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STATEMENT OF SENATOR DANIEL K. INOUE  
CHAIRMAN, SELECT COMMITTEE ON INDIAN  
AFFAIRS

BEFORE THE NATIONAL CONGRESS OF  
AMERICAN INDIANS

MID-YEAR CONVENTION

JUNE 3, 1991 RENO, NEVADA

"COMMITMENT TO EMPOWER: ALL INDIAN  
NATIONS"

I AM HONORED, ONCE AGAIN, TO BE  
INVITED TO ADDRESS THE NATIONAL CONGRESS  
OF AMERICAN INDIANS' MID-YEAR CONVENTION.  
YOUR CONFERENCE THEME, "COMMITMENT TO  
EMPOWER: ALL INDIAN NATIONS", IS BOTH

TIMELY AND APPROPRIATE, GIVEN THE EVENTS OF THE LAST YEAR.

TODAY, I WANT TO SHARE WITH YOU SOME IDEAS AND CONCERNS THAT I HAVE. I HOPE THAT YOU WILL GIVE THESE IDEAS YOUR SERIOUS CONSIDERATION, AND I WILL LOOK FORWARD TO YOUR REACTION AND RESPONSE.

SEVERAL WEEKS AGO, THE COMMITTEE HELD A HEARING ON THE REAUTHORIZATION OF THE NATIVE AMERICAN PROGRAMS ACT -- THE ACT WHICH AUTHORIZED THE ADMINISTRATION FOR NATIVE AMERICANS. IN THAT HEARING, WE RECEIVED MANY

TESTAMENTS OF PRAISE FOR THE PROGRAM --  
PARTICULARLY WITH REGARD TO THE  
FLEXIBILITY OF THE A.N.A PROGRAM.

TRIBAL GOVERNMENTS AND INDIAN  
ORGANIZATIONS LIKE THE FACT THAT THEY  
ARE NOT BOUND BY STRICT AND INFLEXIBLE  
RULES OF PROGRAM DEFINITIONS OR FUNDING  
ACTIVITIES -- THAT THEY CAN COME UP WITH  
AN INNOVATIVE IDEA OR A CREATIVE  
ALTERNATIVE TO THE WAY THINGS ARE  
CURRENTLY DONE, AND A.N.A. IS RESPONSIVE  
TO THAT. UNLIKE OTHER FEDERAL AGENCIES,  
A.N.A.'s FIRST RESPONSE IS TYPICALLY A  
POSITIVE ONE.

AND SO, WHILE I WANT TO SINCERELY  
COMMEND THE WORK OF THOSE TRIBAL  
LEADERS WHO HAVE SPENT HUNDREDS OF  
HOURS WORKING ON THE REORGANIZATION OF  
THE BUREAU OF INDIAN AFFAIRS, SOMETIMES  
AT THE EXPENSE OF THEIR POLITICAL SUPPORT  
AT HOME, I WANT TO SUGGEST THAT OVER THE  
LONG TERM -- LET'S THINK ABOUT USING THE  
A.N.A. APPROACH TO THE PROGRAMS PROVIDED  
BY THE BUREAU OF INDIAN AFFAIRS.

WHY, FOR INSTANCE, SHOULDN'T TRIBES BE  
ABLE TO DESIGN THEIR OWN RESERVATION  
PROGRAMS -- TO DETERMINE WHAT MAKES  
SENSE WITHIN THEIR OWN COMMUNITIES -- AND

THEN PROPOSE A DIFFERENT PROGRAM DESIGN TO THE BUREAU AND HAVE IT FUNDED ON THAT BASIS.

THE INFLEXIBLE CATEGORIES IN THE B.I.A. BUDGET REQUIRE THAT IN ORDER TO RECEIVE FUNDS, EVERY TRIBAL GOVERNMENT HAS TO LOOK AN AWFUL LOT LIKE A MINI-B.I.A.

UNDER THE WAY THE B.I.A. PROGRAMS ARE DESIGNED AND THE B.I.A. BUDGET IS FORMATTED, TRIBES HAVE TO OPERATE EXACTLY THOSE PROGRAMS THAT ARE OPERATED BY THE B.I.A. IF THEY WANT TO CONTRACT BUREAU FUNCTIONS.

AND YET WE KNOW THAT THOSE PROGRAM DESIGNS AND BUDGET CATEGORIES WERE FORMULATED, FOR THE MOST PART, MANY DECADES AGO. IT IS QUITE LIKELY THAT THEY ARE NOT ALWAYS RELEVANT TO THE NEEDS OF MODERN TRIBAL COMMUNITIES.

