

which was reported out of the Senate Judiciary Committee in March 2003 by a vote of 18 to 1. Both H.R. 218 and S. 253 will permit off-duty and retired law enforcement officers to carry a firearm and be prepared to assist in dangerous situations.

These bills are strongly supported by the Fraternal Order of Police, FOP; the National Association of Police Organizations, NAPO; the Federal Law Enforcement Officers Association, FLEOA; the International Brotherhood of Police Officers, IBPO; the Law Enforcement Alliance of America; and the National Law Enforcement Council.

I was honored to work closely on this measure with the former FOP national president, Lieutenant Steve Young, whose death last year was a sad loss for us all. Steve was dedicated to this legislation because he understood the importance of having law enforcement officers across the Nation armed and prepared whenever and wherever threats to our public safety arise. I have continued my close work with the FOP and current national president, Major Chuck Canterbury, to make this legislation law.

Community policing and the outstanding work of so many law enforcement officers play a vital role in our crime control efforts. Unfortunately, during the past few years the downward trend in violent crime ended and violent crime rates have turned upward. The FBI has reported that crime rose slightly in the first half of 2002, including a 2.3 percent increase in murders. The preliminary numbers for 2002 follow an increase in crime in 2001 by 2.1 percent, compared with the year before.

There are more than 740,000 sworn law enforcement officers currently serving in the United States. Since the first recorded police death in 1792, there have been more than 17,200 law enforcement officers killed in the line of duty. Over 1,700 law enforcement officers died in the line of duty over the last decade, an average of 170 deaths per year. Roughly 5 percent of officers who die are killed while taking law enforcement action in an off-duty capacity. On average, more than 62,000 law enforcement officers are assaulted annually.

The Law Enforcement Officers Safety Act creates a mechanism by which qualified active-duty law enforcement officers would be permitted to travel interstate with a firearm, subject to certain limitations, provided that officers are carrying their official badges and photographic identification. An active-duty officer may carry a concealed firearm under this measure if he or she is authorized to engage in or supervise any violation of law; is authorized to use a firearm by the agency, meets agency standards to regularly use a firearm; and is not prohibited from carrying by Federal, State or local law. This measure would not interfere with any officer's right to carry a concealed firearm on private or government prop-

erty while on duty or on official business.

Off-duty and retired officers should also be permitted to carry their firearms across State and other jurisdictional lines, at no cost to taxpayers, in order to better serve and protect our communities. H.R. 218 would permit qualified law enforcement officers and qualified retired law enforcement officers across the Nation to carry concealed firearms in most situations. It preserves any State law that restricts concealed firearms on private property and any State law that restricts the possession of a firearm on State or local government property.

To qualify for the measure's exemptions to permit a qualified off-duty law enforcement officer to carry a concealed firearm, notwithstanding the law of the State or political subdivision of the State, he or she must have authority to use a firearm by the law enforcement agency where he or she works; not be subject to any disciplinary action; satisfy every standard of the agency to regularly use a firearm; not be prohibited by Federal law from receiving a firearm; and carry a photo identification issued by the agency. The bill preserves any State law that restricts concealed firearms on private property, and any State law that restricts the possession of a firearm on State or local government property or park.

For a retired law enforcement officer to qualify for exemption from State laws prohibiting the carrying of concealed firearms, he or she must have retired in good standing; have been qualified by the agency to carry or use a firearm; have been employed at least 15 years as a law enforcement officer unless forced to retire due to a service-connected disability; have a non-forfeitable right to retirement plan benefits of the law enforcement agency; meet the same State firearms training and qualifications as an active officer; not be prohibited by Federal law from receiving a firearm; and be carrying a photo identification issued by the agency. Preserved would be any State law that permits restrictions of concealed firearms on private property, as well as any State law that restricts the possession of a firearm on State or local government property or park.

Last week, during the House Judiciary Committee markup of H.R. 218, amendments were accepted to bar officers or retired police from carrying arms in other jurisdictions if they are under the influence of alcohol or other intoxicating or hallucinatory drug or substance, and to require retired police to have proof they received arms training in the previous year before being permitted to carry concealed weapons. The bill was then reported out of committee by a vote of 23 to 9. The bill was passed overwhelmingly by the House earlier today by voice vote.

