S. HRG. 111–97

NOMINATION OF LARRY J. ECHO HAWK TO BE ASSISTANT SECRETARY FOR INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

MAY 7, 2009

Printed for the use of the Committee on Indian Affairs

U.S. GOVERNMENT PRINTING OFFICE

52–367 PDF WASHINGTON : 2009

For sale by the Superintendent of Documents, U.S. Government Printing Office
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CONTENTS

	Page
Hearing held on May 7, 2009	1
Statement of Senator Barrasso	40
Statement of Senator Bennett	7
Statement of Senator Conrad	8
Statement of Senator Crapo	6
Statement of Senator Dorgan	1
Statement of Senator Inouye	4
Statement of Senator McCain	44
Statement of Senator Tester	43
Statement of Senator Udall	39

WITNESSES

Coby, Hon. Alonzo, Chairman, Fort Hall Business Council for the Shoshone-Bannock Tribes	9
Prepared statement	10
Echo Hawk, Larry J., Nominee to be Assistant Secretary for Indian Affairs, U.S. Department of the Interior	11
Prepared statement	13
Biographical information	16

APPENDIX

Echo Hawk, Larry J., Brigham Young University devotional address	51
Response to written questions submitted to Larry J. Echo Hawk by:	
Hon. Daniel K. Akaka	71
Hon. John Barrasso	64
Hon. Maria Cantwell	72
Hon. Tom Coburn, M.D.	74
Hon. Byron L. Dorgan	57
Hon. Dianne Feinstein	84
Hon. John McCain	75
Hon. Jon Tester	78
Hon. Tom Udall	82
Letters, in support of the nomination of Larry J. Echo Hawk:	
American Indian Law Center, Inc.	86
California Indian Legal Services	88
Cherokee Nation	90
Confederate Salish and Kootenai Tribes of the Flathead Reservation	96
Confederate Tribes of Coos, Lower Umpqua, and Siuslaw Indians	99
Ewiiaapaayp Band of Kumeyaay Indians	100
Kootenai Tribe of Idaho	101
Menominee Indian Tribe of Wisconsin	102
Mohegan Tribe of Indians	103
National Congress of American Indians	91
National Indian Education Association	94
Osage Nation	104
Pawnee Nation of Oklahoma	105
Poarch Band of Creek Indians	95
Pueblo of Jemez	106
Puyallup Tribe of Indians	110
Salt River Pima-Maricopa Indian Community	98
Tlingit and Haida Indian Tribes of Alaska	111
Tulalip Tribes	112
United South and Eastern Tribes, Inc.	89

NOMINATION OF LARRY J. ECHO HAWK TO BE ASSISTANT SECRETARY FOR INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

THURSDAY, MAY 7, 2009

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 2:20 p.m. in room 628, Dirksen Senate Office Building, Hon. Byron L. Dorgan, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. BYRON L. DORGAN, U.S. SENATOR FROM NORTH DAKOTA

The CHAIRMAN. I bring this Committee to order. This is a hearing of the Indian Affairs Committee in the United States Senate. We are gathered today to examine the President's nomination of Larry Echo Hawk to serve as Assistant Secretary for Indian Affairs at the Department of Interior.

We have a vote occurring right now, so some of our colleagues will be delayed just a bit, but we appreciate the opportunity to have Mr. Echo Hawk with us today.

Let me just remind my colleagues that Yvette Roubideaux last evening was confirmed as the head of the Indian Health Service. We reported that nomination out of this Committee last week, so last evening that nomination was confirmed by the United States Senate. That is a very important thing to have happen. I am so pleased that she is willing to serve.

And not only is she confirmed now by the United States, but today we take up the nomination of Larry Echo Hawk. My hope would be that this Committee will be able to following today receive all of the papers that have been sent to us, and at the business meeting next week now scheduled for this Committee, take action on Mr. Echo Hawk's nomination and then move it to the floor of the Senate where I hope it can be acted on very quickly.

I want to state at the start of this hearing my strong support for Mr. Echo Hawk's nomination. He has a strong background in Indian affairs managing the legal team and legal issues for the State of Idaho as Attorney General, and he has dedicated his career to education and to the improvement of the lives of Indian people.

A background in education, public safety and management are sorely needed at the Office of the Assistant Secretary for Indian Af-

fairs. I have spoken previously from this dais about the unbelievable bureaucracy that exists in the Bureau of Indian Affairs. I have sometimes described dealing with the BIA very much like walking through wet cement. It is pretty slow going.

I want the BIA to work. I want it to work well for the benefit of the first Americans, American Indians. And we have had I think in the last eight years, half of those years we have been without an Assistant Secretary to run the BIA. That is just a tragic failure.

And so I am strongly supportive of Mr. Echo Hawk, and want him to be confirmed as soon as possible to take the reins at the BIA and begin a significant management effort to use the funding that is available to improve the lives of American Indians.

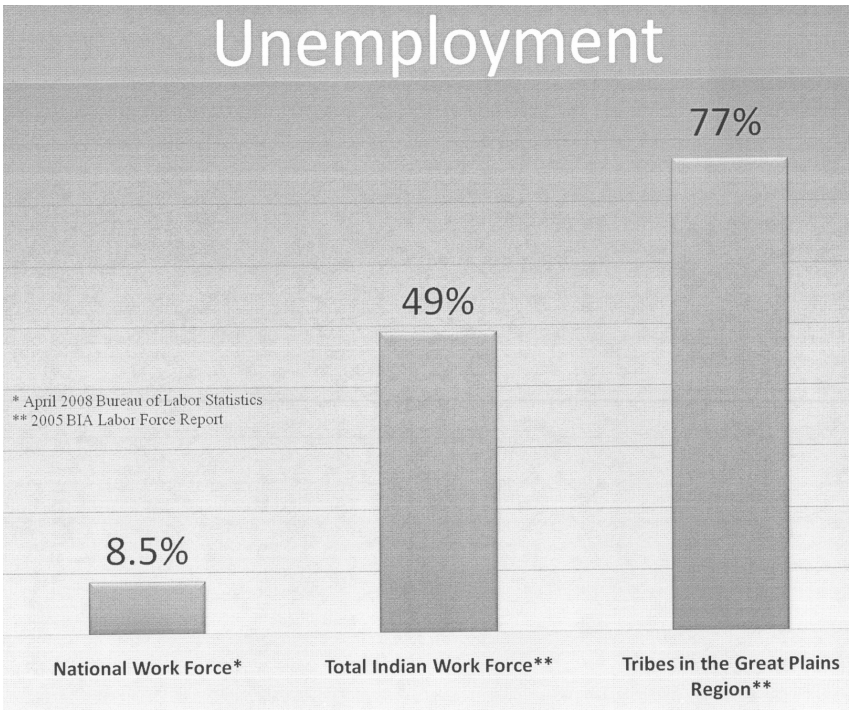
I just was looking at four of the past eight years that we have not had an Assistant Secretary. It is even more shameful.

The United States Government holds treaty and trust responsibilities and obligations to Indian tribes and the Office of the Assistant Secretary for Indian Affairs is the primary official in the Department of the Interior that is tasked with upholding these obligations. Through oversight of the BIA and other offices, the Assistant Secretary is responsible for providing education services, public safety, and economic opportunity to the Country's 562 Indian tribes.

Sadly, it is news to no one that many tribal communities lag far behind the rest of the Nation in all three of those categories. It is I think a very difficult situation to take a look at education, housing and health care on a lot of reservations and understand that the first Americans are often getting second choice in education, housing and health care, and that should not be the case.

I had a long discussion with Mr. Echo Hawk about the issue of health care, education and housing. Health care, of course, is principally Indian Health Service, but the BIA will also play a role in that. We also talked about the issue of justice and law enforcement, on which this Committee has held hearings.

The lack of economic opportunity on Indian reservations is also very significant. We have unemployment rates averaging 50 percent for decades. In the Great Plains region, the reservation unemployment is over 70 percent. This chart shows some of those numbers. And we need to change that.



I am confident that Mr. Echo Hawk will provide the leadership that the BIA has needed for far too long. His nomination has the support of the National Congress of American Indians, many Indian tribes and organizations, and as this Committee will soon hear, he has strong support from Members of the United States Senate.

Before I recognize the Vice Chairman, I want to clarify the process again for moving forward with the nomination. Mr. Echo Hawk, Members of this Committee will hear your testimony, your statement today, following which we will ask questions of you this afternoon and perhaps more will be submitted to you in writing. Once we have received responses to those questions, which I would hope would be in a day or two, we will seek to report out your nomination at the next scheduled business meeting.

I have not consulted with all the Members of the Committee on that yet, but my hope would be and my expectation would be that we would be able to do that.

The CHAIRMAN. We are joined by the Vice Chairman of the Committee, Senator Barrasso. Let me recognize Senator Barrasso for an opening statement.

Senator BARRASSO. Thank you, Mr. Chairman.

I do have an opening statement with a number of colleagues here who I know their time is limited, I would like to defer to them with your permission, Mr. Chairman.

The CHAIRMAN. Without objection.

And let me say that we have Senator Inouye with us, the former Chairman of this Committee. We are delighted he is here. And

then Senator Crapo and Senator Bennett both wish to make statements as well.

So Senator Inouye, you, I believe, have to be at the Capitol at 2:30. Let me recognize you, and welcome you again to the Committee.

STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII

Senator INOUYE. Thank you very much, Mr. Chairman and Members of the Committee.

I am honored to present to the Committee a very distinguished American who was just nominated by the President of the United States to serve as Assistant Secretary for Indian Affairs in the U.S. Department of the Interior, Mr. Larry Echo Hawk.

Mr. Chairman, I have known the members of the Echo Hawk family for over two decades. I first came to know Larry Echo Hawk's older brother John, who has had a long and distinguished career serving the native people of this land, including his service as the Executive Director of the Native American Rights Fund.

Then I met John's and Larry's sister Lucille, who I believe still works with the Casey Family Foundation on the critically important matters associated with Indian child welfare.

And then just about 20 years ago, I had the privilege of meeting Larry Echo Hawk, who was then serving as the Attorney General of Idaho, and who to the best of my knowledge was the first Native American to serve as Attorney General in any of our 50 States.

And at that time, this Committee was engaged in ongoing dialogue with Governors and Attorneys General from the States in which Indian gaming was being conducted under the Indian Gaming Regulatory Act and tribal government leaders from each of these States.

In the course of that year-long effort, I came to know a few of the Attorneys General such as the distinguished Senator from New Mexico and a Member of this Committee, Senator Tom Udall, who was then serving as Attorney General of New Mexico. We spent a lot of time together over that year, and from Tom and others I learned that a very interesting dynamic had taken place when Larry Echo Hawk first joined the ranks of the States' chief legal officers.

I was told at first the Attorneys General were a bit uncomfortable about having a person of Indian descent in their midst. After all, relations between the State and tribal governments had not always been the best, to say the least. And other Attorneys General readily acknowledged that their discussions about their relations with Indian Country were not always filled with happiness.

But apparently as these Attorneys General came to know Larry Echo Hawk, they realized that some of their perceptions of Indian people and Indian Country were not based on personal experience, but based on something closer to biased cultural stereotypes. They told me that Larry's integrity and intelligence had impressed them and that they had come to know him as an Attorney General who was not so different than they were, and who clearly felt that his responsibility as chief legal officer of Idaho was to all the citizens, all the citizens of the State of Idaho.

The fact that Larry was of native ancestry was not something that Larry brought to the table, but over time the fact that his native ancestry helped him become more sensitive to how they spoke about Indian people and how they interacted with tribal leaders.

Each of the Members of this Committee have all of Echo Hawk's biographical information and his record of professional experience before us, so I will not take your time to repeat what is known about this person.

But for those of you in the audience today, I think you should know that Larry Echo Hawk earned his law degree in 1973 from the University of Utah, and following graduate business studies at Stanford. Larry began his legal career working for the California Indian Legal Services Program, and thereafter worked for the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation for eight years.

I mention this aspect of his early professional life because I believe that Larry Echo Hawk is not only a man who is deeply rooted in the values that we all share and respect, but a man who understands the many challenges that Indian Country has been confronted with throughout our long history as a Nation.

Larry Echo Hawk is an enrolled member of the Pawnee Tribe and like so many of our great Indian leaders, he volunteered his service to our Country in the U.S. Marine Corps. For the past 14 years, Larry Echo Hawk has served as a law professor on the faculty of the J. Reuben Clark Law School at Brigham Young University. A review of his published works over the past 17 years makes very clear that Larry has always remained deeply interested in and committed to addressing issues of importance and concern to Indian Country.

I believe that Larry Echo Hawk is extraordinarily well prepared by his life experience and his long professional career in the law to serve as Assistant Secretary for Indian Affairs in President Obama's Administration. And therefore I am delighted and proud today to have the honor of introducing Larry Echo Hawk to the Members of this Committee.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Inouye, thank you very much.

Again, you serve on this Committee, but have been Chairman for many years of this Committee and your thoughts and advice are really valuable to us. We appreciate very much your testimony.

Senator INOUYE. I would like to have your permission, Mr. Chairman, to leave because I have another meeting to attend, and I regret I can't stay here.

The CHAIRMAN. We thank you very much for being here, Senator Inouye.

Senator INOUYE. Thank you.

The CHAIRMAN. Senator Crapo, who is a personal friend from Idaho, I am going to call on him, and then Senator Bennett to discuss a fellow Utahan.

So let me call on the two of them who have requested the opportunity to speak.

STATEMENT OF HON. MIKE CRAPO,
U.S. SENATOR FROM IDAHO

Senator CRAPO. Thank you very much, Mr. Chairman, Senator Barrasso. I truly appreciate the opportunity to introduce my personal friend, Larry Echo Hawk, today to the Committee on this important occasion.

I am pleased that President Obama has nominated Larry for the important position of Assistant Secretary of Interior for Indian Affairs. Our fellow Idahoans are rightly proud that some of his greatest political and professional successes have been during his time in Idaho, and I congratulate Larry and his wife Terry and their children and grandchildren on this distinct honor for this selection.

Larry's diverse background and professional experiences make him an outstanding candidate for this position. Although his Pawnee Tribe background has made him many times a first in elective office, Larry's real legacy is the high regard in which he is held by so many who have worked with him.

Larry served as Bannock County Prosecuting Attorney and as a two-term member of the Idaho State House of Representatives. He and I served in the State Legislature together, he as a member of the House and I as a member of the Senate, until the time that he then ran for and was elected to be the Attorney General of the State of Idaho.

And I remember times sitting down at dinner after a legislative session in Boise, Idaho and talking about how to improve government, just as Larry and I have the opportunity to do so a couple of nights ago here in Washington, D.C.

I know him and his work well, and his commitment. I am very confident in his service.

Since his time in elective office, Larry has taught criminal law and Native American law at Brigham Young University, which is our alma mater, where I understand you also played football. And Larry is also the Senior Partner of the Echo Hawk Law Offices, which have among their clients the Shoshone-Bannock Tribe of Fort Hall Indian Reservation in Idaho, to which you have been I think General Counsel since 1977.

The challenge for the Bureau of Indian Affairs remains the same as it ever was: to do as much as possible to fulfill the trustee responsibility of the Federal Government for the Native Americans. Unfortunately, I agree with the Chairman. While so much has been done, for too long now this trustee responsibility has suffered through periods characterized by confusion, neglect, underfunding, conflict and miscommunication.

While much has been done in recent years to address the historic problems plaguing the Bureau-administered programs, so much more needs to be done. Per person outlays for tribal health services, while never a perfect measure of a program's effectiveness, lag well behind comparative funding through Medicare and Medicaid. Investments in tribal education, justice, housing and transportation are also chronically short-changed.

And I realize we can't expect that Larry will change this overnight, but I am confident that he will make great strides in improving this circumstance, and look forward to working with him.

Funding issues are not the only way to help our tribes. Appropriate respect for sovereignty is also a persistent challenge that the Federal Government can help promote by example. In our State, the federally recognized tribes have demonstrated tribal capacity to be a real player in problem solving.

The Nez Perce Tribe provides the monitoring of wolf recovery on behalf of the Federal and State governments. The Kootenai Tribe is the first tribe to sign an MOU with the Department of Homeland Security to use its identity cards for valid cross-border travel, and manages important salmon hatcheries that help us recover endangered fish stocks.

The Shoshone-Paiutes in Southwest Idaho played a major part in bringing to fruition to Owyhee Initiative Management statute that we just passed here in the Senate. The Coeur d'Alene Tribe remains a major partner in the implementation of the Lake Management Plan for Coeur d'Alene. And the Shoshone-Bannock Tribes, as Larry knows well, are a major leader in the environmental protection of Southeast Idaho.

Mr. Chairman and Members of the Committee, I believe Larry Echo Hawk has the background and the temperament to bring proper attention to the needs and the problems facing our Nation's tribes. His service in the public and in the private sector, as well as his role as a Native American pioneer, demonstrate the capacity to do well in the difficult position of Assistant Secretary for Indian Affairs.

As a fellow Idahoan and an advocate for Idaho's tribes, I am pleased to present Larry Echo Hawk to the Committee for Senate consideration. If he is confirmed, I look forward to working with him again in his new position to promote the needs of Native Americans.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Senator Crapo, thank you very much.

Senator Bennett?

STATEMENT OF HON. ROBERT F. BENNETT, U.S. SENATOR FROM UTAH

Senator BENNETT. Thank you for the opportunity, Mr. Chairman, to be with you.

You have heard the background of the nominee. I would just point out that he first came to Utah to play football at BYU on a scholarship, and then he earned his juris doctor from the University of Utah. That is a little like playing for Harvard and then getting your law degree from Yale, or going to UCLA and then graduating from USC. Whatever. And if he can bridge that gap, he is qualified to negotiate just about anything.

[Laughter.]

Senator BENNETT. So he has had a distinguished career in Idaho, as has been described, but he is also had a distinguished teaching career in Utah at the J. Reuben Clark Law School at Brigham Young.

So he brings a wide range of skills and activities to this. It is not just his training. It is his life experience that I think qualify him for this. And I expect he will bring a fresh approach to the department. There are not too many people who serve in the Executive

Branch who have won an election, first to a State legislature and then to an executive assignment as Attorney General. Understanding those aspects of government is an experience that I think will serve him very well now that he is at the Federal level.