SECONDLY, ALONG THE SAME LINES, I WOULD SUGGEST THAT WE MIGHT TAKE A LOOK AT SOMETHING THAT IS A STEP BEYOND THE SELF-GOVERNANCE PROJECT, BUT WHICH IS POINTED IN THE SAME DIRECTION.

IT WAS DONE ON A PILOT PROJECT BASIS ALMOST TWENTY YEARS AGO, AND IT WORKED

WELL FOR THOSE TRIBES WHO PARTICIPATED IN IT.

THIS NOTION IS TO MAKE THE PROGRAMS OF THE FEDERAL GOVERNMENT FIT WITHIN THE OVERALL COMMUNITY PLANS OF A TRIBAL GOVERNMENT, RATHER THAN HAVE THE TRIBAL COMMUNITY CONFORM ITSELF TO THE WAY THE FEDERAL GOVERNMENT CONDUCTS BUSINESS.

UNDER THIS APPROACH, A TRIBAL GOVERNMENT COULD CONSOLIDATE ALL OF THE FEDERAL PROGRAMS IT OPERATES, REGARDLESS OF HOW MANY FEDERAL

AGENCIES ARE INVOLVED, INTO ONE GRANT OR ONE CONTRACT.

THERE WOULD BE ONE SET OF REPORTING REQUIREMENTS, JUST ONE ANNUAL AUDIT, AND JUST ONE SET OF PAPERWORK OR ONE DOCUMENT THROUGH WHICH ALL PROGRAM ACTIVITIES WOULD BE COORDINATED.

THE OFFICE OF MANAGEMENT AND BUDGET WOULD HAVE TO BE INVOLVED, SO THAT DIFFERING REQUIREMENTS OF THE VARIOUS FEDERAL AGENCIES COULD BE WAIVED.

BUT THIS IS DONE CURRENTLY BY THE

FEDERAL EMERGENCY MANAGEMENT AGENCY, AND I BELIEVE, WE SHOULDN'T HAVE TO HAVE A CRISIS IN ORDER TO GET THE FEDERAL GOVERNMENT TO COORDINATE THE EFFORTS OF ITS VARIOUS AGENCIES.

LISTEN TO THIS FUNCTIONAL DESCRIPTION OF THE CHARTER OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY: "THE FEDERAL EMERGENCY MANAGEMENT AGENCY PROVIDES A SINGLE POINT OF ACCOUNTABILITY FOR ALL FEDERAL EMERGENCY PREPAREDNESS, MITIGATION AND RESPONSE ACTIVITIES."

"THE AGENCY IS CHARTERED TO ENHANCE

● THE MULTIPLE USE OF EMERGENCY  
PREPAREDNESS AND RESPONSE RESOURCES AT  
THE FEDERAL, STATE, AND LOCAL LEVELS OF  
GOVERNMENT IN PREPARING FOR AND  
RESPONDING TO THE FULL RANGE OF  
EMERGENCIES -- NATURAL, TECHNOLOGICAL,  
AND ATTACK-RELATED -- AND TO INTEGRATE  
INTO A COMPREHENSIVE FRAMEWORK  
● ACTIVITIES CONCERNED WITH HAZARD  
MITIGATION, PREPAREDNESS PLANNING, RELIEF  
OPERATIONS, AND RECOVERY ASSISTANCE."

THIS IS JUST ONE MODEL THAT COULD BE  
EXAMINED, BUT I THINK THAT TRIBAL CITIZENS  
COULD BE BETTER SERVED BY THE FEDERAL

GOVERNMENT IF ACTIVITIES WERE  
COORDINATED AT A FEDERAL LEVEL TO MEET  
LOCALLY-DEVELOPED PRIORITIES AND  
OBJECTIVES.

I AM PROPOSING THAT WE LOOK INTO THIS,  
PERHAPS ON A DEMONSTRATION BASIS  
INITIALLY, AND DO IT WITHIN THE FRAMEWORK  
OF THE REAUTHORIZATION OF THE  
ADMINISTRATION FOR NATIVE AMERICANS.

ON ANOTHER MATTER THAT I KNOW IS OF  
GREAT IMPORTANCE TO INDIAN COUNTRY, I  
WOULD LIKE TO TAKE THIS OPPORTUNITY TO  
SHARE WITH YOU MY OBSERVATIONS

REGARDING SENATE ACTION ON THE MEASURES THAT WOULD ADDRESS THE SUPREME COURT'S RULING IN DURO v. REINA.

