) in Punjab, Khalistan. He is a very well respected Sikh scholar.

The information he discussed underlies the need for the Sikhs in Punjab, Khalistan to work to achieve their freedom. Unfortunately, the Indian government has recently reaffirmed through its Ambassador to the U.S. that it will hold a plebiscite in Kashmir, as it promised in 1948, or in Punjab.

Since the United States was formed to be the bastion of freedom, we owe it to the people there to do what we can to support their freedom efforts. We should declare our support for a free and fair plebiscite in Punjab, Khalistan, in Kashmir, in primarily Christian Nagaland, and elsewhere in the subcontinent where people are seeking freedom and independence. The democratic way is the best way to resolve issues. Until all people in India enjoy the full civil rights of democratic citizens, until human rights are respected, India should receive no American aid or trade. This is the best way that America can help bring freedom to that troubled region.

Mr. Speaker, the Council of Khalistan recently published a press release commending Professor Gurtej Singh for his work for human