He has an understanding of the differences between tribal rights and sovereignty and States' rights. He has represented tribes as an advocate, and then has dealt with the problems himself as a teacher as he has had to look at all of the aspects of it.

So I consider him a dedicated public servant and an excellent choice for this assignment, and I am pleased on behalf of his friends and colleagues in the State of Utah to add my voice to the chorus that is saying let's get him confirmed and in place as quickly as we possibly can.

The CHAIRMAN. Senator Bennett, thank you.

Senator Conrad?

STATEMENT OF HON. KENT CONRAD, U.S. SENATOR FROM NORTH DAKOTA

Senator CONRAD. Just very briefly, Mr. Chairman.

First of all, thank you for holding this hearing. This is a position that has been open now for about a year, so it is critically important that we act quickly and that we get this right. I think with the nomination of Larry Echo Hawk, we have the chance to get this right.

I have been very impressed by what I have learned of his reputation and his professional career. That is just confirmed by hearing from our colleagues, Senator Crapo who knows him personally, and of course Senator Bennett from Utah, a State where Mr. Echo Hawk has been so involved.

I had a chance to meet with Mr. Echo Hawk yesterday and we talked about a whole series of issues critically important in Indian Country in my State, but more than just my State, across the Country as well: education, economic development, health care, housing, energy development. These issues, along with law enforcement and many others, we had a chance to visit about yesterday.

One of the things I would like to say to Mr. Echo Hawk is we just had Secretary Salazar come to our State last month, and had a meeting with the leaders of our tribes. He had a first-hand chance to see the challenges that we are confronting in North Dakota. I hope after your confirmation that at an early opportunity you will have a chance to come to our State and visit personally. We would certainly welcome you.

I really am encouraged that somebody of your quality and your character is willing to take up this challenge. I believe this is one of the toughest jobs in Federal Government. I said that to you yesterday, and I think you are equal to it.

So all of us I think are willing and eager to work with you to make improvements and to have a significant step forward for Indian Country. I know I certainly have that feeling, and again thank you, Mr. Echo Hawk, for being willing to take on this responsibility.

The CHAIRMAN. Senator Conrad, thank you very much.

Mr. Echo Hawk, we will get to you, but first we are going to hear from the Chairman of the Shoshone-Bannock Tribe in Fort Hall, Idaho, the Honorable Alonzo Coby.

STATEMENT OF HON. ALONZO COBY, CHAIRMAN, FORT HALL BUSINESS COUNCIL FOR THE SHOSHONE–BANNOCK TRIBES

Mr. COBY. Good afternoon, Chairman Dorgan, Vice Chairman Barrasso, Senator Crapo and other Members of the Committee.

Again, I am Alonzo Coby. I am the Chairman of the Fort Hall Business Council, which is a governing body of the Shoshone-Bannock Tribes located in Southeastern Idaho. Our enrolled membership is 5,300 tribal members and our reservation is 544,000 acres of land, of which 98 percent is held in trust status. We are very proud of that.

The reason I am here today, I am very honored and privileged to introduce and express strong support for the nomination of Larry Echo Hawk as Assistant Secretary for Indian Affairs. As you know, the United States Government and its agencies have an important trust relationship with Indian tribes. The Shoshone-Bannock Tribes look forward to the Federal Government to fulfill its trust responsibilities in the areas of environmental protection, law enforcement, health, education, trust reform, treaty rights, and other important areas.

The issues I mention are pressing issues in Indian Country and the Assistant Secretary for Indian Affairs plays a critical role in addressing these issues. Larry is uniquely qualified for this job. The Shoshone-Bannock Tribes fully support Larry. I know the other Idaho tribe also support his nomination.

Larry began representing the Shoshone-Bannock Tribes in 1977 and served for nearly nine years as the tribe's Chief Counsel. He provided diligent and faithful services during these years and has his boys, Paul and Mark, and I am very blessed to have the as our legal counsel.

During his time as the tribal attorney, he also served two terms in the Idaho legislature and worked hand in hand with the Idaho tribal leaders in Idaho to advance tribal interests. Larry played a significant role in the Idaho legislature on passage of many laws that respected tribal sovereignty such as the Tribal-State Relations Act, Federal Site Protections Act, and legislation to authorize State agencies to enter into agreements with tribal governments.

Much of this was brought about due to his efforts to create the State Indian Affairs Committee. In 1986, he became the prosecuting attorney for Bannock County, Idaho's fourth-largest county that borders the Fort Hall Indian Reservation. He demonstrated a continual respect for the tribal sovereignty.

In 1990, he was elected as Idaho's Attorney General and became the first Native American in United States history to become elected to statewide office. As Attorney General, he supported legislative efforts to protect native religious freedom, treaty rights, and other matters impacting tribes. He also led efforts to improve State-Tribal relations to the Conference of Western Attorneys General. Although he served as a State attorney, the door was always open to Idaho tribes.

I thank the Committee for expediting the consideration of Mr. Echo Hawk's nomination and urge the Senate to confirm his as quickly as possible, given all the urgent needs in Indian Country that on hold pending his confirmation.

And again, thank you for the opportunity to let me introduce Mr. Echo Hawk and I express our support for his nomination.

Thank you.

[The prepared statement of Mr. Coby follows:]

PREPARED STATEMENT OF HON. ALONZO COBY, CHAIRMAN, FORT HALL BUSINESS COUNCIL FOR THE SHOSHONE-BANNOCK TRIBES

Good afternoon Chairman Dorgan, Vice-Chairman Barrasso, Senator Crapo, and other Members of the Committee. My name is Alonzo Coby and I serve as Chairman of the Fort Hall Business Council, which is the governing body of the Shoshone-Bannock Tribes located on the Fort Hall Indian Reservation in southeast Idaho. I am honored to be here today to introduce and express support for the nomination of Larry Echo Hawk as the next Assistant Secretary for Indian Affairs.

The Shoshone-Bannock Tribes are a federally recognized Indian tribe organized under Sections 16 and 17 of the Indian Reorganization Act of 1934. The Shoshone and Bannock people are comprised of several related bands whose aboriginal territories include land in what are now the states of Idaho, Wyoming, Utah, Nevada, Colorado, Oregon, and parts of Montana and California. In 1867, President Andrew Johnson by Executive Order designated the Fort Hall Indian Reservation for various Shoshone and Bannock bands that occupied the area since time immemorial. On July 3, 1868, the Shoshone and Bannock Tribes concluded the Second Treaty of Fort Bridger, which was ratified by the United States Senate on February 24, 1869. Article 4 of the Fort Bridger treaty reserved the Reservation as a "permanent home" to the signatory tribes. Although the Fort Bridger Treaty called for the Reservation to be approximately 1.8 million acres, various "surveying errors" in 1873 reduced its actual size to approximately 1.2 million acres.

One of the United States' purposes in setting aside the Fort Hall Indian Reservation was to protect the Tribes' rights and to preserve for them a home where their tribal relations might be enjoyed under shelter of authority of the United States. Subsequent cession agreements with the United States reduced the Fort Hall Indian Reservation to the present day size of 544,000 acres. Of the 544,000 acres, 97% of the land is Tribal land or held by the United States for the benefit of the Tribes or its individual members. The Tribes' territory is the largest Reservation in Idaho and forms a large cohesive geographic area that supports a population of over 6,000 people and provides an irreplaceable homeland for economic activity and cultural practices based on strong religious traditions premised on the sacredness of land. Our current Tribal enrollment is approximately 5,300 members.

The Fort Hall Reservation is blessed with an extensive biodiversity including rangelands, croplands, forests, streams, three major rivers (the Snake, Blackfoot, and Portneuf), reservoirs, springs, and wetland areas, an abundance of medicinal and edible plants, wildlife (elk, deer, moose, bison, big horn sheep, etc.), various species of fish, birds, and other animal life. The Reservation lands are mountainous and semi-desert, and overlays the Snake River aquifer, a large groundwater resource. The culture and continued existence of the Shoshone and Bannock peoples depend on these resources.

As you know, the United States government and its agencies have an important trust relationship with Indian tribes. The Shoshone-Bannock Tribes look to the federal government to fulfill this trust responsibility in areas of environmental protection, law enforcement, health, education, trust reform, land management, protection of treaty rights, and other important areas.

The issues of concern I have mentioned are among many that are common to Indian Country. Larry Echo Hawk is uniquely qualified to address them as the next Assistant Secretary for Indian Affairs. The Shoshone-Bannock Tribes fully support Larry Echo Hawk and have full confidence in his strong commitment to Tribal sovereignty and Indian interests. I note that other Idaho tribes have also voiced their support for Mr. Echo Hawk's nomination.

Mr. Echo Hawk began representing the Shoshone-Bannock Tribes in 1977 and served for nearly nine years as the Tribes' chief general legal counsel. At that time, he was one of the first Native American lawyers entrusted with the responsibility as the primary attorney for a large Indian tribe. He provided diligent and faithful service during these years. During his time as Tribal Attorney, he also served two

terms in the Idaho legislature and worked hand-in-hand with Tribal leaders in Idaho to advance tribal interests. It was during his time in the legislature that positive laws respecting tribal sovereignty were passed for the first time in Idaho history, and Mr. Echo Hawk played a significant role in their passage. These laws include the State-Tribal Relations Act, the Tribal tobacco sales tax exemption, the Indian Antiquities and Burial Site Protection Act, and the amendment to the State Joint Powers Act to authorize state agencies to enter into agreements with Tribal governments, to name a few. Much of this was brought about due to Mr. Echo Hawk's efforts to help create a State Indian Affairs Committee.

He ended his position as the Tribes' general legal counsel in 1986 on good terms with the Tribes to become the prosecuting attorney for Bannock County, Idaho's fourth largest county that borders the Fort Hall Reservation. While he served as prosecutor, he demonstrated a continual respect for tribal sovereignty and jurisdiction by deferring cases to the Tribes that could have been prosecuted under Public 280. In 1990 he was elected as Idaho's Attorney General, and became the first Native American in United States history to be elected to a state-wide constitutional political office. As Attorney General, he supported legislation and efforts to protect native religious freedoms, salmon treaty fishing rights, and other legal matters impacting tribal sovereignty. While Attorney General, Mr. Echo Hawk also lead efforts to improve state-tribal relations through the Conference of Western Attorneys General. Although he served as the State's attorney, the door was always open Idaho tribes.

The Echo Hawk law firm has provided nearly ten years of legal services to the Shoshone-Bannock Tribes and continues to provide excellent legal services. While we recognize that Mr. Echo Hawk's prior service as the Tribes' legal counsel and work with the Echo Hawk law firm may require his recusal from working on issues directly relating to the Shoshone-Bannock Tribes, we are confident that Mr. Echo Hawk's service as Assistant Secretary will be beneficial to all of Indian Country.

In sum, we are proud to support Larry Echo Hawk's nomination as the next Assistant Secretary for Indian Affairs. We are confident that he will do an outstanding job in continuing his efforts to advance Tribal sovereignty and economic self-sufficiency. Thank you for this opportunity to introduce Mr. Echo Hawk and express our support for his nomination.

The CHAIRMAN. Well, thank you, Mr. Chairman.

Mr. Echo Hawk, those are very powerful recommendations we have heard about you. The more friends one has, the longer the Committee hearing takes, and you have a lot of friends obviously.

[Laughter.]

The CHAIRMAN. Let me recognize you for your statement, and say at the start of the statement if you have family members present that you wish to introduce, please feel free to do that at the start of your statement.

Mr. Echo Hawk, welcome.

STATEMENT OF LARRY J. ECHO HAWK, NOMINEE TO BE ASSISTANT SECRETARY FOR INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Mr. ECHO HAWK. Thank you, Mr. Chairman and Vice Chairman Barrasso and Members of the Committee.

I am honored to appear before you today seeking your confirmation for my nomination to serve as Assistant Secretary for Indian Affairs.

I have with me today my wife Terry. We have been married for more than 40 years. We have six children, five of which are here today. Perhaps they could stand: Jenny, Paul, Mark, Matt and Emily. Three of these handsome young men are lawyers. Law is the family profession.

And also with me today are three of my siblings: Mary Adamson, Lucille Echo Hawk and John Echo Hawk.

I am proud to say that members of my family have been committed advocates for Native American people for many years.

I am a member of the Pawnee Nation and have been blessed with a good education and a broad base of experience that I believe qualifies me to serve as the next Assistant Secretary for Indian Affairs.

I was born in Cody, Wyoming while my father worked in the oil and gas business. My family eventually settled in Farmington, New Mexico and I attended public schools in Farmington through high school. Farmington is right across the river from the largest Indian reservation in the United States, the Navajo Nation.

I attended Brigham Young University on a football scholarship and I think it is worthy of special mention that a Federal program known as the Special Scholarship Program in Law for American Indians made it possible for me to graduate from law school at the University of Utah.

For 14 years after that graduation, I worked in the practice of Indian law, first as a staff attorney for the California Indian Legal Services in Northern California, and then eventually I relocated back to Utah to start out as a sole practitioner. My law practice was focused on representing American Indians, and I built that law practice up to a seven-attorney firm including six Native American lawyers.

In 1977, my goal was realized of becoming a tribal attorney when I was selected by the Shoshone-Bannock Tribes to serve as their Chief General Legal Counsel. And I believe that I was one of the first Native American lawyers to ever be entrusted with the responsibility to represent a large Indian Nation, and I appreciate the confidence that they displayed in me.

As an Indian law practitioner, I learned about the challenges facing Native American communities and the complex system of laws that affect the lives of people living within Indian reservations.

It was during that time that I served as a senior lawyer for the tribe that I was elected to the Idaho House of Representatives, and I seized that opportunity to address many contentious and complex issues of law relating to water rights, civil and criminal jurisdiction, natural resources, wildlife management, health and welfare services, taxation, and Tribal-State relations. I enjoyed those years, and we made progress.

My full-time work in Indian law, however, concluded in 1986 when I decided to make a career change. I was appointed as the attorney for Idaho's fourth-largest county. That county had boundaries that reached inside of the Fort Hall Indian Reservation, so for the next four years I served as a prosecuting attorney. It was thereafter that I was elected as the Attorney General of Idaho and served a four-year term, and then for the last 14 years I have worked as a professor of law.

That is a broad array of experiences that gave me management skills, an understanding of political process, and a knowledge of Federal Indian law that I think would help me to succeed in the broad scope of responsibilities as the Assistant Secretary for Indian Affairs if I am confirmed.

I know I would face a daunting task. The challenges facing Native American people are great. It would be my approach as I have

always felt within my heart, as well as my mind, and the study of law has taught me, is to recognize that Native American tribes are nations of people entitled to a government-to-government relationship with the United Stats.

And the United States carries a very solemn responsibility. We call it a trust responsibility to look after the political integrity and the welfare of the native nations, to safeguard their lands and resources, and to make their homelands productive.

And I know that this Committee is well aware of the challenging problems faced by Native Americans and Alaska Natives throughout this Country. The ones that I would mention very briefly would be economic development, education, and public safety in Indian communities.

As I say that, I remember the many times that I have been within Indian reservation communities. In my mind's eye, I can see the faces of people, people that I love and care for that suffer the effects of poverty and the social ills that flow from poverty.

My family has been blessed with education. I would see it as my responsibility to do everything that I can to see that every American Indian and Alaska Native youth receives an opportunity for a quality education and a good job and economic prosperity.

And I know full well, as a former prosecutor, of the terrible problems that exist when crime is high. It affects people's lives. We must do something about the violence that occurs in Indian Country, about the violence that occurs in the lives of Indian women, about the abuse and neglect suffered by Indian children, and substance abuse that robs the future promise of the next generation.

I know that this is a difficult job, Chairman Dorgan and Members of this Committee, but I pledge to you to work tirelessly and faithfully in executing my responsibilities, and working together with Members of this Committee to truly make a difference in the lives of people in need.

Thank you very much.

[The prepared statement and biographical information of Mr. Echo Hawk follow:]

PREPARED STATEMENT OF LARRY J. ECHO HAWK, NOMINEE TO BE ASSISTANT SECRETARY FOR INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Introduction

Chairman Dorgan, Vice-Chairman Barrasso and Members of the Committee, I am honored to appear before you today seeking your confirmation of my nomination by President Barack Obama to serve as the next Assistant Secretary of Indian Affairs.

I would like to introduce members of my immediate family who are present:

My wife: Terry.

Five of my six children: Jenny, Paul, Mark, Matt and Emily.

And three of my siblings: Mary Adamson, Lucille Echo Hawk, and John Echo Hawk.

I am proud to say that members of my family have been committed advocates for Native American people for many years.

I am a member of the Pawnee Nation of Oklahoma. The Pawnee people originally resided in what is now the state of Nebraska, but in 1874 they were removed from their homeland and placed on a reservation in the Oklahoma Indian Territory.

I have been blessed with a good education and a broad base of experience that I believe qualifies me to serve as the Assistant Secretary for Indian Affairs.

I was born in Cody, Wyoming while my father was working as a land surveyor in the oil and gas business. My family settled in Farmington, New Mexico and I

attended public schools there from first grade through high school. Thereafter, I attended Brigham Young University on a football scholarship.

The Special Scholarship Program in Law for American Indians made it possible for me to graduate from the University of Utah, College of Law, in 1973. For 14 years after graduating from law school I was engaged in the practice of Indian law.

I began by working for impoverished Indian people as a lawyer for California Indian Legal Services. I then returned to Salt Lake City, Utah and built a private law practice centered upon representation of American Indians. In 1977 I was selected by the Shoshone-Bannock Tribes to be their Chief General Legal Counsel. I served in that position for 8½ years.

As an Indian law practitioner I learned about the challenges facing Native American communities and the complex system of laws that affect the lives of people living on Indian reservations. While serving as the senior attorney for Idaho's largest Indian tribe, I was elected to the Idaho House of Representatives. As a member of the Idaho Legislature I seized the opportunity to address contentious and complex issues relating to criminal law enforcement, water rights, zoning and land use, natural resources, wildlife management, health and welfare services, education, taxation and tribal-state governmental relations.

Although my full-time work in Indian law ended in 1986 when I was appointed as the Prosecuting Attorney for Bannock County, Idaho, I continued to have some involvement with federal Indian law up to the present time. As a Prosecuting Attorney, I addressed civil and criminal jurisdictional issues involving tribal, state and federal authorities. As Attorney General of Idaho, my office was required to handle significant matters involving Indian religious freedom, water rights, criminal law enforcement, gaming, environmental regulation, tribal civil and criminal jurisdiction, and treaty hunting and fishing rights. And, for the past 14 years my teaching load as a Professor of Law has included courses on Federal Indian Law, and my scholarly research and writing has centered on Indian law topics.