Convicted criminals often have long and exacting memories. A law enforcement officer is a target in uniform and

out, active or retired, on duty or off duty. The bipartisan Law Enforcement Officers Safety Act is designed to establish national measures of uniformity and consistency to permit trained and certified on-duty, off-duty, or retired law enforcement officers to carry concealed firearms in most situations so that they may respond immediately to crimes across State and other jurisdictional lines, as well as to protect themselves and their families from vindictive criminals.

I look forward to the Senate approving this bipartisan, commonsense measure today to make our communities safer and to better protect law enforcement officers and their families.

EXEMPTION FROM TRUST REFORM REORGANIZATION

Mr. JOHNSON. Mr. President, I rise today in support of S. 2523, a bill to exempt the Great Plains Region and Rocky Mountain Region of the Bureau of Indian Affairs, BIA, from trust reform reorganization plans. I am happy to be an original cosponsor of this bill with my friend and colleague Senator TOM DASCHLE.

S. 2523 would exempt the BIA's Great Plains Region and the Rocky Mountain Region from the Department of the Interior's trust reform reorganization proposal, excluding efforts to reform Indian probate and address land consolidation, pending the submission of alternative agency-specific reorganization plans. The bill would direct that any funds appropriated to accomplish trust reform at the agency level in the Great Plains and Rocky Mountains Regions could be expended only under plans developed by local tribes in cooperation with and with the approval of the Department of the Interior. The bill authorizes \$200,000 for the Great Plains Region and \$200,000 for the Rocky Mountain Region to be used for the development of agency-specific reorganization plans.

The bill is an alternative to the Department of the Interior's "To-Be" trust reorganization plan. The BIA and the Office of Special Trustee, OSI, is in a state of ongoing reengineering of their trust management processes since the Department issued a new Department Manual in April, 2003. Since November, 2003, the Department has conducted informational meeting regarding its "To-Be" project, which would reengineer current fiduciary trust business process. This "To-Be" plan is unacceptable to our tribes. Simply, the administration's proposed changes to the way tribes receive trust services do not fit the needs of our area.

Specifically, our tribes require frequent land appraisals due to our large land base. Currently there is only one appraiser for the entire Great Plains Region. Under a proposed plan, money that would be spent hiring "trust officers" would be utilized by hiring appraisers at each agency on each reservation. Furthermore, as a region we

are in need of technical positions involving land management, such as surveyors, range conservationists, lease compliance officers, rights of way specialists, and accountants. In sum, the tribes request a reversal of the reorganization process and that resources be redirected as to be more effectively used at the reservation level under control of the local agent.

The concepts in S. 2523 are particularly poignant in light of serious questions that have been raised regarding failures in the OST's entire management and administrative system. As a result of these questions, I have requested a wide-ranging investigation of the OST. This investigation centers on a number of concerns tribal leaders have raised in recent years as OST has expanded its mission from one designed to oversee trust reform efforts at the Interior Department to one implementing most major fixes. Under the Bush administration, the agency's budget has dramatically increased while funds for other Indian programs are being cut or flat-lined.

In addition to questioning funding considerations, I question whether the OST is operating in a manner consistent with the 1994 Act that created it. During the Bush administration, the agency has seen unprecedented growth and has slowly taken over programs formerly managed by BIA, including cash management, appraisals, probate and accounting. Tribal leaders and some lawmakers say this expansion violates the intent of Congress in creating the office.

I am honored to represent a State that has nine treaty tribes. Federally-recognized Indian tribes in South Dakota signed the Treaty of Fort Laramie with the desire to declare peace and thereby perpetuate a nation-to-nation relationship with the Federal Government. The treaty establishing the South Dakota Tribes is a contract negotiated between sovereign nations, relating to peace and alliance formally acknowledged by the signatories of the nations. The United States entered into such agreement because they desired peace and cessions of land from the Sioux Tribes, and in return they made promises that must be upheld.

It is important to point out that my treaty tribes opt to receive their services directly from the BIA. As such, it is essential to my tribes that they have a clear understanding of what their Bureau is up to and how its actions will affect the services received by my tribes. In South Dakota, the BIA affects our Indian people every single day. Their partnership with the Federal Government is paramount to their survival as nations and is vital to the health of its people. With this premise in mind, I implore the Department to do a better job of consulting with tribes, appropriately fund BIA programs, and have an open and frequent dialogue with Congress. As a member of both the Appropriations and Indian Affairs Committee, I must be made

aware of the Bureau and the Office of Special Trustee's programming plans.