AS MOST OF YOU KNOW, WE HAVE HAD ONE HEARING IN THE HOUSE AND ONE IN THE SENATE, AND AT LEAST ONE MORE HEARING IS SCHEDULED. THIS WEEK, ON WEDNESDAY, WE WILL ALSO HOLD A HEARING ON A TRIBAL COURT ENHANCEMENT BILL.

CONGRESSMAN MILLER AND I HAVE BEEN WORKING ON A SECOND MEASURE TO SUPPORT TRIBAL COURTS, AND WE WILL BE SHARING THAT WITH YOU AS SOON AS IT IS FINALIZED.

BUT IT IS THE DURO ISSUE WHICH IS CURRENTLY THE SUBJECT OF DEBATE IN THE COMMITTEE, AND I THINK IT IS IMPORTANT FOR INDIAN COUNTRY TO KNOW THAT PRESENTLY, THERE IS NOT A CONSENSUS IN THE COMMITTEE ON THE ENACTMENT OF DURO LEGISLATION:

- SOME MEMBERS WANT TO ASSURE THAT A FULL ARRAY OF CONSTITUTIONAL PROTECTIONS IS AFFORDED TO THOSE THAT COME BEFORE A TRIBAL COURT.

- OTHERS ARE URGING FEDERAL COURT REVIEW OF TRIBAL COURT DECISIONS.

- AT LEAST ONE MEMBER HAS STATED THE VIEW THAT ANYONE WHO COMES WITHIN THE JURISDICTION OF TRIBAL COURTS SHOULD BE ENTITLED TO VOTE IN ELECTIONS FOR TRIBAL GOVERNMENT OFFICE.

- MANY OF THE MEMBERS OF THE SELECT COMMITTEE RECOGNIZE THE NEED FOR ADDITIONAL RESOURCES FOR TRIBAL COURTS.

IN MY VIEW, THESE ISSUES MUST BE ADDRESSED BY TRIBAL GOVERNMENTS. YOU ARE THE ONES WHO CAN BEST ARGUE THE MERITS OF THESE POINTS, AND I HOPE THAT YOU WILL INVOLVE YOURSELVES IN THIS

DEBATE.

ANOTHER ISSUE THAT WILL BE THE SUBJECT OF PROMINENT DEBATE IN THE SENATE WILL BE THE ISSUE OF THE DEATH PENALTY AND ITS APPLICATION ON INDIAN LANDS.

WE HAVE REQUESTED THAT THE JUDICIARY COMMITTEE ADOPT LANGUAGE THAT WAS ACCEPTED IN THE LAST CONGRESS TO ASSURE THAT THE DEATH PENALTY APPLIES ON INDIAN LANDS, ONLY UPON THE ELECTION OF A TRIBAL GOVERNMENT. AGAIN, IT IS VITAL THAT YOUR VOICES BE HEARD IN THIS DEBATE.

I AM PLEASED TO NOTE THAT LATER IN THE WEEK, YOU WILL BE FOCUSING UPON ISSUES OF SOLID WASTE DISPOSAL ON INDIAN LANDS.

THIS IS A MATTER THAT CONCERNS MANY MEMBERS OF THE CONGRESS, AND IT WILL BE UP TO YOU TO EDUCATE YOUR REPRESENTATIVES IN THE CONGRESS ABOUT YOUR VIEWS AND PRIORITIES IN THIS AREA. THEY WILL NEED TO UNDERSTAND THIS ISSUE IN THE CONTEXT OF SOVEREIGNTY.

WE ARE GRATEFUL TO THOSE THAT HAVE ASSISTED THE COMMITTEE IN THINKING THROUGH THE BEST APPROACHES TO DEALING

WITH THIS CONTROVERSIAL ISSUE, AND WE  
LOOK FORWARD TO YOUR PARTICIPATION IN A  
CONGRESSIONAL WORKSHOP THAT WILL BE  
DESIGNED TO GET ALL OF THE ISSUES  
INVOLVED IN WASTE DISPOSAL OUT ON THE  
TABLE.

BUT TO RETURN TO THE MATTER AT HAND,  
THE THEME OF THIS MEETING -- EMPOWERMENT  
-- I WOULD CONCLUDE BY SHARING MY  
OBSERVATIONS WITH YOU.