This broad array of experiences has helped me develop the management skills, understanding of political processes, and knowledge of federal Indian law I will need to successfully address the broad scope of responsibilities of the Assistant Secretary for Indian Affairs.

When I was asked to accept the President's nomination to serve as Assistant Secretary of Indian Affairs, I quickly concluded that accepting was the right thing to do. If confirmed, I will have an opportunity to serve my country in providing a broad measure of services to many Indian communities.

Issues

If confirmed as Assistant Secretary of Indian Affairs, I will face a daunting task. The challenges facing American Indians and Alaska Natives are great. I highlight the following subjects as a few of the areas that will require special attention for the next Assistant Secretary for Indian Affairs:

Economic Development

Many Native American communities are among the poorest segments of the population in the United States. As an example, 8 out of 10 poorest counties in the United States are within Indian reservations.

The rate of unemployment of Native Americans is the highest of any ethnic group in America. People are alarmed when unemployment rates hover around 8% for the general population, but within some areas of Indian Country the rate of unemployment is nearly 80%.

The inclusion of Native Americans within the American Economic Recovery and Reinvestment Act is good news. It is vitally important that this economic stimulus be implemented quickly and effectively.

When Indians decide to develop their mineral and energy resources on trust lands the Federal Government must act responsibly as trustee, but it must avoid unnecessary delay in giving required authorization.

Gaming has brought much needed revenue to many of the 562 federally recognized tribes. Indian gaming has created approximately 670,000 jobs and provided $11 billion to federal and state governments. Tribal revenue from gaming has been an important source of funding for education, health care, law enforcement and other tribal services. If confirmed, I will follow the law established by the Indian Gaming Regulatory Act and implement its regulatory framework in a reasonable manner.

Education

American Indian and Alaska Native students score significantly lower than their peers in reading and math. Native youth also experience some of the highest high school dropout rates in the country.

The federally supported Indian education system has responsibility for educating 48,000 students at 183 schools. There must be an improvement in test scores and dropout rates within this educational system. Dilapidated school buildings must be repaired or replaced and housing for school teachers must be improved.

Sustained economic development and prosperity cannot be achieved without a well-educated workforce. Education must be improved at all levels, including higher education.

Criminal Law Enforcement

The rate of aggravated assault against American Indians and Alaska Natives is roughly twice that of the country as a whole. Violence against Indian women and abuse of Indian children continue to be major problems. Epidemic methamphetamine use is now occurring in many Indian communities.

More criminal law enforcement officers are needed. Tribal courts need adequate funding. Tribal judges, prosecutors and defenders need better training. Jurisdictional gaps in the system of criminal law enforcement within Indian Country needed to be fixed. United States Attorneys need to be more active in prosecuting crime within Indian Country.

If confirmed, I will use my extensive experience in criminal law enforcement to fight crime and increase public safety in Native American communities. This effort will include consultation with tribal leaders and coordination with state and federal law enforcement agencies. Additional resources must be made available for police officers, judges, prosecutors, defenders, probation officers, courts, detention facilities and training.

Trust Reform

The *Cobell* litigation has focused attention on the accountability for management of trust assets. The Department of the Interior must move forward in a responsible manner in the management of trust lands, resources, and other assets. Although I will not personally participate in the *Cobell* matter because members of my family have been involved in the case, I may participate in general policy matters, including trust reform, where it is appropriate and ethical to do so.

Tribal Recognition Process

The tribal recognition system is not working. The process of reviewing and acting upon applications for federal recognition is taking too much time. Applicants deserve a clear and timely procedure that will yield fair results.

Land-Into-Trust

The *Carcieri v. Kempthorne* decision by the United States Supreme Court appears to limit the Interior Secretary's authority under the 1934 Indian Reorganization Act to take lands into trust status on behalf of a Tribe that was not under federal jurisdiction when the Act was adopted. Many questions have arisen about the impact of this decision and about how to best resolve those questions.

Health

Forty-percent of health care needs of Native Americans are unmet. Many basic elements of good health care are lacking in Indian Country: doctors, nurses, mental health professionals, addiction counselors, and medical equipment and facilities. Native Americans suffer the highest rate of Type 2 diabetes in the world. Indian youth are twice as likely to commit suicide.

The Assistant Secretary of Indian Affairs does not have primary responsibility for addressing health care needs, but services provided by the Bureau of Indian Affairs and Bureau of Indian Education are indirectly connected to the provision of vital health care services. The Assistant Secretary of Indian Affairs must be mindful and supportive of the need to provide quality health care services.

Bureaucratic Inefficiency

The Bureau of Indian Affairs (BIA) and Bureau of Indian Education (BIE) provide services to 562 of Indian tribes. This includes the administration and management of 55.7 million acres of land held in trust by the United States for American Indians and Alaska Natives. In addition to the central offices of the BIA and BIE, there are 12 regional offices, and 85 agency and field offices.

The BIA and BIE have been criticized for not efficiently administering their responsibilities. Attention must be given to identifying areas of delay, mismanagement and neglect. Action must be taken to improve the administration of trust responsibilities. There must also be assurance that trust responsibilities are administered in accordance with high ethical standards.

Other Issues

Other issues include the need to attain water settlements, protection of Indian sacred sites and culture, and adequate housing.

Conclusion

If confirmed, I pledge to work cooperatively with the Senate Indian Affairs Committee in addressing important issues that affect the lives of American Indians and Alaska Natives. I will reach out to leaders of tribal governments and listen carefully to their concerns and recommendations. Furthermore, I pledge to work tirelessly and faithfully in executing my duties and responsibilities. I am confident that working together we can make significant progress in improving the quality of life for all Native Americans and honor the solemn commitments of the United States of America. I respectfully ask the members of the Senate Indian Affairs Committee to vote to confirm my nomination as Assistant Secretary of Indian Affairs.

A. BIOGRAPHICAL INFORMATION

1. **Name:** (Include any former names or nicknames used.)

   Larry Jack Echo Hawk

2. **Position to which nominated:**

   Assistant Secretary for Indian Affairs at the Department of the Interior

3. **Date of nomination:**

   April 20, 2009

4. **Address:** (List current place of residence and office addresses.)

   Residence: Orem, Utah
   Office: Brigham Young University
   J. Reuben Clark Law School
   530 JRCB
   Provo, Utah 84602-8000

5. **Date and place of birth:**

   August 2, 1948 at Cody, Wyoming

6. **Marital status:** (Include maiden name of wife or husband's name.)

   I married Teresa Joanne Pries on December 20, 1968.

7. **Names and ages of children:** (Include stepchildren and children from previous marriages.)

   Jennifer Lynn (born December 1, 1969), Paul Chilton (born February 12, 1971),

Mark Andrew (born January 20, 1972), Matthew Spencer (February 3, 1975), Emily Jane (born December 12, 1976) and Michael Thomas (born October 8, 1985).

8. **Education:** (List secondary and higher education institutions, dates attended, degree received, and date degree granted.)

Stanford University, Graduate School of Business
Palo Alto, California
Attended MBA Program from September 1974 to April 1975
Completed one year of two year program and left in good standing.

University of Utah, College of Law
Salt Lake City, Utah
Juris Doctor Degree, June 1973
Attended from September 1970 to June 1973

Catholic University
Washington, D.C.
Summer School
Attended from June to August 1971

University of New Mexico
Albuquerque, New Mexico
Summer Program in Law for American Indians
Attended from June to August 1970

Brigham Young University
Provo, Utah
B.S. Degree, May 1970
Attended from September 1966 to May 1970

Farmington High School
Farmington, New Mexico
Graduated in May 1966
Attended from September 1963 to May 1966

9. **Employment record:** (List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment, including any military service.)

J. Reuben Clark Law School, Brigham Young University, Provo, Utah
Professor of Law
- January 1995 to present

EchoHawk Law Offices, PLLC, Pocatello, Idaho
Shareholder, August 23, 2001 to June 1, 2005
Of Counsel, June 1, 2005 to December 31, 2008

Tsosie & Hatch , West Jordan, Utah
Of Counsel, January 2006 to December 2008

Office of the Attorney General of Idaho, Boise, Idaho
Attorney General of Idaho
- Elected to 4 year term, 1990-1994

Bannock County Prosecutor's Office, Pocatello, Idaho
Bannock County Prosecuting Attorney
- Appointed, July 1986
- Elected to 4 year term in November 1988
- Served from 1986 to 1990

Shoshone-Bannock Tribes, Fort Hall, Idaho
Chief General Counsel
- December 1977 to July 1986
Special Counsel
- December 1998 to present

EchoHawk, Thorne, Ross, Sloan & Kearl, Salt Lake City, Utah
Senior Attorney
- April 1975 to August 1980

California Indian Legal Services, Oakland, California
Staff Attorney
- September 1973 to March 1975

10. **Government experience:** (List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.)

United States Marine Corps, honorable discharge, July 1970
- Platoon Leaders Class, summer training, 1968 & 1970

Attorney General of Idaho, elected, 1990-1994

Bannock County Prosecuting Attorney, elected, 1986-1990

Idaho House of Representatives, District 27
- Member, elected, 1984-1986

- Joint Finance & Appropriations and Resources & Conservation Committees

Idaho House of Representatives, District 33
- Member, elected, 1982-1984
- Joint Finance & Appropriations, Judiciary & Rules, and Indian Affairs Committees

Coordinating Council on Juvenile Justice and Delinquency Prevention
- appointed by President Clinton, January 1999 to July 2000
- reappointed by President Clinton, July 2000 to February 2004

Chairman of Idaho Job Training Council, 1989-1990

Idaho Advisory Council on Vocational Education
- Member, 1989-1990

Vice-Chairman of the Idaho Commission for Children and Youth
- Member, 1989-1990

Governor's Commission on Alcohol and Drug Abuse, 1990

Appointed by Governor Cecil D. Andrus in 1988 to serve on the Idaho Commission for Children and Youth Ad Hoc Jail Reform Committee

Created Bannock County Multi-Disciplinary Team for Investigation and Prosecution of Child Abuse, 1986

Created Multi-Agency Drug Law Enforcement Task Force while serving as Bannock County Prosecuting Attorney, and served as Chairman, 1985-1986

Conference of Western Attorneys General
- National Advisory Board for Western Natural Resource Litigation Digest, 1985
  Quarterly publication on natural resource and environmental issues

Special Prosecutor for Navajo Nation
- Appointed, 1985
- Prosecuted Navajo Nation v. McCabe (criminal action against Chief Judge)

BLM Multiple Use Advisory Council
- Idaho Falls District Council (a region in eastern Idaho)
- Member, 1980-1981

11. **Business relationships:** (List all positions held as an officer, director, trustee, partner,

proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.)

J. Reuben Clark Law School's Board of Visitors
- Appointed 1988
- Executive Committee, 1989-1992

American Indian Services
National Advisory Board, member, 1978 to April 2009
National Advisory Board, Vice-President, 1997 to 1999
Board of Trustees, 1978 to 2003
- providing education scholarship and other assistance to native people in North and Central America

This Is The Place Foundation, Board of Trustees, 1997 to 1999

Land and Water Fund of the Rockies, Board of Directors, 1996 to 1998

Varsity Club, Brigham Young University, Board of Directors, 1996 to 2008

American Indian Center, National Advisory Board, Dallas, Texas, 1997 to 2001

Idaho Elder Care Coalition
- Board Member, 1994

Advisory Committee for Idaho Attorneys Against Hunger Project
- Board Member, 1994

Boy Scouts of America
- Ore-Ida Council, Boise, Idaho
- Executive Board Member, 1993-1995

Idaho Museum of Natural History Advisory Council
- Council member, 1983-1984

American Indian Community Resource Center
- Board Member, 1979-1980

Indian Alcoholism Counseling and Recovery House Program
- Board Member, 1975-1977
- Chairman of the Board, 1977

12. **Memberships:** (List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.)

Enrolled member of the Pawnee Nation of Oklahoma (since birth in August 1948)

STATE BAR ASSOCIATIONS:

Idaho State Bar - admitted on April 27, 1979
California State Bar - admitted on June 18, 1974
Utah State Bar - admitted on October 19, 1973

ADMITTED TO PRACTICE IN FOLLOWING COURTS:

Utah Supreme Court - 1973
U.S. District Court for Utah - 1973
California Supreme Court - 1974
U.S. District Court for Northern California - 1974
U.S. Court of Appeals for the Ninth Circuit - 1974
U.S. Court of Appeals for the Tenth Circuit - 1976
Uintah and Ouray Ute Tribal Court - 1976
Navajo Nation Court of Appeals - 1977
U.S. Supreme Court – 1977
Shoshone-Bannock Tribal Court - 1978
Idaho Supreme Court - 1979
U.S. District Court for Idaho - 1979

National District Attorneys Association
- Member, 1986-1990

Idaho Prosecuting Attorneys Association
- Member, 1986-1990

National Association of Attorneys General
- Member, 1991-1994
- Vice-President, 1994

Conference of Western Attorneys General
- Member, 1991-1994
- President-Elect, 1994

American Indian Bar Association
- Secretary/Treasurer, 1976-1977
- President, 1981

Mountain West Conference, Joint Council

- Faculty Athletics Representative for Brigham Young University, May 2004 to present

The Church of Jesus Christ of Latter-day Saints
Member, February 1962 to present

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

Democratic Nominee for Governor of Idaho, 1994

Attorney General of Idaho, elected, 1990-1994

Bannock County Prosecuting Attorney, elected, 1986-1990

Idaho House of Representatives, District 27
- Member, elected, 1984-1986
- Joint Finance & Appropriations and Resources & Conservation Committees

Idaho House of Representatives, District 33
- Member, elected, 1982-1984
- Joint Finance & Appropriations, Judiciary & Rules, and Indian Affairs Committees

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

Democratic National Committee
- Member (at-large), by appointment of chairman, 1994 to 1997

Democratic Policy Commission for National Democratic Committee
- Steering Committee member, 1985 appointment by DNC chairman

National Co-Chairman for "Native Americans for Clinton-Gore", 1992

Principal Speaker at Democratic Party National Convention
- New York City, New York, 1992

"American Indian and Alaska Native Leaders for Clinton-Gore '96", National Steering Committee member

Chairman for "Idahoans for Stallings"

- 1988 Re-election Campaign for U.S. Congressman Richard Stallings
- Idaho's Second Congressional District

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $500 or more for the past 10 years.

None.

14. **Honors and awards:** (List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.)

"Distinguished Alumnus Award," presented by University of Utah Alumni Association, February 19, 2003

"Professor of the Year Award," presented by students of the J. Reuben Clark Law School, Brigham Young University, March 15, 1997

"Distinguished Service Award," awarded by Student Bar Association of J. Reuben Clark Law School, March 27, 1996

NCAA Silver Anniversary Award recipient, for significant professional and civic contributions in the 25 years since completing intercollegiate athletic eligibility
- January 7, 1995
- first Brigham Young University graduate to receive this honor

"Children's Advocate of the Year," awarded by Children's Voices, Inc., for outstanding Service to child abuse victims, 1994

Martin Luther King, Jr. Medal, awarded by George Washington University, for outstanding service in human rights
- January 15, 1992

Brigham Young University Alumni Distinguished Service Award, recipient, 1992

American Indian Distinguished Achievement Award, presented by American Indian Resources Institute, 1992

Idaho Narcotic Officers Association, awarded Honorary Lifetime Membership for outstanding work in the field of drug law enforcement, 1992

Named as one of 20 "People to Watch in the West" by Newsweek magazine, September 30, 1991

Pictured on the cover of USA Weekend as one of the 20 "Most Promising People in Politics", June 28-30, 1991

Idaho State Bar "Outstanding Service Award"
- 1986 recipient

"Friend of Education Award" given by Phi Delta Kappa, Idaho State University Chapter for outstanding service and achievement, 1985

"Distinguished Citizen" recognition by the Idaho Statesman newspaper, 1984

Featured in Esquire magazine's December 1984 Register under Politics and Law category as one of 250 persons identified as "The Best of the New Generation: Men and Women Under 40 Who Are Changing America"

"Best Freshman Legislator" recognition by reporters covering Idaho Legislature, 1983 (published in several newspapers throughout the state of Idaho)

NCAA Football Scholarship, Brigham Young University, 1966-1970

All-Academic Football Team, Western Athletic Conference, 1969

15. **Published writings:** (List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.)

The White Man Turned a Tame, Beautiful Land into the Wild West, an article in the High Country News, March 9, 1992.

Stewards of a Sacred Place - For Native Americans, Spirit and the Land Are One, article in Focus (a magazine published by Boise State University), spring edition 1992.

Remembering the Seventh Generation, remarks by Attorney General Larry EchoHawk, Democratic National Convention 1992, Official Proceedings, p. 284.

On Being Wise Stewards of the Sacred Land, Clark Memorandum (a publication of the J. Reuben Clark Law School, Brigham Young University), spring edition, 1993.

Idaho May Be Ready For a Full-Scale ADR Program, The Advocate (the official publication of the Idaho Bar Association), August 1994.

Achieving and Preserving the Promise of America, BYU Devotional and Fireside Speeches, 1994-95.

Curing a Search Warrant That Fails to Particularly Describe the Place to be Searched, Idaho Law Review, 1998. This article was also reprinted in *The Search and Seizure Law Report*, in March 1999.

Factors Contributing to Juvenile Violence in Indian Communities, The BYU Journal of Public Law, 1998.

Is it Time for Idaho to Return Jurisdiction Over Indian Reservations?, The Advocate (official journal of the Idaho State Bar Association), December 1999.

Sagwitch, Shoshone Chieftain, Mormon Elder, 1822-1887, a book review published in the BYU Studies, fall edition, 2000.

Achieving Justice for Native Americans Will Require a Return to Our Point of Origin in Constitutional Law, a book review of "Tribes, Treaties and Constitutional Tribulations," authored by Vine Deloria, Jr. and David E. Wilkins, published in The Green Bag Law Journal, October 2000.

Idaho Indian Treaty Rights: Historical Roots and Modern Day Applications, The Advocate (official journal of the Idaho State Bar Association) October 2001.