S.J. RESOLUTION 37

Mr. JOHNSON. Mr. President, I rise today in support of S.J. Resolution 37, a resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all native peoples on behalf of the United States.

A formal apology is the first appropriate step in reconciling relationships with Indian tribes and native peoples. However, an apology by itself is not enough to heal the wounds inflicted by some of the devastating policies adopted by our government. To really make amends with Indian tribes and native peoples, our government needs to return to the original understanding of the Federal-tribal relationship. The foundation of the Federal-tribal relationship is rooted in our great Constitution and the Indian treaties ratified pursuant to it. When a person reads the Founder's words pertaining to the sovereignty of Indian tribes, in conjunction with the early laws and treaties ratified by our government, he or she quickly realizes that the underpinnings of the Federal-tribal relationship is based upon mutual respect, trust responsibility, and the idea that our government must obtain consent from Indian tribes and native peoples before any Federal action can be taken.

Almost every Indian treaty recognizes that Indian tribes have control over their lands and that our government could not assert authority or take lands away from tribes unless there is an articulation of tribal consent. The first treaty our government signed with an Indian Nation was the 1778 Treaty of Fort Pitt. During the American Revolutionary War, our government signed this treaty to obtain permission from the Delaware Nation to allow General Washington's army to cross through their territory. If the Delaware Nation would not have permitted this crossing, the history of our United States might have turned out drastically differently.

As history teaches, when our government swayed away from the foundation of the Federal-tribal relationship, Indian tribes and native peoples suffered. For example, in 1830, Congress narrowly passed the Removal Act to remove all Native Americans west of the Mississippi River. However, the text and legislative history of the Removal Act clearly demonstrates that removal would not occur unless there was tribal consent. Because many Cherokee did not consent to being removed, in 1838, our government forced their removal, thus resulting in the Trail of Tears tragedy.

Chairman J.C. Crawford of the Sisseton-Wahpeton Tribe wrote to remind me that in 1862 nearly 400 Dakota Indians were tried by a military court

without legal representation following a conflict arising out of our government not adhering to its treaty obligations. Eventually, on December 26, 1862, 38 Dakota men were hanged. To date, this has been the largest mass execution in American history.

Our government violated the 1868 Fort Laramie Treaty. Under the Fort Laramie Treaty, our government agreed that if any land is to be taken from the Lakota Nation, three-fourths of all adult males must agree to any cession. Because our government failed to obtain Lakota consent, three prominent historical tragedies occurred, the Battle of Little Big Horn, the Wounded Knee Massacre, and the taking of the Black Hills.

Additionally, in the late 1800s, our government violated numerous treaties and embarked upon a harsh assimilationist policy that ignored the foundations of the Federal-tribal relationship. For example, in 1887 our government enacted the General Allotment Act. Under the General Allotment Act, tribal lands were broken up, thus reducing tribal lands from 138 million acres in 1887 to 48 million acres in 1934. Although our government ended the harsh policies contained in the General Allotment by enacting the 1934 Indian Reorganization Act, by the 1950s our government quickly reversed course and implemented legislation that terminated the Federal-tribal relationship with some Indian tribes. Although many Indian tribes have been successful with regaining federal recognition status, some have not been as successful.

Currently, our government is committed to tribal self-determination and empowering tribal governments. However, to make this apology complete and to demonstrate that our government is sincere in apologizing to Indian tribes and native peoples, our government needs to allocate more resources to Indian tribes and native peoples and fulfill its trust obligation found in treaties and concurrent legislation.

Our government has adopted numerous laws and policies that undermined and adversely impacted the Federal-tribal relationship. For those reasons, I strongly support the apology articulated in S.J. Resolution 37. I urge my colleagues to similarly support this resolution and reflect on the meaning of the Federal-tribal relationship.

ADDITIONAL STATEMENTS

HONORING THE ACCOMPLISHMENTS OF ALLISON HAMMER

● Mr. BUNNING. Mr. President, I pay tribute and congratulate Allison Hammer of Summer Shade, KY, on being named a distinguished finalist for the Prudential Spirit of Community Awards. This award honors young people in middle level and high school grades for outstanding volunteer service to their communities.