

Subject: CII Comments from Umatilla Tribes
Date: Mon, 16 Jun 2003 15:51:03 -0400
From: "NaomiStacy" <NaomiStacy@ctuir.com>
To: "RegComments, CII" <CII.RegComments@HQ.DHS.GOV>
CC: "ArmandMinthorn" <ArmandMinthorn@ctuir.com>

<<Umatilla tribe comments on HSA CII 6-12-03.pdf>> <<NCAI Endorsement of Homeland Security Amendment.pdf>>

Attached you will find the Confederated Tribes of the Umatilla Indian Reservation Comments on the Homeland Security Act regarding the receipt, care, and storage of Critical Information Infrastructure Information voluntarily submitted to the Federal Government.

You will also find a copy of the National Congress of American Indian Resolution supporting Congress amending the H.S.A. to appropriately define Tribes and their responsibilities under the Act.

Each of the documents are in Adobe PDF files.

If you have any questions or concerns, feel free to contact me. My contact information is included below. Thank you.

Separator line consisting of a row of backslashes and forward slashes.

Naomi Stacy
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Umatilla tribe comments on HSA CII 6-12-03.pdf
Name: Umatilla tribe comments on HSA CII 6-12-03.pdf
Type: Acrobat (application/pdf)
Encoding: base64
Description: Umatilla tribe comments on HSA CII 6-12-03.pdf

Name: NCAI Endorsement of Homeland Security

Confederated Tribes of the Umatilla Indian Reservation and NCAI Resolution.txt
Amendment.pdf
Type: Acrobat
NCAI Endorsement of Homeland Security Amendment.pdf (application/pdf)
Encoding: base64
Description: NCAI Endorsement
of Homeland
Security
Amendment.pdf



GENERAL COUNCIL
and
BOARD OF TRUSTEES

CONFEDERATED TRIBES
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Umatilla Indian Reservation

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June 12, 2003

Associate General Counsel
(General Law)
Department of Homeland Security
Washington D.C. 20528

Comments submitted by email with hard copies delivered via U.S. Mail

RE: Critical Infrastructure Information

Dear DHS:

This letter is written on behalf of the Confederated Tribes of the Umatilla Indian Reservation to comment on Federal Register Notice 18523 issued on April 15, 2003 regarding proposed language for Homeland Security Act Section 214 pertaining to Critical Infrastructure Information.

Although our comments are brief, the underlying perspective is that the Homeland Security Act improperly defines Indian Tribes as an entity authorized under state laws. Indian Tribal governments hold jurisdiction and the responsibility of protecting all citizens residing on their Reservations. The definition of Tribes as a local government in the same class as rural communities, counties, cities and similarly state law creation illustrates a fundamental misunderstanding of the nature of tribes as distinct entities pre-existing the creation of states, and remain distinct from states in matters of health safety and welfare on Reservations.

The CTUIR formally requests a government to government consultation with in accordance to Executive Order 13175. The time would be valuable to demonstrate the extensive concerns that the CTUIR holds on protecting the security of this Reservation and related communities.

Attached, you will find amendments contained in the Kemper-Kent Senate Bill 578 that contains the Tribal Governments Amendments to the Homeland Security Act of 2002 that include the appropriate definition of Tribes and corresponding responsibilities.

I hope that we may soon visit, as I am planning a trip to Washington D.C. in the next month.

Sincerely,



Armand Minthorn

Board of Trustees

Chair, Tribal Emergency Response Committee



NATIONAL CONGRESS OF AMERICAN INDIANS

THE NATIONAL CONGRESS OF
AMERICAN INDIANS

RESOLUTION #BIS-02-036

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Title: Inclusion of Tribal Governments in Homeland Security Legislation

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people and their way of life, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the focus of the U.S. Government has changed dramatically after the terrorist attacks of September 11, 2001, and the Administration and Congress have acted to provide unprecedented levels of bio-terrorism, public health and safety, border security and other homeland security funding; and

WHEREAS, a proposal to create a Homeland Security Department has been announced by the President, transmitted to Congress and will be debated over the next few weeks; and

WHEREAS, thus far the Administration and Congress have largely overlooked the need for Indian Country to be included in the evolving national strategy for homeland security and have failed to provide funding to Indian Tribes, the Bureau of Indian Affairs or the Indian Health Service to participate in homeland security initiatives; and

WHEREAS, the Congress has acted to make billions in homeland security funding available to states and local governments without any mandates for the inclusion of Indian Tribal Governments in these new programs; and, major investments in the public health system infrastructure have by-passed the Indian Health Service, Tribal and Urban Indian health care system; and

WHEREAS, the United States has unique historical and legal relationship with American Indian and Alaska Native people, which serves as the basis for the Federal Government's trust responsibility and obligations; and, this government-to-government relationship is a well-settled principle of Federal-Indian law that is reflected in the U.S. Constitution and expressed in treaties, executive agreements and orders, statutes, the course of dealing, and hundreds of Federal court decisions; and, there are also moral components to the relationship which has been described as a **mutuality of obligations** between the parties.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby urge the Administration and Congress to take immediate actions to clarify the eligibility of the Indian Health Service (IHS), the Bureau of Indian Affairs (BIA) and Indian Tribal Government for funding and grants intended to help take action against terrorist attacks, bio-terrorism and other public health threats; and

BE IT FURTHER RESOLVED, that the NCAI supports enactment of legislation to ensure that Indian tribal governments are treated as States, as appropriate, for planning, consultation, coordination and for eligibility for grant monies and funds to improve capacity and help prepare, prevent and respond to terrorist activities and for other related purposes; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted at the 2002 Mid-Year Session of the National Congress of American Indians, held at the Bismarck Civic Center, in Bismarck, North Dakota on June 16-19, 2002 with a quorum present.



Tex Hall, President

ATTEST:



Colleen Cawston, Recording Secretary

Adopted by the General Assembly during the 2002 Mid-Year Session of the National Congress of American Indians, held at the Bismarck Civic Center, in Bismarck, North Dakota on June 16-19, 2002.