"Mirroring Influences," in *Finding God at BYU*, eds. S. Kent Brown, Kaye T. Hanson, James R. Kearl (Brigham Young University, 2001).

Child Sexual Abuse in Indian Country: Is the Guardian Keeping in Mind the Seventh Generation?, New York University Journal of Legislation and Public Policy, 2001-2002.

What Indian Tribes Can Do To Combat Child Sexual Abuse, Tribal Law Journal, University of New Mexico, School of Law (2004)

Balancing State and Tribal Power to Tax in Indian Country, Idaho Law Review, Volume 40, 2004.

16. **Speeches:** Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of on topics relevant to the position for which you have been nominated.

I am attaching a written copy of a Devotional address I gave at Brigham Young University on August 7, 2007, entitled "An Unexpected Gift."

I also gave the lectures listed below, but I do not have written copies of these speeches as I generally do not speak from a written text.

"Breaking the Cycle of Violence for Future Generations," keynote speech at 2nd Annual Idaho State University Human Rights Celebration, held at Pocatello, Idaho on January 21, 2004

"Breaking the Cycle of Violence for Future Generations," guest lecture at George Warren Brown School of Social Work, co-sponsored by Kathryn M. Buder Center for American Indian Studies, at Washington University, St. Louis, Missouri, April 1, 2004

"Breaking the Cycle of Violence for Future Generations," a presentation at New Mexico Crime Victims Conference held in Albuquerque, New Mexico on May 6, 2004

"Advocacy in Action," keynote speech at New Mexico Crime Victims Conference held in Albuquerque, New Mexico on May 7, 2004

"Historic Repression of Native American Rights," presentation at 5th Annual Conference on Indian Families, held at San Diego, California on June 1, 2004

"State-Tribal Relations in the Modern Era," presentation at 5th Annual Conference on Indian Families, held at San Diego, California on June 1, 2004

"Coming Together for Future Generations," presentation sponsored by Utah Humanities Council at the John Wesley Powell Theater, Green River, Utah on June 10, 2004

"Indian Law: Tribal/Federal/State Relations: Recent Trends in Legislation and Litigation," panelist at Tenth Circuit Judicial Conference, held at Park City, Utah on July 21, 2004

"Conflicts Over Criminal Jurisdiction in Indian Country," a presentation at the National Conference of Chief Justices, held in Salt Lake City, Utah on July 26, 2004

"Painting the Colors of the Rainbow: Healing and Growth for Victims of Domestic Violence," keynote speech at 2004 Leadership Institute of Wisconsin Coalition Against Domestic Violence, held at Appleton, Wisconsin on August 5, 2004

"Preserving the Innocence of Children," keynote speech at 17th Annual Conference on Child Abuse and Family Violence, held at Weber State University on August 6, 2004

"Public Service and Government Practice," a presentation for the Professional Development Lecture Series, J. Reuben Clark Law School, Brigham Young University, August 24, 2004

"Tribal Sovereignty and Indian Policy: Yesterday, Today and Tomorrow," convocation speech at Utah State University, November 11, 2004

"Bridging the Gap Between Cultural, Racial, Ethnic, Religious and Gender Differences," keynote address at 10th Anniversary Celebration of the Thayne Center for Service & Learning, held at Salt Lake Community College on September 21, 2004

17. **Selection:**

(a) Do you know why you were selected for the position to which you have been nominated by the President?

I believe I was selected because of my experience as an attorney working in Indian law, because of my service in public office as a legislator, prosecuting attorney and attorney general, and because I have taught numerous courses on federal Indian law and tribal government. I have also had experience in managing a private law firm, a tribal attorneys' office, a state prosecutors' office and the office of the attorney general for the state of Idaho.

(b) What in your background or employment experience do you believe affirmatively qualifies you for this particular appointment?

As I stated in my answer to question 17 (a) above, the breadth of my experience as an attorney in public office, private practice, and academia qualifies me for this position. I have a record of executing faithfully the duties and responsibilities that are entrusted to me.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations, or business organizations if you are confirmed by the Senate?

   If I am confirmed, I will request a leave of absence from my position as Professor of Law at the J. Reuben Clark Law School, Brigham Young University. I have already terminated my service as Of Counsel to the EchoHawk Law Offices and the Tsosie & Hatch law firm effective December 31, 2008. I will also terminate my position as Special Counsel to the Shoshone-Bannock Tribes prior to taking office as the Assistant Secretary for Indian Affairs.

2. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, please explain.

   No.

3. Do you have any plans, commitments, or agreements after completing government service to resume employment, affiliation, or practice with your previous employer, business firm, association, or organization?

   If I am granted a leave of absence from my faculty position at Brigham Young University, I will resume my employment as a Law Professor at the J. Reuben Clark Law School after completing my service as the Assistant Secretary for Indian Affairs.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

   No.

   I will request of leave of absence from my position as a Professor of Law at the J. Reuben Clark Law School and I hope to return to teaching after my government service has been completed.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

   Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers.

   In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Interior's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

   In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Interior's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

3. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

   In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Interior's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

   I attended one meeting with officials of the Cedar Band of Paiute Indians in 2008 where they discussed the possibility of seeking federal legislation which would expand the boundaries of their lands. EchoHawk Law Offices continues to work on the matter, but I have had no involvement other than attending the one meeting.

   In 1999 I represented the Shoshone-Bannock Tribes in efforts to have the State of Idaho retrocede Public 280 jurisdiction back to the Shoshone-Bannock Tribes and the federal

government. In February of 2009 I participated in a conference call at the request of the Shoshone-Bannock Tribes because of my knowledge of their past efforts to obtain retrocession.

Through the EchoHawk Law Offices I had a minor role in representing tribal members who wanted to prevent their Skull Valley Goshute Tribe from locating a large repository for nuclear waste on their reservation.

Through the Tsosie & Hatch law firm I worked as a lobbyist for the Navajo Nation in their dealings with the State of Utah in 2006 and 2007.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

   In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Interior's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

   Yes.

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain.

   No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county, or municipal law, regulation, or ordinance, other than for a minor traffic offense? If so, please explain.

   Yes.

   In 1985, I was hunting waterfowl within the Fort Hall Indian Reservation pursuant to a tribally issued hunting license. My hunting partner and I both shot at a bird that we thought was a Canada goose. In fact it was a snow goose, which was not an authorized species to hunt. As inexperienced hunters we did not recognize that the bird was not a Canada goose. We did not know who actually shot the bird, but we were both willing to admit the violation of tribal hunting regulations and we paid the appropriate civil fine.

   When I was 17 years of age, I was on a picnic in Colorado with my family. After roasting hot dogs, I threw water into the fire-pit to extinguish the fire. We left the campground and were soon stopped by a ranger. He claimed that the fire was still "smoking." I thought I had put out the fire, but did not want to contest the matter because doing so would require me to travel back to Colorado for a hearing. I paid the fine.

3. Have you or any entity, partnership or other association, whether incorporated or unincorporated, of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? If so, please explain.

   As the elected Attorney General of Idaho and as one of the five statewide elected officials that served as members of the State Land Board (charged with the duty of managing state lands and regulating various natural resources within the boundaries of the state), I was a named party as plaintiff and defendant in various lawsuits. Published cases are listed below:

   1. Miller v. Idaho, 2000 U.S. App LEXIS 3619 (9th Cir. 2000) (affirming dismissal of prisoners' claim under 42 U.S.C. § 1983).

   2. Idaho v. Coeur D'Alene Tribe, 521 U.S. 261 (1997) (land title dispute).

3. Selkirk-Priest Basin Assoc., Inc. v. Idaho, 127 Idaho 239; 899 P.2d 949 (Sup. Ct. of Idaho 1995) (challenge to timber sale) .

4. Miller v. EchoHawk, 126 Idaho 47; 878 P.2d 746 (Sup. Ct. of Idaho 1994) (reapportionment case).

5. American Civil Liberties Union, Idaho Chapter v. EchoHawk, 124 Idaho 147; 857 P.2d 626 (Sup. Ct. of Idaho 1993) (challenge to titles on ballot initiative; court upheld the titles drafted by the Attorney General's office).

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain.

No. I paid civil fines in the two situations described in answer #2 above.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.

None.

E. **RELATIONSHIP WITH COMMITTEE**

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees?

Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures?

Yes.

3. Will you cooperate in providing the committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee?

Yes.

4. Please explain how if confirmed, you will review regulations issued by your department/agency, and work closely with Congress, to ensure that such regulations comply with the spirit of the laws passed by Congress.

I am an experienced state elected official, law enforcement officer and administrator. If confirmed, I will properly execute my duties relating to review of regulations issued by the Bureau of Indian Affairs. I will do my best to ensure that these regulations comply with the letter and spirit of the laws passed by Congress.

5. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes.

F. GENERAL QUALIFICATIONS AND VIEWS

1. How does your previous professional experiences and education qualify you for the position for which you have been nominated?

My college education in law and business management will help me serve well as the Assistant Secretary of Indian Affairs. This educational foundation has been enhanced by 35 years of relevant work experience in the areas of Federal Indian Law, law enforcement, inter-governmental relations, administrative law and constitutional law. Not only have I had extensive experience in state and tribal governmental affairs, I have had the experience of teaching a total of 23 courses pertaining to Federal Indian Law, Tribal Government, and Contemporary Indian Issues at Brigham Young University, the University of Utah and Idaho State University. These experiences have given me some exposure to nearly every kind of work I will have to perform as the Assistant Secretary. My professional and political experience has given me a well-rounded appreciation for the separate functions of legislative, executive and judicial processes.

2. Why do you wish to serve in the position for which you have been nominated?

I have had a diverse professional career as a legal services lawyer representing Indian people living in poverty; as a private practitioner serving Indian clients in a broad range of legal matters; as a tribal attorney for Idaho's largest Indian nation; as a criminal prosecuting attorney having jurisdictional-lines that reached into an Indian reservation; and as the first American Indian in U.S. history elected to serve as a state attorney general. I now enjoy a very good life as a law professor at one of the best law schools in the America. The deciding factor in agreeing to serve as the Assistant Secretary of Indian Affairs was a call to serve my country and the needs of a people I deeply care for. I have yearned to return to Indian Country and to use my education and experience to serve Indian people. I have been asked to serve in a position that would give me opportunity to serve many Indian tribes and people. I pray that I can measure up to the challenging task of being Assistant Secretary of Indian Affairs.

3. What goals have you established for your first two years in this position, if confirmed?

I believe that it would be premature to establish specific goals without taking time to understand the realities facing the Bureau of Indian Affairs and to consult and seek input from Indian tribes and the people I will serve, as well as others who are knowledgeable about the issues facing Indian country today.

The most pressing issues facing Indian country include poverty, lack of educational opportunity, and lack of public safety. I would seek to use whatever tools I have available to relieve the human pain and suffering that is now occurring in Indian country. If confirmed as Assistant Secretary for Indian Affairs, I would consult with tribal leaders

and determine how the Bureau of Indian Affairs and the Bureau of Indian Education can best support the role of tribal governments in addressing vexing problems that afflict the quality of life of Native Americans. As the Assistant Secretary for Indian Affairs, I would endeavor to be a leader who inspires federal employees with responsibility in Indian Affairs to be better public servants. I would like to restore the confidence of Native Americans that the Bureau of Indian Affairs will faithfully and effectively meet its trust responsibilities.

4. What skills do you believe you may be lacking which may be necessary to successfully carry out this position? What steps can be taken to obtain those skills?

   I do not believe I am lacking any skills to succeed in the job. My biggest challenge will be to quickly learn more about the internal operations of the federal bureaucracy I will need to work with. I will also need to become familiar with the many people who are involved in various capacities relating to the administration of Indian affairs.

5. Please discuss your philosophical views on the role of government. Include a discussion of when you believe the government should involve itself in the private sector, when society's problems should be left to the private sector, and what standards should be used to determine when a government program is no longer necessary.

   The essential role of government is to enable people to thrive by providing a secure legal and political framework within which society is able to accomplish things that cannot be accomplished by any individual or by the private sector acting alone. Particularly relevant to the area of Indian Affairs, it is only government that can live up to the promises made in treaties and in other government-to-government commitments. In the area of Indian affairs, it is vitally important to carefully consider the special trust responsibilities of the federal government to Indian tribes and to consult with tribal leaders before shifting government responsibilities.

6. Describe the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated.

   Over the past 232 years the United States of America has developed a body of law that governs its unique responsibilities in Indian affairs. This self-imposed framework of laws has established a unique relationship between the federal government and Indian nations. The United States has a trust responsibility to protect the lands, resources and political integrity of Indian nations. Hundreds of treaties, statutory laws, executive orders and court cases specify the scope of this special trust responsibility, and commit the federal government to provide various health, education, economic development, law enforcement and general welfare services. Although the trust responsibility is shared by the many departments and agencies of the federal government, the Bureau of Indian Affairs has traditionally been viewed as having a major mission of carrying out several of the special obligations and commitments of the United States.

As the Assistant Secretary of Indian Affairs I would uphold the special trust responsibility of the United States toward Indians and faithfully execute the commitments and regulatory authority contained in treaties, statutory laws, executive orders and judicial decisions that fall within the realm of responsibilities of the Office of the Assistant Secretary of Indian Affairs, the Bureau of Indian Affairs and the Bureau of Indian Education.

7. What do you believe to be the top three challenges facing the department/agency and why?

These comments are based upon my own personal assessment gathered through many years of experience. However, if confirmed, I plan to seek input from tribal leaders and other knowledgeable persons to further understand the challenges facing the Bureau of Indian Affairs and the Bureau of Indian Education.

Currently, I would list the following as the top three challenges:

(1) The structure of how the Department of the Interior carries out trust responsibilities must be carefully evaluated and potentially reformed.

(2) The effectiveness of criminal justice and law enforcement systems must be enhanced to assure that reservation communities are safe and that Indian families are not victimized by the vexing problems of substance abuse, illegal drug trafficking, gangs, domestic violence and other violent crime.

(3) Economic development and quality education are needed to bring jobs and prosperity to Indian country, where unemployment is outrageously high.

8. In reference to question number six, what factors in your opinion have kept the department/agency from achieving its missions over the past several years?

There has been a lack of close consultation and coordination with tribal government leaders.

There has been a lack of leadership that inspires a work force to give faithful and dedicated service within the Bureau of Indian Affairs and the Bureau of Indian Education.

There must be strong leadership from the President and cabinet officers that have responsibility over criminal justice, health, education, and economic development, coupled with thoughtful coordination of services to Indian communities.

Finally, I have previously made known my views that failure to resolve the *Cobell* case

has significantly affected the operations of trust services performed by the federal government on behalf of Indian tribes and individuals. In accordance with the ethics agreement that I have entered into with the Department's designated agency ethics official, I will be recused from involvement in the *Cobell* litigation.

9. Who are the stakeholders in the work of this department/agency?

Indian tribes and their members are stakeholders because they are the recipients of vital services that should be provided by the federal government pursuant to treaties, executive orders, statutory laws, regulations, and judicial decisions. The citizens of the United States are also stakeholders because promises were made to American Indians through treaties and agreements. In the words of Supreme Court Justice Hugo Black:

"Great nations, like great men, should keep their word."

10. What is the proper relationship between the position to which you have been nominated, and the stakeholders identified in question number nine?

The Assistant Secretary for Indian Affairs is a representative of the United States of America. The United States Supreme Court has ruled that a trust relationship exists between the federal government and Indian tribes and their members. Thus, the Assistant Secretary for Indian Affairs has a trust responsibility to protect the political integrity of Indian tribes, and trust lands and resources of Indian tribes and tribal members.

11. The Chief Financial Officers Act requires all government departments and agencies to develop sound financial management practices.

a) What do you believe are your responsibilities, if confirmed, to ensure that your department/agency has proper management and accounting controls?

I believe that as Assistant Secretary I must ensure that the agencies I manage have proper management and accounting controls in place. This is a critical requirement in order to execute the policies that we are committed to executing.

b) What experience do you have in managing a large organization?

I served as the elected Attorney General of Idaho. As Attorney General I managed the largest law office in the State of Idaho, including over 110 lawyers.

12. The Government Performance and Results Act requires all government departments and agencies to identify measurable performance goals and to report to Congress on their success in achieving these goals.

a) What benefits, if any, do you see in identifying performance goals and reporting on progress in achieving those goals?

Performance goals are important because "you will never get there if you don't know where you are going." Careful thought in setting goals and analysis of how one is progressing toward those goals will help an organization and individual employees effectively accomplish duties and responsibilities. The requirement to report progress motivates the management and the work force to succeed in accomplishing goals and meeting responsibilities.

b) What steps should Congress consider taking when a department/agency fails to achieve its performance goals? Should these steps include the elimination, privatization, downsizing, or consolidation of departments and/or programs?

If an agency is failing to meet its performance goals, Congress should work with the agency to identify the reasons for the failure and to develop approaches that will improve performance. If confirmed, I will work hard to achieve performance goals. I will also be committed to working with Congress to identify ways to improve the performance of the Bureau of Indian Affairs and the Bureau of Indian Education.

c) What performance goals do you believe should be applicable to your personal performance, if confirmed?

My major goal will be to ensure the success of the Bureau of Indian Affairs and the Bureau of Indian Education in achieving their missions. In addition, with respect to my personal performance, I am committed to ensuring that I carry out my duties consistent with the following principles of leadership:

- maintain regular communication and consultation with tribal leaders;
- forge close working relationships with Senators and Congressmen and their staff members;
- achieve close coordination with other departments and agencies responsible for serving Indian needs;
- conduct regular stewardship interviews with management personnel within the Bureau of Indian Affairs and the Bureau of Indian Education; and
- adhere to high ethical and professional standards at all times.

13. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory model do you follow? Have any employee complaints been brought against you?

No employee complaints have ever been brought against me. As a leader, my most

important goal is to place competent people in management positions. Once the right people are in place, it is important to delegate responsibilities and not to try to do everything yourself. Employees need to have clear goalposts; I make it a practice to set performance goals and chart progress through stewardship interviews. Finally, I believe in holding managers and employees accountable for their performance, and in giving credit and praise to those who perform well.

14. Describe your working relationship, if any, with the Congress. Does your professional experience include working with committees of Congress? If yes, please explain.

During my service as a Chief General Counsel for the Shoshone-Bannock Tribes and as the Attorney General of Idaho I worked with elected members of Congress and testified in congressional committee hearings.

