

**STATEMENT**  
**OF**  
**TERRY VIRDEN**  
**DIRECTOR, BUREAU OF INDIAN AFFAIRS**  
**DEPARTMENT OF THE INTERIOR**  
**AT THE HEARING**  
**BEFORE THE COMMITTEE ON INDIAN AFFAIRS**  
**UNITED STATES SENATE**  
**ON**  
**S. 578, "TRIBAL GOVERNMENT AMENDMENTS**  
**TO THE**  
**HOMELAND SECURITY ACT OF 2002"**

**July 30, 2003**

Good afternoon, Mr. Chairman and Members of the Committee. Thank you for the opportunity to present the views of the Department of the Interior on S. 578, a bill to amend the Homeland Security Act of 2002 to include Indian tribes among the entities consulted with respect to activities carried out by the Secretary of Homeland Security. The Department supports the concept of maximizing opportunities for the federal government to work with tribal governments in carrying out the activities needed to protect our nation's homeland. We do however, understand that the Department of Justice has concerns with the bill and we look forward to working with the Committee to ensure those concerns are addressed.

Indian country consists of 56 million acres of lands. Approximately 25 tribes are located on or near the international borders with Mexico and Canada, with additional tribes located on or near international waterways. Of particular note are the Tohono O'Odham Nation in southern Arizona and the St. Regis Mohawk Nation in upstate New York. Both reservations include lands that cross the international borders and, therefore, have tribal members on either side of the border. Border tribes are faced with attempted illegal border crossings and trafficking of illicit contraband. Tribal law enforcement work in tandem with federal, state, and local law enforcement agencies on helping combat these illegal activities.

Since September 11, 2001, our tribal law enforcement officers have been on alert and have worked with other law enforcement officers to protect our Canadian and Mexican borders as well as the waterways that are a part of Indian country. A principal responsibility of Homeland Security is domestic preparedness to prevent, respond to, and recover from an attack. Homeland Security for tribes includes law enforcement, security and emergency management personnel, key components tribal governments must provide in protecting its members, residents and visitors. There is a need to

have direct funding streams from the Department of Homeland Security for such activity.

Tribal law enforcement can be vital to protecting our borders and waterways. In certain areas of the country, tribal emergency management may be the only agency able to respond to a terrorist threat or attack. Tribal public health can provide valuable expertise in confronting an outbreak of a deadly disease, and tribal members may be the only citizens within miles to detect a terrorist incursion.

S. 578 is an appropriate step in recognizing the importance of American Indians in protecting our homeland. Establishing the appropriate role for the tribes with the fifty states will facilitate protection of critical infrastructure and key assets in Indian Country and bring to bear the leadership, expertise, and dedication of Indian people. We are concerned however, that Alaska Native villages and organizations are not included in the definition of Indian tribe. Alaska Native villages and organizations have been included in the definition of Indian tribe under other laws including the Indian Self Determination and Education Assistance Act of 1975 (25 U.S.C. 450 *et seq.*).

This concludes my prepared statement. I will be happy to answer any questions the Committee may have.