IN THE FOUR AND A HALF YEARS THAT I  
HAVE BEEN CHAIRMAN OF THE SELECT  
COMMITTEE ON INDIAN AFFAIRS, I HAVE

WITNESSED WHAT I THINK IS A DRAMATIC CHANGE IN THE MANNER IN WHICH TRIBES ARE PERCEIVED IN THE CONGRESS.

THERE IS NO QUESTION THAT INDIAN NATIONS ARE VIEWED AS GOVERNMENTS WHICH EXERCISE A CONSIDERABLE ARRAY OF SOVEREIGN POWERS.

STATE GOVERNMENTS TAKE YOU VERY SERIOUSLY -- THEY TAKE YOUR JURISDICTION VERY SERIOUSLY.

THE FACT THAT YOU ARE SOMETIMES SEEN AS A THREAT TO THE EXERCISE OF

● SOVEREIGNTY BY STATE GOVERNMENTS IS  
TESTAMENT TO THIS FACT.

IT IS PERHAPS NATURAL THAT THEY WILL  
VIEW YOU AS ADVERSARIES ON CERTAIN ISSUES.  
THIS TOO IS EVIDENCE THAT YOU ARE  
GOVERNMENTS TO BE CONTENDED WITH. NO  
ONE DISMISSES YOU ANYMORE.

● AND WHAT I HAVE SEEN IS THAT YOU HAVE  
RISEN TO THE CHALLENGE. YOU RECOGNIZE  
THE REALITY THAT GOES ALONG WITH YOUR  
SOVEREIGN STATUS.

● PEOPLE WILL CHALLENGE YOUR

JURISDICTION. PEOPLE WILL ATTEMPT TO CURB ANY ECONOMIC ADVANTAGE THEY PERCEIVE YOU MIGHT HAVE.

YOU WILL NEED TO MAKE CLEAR, AS YOU HAVE SO OFTEN IN RECENT YEARS, THAT YOU WILL NOT BE INTIMIDATED.

YOU HAVE MANY FRIENDS IN THE CONGRESS WHO WILL OPPOSE THOSE WHO SEEK TO DIMINISH YOUR RIGHTS.

I URGE YOU, AS I HAVE IN THE PAST, TO CALL UPON THOSE FRIENDS -- NOT JUST WHEN YOU NEED THEIR HELP, BUT CALL UPON THEM

TO STRENGTHEN YOUR BONDS OF FRIENDSHIP.

OFFER TO BE AT THEIR DISPOSAL WHEN  
THEY NEED YOU -- ON ISSUES WITHIN THE  
STATE, OR FOR YOUR POLITICAL SUPPORT.  
THEN THEY WILL KNOW THAT YOUR  
RELATIONSHIP IS A TWO-WAY STREET.

I HAVE HEARD THAT THERE IS DISCUSSION  
GOING ON ABOUT HOLDING A SUMMIT OF  
INDIAN LEADERS IN THE FALL OF THIS YEAR AT  
WHICH TRIBAL GOVERNMENTS AND INDIAN  
ORGANIZATIONS WOULD BE REPRESENTED.

I THINK THAT THIS IS AN EXCELLENT IDEA.

THE TRIBAL LEADERS FORUMS THAT HAVE BEEN HELD ACROSS INDIAN COUNTRY IN THE LAST YEAR HAVE REVEALED HOW MUCH YOU HAVE IN COMMON, DESPITE YOUR UNIQUE DIFFERENCES.

THROUGH NATIONAL MEETINGS, AND ESPECIALLY THROUGH A SUMMIT MEETING -- PEOPLE WILL UNDOUBTEDLY SIT UP AND TAKE NOTICE THAT INDIAN LEADERS HAVE TAKEN UP THE REINS OF CONTROL OVER THE DESTINIES OF TRIBAL PEOPLE.

TRIBAL CITIZENS WILL FEEL A NEW SENSE OF CONFIDENCE THAT THEIR LEADERS ARE

WORKING TOGETHER TO SHAPE THE FUTURE OF  
INDIAN COUNTRY.

REAL EMPOWERMENT WILL NOT BE GIVEN  
TO YOU. IT IS YOURS TO SEIZE AND EXERCISE.

AS CHAIRMAN OF THE SELECT COMMITTEE  
ON INDIAN AFFAIRS, AND AS SOMEONE WHO  
HAS COME TO KNOW YOU AND TO HAVE THE  
GREATEST RESPECT FOR YOU, I WANT TO  
ASSURE YOU THAT I WILL BE WITH YOU,  
SUPPORTING YOU AND ADVOCATING YOUR  
CAUSE, EVERY STEP ALONG THE PATH TO  
EMPOWERMENT.