15. Please explain what you believe to be the proper relationship between yourself, if confirmed, and the Inspector General of your department/agency.

The Inspector General of the Department of the Interior assures that there is no waste, fraud or abuse in the work of public offices. I welcome oversight by any official who would assist me in compliance with all applicable laws and standards governing my service as an official of the federal government.

16. In the areas under the department/agency's jurisdiction to which you have been nominated, what legislative action(s) should Congress consider as priorities? Please state your personal views.

Criminal law enforcement within Indian country must be improved. I believe that Congress should upgrade tribal justice systems by increasing funding for tribal court and detention facilities, judges, prosecutors, defenders and police. More criminal law enforcement authority should be given to tribal governments to allow them to protect their communities. Congress should also demand more accountability from federal law enforcement authorities that have jurisdiction over crimes committed in Indian country. Cooperation between federal, state and tribal criminal law enforcement authorities should be encouraged.

Native Americans have the lowest level of educational achievement of any racial or ethnic group in the United States. The federally supported Indian education system is responsible for 48,000 students, educated in the 183 schools, 59 of which are operated by the Bureau of Indian Education (BIE) and 124 of which are operated by Tribes and funded by the BIE. Many things need to be done to improve the education of American Indians, but one critical need that should be addressed by Congress is construction or remodeling of Indian school buildings. Of the 4,495 education buildings in the BIE inventory, the average building is 60 years old (compared to an average building age of 40 years for public schools serving the

general population). One-third of the BIE schools are in poor condition and in need of either replacement or extensive renovation.

The process of determining federal recognition of Indian tribes has been criticized by some Indian law practitioners and Congress should examine the process but proceed deliberately before making changes.

Finally, since you have asked for my personal views, Congress may need to assist in crafting a settlement in the *Cobell* case and make sure that operations of trust services performed by the federal government are reformed if necessary to ensure that the federal government meets its trust responsibilities. In accordance with the ethics agreement that I have entered into with the Department's designated agency ethics official, I am recused from involvement in the *Cobell* litigation.

17. Within your area of control, will you pledge to develop and implement a system that allocates discretionary spending in an open manner through a set of fair and objective established criteria? If yes, please explain what steps you intend to take and a time frame for their implementation. If not, please explain why.

I pledge to develop and implement a system that allocates discretionary spending in an open manner through a set of fair and objective criteria. I intend to do this within the directives established by the President of the United States and the Congress.

The CHAIRMAN. Mr. Echo Hawk, thank you very much.

Before we begin questioning, and I will call on Senator Barrasso for the first questions and I will defer to the end, Senator Udall has come late because of another engagement, and he is a personal friend of Mr. Echo Hawk, and asked consent to make a statement. So let me call on Senator Udall.

STATEMENT OF HON. TOM UDALL,
U.S. SENATOR FROM NEW MEXICO

Senator UDALL. Thank you very much, Chairman Dorgan.

I was in the Chair from one to three, and I asked my cousin Mark, who was behind me, to come 15 minutes early so I could make it to your Committee. So thank you very much.

Before I talk about why Larry Echo Hawk is so qualified for this position, I want to say a few quick words about how committed he is to this job.

Larry is a law professor and many of you know that is a pretty nice job. More importantly, as a former BYU quarterback, Larry was named to be a faculty member who oversees the BYU Athletics Department. So what I am saying is rather than spending his days being worshiped by law students, publishing groundbreaking articles, and watching college football games from the 50-yard line, Larry has chosen to serve his Country in the Interior Department. If that is not commitment, I don't know what is.

[Laughter.]

Senator UDALL. We are very lucky that Larry is so committed to this position because I can think of nobody who is better suited for it. Larry's resume speaks for itself, but Larry is more than a very accomplished lawyer and public servant. He is a deep and innovative thinker.

Larry grew up in Farmington, New Mexico, but I first got to know him when we were both elected State Attorneys General in 1990. And at the time, Larry was the first Native American to be elected to a statewide constitutional office anywhere in the United States.

And Larry's path-breaking did not stop there. Shortly after his election, he began to spread what at the time was a very new idea: conflicts with tribes should not be settled in court. Back then, State A.G.s were in court with tribes all the time. Nobody won those cases because the bad blood on both sides turned any outcome into a defeat. Larry was the first to say we can do better, and he was right. And I followed Larry's advice, and as a result New Mexico's relationship with our tribes was more productive for everybody involved.

At BIA, we need somebody who can work with tribal governments and tribal members with an attitude of respect, and we need somebody who combines a deep knowledge of Indian issues with the compassion that comes from common experience and common culture. We need a great mind connected to a great heart.

In short, we need Larry Echo Hawk and I hope the Members of this Committee will join me in supporting his nomination to this important post.

Good to see you here today, Larry, and I am happy to stay here for the questioning.

Thank you for your courtesies, Chairman Dorgan.

The CHAIRMAN. Senator Udall, thank you very much.

Senator Barrasso?

STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM WYOMING

Senator BARRASSO. Well, thank you very much, Mr. Chairman.

And congratulations, Mr. Echo Hawk. Congratulations to your wonderful family. It is so good to have your wife here, the children, your siblings, and thank you for taking the time earlier today to come and visit with me. After that visit and after hearing your incredible testimony, I think that clearly you are the person for the job.

I appreciate your willingness to take on these many challenges that face the next Assistant Secretary, because this is a job that is by no means one that is easy, and I think you recognize that completely. Whoever holds it will come to know the true meaning of the word challenge.

It is a very important job, and I think that you really can bring the intensity and the knowledge, as well as the commitment and the ability to do the job well.

Incredible responsibility. You are going to be managing 9,300 employees within the Department of Interior's Bureau of Indian Affairs. The position is responsible for an extensive portfolio of activities and programs. The keys are what you just mentioned: education, housing, law enforcement, land management, economic development. These areas form the essential components of any healthy community, including all of the communities on reservations.

One of your articles from a few years ago recognized the interrelationship of many of these components. You observed that without certain basic components, serious risk factors can develop and threaten the future of Indian communities. Those risk factors include poverty, unemployment, family stresses, violence, substance abuse, crime, things we talked about earlier today.

Those factors today are all far too prevalent in many Indian communities. I know you understand the situation. I know it from your testimony. I know it from your life history. I know it from our earlier visits. And you understand that these are not simply statistics. They are not academic concepts. These are the lives of people. And your voice actually slowed down as I think you could actually visualize and see people whose lives you now have been impacted as a result of all of these factors.

So the job that you have been nominated for to me is more challenging than it has ever been before and maybe more challenging than anything else you have ever undertaken before. Your background in prosecution, in law enforcement, in Indian policy are going to serve you very well in this position.

Your background will help you coordinate BIA law enforcement activities with other Federal agencies, as well as with State and tribal and local law enforcement.

On the Wind River Reservation in Wyoming, as in many Indian communities, we are seeing high amounts of crime. As a surgeon, I have seen it directly in patients that I have operated on and you have seen it in your past history. We have a police force that would struggle to meet the needs of a community even half its size. We talked about that earlier today.

Just this weekend, Fox News reported on law enforcement actions by the Navajo Nation. The efforts focus on stemming violence fueled by drugs, fueled by alcohol. These stories are prominent across the Country in Indian communities, and to you it is unacceptable and to all of us it is unacceptable. We need to do better.

Indian communities struggle to build the components of a healthy life, yet they can't depend on basic safety and basic security today. So I hope you will be able to address these needs aggressively, and not just in Wyoming, but nationwide.

There are also the problems that we have dealt with in this community of management. If confirmed by the Senate, I suggest that you thoroughly examine the agency under your command. I am sure that most BIA employees are diligent, hard-working, and dedicated to their jobs. I know that by and large BIA employees provide outstanding service to Indian people. But this Committee has received more than just a few complaints about inefficiencies and waste within the agency. So I hope that you make this efficiency and accountability issue within the BIA's integral parts.

And I will just submit a couple of things that we have talked about in writing so you can further explain it. There is one specific issue in Wyoming, and I brought it up in the Committee in the past, and it has to do with the Wind River Reservation and irrigation. You may be aware that improvements to the Wind River Reservation irrigation system have been ongoing for some time. Congress actually appropriated money for the project in 2006, 2007, with matching funds from the State of Wyoming.

Yet the progress on the repairs has been extremely slow. And it is not just in Wyoming. We have heard repeated stories of this around the Country. Always a lot of contributing factors, but the Bureau of Indian Affairs is one of those contributing to the delays.

So I have been asking the department to look into this matter since May of 2008, and we just got a response this week. I am told that these four projects are ready for implementation and if confirmed I would ask that you personally look in to this matter and ensure that the work will be undertaken promptly this year.

You are shaking your head yes, and I will take that as an affirmative.

[Laughter.]

Mr. ECHO HAWK. Senator Barrasso, thank you very much for bringing those matters to my attention. Since I have never worked within the Federal Government, I don't have first-hand knowledge about these sort of problems, but I have heard about those problems and I would simply commit and pledge to you and to the other Members of this Committee that I will do the very best that I can to be diligent in making sure that we do not have mismanagement and unnecessary delay in the important responsibilities that are assigned to us.

Senator BARRASSO. And another one of those is law enforcement. As we have discussed, we have only two officers on patrol in Wyoming on the Wind River Reservation patrolling about two million acres of territory. And that is not a unique situation.

So if confirmed, will you make adequate law enforcement staffing levels throughout Indian Country one of your high priorities?

Mr. ECHO HAWK. Senator Barrasso, this may be the area where I can offer the greatest assistance based upon my experience base in criminal law enforcement. I have a special interest, experience. I teach in that area. And from my prior comments, I think you know how strongly I feel about the impact of lack of law enforcement is having on the lives of people. And I would look forward to working with you and other Members of this Committee to seriously address the deficiencies that are occurring in our Native American communities when it comes to crime.

Senator BARRASSO. And finally, we have talked a little bit about economic development. And the Chairman may ask additional questions on energy development, because there is a wealth of energy resources on Indian land, but development appears not to be moving for a number of different reasons.

And if confirmed, are there things that you think you can do to help improve implementation of energy programs and address the barriers, things that are inhibiting the energy development on Indian lands?

Mr. ECHO HAWK. Senator Barrasso, I will pledge to you that I will do my best to make sure that the process moves forward in an appropriate and timely manner. I would recognize that the Department of Interior has responsibilities to meet since they are the trustee over lands and resources. There is an important function to perform, but it is intolerable to have unnecessary delay. When tribal leaders make decisions to use their resources to spark their economies, bring revenues and create jobs, then I think the Federal

Government has a responsibility to move forward responsibly, but quickly, to make those developments occur.

Senator BARRASSO. Thank you, Mr. Echo Hawk.

And thank you, Mr. Chairman.

The CHAIRMAN. Senator Tester?

STATEMENT OF HON. JON TESTER, U.S. SENATOR FROM MONTANA

Senator TESTER. Thank you, Mr. Chairman.

I want to welcome you, Larry. I appreciate the stop by my office you did the other day.

I also want to welcome your family. I know that you don't get to the position you are in without solid support from the people around you and I want to thank not only you, but your family for being here today and the support they have given you to get to this position.

I guess we will get to the most important thing first, and I visited with you a little bit about this in my office. But I think it is critically important that the person in this position get out to see as many areas of Indian Country as possible in the United States. I would be more than happy to help you in that regard with a visit to Montana. Would you be willing to come out and see us?

Mr. ECHO HAWK. Senator Tester, I would very much like to visit and learn more about your State and those Native American communities there.

Senator TESTER. I think your opening statement really described many, if not all, the issues that we face in Montana and for the most part throughout the Country.

On a couple of issues that are more local in nature, we have the Cobell suit and we have recognition of the Little Shell Tribe. In both of those issues, for reasons you don't have to go into, but you have chosen to recuse yourself, and I quite frankly appreciate that. But your staff or hopefully soon to be your staff has indicated they can't make a decision on either one of those until you are in charge, or somebody is in charge in that position.

How is it going to be handled? How is Cobell going to be handled if you recuse yourself and the staff says now we have to have this guy here, and the same thing with the Little Shell?

Mr. ECHO HAWK. Senator Tester, I have worked carefully and closely with ethics officers in the Department of Interior, and a recusal agreement has been drawn up and I have signed that, and I will honor the provisions of that recusal document, which means that there are certain cases and issues that I cannot personally be involved in.

But I commit to you and to the Members of this Committee that if confirmed I will make sure that there is a clearly identified person, in all likelihood the Principal Deputy in the Office of the Assistant Secretary for Indian Affairs, who will have responsibility to make decisions and move those issues forward.

Senator TESTER. Thank you for that. I can tell you that in both, in both, timeliness is an issue. And I will tell you especially in the Little Shell. They have been at it for 31 years. They need to get a decision and I appreciate the fact that you will be pushing that forward.

Budgets, have you had an opportunity to look at the budget at all? And if you have, what is your opinion of it? I am talking about your budget, not the overall budget, the budget for your department.

Mr. ECHO HAWK. Senator Tester, I have not had the opportunity to examine carefully the budget for the office, but I would commit to you, Senator Tester, and the other Members of this Committee that I will be an advocate for the needs of native communities in various things that we have talked about. I served during my time in the Idaho legislature on the Appropriations Committee. I know about the appropriations process. I don't know all of the details about the Federal process. I know that I can be a person that advocates and recommends certain funding levels for particular matters, but I know that I will not have the final say, but I commit to you that I will definitely identify what the needs are and push for proper funding.

Senator TESTER. Can you tell me very briefly, if you could, you are going to be pushing the budget out to probably Secretary Salazar, or whatever the chain of command is. Can you tell me what your priorities in that budget would be, just from your inner soul, what they would be? From what you know, what would they be?

Mr. ECHO HAWK. Senator Tester, I feel like I am just beginning to learn about the important responsibilities that I have to do, but I know what the key issues are within my heart and soul. And education of American Indian and Alaska Native youth are very, very important to me. Public safety in Indian communities are very important to me. Creating jobs are very important to me.

And so those will be some of the priorities that I push for if I am confirmed as Assistant Secretary. There will, of course, be other important things that affect the lives of and the economies, particularly in the west, like water settlements, but I just wanted to mention some of the things that I know immediately will be very important.

Senator TESTER. Okay. Well, just in closing real quick, I think you are a quality individual. I hope you are confirmed. I hope you are confirmed very, very soon, because I think this department needs a leader, and I think you fit those qualifications.

You told me when you were in my office that you weren't a bureaucrat, and I think that fits this job's needs very, very well. Thank you very much for being here.

The CHAIRMAN. Senator Tester, thank you very much.

Senator Crapo?

Senator CRAPO. I pass.

The CHAIRMAN. Senator McCain, do you have questions?

STATEMENT OF HON. JOHN MCCAIN,
U.S. SENATOR FROM ARIZONA

Senator MCCAIN. Welcome and thank you for all the hard work you have done for many years on behalf of Native Americans. It has been a great pleasure to have had the opportunity to work with you on various issues.

One of the issues that you worked with us on is the issue of Indian gaming. It is a tough issue. It is very controversial throughout

the Country. It is one that has plagued us ever since we enacted the Indian Gaming Act a long time ago.

So I have several questions for you on this issue. Do you believe that IGRA, the Indian Gaming Regulatory Commission, has sufficient authority to do its job?

Mr. ECHO HAWK. Senator McCain, in the process of teaching Federal Indian law, one of the chapters that we cover is on Indian gaming. I feel fairly comfortable that I know the very basics of what that law, regulatory system is. When the United States Supreme Court back in the mid-1980s decided the Cabazon case that opened up this area to Indian tribes, and of course to Congress very soon after, I believe it was in 1988, passed the statutory law.

I welcomed that. I thought that the Congress got it about right in a very difficult situation. That, of course, has jumped forward far from that point. I do not feel like I know presently all of the details about how Indian gaming operates. I understand I will have some responsibilities in that area, but I look forward to working with you and other concerned Senators to get up to speed, to learn what I have to, and make sure that it is properly regulated.

Senator MCCAIN. I have to say with respect that is not a very good answer, sir. You should know that this is a huge issue. You have been involved in Native American issues for many, many years. That is why you are being nominated for this position.

Now, there was a decision concerning the Colorado River Indian tribes which basically dramatically reduced the authority of the Indian Regulatory Gaming Commission. That is why I asked you this question. I will expect some answers before I vote for your confirmation.

I have to deal with this issue regularly, regularly, as we see for example Native American tribes going into an area that is off-reservation and purchase that land in order to use it for purposes of Indian gaming. This happens all the time. It happens in Arizona. It happens all over the Country.

Now, I am sure you must be aware of that situation. Are you?

Mr. ECHO HAWK. Senator McCain, the particular situation that you mention, I am not aware of.

Senator MCCAIN. You are not familiar that this is going on in America?

Mr. ECHO HAWK. I am of course aware of Indian gaming laws, as I said in my initial response. It is a part of what I teach, but it is something that we cover in one day. I am not a gaming attorney. I have not been able to penetrate all of the details of Indian gaming law.

I have had some experience when I served as Attorney General as the Indian Gaming Regulatory Act was just starting to get going. And frankly, found myself in a very difficult situation as a State Attorney General in representing the State and being on the other side of the table from American Indian tribes in my own State.

So I know the contentious nature of it, of the issue. And I executed my duty as the State Attorney General. It was very difficult for me personally, but I did my duty.

Senator MCCAIN. Well, I say again with respect, sir, teaching Indian law certainly makes one aware that the Cabazon decision was

one of the landmark decisions regarding Indian Country in a long time. The repercussions of that was the Indian Gaming Act, IGRA, the appointment of the Indian Gaming Regulatory Commission. The Colorado River decision, all of those are Indian law, which I take it that you taught. These have had a huge impact on revenues to tribes, revenue-sharing agreements between Governors.

So it is going to be a very important issue for you to address. And frankly, your answer to me that you know about these things is not sufficient and I hope that you will certainly go back and look at the Indian law that has been effected and its effect on Indian gaming, and come back and give me some answers, because that issue will be before this Committee. It will be before the Congress of the United States, so it is very important to me. So I hope you will take that seriously.

And along with that question that I have for you, do you believe that Class III Indian gaming should be, that there is a need to better regulate Class III Indian gaming?

I guess I would be very interested in your views about Indian Health Service achieving much more ability to self-govern. The Chairman and I and others have tried to get through legislation to give the tribes much more authority over their own health services. Do you have a view on that issue?

Mr. ECHO HAWK. Senator McCain, of course, I feel like there are great needs in the area of Indian health care. And I certainly respect the sovereign authority of Indian tribes. I do not consider myself to be an expert in the management and delivery of health services.

I know that that primary responsibility is in the Indian Health Service. We would be indirectly involved, both in the Bureau of Indian Affairs and Bureau of Indian Education, but the bottom line for me would be that the important thing is to improve health care in Indian communities. And if there is a better way of accomplishing that, I would be all for that.

I am not immersed in the issue well enough to be able to say what that pathway is. I have an open mind. I don't think it is going to be my decision about that, but perhaps I would be involved in some discussions in that direction.

Senator MCCAIN. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Udall?

Senator UDALL. Thank you, Chairman Dorgan.

General Echo Hawk, as you are no doubt aware, Secretary Salazar has recently created a Youth Office in the Department of Interior, and I applaud that effort. His goal is to have a large number of youth serving on public lands. Representative Grijalva of Arizona has introduced H.R. 1612 in the House to help accomplish that goal by enrolling youth in service and youth in service in conservation corps so that programs can help young people benefit from that experience.

And I want to work with you to make sure that Native American youth benefit from these initiatives. So what I propose is that Native American young people work on native lands on projects that their tribes and communities determine to be important and set as

their priorities. This is native communities, native youth setting priorities on their land.

And we have put in a proposal. We are working with Representative Grijalva on that, and I am wondering will you and the Secretary work with me to ensure that Native Americans have opportunities to work and serve in their own tribes and communities on their prioritized projects, as well as to work on public lands and the Federal agencies?

Mr. ECHO HAWK. Senator Udall, I commend you for your interest and efforts in that regard. I have just heard bits and pieces about these plans. I would commit to you to work with you and learn more about that and hopefully be as supportive as I can for the efforts. But I am not familiar with the details of those efforts at this time.

Senator UDALL. Thank you, General Echo Hawk.

When Senator Tester asked you the question, what are the priorities, one of those you mentioned was education. And the Bureau of Indian Affairs, as you are no doubt aware, runs one of the biggest school systems in the Country. I believe 50,000 students. So you have the opportunity in your position to impact education in a dramatic way for native youngsters.

And I hope that one of your top priorities is focusing on how that education is delivered in Indian Country because we have 22 tribes in New Mexico. We have many of these BIA schools. I frequently run into parents, to those that are involved with the schools. And they say the reform we are seeing across the education system needs to also happen at BIA.

And I think there is a real opportunity for you to participate in that. And this 50,000-person school system is there. It is operating. It has the ability to deliver quality education for these young people and to do better and better every day.

I think one of the things we are trying to now do with education is build in the idea that we are going to improve every day. That we are going to use a model that says that all of the folks that are involved with education, be it a teacher or a principal or an administrator, any type of school employee, that we get up and we do a better job for our kids every day.

So I am really not asking in a way for an answer here, but I think that that is just so important and it could set an example across Indian Country I think of where we need to go on the education front.

One other question that I would like to throw at you is, as you know, there is a huge backlog on construction throughout the Department of Interior on tribal programs. Whether it is in school construction or road construction or some of the other areas, I think the backlogs are so big. We are talking billions of dollars of backlog at the Department of Interior in these areas.

One of the things that we could do that would really, I think, make a difference is come up with a plan to wipe out those backlogs. We are not going to be able to do it in a year or two years. I am reminded of what Secretary Babbitt did when he traveled across the Country and learned about the backlogs, and I think he came up with a four-year plan. He laid it out in that four-year plan. He said we are going to wipe out these backlogs. We are

going to get up to date, and we are going to commit ourselves to that.

So I hope that one of the things you do when you get in there is take stock of where you are, because I think you are going to run into many folks coming to you and saying, we have a problem here, a problem there. And you analyze all these and realize that there are these big backlogs out there. And there needs to be from your level and the Secretary's level and the presidential level of saying, as we have heard before in this Committee, and I think the Chairman has called several hearings to highlight this, we almost need a Marshall Plan for dealing with these issues in Indian Country.

So it is kind of a big amorphous question, but anyway go ahead please.

Mr. ECHO HAWK. Senator Udall, thank you for pointing this out and I appreciate your concern. I have heard something about this, but of course having not worked in the department previously, I am not fully aware of this. But I would pledge to you that I will find out and see what I can do to make sure that we address any backlog problems.

Senator UDALL. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Udall, thank you very much.

Mr. Echo Hawk, let me make a couple of comments, and then you may respond if you wish.

The priorities are quite clear. Law enforcement, we have talked about that. I think you are going to bring a lot to this job as we work to try to deal with law enforcement. Your background brings an enormous amount, perhaps more than any we have ever seen of someone who comes into this job on the law enforcement side. So I appreciate that.

Health care, that is Indian Health Service, but you will have some coordination there. Education, housing, all of those are very important, and then the issue, as you described, economic development, trying to find ways to provide jobs because there is no social program as important as a good job that pays well. That makes almost everything else possible in terms of caring for your family and meeting the daily needs and so on.

So I think that you will bring a lot to this. It is understandable that when you show up at this table, not having sat in the Interior Department as Assistant Secretary for Indian Affairs, that you don't know all of the nuances of all of the issues, but you will, and that will your responsibility.

I want to talk to you just for a moment about the issue of gaming, because you can tell the former Chairman of this Committee, Senator McCain, feels very strongly, as do others. The Cabazon decision opened up opportunities for Indian gaming. My guess is that most tribes, having the opportunity to provide gaming and provide revenue for their tribal members from gaming, would very much like to put a casino in downtown Manhattan, somewhere near Times Square, right? If they had the opportunity? You want to do gaming where there is a stream of people with some income that is going to maximize the potential of gaming.

But I don't look favorably on what is called off-reservation gaming, where tribes generally shop for somewhere closer to a metropolitan area to put a casino in. I personally am not very accommodating to that. Off-reservation gaming, if given a green light, every tribe in the Country would love to do that, find a place near a big city and put the casino up.

So Senator McCain's concern about those things matches concerns of others of us as well with respect to the issue of land into trust for gaming purposes, et cetera. This is about a $26 billion industry and growing, Indian gaming. It is very important for the capability to continue that that there be effective regulation.

We have a lot of history with respect to regulatory difficulties with gaming. I am not talking about on Indian reservations. I am just talking about the areas and spots in this Country where for decades there have been gaming interests that wish to find ways to engage themselves in gaming in a rather untoward way.

So there are issues that relate to the National Indian Gaming Commission. It relates to IGRA the underlying law. It relates to the Colorado River decision in which they said the National Indian Gaming Commission cannot take a look at and regulate Class III gaming. And that being the case, there are some circumstances in this Country where the only regulatory authority that exists of any means is the tribal authority itself because there are some States who, although they claim because of their compact, have regulatory capability, probably have a part-time person or one or one and a half part-time people. That is not effective regulation.

So the National Indian Gaming Commission raises important questions, and we have had many hearings on them when Senator McCain was Chairman. And but for time issues, we would have had hearings on them in the last Congress, but I decided to try to use all of our resources to get an Indian Health Care Improvement Act out of the United States Senate. We did for the first time in 17 years in the United States Senate get a bill out of here, and regrettably one of our colleagues stuck an abortion amendment on it, which meant that it was killed in the U.S. House.

But the only point of my saying this to you is the points that Senator McCain raised are not irrelevant points at all, and not just harbored by himself. I mean, there are issues here with respect to Indian gaming that this Committee will explore and we will need to explore it with your capability of studying it, understanding it, and giving us some guidance, and working with us and the National Indian Gaming Commission.

And so I just wanted to make that point because the former Chairman I know feels strongly about it, but he is not alone. There are many of us. We very much want Indian gaming to be successful, and it certainly is. It has increased the revenue. Increased opportunities for many Indian tribes to provide a stream of income for their members, and that is important.

But like every other area of endeavor, there needs to be effective regulatory capability. Some tribes have extraordinary regulatory regimes, and I am enormously impressed. Some not quite so impressive. And some States have really good regulatory capabilities and hire a lot of people to do it. Some States not so much. So this Committee will always continue to be interested in that.

But having said that, you will likely get questions from Senator McCain and I am going to send you some additional questions as well. You will want to answer those questions as quickly as you can. And we don't expect you to know all of the nuances of all of these issues because they have been around for a long time. But my hope is you will answer those questions as completely as you can, get them back to us as quickly as you can, and it is my intention to try very hard to move this nomination with speed.

I would like very much for this Committee to approve your nomination at our business meeting next Thursday. My hope would be that very shortly thereafter, perhaps by the end of next week following this Committee action, that we could get unanimous consent for your nomination through the United States Senate.

Again, with four of the last eight years having no one running the BIA who has been appointed or nominated by a president and confirmed by a Congress, I think it is disgraceful, four of eight years. I mean, we have 500 Indian tribes in this Country and we have made all kinds of commitments and promises and agreements and have all these trust responsibilities, and the fact is nobody seems to care very much whether any of them are kept.

We need a BIA that works. We need someone that is there to run it, that we can be proud of their work. And I think you are the person, Mr. Echo Hawk. I have that kind of confidence. I know my colleague from New Mexico and colleagues from Idaho and Utah and Wyoming and others do as well.

So I look forward to working with you, and I believe that you will be confirmed and I intend to work with all of my colleagues to try to make that happen as soon as possible.

Let me ask if you have any concluding statements.

Mr. ECHO HAWK. Mr. Chairman, I just appreciate the opportunity to appear before this Committee, and would hope that I would be confirmed soon to take on these important responsibilities. Thank you.

The CHAIRMAN. And finally, let me say thanks for bringing your family. I suspect they are justifiably proud of their husband and father and sibling, and all of us wish you well.

This hearing is adjourned.

[Whereupon, at 3:20 p.m., the Committee was adjourned.]

APPENDIX

An Unexpected Gift

LARRY ECHOHAWK

Echo Hawk: that is the English translation of the name given to my great-grandfather, a Pawnee Indian who did not speak English. He was born in the mid-1800s in what is now called Nebraska. Among the Pawnee, the hawk is a symbol of a warrior. My great-grandfather was known for his bravery, but he was also known as a quiet man who did not speak of his own deeds. As members of his tribe spoke of his good deeds, it was like an "echo" from one side of the village to the other. Thus he was named Echo Hawk.

According to accounts of the first white men who encountered the Pawnee people, the Pawnee were estimated to number about 20,000. Under the laws of the United States they had the right to occupy 23 million acres of land on the plains of Nebraska. When my great-grandfather was 19 years of age, the Pawnee people were forced to give up their homeland along the Platte River to make way for white settlers. In the winter of 1874 the Pawnee people were marched several hundred miles to a small reservation located near the Cimarron River in the Oklahoma Indian Territory.

Like so many other tribes before them, the Pawnee had their own Trail of Tears. Tears on that trail from the Platte to the Cimarron were shed for loss of a homeland, loss of the great buffalo herds slaughtered for their tongues and hides, and loss of a way of life. After arriving at that small Oklahoma reservation, the Pawnee people did not number 20,000. They did not number 5,000. Not even 1,000. Less than 700 Pawnee people survived.

That is a painful history. But the pain was not limited to one generation. In his childhood my father was taken from his parents by the federal government and sent to a boarding school far distant from his home. There he was physically beaten if he spoke the Pawnee language or in any way practiced his native culture or religion. In my generation my oldest sister was sent home from a public school because her skin was the wrong color. I remember sitting in a public school classroom and hearing the teacher describe Indians as "savage, bloodthirsty, heathen renegades." And, as I look back through past years, perhaps the most painful thought is the realization that in my childhood my family had no expectation of achieving a higher education and becoming doctors, lawyers, or engineers. A college education seemed beyond our reach.

Larry EchoHawk was a professor of law at Brigham Young University when this devotional address was given on 7 August 2007.

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But out of that pain was born promise. Of the six children born to my parents, all six of us went to college. Four of us graduated from Brigham Young University. Three of us became lawyers. We have received the best this country has to offer—the full promise of America.

The most vivid realization of that promise for me came in 1990. That year I ran for the office of attorney general of Idaho. I knew I faced a daunting task because there had not been a member of my political party elected as attorney general in 20 years. There had not been a person from my county elected to any statewide office in 38 years. And, in all the history of the United States, there had never been an American Indian elected to any statewide, state constitutional office (such as governor, lieutenant governor, secretary of state, or attorney general).

Furthermore, right after I filed my declaration of candidacy with the secretary of state, a political writer for the largest newspaper in the state wrote an article saying I had no chance to win the race for attorney general. He said: "Larry EchoHawk starts with three strikes against him: he is a Mormon, Indian, Democrat." In response to this challenge, I just went out and worked as hard as I could on that campaign.

On election night I was at a hotel where voting results were being reported. Late that night I received a call from my opponent conceding the election. I remember hanging up the phone and thinking about what I should say to a large group of news reporters who were waiting for me to comment on that historic election. After a few moments of reflection, I walked out to meet the news media and made a statement. I did not have a written speech. I did not need one. I simply spoke from my heart, repeating words I had heard when I was 15 years old. They were spoken by a black civil rights leader on the steps of the Lincoln Memorial:

I . . . have a dream. It is a dream deeply rooted in the American dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident, that all men are created equal." . . .

I have a dream that my . . . children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character. [Martin Luther King, Jr., "I Have a Dream," speech at the Lincoln Memorial, Washington, D.C., 28 August 1963]

That night I felt the power of those words and the realization of that dream. I felt the full promise of America.

For me life began to change at the age of 14, when two missionaries from The Church of Jesus Christ of Latter-day Saints, Lee Pearson and Boyd Camphuysen, came into my home and presented the missionary lessons. Up until that time I knew very little about Christian religion and had seldom attended any church. When the time came for the missionaries to challenge our family to be baptized, they first challenged my dad, then my mother, and then the children, starting from the oldest child and descending to the youngest. By the time they got to me, the second youngest in the family, everyone else had said yes. When they asked me, I remember looking at my dad. He had this stern look on his face, and I knew what my answer should be.

I was baptized, but I did not have a testimony of the truthfulness of the Restoration of the gospel of Jesus Christ through the Prophet Joseph Smith. I was, however, glad that my family had been baptized. Prior to joining the Church I had doubts about whether my family would stay together because my father had a drinking problem, and this had led to problems within our home. After we were baptized, my father quit drinking and family life was much better. However, I continued to live much the same as I had before I was baptized.

Fortunately my parents made me go to church every Sunday, and I had the benefit of listening to Sunday school teachers, priesthood leaders, and sacrament meeting speakers. I paid attention, but church attendance was not influencing my life.

Things began to change between my junior and senior years of high school when Richard Boren became my priests quorum advisor. I felt like he took a special interest in me. He was a successful lawyer, and I admired him very much. He told me repeatedly, "You can do anything you want. You can go to college, get a good education, and do wonderful things with your life." He pulled me aside and said, "If you really want to do well in sports, you have to work at it. You have to set goals and develop yourself."

At this point I was not a particularly good football player. Although I wasn't a bad athlete, I wasn't anything special. With Brother Boren's encouragement and guidance, I set my goal to become a good football player. We set up a program of weight lifting, running, and skills development.

I was small in size. To become a good football player I had to gain weight. Weight lifting would help, but I had to do more. I began mixing up a special weight-gaining formula to drink. It consisted of raw eggs, powdered milk, peanut butter, and other fattening things. I always put a little vanilla in it to make it taste better. It still tasted awful.

In one year I gained 20 pounds. When I showed up for football practice at the beginning of my senior year of high school, my football coaches could hardly believe their eyes. I thought I was going to be a defensive back, but when practices started, the coaches had me listed as a quarterback. This was disappointing because the captain of the football team was the starting quarterback. I feared that I would again be on the bench. But I was prepared to compete, and I gave it everything I had on the practice field. After a few days of practice, I came into the locker room and saw my name listed as the first-team quarterback. I had beaten out the captain of the football team!

A life-changing moment occurred during two-a-day practices before the first game of the season. Between practice sessions I was playing with my brother and two friends. Someone threw a ball. I turned around at the wrong time, and the ball hit me squarely in the eye. It was a serious and painful injury. I was taken to the emergency room at the hospital. My eye was swollen shut. I couldn't see a thing out of that injured eye. The doctor told me and my parents that it was too early to tell, but I might lose the sight in that eye. He bandaged both eyes and sent me home.

I had to lie in bed for a week. You can imagine how devastating this injury was to me because I had worked so hard and the first game of the season was just a week away. I kept saying to myself, "How could this happen? Why me? How unfair."

But this was a turning point in my life because, as I lay there in bed, for the first time I started to seriously think about the other things Brother Boren had talked about. He had talked about the gospel of Jesus Christ, the teachings of the Book of Mormon, and the power of prayer.

I remember slipping out of bed to my knees. It was the first time in my life that I had ever prayed intently. There I was, with bandages on my eyes, alone in my bedroom, praying for help. I remember saying, "Heavenly Father, please, if you are there, listen to my prayer and help me not lose the sight in my eye." I said, "I promise, if I can just keep the vision in my eye, I will read the Book of Mormon as Brother Boren has challenged me to do."

When the bandages came off, at first I could not see out of the injured eye. But gradually, day by day, my sight came back to near-perfect vision within a week.

My Farmington High School football team had played their first game, and the season

was underway. Soon the doctor cleared me to practice with the team. I was able to travel with the team to the next game in Grand Junction, Colorado, but I didn't think I was going to play in the game.

That night our team fell behind by two touchdowns in the first half. Just before halftime my coach approached me and asked me if I wanted to play. I said yes. During halftime in the locker room the coach came to me and said my doctor and parents had cleared me to play. He said to be ready because I might get a chance to play in the second half of the game. Our team did not play well at the start of the second half. Finally the coach came to me and said, "The next time we get the ball, you are going in to play quarterback." I remember being on the sideline and kneeling on one knee, like football players sometimes do to rest and watch the game. I just dropped my head and said a prayer. I whispered that prayer "with real intent" (Moroni 10:4) because I was about to face my biggest challenge on an athletic field. This would be my chance.

The coach called me over, told me the first play to run, and sent me into the game. The play was a bootleg, pass-run option. I was supposed to fake a handoff to the halfback, hide the football on my hip, and roll out around the end. If the field was clear, I was supposed to run with the ball. If the field was not clear, I was supposed to try to throw the football to a receiver. I took the snap, faked the handoff, and rolled out around the end. I could tell after just a few strides that I wouldn't be able to run the ball for a gain. The other team had the play well-defended. A defensive end was rapidly pursuing me and was about to tackle me for a loss. At the last second I saw one of my teammates downfield. I planted my foot, and—this is where the weight lifting paid off—I threw the football as far as I could. As soon as I turned the ball loose, I was clobbered. I was on my back when I heard a loud roar in the stadium. I remember thinking, "I don't know whether they are cheering for my side or the other side." I jumped up and looked downfield. I saw my teammate with the ball 68 yards down the field in the end zone. It was a touchdown! That was the greatest moment of my teenage life. To me, it was an answer to my prayer.

I played the rest of the game. I passed for another touchdown and ran for two more. That night my team, the Farmington Scorpions, came from behind to beat the Grand Junction Tigers. The next day my name was in the headlines of our local newspaper.

I had another eventful football game that year in Albuquerque. We played the state championship team harder than they had been played in any other game that year. After the game ended, one of the football coaches from the University of New Mexico came into our dressing room. He introduced himself to me and said, "We like what we saw tonight." He shook my hand and told me that he would be watching me the rest of the year.

When I recovered my sight after the accident, I had immediately started reading the Book of Mormon. I had not been a good student through junior high and high school. I struggled because my mind was not focused on school. I loved sports but not academics. The Book of Mormon would be the first large book that I had ever read from cover to cover.

As Brother Boren had suggested, I planned to read 10 pages every night. I never missed a nightly reading. When I finished the entire book, I knelt down and prayed. At that moment I had my first very strong spiritual experience. I knew then the Book of Mormon was true. I had received my most important answer to prayer. Up until that moment I had not realized that Heavenly Father had been watching over me and giving me answers to all my prayers for healing and for a witness of truth.

It seemed to me that the Book of Mormon was about my Pawnee Indian ancestors. The Book of Mormon talks about the Lamanites,

a people who would be scattered, smitten, and nearly destroyed. But in the end they would be blessed if they followed the Savior. That is exactly what I saw in my own family's history. When I read the Book of Mormon, it gave me very positive feelings about who I am, knowledge that Heavenly Father had something for me to accomplish in life, and instruction in how I could be an instrument in His hands in serving the needs of other people.

After I had finished reading the Book of Mormon and football season had ended, I was sitting in a class one day when a student messenger passed me a note. It said I was to go see the football coach. I went down to his office. The door was closed. I knocked, and he said to come in. I opened the door and looked across the room. The head football coach of the University of New Mexico was sitting there. I remember that moment vividly because as soon as I saw him I knew I was going to college.

Brigham Young University also recruited me, but I wasn't sure if BYU would offer me a scholarship. I remember the meeting with Tommy Hudspeth, the head football coach. He asked me if I had any other scholarship offers. I said, "Yes, I have a full-ride scholarship to the University of New Mexico." I happened to have the scholarship offer from New Mexico in the notebook I was carrying. I handed him the letter, and he read it. He folded it up, handed it back, and said, "You have a full scholarship at BYU if you want it." My hard work, encouraged by Brother Boren, had paid off, opening a door to a college education. But, more important, a seemingly freak accident had opened a spiritual door through which celestial blessings have continued to pour on me and my family. Reading the Book of Mormon and receiving a testimony of it gave me an unexpected but welcome gift in my life.

Being a student-athlete at BYU for four years was a remarkable spiritual experience for me. I associated with many great men and women and learned important lessons in life under their tutelage. I became a product of the BYU experience. My testimony of the gospel of Jesus Christ grew, and I solidified my vision of what I should do with my life.

There was a companion spiritual influence in my youth: Spencer W. Kimball. He was one of my greatest mentors. At church in New Mexico, people talked about the apostle who had a great love for Indian people. The name of Spencer W. Kimball was revered. Prior to coming to BYU I met him at an Indian youth conference in Kirtland, New Mexico, a largely LDS community about 10 miles outside of Farmington. I remember standing out on a softball field with several other Indian youths, waiting for this apostle to come. There was a lot of anticipation. A car pulled up. Men in dark suits got out and started walking across the field toward all these young Indians waiting for the apostle. As the men approached, I stood there thinking, "Which one is he?" Finally he stepped forward. He started talking to us in a raspy voice. My thought was, "Is this him?" The wonderful thing about him was that he befriended us all very quickly. This was a real feat because it is not easy to get close to Indian youths.

Later, when I was a student at BYU, I heard him speak several times. Like Brother Boren, he provided a blueprint for my life. When I was a BYU student he gave a speech entitled "This Is My Vision." In this talk he related a dream: "I woke up and I'd had this dream about you—about the Lamanites. I wrote it down. It may be a dream. It may be a vision. But this is what I saw you doing." In one part of the speech he said, "I saw you as lawyers. I saw you looking after your people. I saw you as heads of cities and of states and in elective office" (for a more detailed description of the 1946 dream, see Dell Van Orden, "Emotional Farewell in Mexico," *Church News*, 19 February 1977, 3). To me it was like a patriarchal blessing and a challenge from a prophet of God:

"Get an education. Be a lawyer. Use your education to help your people." That is what I wanted to do. I carried an excerpt from that talk in my scriptures. At a certain point in my life I read the passage where he said we could become leaders of cities and states, and it was as if it were directed specifically to me. Even though I had never envisioned running for elective office, I knew that I could and should do it.

I loved President Kimball. The day he passed away, I cried. I was overcome because I had felt his love for me. I had seen so much of the good that he had accomplished for all people. But I was especially grateful for what he had done to lift Native Americans.

When I graduated from BYU, I decided to become a lawyer for one reason: to help Indian people. After graduating from law school I spent nine years working as the attorney for Idaho's largest Indian tribe, the Shoshone-Bannock Tribes, located at the Fort Hall Indian Reservation. I saw a marvelous awakening under laws that now help Native Americans to become self-sufficient and economically strong. I have always thought it no accident that Indians were able to survive as a separate, identifiable people. I don't know how the Lord is going to use such people in His ultimate plan, but I see many Native Americans who have been able to earn a college education and do the same kinds of things I have done. There has been a very definite positive cumulative impact.

During the Vietnam War I volunteered for service in the United States Marine Corps. Soon after I arrived in Quantico, Virginia, for boot camp, I found myself standing at attention in front of my bunk in our barracks along with 54 other Marine Corps recruits. I met my drill instructor when he kicked open the door to the barracks and entered while yelling words laced with profanity. He was a tough, battle-hardened veteran who had been previously wounded in Vietnam. He started at one end of the barracks and confronted each recruit one by one. Without exception, the drill instructor methodically found something about each recruit to ridicule with vulgar language. I dreaded that it would soon be my turn. When it was my turn, the drill instructor grabbed my duffle bag and dumped my personal belongings onto my bunk. I could not see what he was doing because I had my back to my bunk, and we had been instructed to stand at attention with our eyes looking straight ahead. When we spoke to the drill instructor we had to call him "Sergeant Instructor" and yell out our words. The drill instructor looked through my things and grabbed my Book of Mormon. He then walked up to me, and I braced myself for his attack. I expected that he would yell at me as he had done with all the other recruits. Instead, he stood close to me and whispered, "Are you a Mormon?"

As instructed, I yelled, "Yes, Sergeant Instructor!"

Again, I expected he would then rip into me and my religion. He paused, raised his hand holding my Book of Mormon, and then, in a very quiet voice, said, "Do you believe in this book?"

Again I yelled out, "Yes, Sergeant Instructor!"

At this point I was sure he would yell out disparaging words about Mormons and the Book of Mormon. But he just stood there in silence. Finally he walked back to where he had dumped my personal things and gently laid my Book of Mormon down. He then proceeded to walk right by me without stopping and went on to the next recruit, who he ridiculed and disparaged with vile language. He thereafter did the same with every other recruit.

I have often wondered why that tough Marine Corps drill instructor spared me that day. But I am glad I was able to say without hesitation that I am a Mormon and that I know the Book of Mormon is true. That testimony is a precious gift given to me with the help of two missionaries, a priests quorum leader, and a prophet of God. For this I am very grateful.

I bear my testimony of the truthfulness of the gospel of Jesus Christ as contained in the Book of Mormon, and I do so in the name of Jesus Christ, amen.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BYRON L. DORGAN TO LARRY J. ECHO HAWK

1. **Time commitment**. As I noted in my opening statement, the Office of the Assistant Secretary has suffered from a lack of steady leadership. None of the past three Assistant Secretaries for Indian Affairs have lasted more than 18 months in office. *Are you willing to make a long term commitment to this Committee that you will hold the office of Assistant Secretary for this President's term in office?*

   Answer: Yes. I have been granted a leave of absence for two years from my job as a Professor of Law at the J. Reuben Clark Law School at Brigham Young University. I was also told that I can apply for annual extensions after the first two-year period and that extensions will likely be granted to allow me to serve through President Obama's first term. I intend to serve for the entire first term of the President.

2. **Tribal justice systems**. You have stated that "the essential role of government is to enable people to thrive by providing a secure legal and political framework...." It's been made clear to this Committee that the criminal justice system as it relates to Indian lands is broken, and the legal framework is lacking. *What can be done to improve the framework of justice for tribal governments, and victims of crime in Indian Country?*

   Answer: The framework of a criminal justice system in any community must ensure a measure of peace, security and enforcement of laws related to public safety for the welfare of all persons. As I stated in my testimony, more criminal law enforcement officers are needed. All court systems must ensure that the administration of justice is fair. Also, victims must be treated with respect and afforded their rights. If confirmed, I will work tirelessly to protect Indian country and work with all law enforcement officials and their respective governmental entities that are responsible for the administration of justice.

   I will also focus on the other factors that contribute to crime, such as the economic and social reasons that make many communities more vulnerable to violent crime, domestic abuse and illegal drug and alcohol abuse. I pledge, if confirmed, to work with the Administration and the Congress to address ways and means of improving public safety in Indian country.

3. **Great Plains Police Training Center.** The BIA Indian Police Academy in Artesia, New Mexico provides outstanding training for tribal police, but the Academy has an annual attrition rate of 47% and graduates only 80 new officers each year. Indian Country – and the Great Plains Region in particular – sorely need additional officers. Before the Operation Dakota Peace Keeper, only 9 officers patrolled the 2.3 million acre Standing Rock Sioux Reservation. The Department has recently taken initial steps to provide added training in the Great Plains by entering into an agreement with the United Tribes Technical College to provide supplemental training for existing officers. *What will you do to further increase law enforcement training opportunities in the Great Plains region?*

Answer: If confirmed as the Assistant Secretary for Indian Affairs, I will continue to work to implement and, if necessary, improve the agreement already in place. Recruitment and retention of law enforcement officers will be a priority.

4. **Testimony by Bureau of Indian Affairs police**. Last summer the Committee heard from a number of tribal court judges who testified that BIA police officers routinely fail to show up for trial and ignore tribal court subpoenas. As a result, many cases fall apart in tribal court, and the defendant go free. We have legislation introduced that would require BIA and Indian health services officials to testify in tribal court, unless there is good reason shown to the contrary. *Would you support this amendment?*

   Answer: I firmly believe Indian Country needs a strong criminal justice system; one in which federal, state, and tribal governments work together to combat the crime that plagues many reservations across the country. If confirmed, I will use my extensive experience in criminal law enforcement to fight crime and increase public safety in Native American communities. While I am unfamiliar with this particular legislation, I will examine the issue, if confirmed, and will work with the Committee on ways to solve this problem.

5. **Federal Recognition.** A number of groups have had petitions before the Office of Federal Acknowledgment for decades. Committee hearings have shown that the process is broken, that no timelines are in place, and that it is too costly. Another concern that has been brought to the Committee is the lack of oversight of the Office of Federal Acknowledgment. As a result, a number of groups have asked Congress to acknowledge them as a federally recognized Indian Tribe. *Will you commit to assigning a senior official in your office to evaluate the method in which the Office of Federal Acknowledge processes petitions, and provide a report to this Committee within 90 days of your confirmation?*

   Answer: If confirmed, my staff and I will review and evaluate the method in which the Office of Federal Acknowledgment processes petitions. Applicants deserve a clear and timely procedure that will yield fair results.

6. **Streamlining Indian oil and gas leases**. The Bakken Oil Shale Formation in the State of North Dakota has estimated reserves of up to 4.3 billion barrels of oil. The Fort Berthold Indian Reservation is located in the middle of this oil formation, but all the oil development is to the north, south, and west of the Reservation. There are only a handful of wells producing on the Reservation. Development on the Fort Berthold and many other Indian Reservations has been slowed by the Bureau of Indian Affairs cumbersome 49-step leasing approval process that is spread over 4 agencies. At Fort Berthold, I asked the Department to establish a one-stop shop to streamline the process. That office is now in place, but as oil and gas activity picks up this summer, we will have a true test of its effectiveness.
   (a) Do you support this concept, and if so, what will you do to ensure the success of the one-stop shop?

   Answer: I support sound policies that will allow tribes to gain access to their resources and to promote economic development on their reservations. If confirmed, I will review the one-stop-shop activities and work with the one-stop-shop managers and my BIA

operational staff to review current activities, which will allow us to continue to refine and increase the effectiveness of the process.

(b) How would you improve on this concept to further develop tribal energy resources?

Answer: If confirmed, I will ask staff to review current procedures and provide me with innovative and effective policy options to minimize the time it takes to make decisions on energy development on trust lands.

7. **Economic Development**. You have stated that poverty is one of the most pressing issues facing Indian Country. As I noted in my opening statement, unemployment rates on many reservations exceed 70%. *What initiatives would you pursue to help develop reservation economies and grow jobs in Indian Country?*

   Answer: If confirmed, I will identify those programs that focus on strengthening reservation economies and determine how to increase their effectiveness. The measurement of success for these programs should be an increase in workforce skills, jobs, and Indian-owned businesses on reservations.

8. **Consultation with tribal governments.** While the federal government has treaty and trust obligations to Indian Tribes, the government does not have the answers to solve the problems facing Indian Country. The best solutions come at the local tribal community level. *What core components would be included in your policy on consultation with tribal governments?*

   Answer: I agree that the federal government does not always have the answers to solve the problems facing Indian Country and often times the best solutions come at the local tribal community level. If confirmed, the core components of my policy on consultation will be a directive that those public employees under my administrative control must reach out to tribal leaders and consult with them before significant decisions are made which affect their communities. The solemn trust responsibilities of the United States to preserve and protect the lands and natural resources of Indian tribes must be honored.

9. **Indian youth issues**. The issues facing Native American youth are devastating. Indian youth are more likely to be a victim of a violent crime than their non-Indian peers, have the lowest graduation rates in the nation, and are more likely to commit suicide than other children. The health care system is not equipped to deal with this issue. The child services systems on many reservations are inadequate. And the justice systems at the federal and tribal levels are ill-equipped to address youth violence. *What are your short and long term plans to address these issues facing Native American youth?*

   Answer: Young people are the greatest resource of Native American communities. We must do all we can to make sure they grow up in safe homes and communities and reach their full potential by gaining a quality education. I commit to work with tribal leaders to devise plans to work together to address the problems of crime, low achievement in education and suicide. The first line of defense against these kinds of problems is having a strong, loving and stable family environment. Good parenting skills must be encouraged. Health and social services must also be available to assist families and

young people that are experiencing problems. A strong criminal justice system must be in place to suppress violent crime, gangs and illegal drug trafficking. I will make it a priority to immediately address the areas of most critical need.

10. **Trust responsibility**. You state that the structure of how the Department carries out trust responsibilities to Indian Tribes should be evaluated.
(a) Do you believe that any conflicts of interest exist within the Department of the Interior that make it difficult to meet the government's obligation to Indian Tribes?

Answer: The trust responsibility of the United States is part of the mission of every bureau of the Department of the Interior. The Department does have other responsibilities that it strives to carry out consistent with the trust responsibility.

(b) If so, how would you address the conflict?

Answer: If confirmed, I will work with the other Assistant Secretaries and their staffs to carry out their missions in a way that is consistent with the Department's responsibility to Indian tribes.

(c) If not, what do you believe needs to be evaluated regarding the structure of how the Department carries out the tribal trust responsibility?

Answer: If confirmed, and upon confirmation of a Special Trustee for American Indians, we will examine the structure of the Department and, if appropriate, recommend changes to the Secretary.

11. **Tribal infrastructure construction.** In 2007, the Interior Department's Inspector General released a Flash Report on Bureau of Indian Education and tribal schools. The Report found severe health and safety hazards at elementary and secondary schools that "have the potential to seriously injure or kill students and faculty." BIA and tribal jails face similar hazards, and prevent tribal courts from providing justice to community members. *What will you do differently than your predecessors to advocate for and obtain the needed resources to address these problems?*

Answer: Students need a safe and secure educational environment in order to achieve academic success. In addition, we need functioning detention facilities that are able to house and lock away criminals so we can make our communities safer. If confirmed, I will work within the President's budget to request funds to address infrastructure needs at our schools and detention center facilities.

12. **Inter-agency communication.** In past Administrations, the Domestic Policy Council had an inter-departmental Indian policy working group to focus on issues facing tribal communities.
(a) Please describe your thoughts about re-vitalizing this working group?

Answer: If confirmed, I will meet with the Secretary and the Administration about the possibility of revitalizing this working group. My view is that there are many issues facing tribal communities and there are many executive branch departments, agencies and

bureaus that can benefit from open dialogue and cooperative communication in addressing the array of issues facing tribal communities.

(b) If you support the idea of re-forming the working group, please discuss what you would do to accomplish that goal.

Answer: If confirmed, I will meet with the Secretary and others within the Administration about the possibility of re-forming the working group.

(c) Are you committed to utilizing the working group or other inter-agency approach to improve communication among agencies involved in providing services to Indian tribes?

Answer: If confirmed, I will be committed to using all available tools to improve communication among the agencies.

13. **Indian land consolidation**. Indian lands are highly fractionated, which makes it difficult if not impossible to develop the lands. Dozens of allottees must agree to any development of fractionated lands, which can take years to obtain. In many cases, allottees cannot be located, and development proposals fail. In addition, the BIA has been slow in probating tribal estates. *What would you do differently than your predecessors to address this situation?*

Answer: Fractionation is a serious problem in Indian Country. If confirmed, I will review the current policies that are hindering consolidation and look at ways we can address fractionation more effectively. I will also make sure probates are completed in a timely manner.

14. **Indian water settlements.** The Department of the Interior's Criteria for negotiating Indian water rights settlements provides a variety of goals to achieve in negotiating the settlement of Indian water rights. The outgoing Administration appeared to be solely interested in balancing costs against the potential liability for the federal government's failure to protect Indian water rights. This short-sighted approach made it difficult to conclude settlements and ignores all of the other values obtained in settlement.
(a) How will Indian Affairs manage the settlement of Indian water rights?

Answer: It us my understanding that Indian water rights settlements are managed within the Department under a coordinated interagency approach through the Secretary's Indian Water Rights Office. Under this approach, the Secretary has been able to manage the disparate Departmental interests often implicated in Indian water settlements. If confirmed, I would ensure that Indian Affairs would contribute its resources and unique knowledge to the challenging task of crafting and implementing Indian water rights settlements. I would be an active participant with other Departmental decision-makers in advising the Secretary with respect to these important settlements.

(b) Do you plan to revisit the Department's criteria to ensure that all values of settlement are included in the process?

Answer: I have been informed that the Criteria and Procedures for Indian Water Settlements (Criteria), published in the Federal Register in March of 1990, generally have guided the Executive Branch's involvement in Indian water rights negotiations and its position on Federal contributions. The Criteria suggest that Federal contributions to a settlement should consider "calculable legal exposure" and Federal trust or programmatic responsibilities. Legal exposure, of course, can be hotly debated. However, the Criteria also contain provisions that allow for equitable considerations to be taken into account in evaluating settlements. Notably, Criterion 7 states that "[s]ettlements should be structured to promote economic efficiency on reservations and tribal self-sufficiency." Along similar lines, Criterion 10 states that "Federal participation in Indian water rights negotiations should be conducive to long-term harmony and cooperation among all interested parties." If confirmed, I will work with other Departmental decision-makers to carefully examine the Criteria, the manner in which the Criteria have been, and should be, interpreted in order to make an informed decision about how to evaluate settlements.

15. **Self-Determination and Self-Governance**. As you know, the United States policy on Indian Affairs for more than three decades now has been to support tribal government self-determination and economic self-sufficiency. Self-determination contracting and self-governance compacting have been proven successes. Over the years, Tribes have taken over the job of the BIA and the Indian Health Service to manage a wide variety of programs that specifically meet their communities' particular needs. However, few Tribes in the Great Plains Region have sought these opportunities, because of the shortfalls in the programs. This Committee has heard stories of Tribes who have contracted or compacted to operate services previously run by the BIA, and were forced to do the same job with less funding and without sufficient technical assistance. *What are you prepared to do to improve the self-determination and self-governance programs?*

    Answer: If confirmed, I will work with senior staff from self determination and self governance programs to thoroughly review the programs and take any necessary actions available, within the duties and responsibilities of the Assistant Secretary for Indian Affairs, to improve those programs.

16. **Cultural preservation**. Congress enacted the Native American Graves Protection and Repatriation Act in 1990 in response to findings that Federal agencies were in possession of and routinely came across Native American human remains and sacred objects. A recent report found that federal agencies are not meeting their obligations to inventory Native human remains and sacred objects. *While your Office does not hold primary enforcement authority over the Act, what can you do to improve compliance within the Department?*

    Answer: I am informed that the determination of whether federal agencies are in possession or control of Native American human remains and sacred objects that are not reported in a summary or inventory sent to tribes would require a physical audit of their collections. The Native American Graves Protection and Repatriation Review Committee has made a recommendation to Congress that a GAO study be conducted to examine compliance with the collection inventories. If confirmed, I would work with the other agencies in the Department to cooperate fully with such a study.

The Department has expanded training and technical support to aid NAGPRA compliance. I have been informed that a public access database of the culturally unidentifiable human remains was launched in 2005 and a database of culturally affiliated inventories will be available to the public later this year. The Department will continue to provide training and technical assistance to the federal bureaus to support prompt disposition to tribes of new discoveries on federal land.

17. **Outgoing determinations**. Your predecessors issued a series of decisions in January of this year that some contend were without sufficient notice or consideration. *How will you deal with these last minute decisions?*

Answer: I am not familiar with the decisions made in January of this year; however, I will review any requests for reconsideration of decisions made by my predecessor.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN BARRASSO TO LARRY J. ECHO HAWK

18. **LAW ENFORCEMENT.** Recruiting and retaining qualified personnel, particularly for law enforcement, is a formidable challenge facing the BIA. The Wind River Reservation in Wyoming is plagued by severe personnel shortages. Often times, there are only two police officers patrolling the more than 2.2 million acre reservation at any given time – which puts the public and the officers at serious risk. The lack of law enforcement was cited as a reason criminal drug trafficking organizations targeted the Wind River reservation for meth distribution. The President's FY 2010 budget requests an additional $10 million for staffing shortages. However, despite additional funding, there are still delays in hiring the qualified personnel and placing them on the reservations. For example, the new recruits must pass background checks and the Indian Police Academy which may take more than four months from the date of hire to the date of reporting to the reservation.

(a) If confirmed, how will you structure law enforcement staffing to reduce those delays in the hiring process?

Answer: If confirmed, I will carefully review the processes and procedures for hiring law enforcement personnel. To the greatest extent possible, I will endeavor to improve the process to make it more timely and efficient while maintaining appropriate clearance processes.

(b) If confirmed, how will you ensure that adequate law enforcement staffing levels are maintained throughout Indian Country?

Answer: Filling law enforcement positions is a high priority. If confirmed, I will examine staffing shortages and work to fill in those gaps to meet public safety needs on reservations.

19. **DETENTION FACILITIES.** In 2004 the Department of Interior Office of Inspector General released a report generally concluding that Indian jails are neither safe nor secure. Then, during the last Congress the Committee received the Shubnum Report from the Department of Interior, which estimated that it would cost $8.4 billion to repair or replace Indian Country's inadequate detention facilities. Given your background in law enforcement, you must know the importance of adequate detention facilities to the effectiveness of the overall criminal justice system. *If confirmed, how would you address the inadequate detention facilities in Indian Country?*

Answer: I am aware of the deficiencies in the number and condition of detention facilities across Indian Country. Although I have not been briefed on the issue, I intend to review the entire justice services facilities program, which includes not only detention facilities, but also law enforcement and tribal court programs.

20. **YOUTH VIOLENCE.** In your 1998 article, "Factors Contributing to Juvenile Violence in Indian Communities," you indicated that you came to the realization that "the problem of juvenile crime and violence is not only the responsibility of law enforcement officers – it is a 'shared responsibility'." Your written testimony submitted to the Committee also stated that BIA and BIE services are indirectly connected to the provision of vital health care services.

(a) With this type of shared and multiple responsibility, if confirmed, how will you coordinate with other federal, state, and tribal agencies to fulfill these responsibilities to reduce juvenile crime?

Answer: Tribal, federal and state governments should cooperate, coordinate and collaborate in efforts to combat juvenile crime and violence within Indian communities. This same sense of joint effort should prevail in providing services in Indian communities. This is not easily accomplished, but such cooperation is necessary to maximize efficiency and effectiveness in the delivery of services. We must develop a culture of open communication and joint action where a sharing of ideas and resources can best safeguard children and youth. I will do all I can to make sure that these are the guiding principles of the BIA and BIE.

(b) If confirmed, how do you intend to realize your "personal crusade," as you so eloquently phrased it this article, to offer Indian youth hope of success?

Answer: I am the second youngest of six children born to my parents. All six of us graduated from college and three of us earned law degrees. Education empowered us to achieve the full promise of America. If confirmed, my hope is that as the next Assistant Secretary of Indian Affairs I can be an instrumental in helping Indian youth succeed in life by obtaining a quality education.

To begin with, we must make sure that Indian youth grow up in a safe environment. Homes, neighborhoods and schools need to be safe and free from the bad influence of crime, gangs and illegal drugs. We cannot tolerate violence against women and child abuse and neglect.

Quality educational opportunities must be provided to every American Indian and Alaska Native youth. We cannot tolerate lower test scores and higher dropout rates in BIE schools. I will do everything I can to assure that the federal Indian educational system provides a world class educational opportunity. This goal includes pay for good teachers, textbooks, school buildings and computer technology. We must work hand-in-hand with state and federal educators to apply state of the art learning methods in the classroom. Higher education scholarships should be available to make sure our youth have a real chance to obtain college and graduate degrees.

We must inspire our youth to value education and teach them how to set and achieve goals. We must teach them a work ethic that will serve them well throughout their life. We must teach them to use their education to serve their communities and to help others in need.

21. **ECONOMIC DEVELOPMENT.** Economic development is a cornerstone for building healthy communities and self-sufficiency. There are tribes that have sought diversified economies beyond gaming, but on many reservations there are significant barriers achieving economic diversification, including delays in Secretarial approvals for contracts, leases and other transactions, and the lack of access to capital.

(a) *What do you believe are the biggest challenges for Indian communities regarding economic development?*

Answer: Unemployment on reservations is unacceptably high. There are many significant challenges to the creation of stable and dynamic economies on reservations, all of which need to be addressed. If confirmed, I will work with tribes to identify solutions to these challenges and work with my staff to craft initiatives to deliver these solutions to Indian Country.

(b) *If confirmed, how will you address these barriers to development in Indian economies?*

Answer: If confirmed, I will ask my staff to make it a priority to reach out to tribes and Congress to develop new and innovative options to eliminate these barriers.

(c) *What recommendations do you have to help the BIA spur economic development within Indian reservation communities?*

Answer: Increasing jobs on reservations, diversification of Indian-owned businesses, effective workforce training, and access to capital are all needed to spur economic development in Indian Country. If confirmed, I will work with Congress, my staff in Indian Affairs, and other Departments within the Administration to address these challenges.

22. EDUCATION. School safety, alcohol and substance abuse, and domestic violence are a few of the many challenges facing Indian youth. At the same time, the difficulty in recruiting and retaining highly qualified teachers at the Bureau of Indian Education funded schools has a direct impact on the quality of education available on many Indian reservations. *What is your plan of action for improving graduation rates, achievement scores, the numbers of highly qualified teachers, and school safety at the Bureau-funded schools?*

Answer: If confirmed, I will direct the Bureau of Indian Education (BIE) to assess the student data and collaborate with our American Indian Communities to improve our graduation rates. I will work alongside tribal leadership to develop after-school and leadership programs for our high school students to encourage our youth to 'stay in school.'

In order to improve the student achievement scores, I will work closely with the BIE to understand how BIE schools utilize science-based practices in reading and math with our students. Further, I will require all Bureau-funded schools to increase their time of quality instruction in the core content areas.

I am informed that there are a number of areas within the BIA and the BIE experiencing difficulty in filling positions. I will direct the BIE to explore all resources and to tap into service oriented teachers to address the challenging needs of our students in our reservation schools. I will support the current BIE plan to develop highly articulated professional development plans for the existing teachers to raise the bar for the delivery of instruction. I understand the BIE is working on strengthening its partnerships with the

Southwestern Indian Polytechnic Institute and Haskell Indian Nations University in an effort to build upon the student skill sets of potential American Indian teachers.

Safety at all levels within the Indian community is an important priority for me. I am advised that the BIE, in cooperation with BIA law enforcement, will hire additional school safety resource officers for our schools. I am also informed that the BIE provides training and technical assistance to each BIE school to ensure that emergency preparedness plans are developed, updated and in place.

23. ENERGY DEVELOPMENT. There is a wealth of energy resources on Indian lands, but development appears lagging behind development of similar non-Indian lands in some areas. First, there does not seem to be sufficient funding for the Department to assist in building tribal capacity for energy development. Second, there is a fee levied by the Bureau of Land Management for permits to drill on federal lands which has been interpreted to include Indian lands, but this fee may be cost-prohibitive to development on some tribal lands. Third, Congress passed the *Energy Policy Act of 2005*, Pub.L. 109-58, including title V of that Act, "Indian Energy," to facilitate energy development and bypass cumbersome bureaucracy, but the implementation of this Act has been slow.

(a) If confirmed, how can you improve implementation of energy programs and address the barriers or inhibitors to energy development on Indian lands?

Answer: If confirmed, I will ask all program staff to review policies related to energy development on trust land and to provide me with options to increase the efficiency and effectiveness of current programs and to develop new, innovative energy development initiatives.

(b) On March 11, 2009, the Secretary issued a Secretarial Order establishing the encouragement of production, development, and the delivery of renewable energy as one of the Department's highest priorities. *How will traditional energy sources on Indian lands fit within the Department's priorities?*

Answer: This Administration has stated that we will need all available domestic energy resources to decrease our reliance on imported foreign energy resources, including development of renewable energy resources and providing an increase in transmission facilities. If confirmed, I will work with tribes, Congress, and my staff to continue to help tribes develop their renewable and conventional energy resources if they choose to develop those resources. This in turn will help strengthen tribal economies.

24. TRANSPORTATION. The *Safe, Accountable, Flexible, and Efficient Transportation Equity Act—A Legacy for Users*, commonly known as SAFETEA-LU is up for reauthorization this year. The Bureau of Indian Affairs' Department of Transportation plays a large role in the operation of the Indian Reservation Road ("IRR") program, a significant program within SAFETEA-LU. Recently, many tribal transportation officials have been concerned with the length of time it takes for the BIA to obtain right-of-way documentation for road projects as well as approving tribal transportation improvement plans.

(a) *If you are confirmed, what efforts would you make to streamline the BIA's response time for both right-of-way documentation and tribal transportation improvement plans? What other improvements would you make to the current IRR program?*

Answer: I have been informed that improvements have been made to the automated system for approving rights-of-way acquisitions. If confirmed, I will work with my staff and the Federal Highway Administration on further improvements that can be made to increase the efficiency and effectiveness of the program.

(b) The *American Recovery and Reinvestment Act* (ARRA) appropriated nearly $150 million for the BIA road maintenance program. *If you are confirmed, what efforts will you take to ensure that this funding is spent in an efficient and accountable manner?*

Answer: I have not been involved in decision making related to the Department's allocation of funding provided by the American Recovery and Reinvestment Act. However, I am aware that Secretary Salazar and the Congress expect a high level of accountability and transparency in the use of these funds. If confirmed, I plan to be extensively engaged in the oversight of the Recovery Act programs in the Department, including making sure that the Bureau of Indian Affairs road maintenance program utilizes funding in an efficient and accountable manner.

(c) *If you are confirmed, what safeguards will you put in place to ensure that the various road projects in Indian Country will be completed in a timely manner as required by the ARRA?*

Answer: Projects using ARRA funds will be monitored for performance and compliance with the requirements of the Act. For instance, I have been informed that work plans are required by the recipients of funds distributed for projects.

25. <u>INDIAN LOAN GUARANTY PROGRAM.</u> For many years the Indian Loan Guaranty program has been limited to issuing about $85 million in loan guarantees per year to banks to guarantee tribal business loans. This restricts the size and scope of many tribal business loans for infrastructure and energy projects. *If confirmed, how would you expand the existing Indian Loan Guaranty Program?*

Answer: If confirmed, I will ask my economic development staff to review the existing program and to provide me options to make the Loan Guaranty Program more effective in providing the necessary capital to address infrastructure and tribal energy development needs.

26. <u>BIA ADMINISTRATION.</u> Your written testimony stated that "attention must be given to identifying areas of delay, mismanagement, and neglect." Last Congress this Committee held two hearings on BIA backlogs in the areas of lease approvals, title status reports, and probating estates among other areas. This hearing revealed that there were extensive delays in processing these items and these delays caused a significant backlog in the number of leases, reports, and probates that needed to be evaluated by the BIA. In addition, the

Committee was informed that there had been little progress in reducing the backlogs or expediting the processes.

(a) Beyond simply identifying these areas of delay, mismanagement, and neglect, what efforts will you undertake, if confirmed, to expedite the administration of these processes and reduce these backlogs?

Answer: Over the past few years BIA's backlogs are improving in the areas of lease approvals, title status reports and probates, but if confirmed I would make it a priority to work with BIA senior management and staff to address these issues.

(b) Your biographical and financial information provided to the Committee stated that you would carry out your duties consistent with certain leadership principles including conducting regular stewardship interviews with management personnel within the BIA and BIE. *Can you elaborate on how you would conduct those regular stewardship interviews?*

Answer: I believe that an effective tool of management is for a manager to delegate specific responsibility to another person. The person assigned to perform the delegated responsibility is given authority to perform the assigned task. The manager should set up a process whereby the person assigned to perform the task is required to periodically return and report their progress in achieving the task. In other words, they are reporting on the stewardship responsibility that has been given to them. As an example, suppose the Assistant Secretary assigns the Director of the BIE to make a special effort to improve test scores in reading and math for students attending BIE schools. The special assignment is part of the stewardship responsibility of the Director of the BIE. The Assistant Secretary should not just assume that the job will get done. Rather, the Assistant Secretary would set a specific time for the Director of the BIE to return and report progress in how the Director is working to improving reading and math scores.

27. <u>TRIBAL RELATIONS.</u> In your 1994 article, "Introduction to Administrative Procedure Act Issue," in setting forth your priorities for rewriting the *Idaho Administrative Procedure Act*, you stated that "negotiated rulemaking, whereby those who are to be regulated help draft the regulations they must live under, is henceforth the expected method for rulemaking."

(a) If confirmed, will you maintain that philosophy relative to implementing or rewriting regulations governing Indian programs by engaging in negotiated rulemaking and consultation with Indian tribes?

Answer: Yes. While the federal government has the ultimate responsibility for adopting and implementing regulations affecting tribes, the meaningful involvement of Indian tribal leaders in this process is important in fostering confidence in the rulemaking process and development of an effective Indian regulatory system.

(b) If confirmed, how will you involve Indian tribes in developing policies or other guidance for administering Secretarial duties for Indian programs?

Answer: I intend to consult with tribal leaders and representatives frequently to develop an up-to-date and in depth understanding of the needs of Indian country in the areas of my responsibility. I will make an effort to give tribes an opportunity to participate in the development of policies that affect Indian country.

28. INDIAN PROBATE. In 2004, Congress passed a new uniform Indian Probate Code, applicable to the inheritance of individual Indian trust lands in most of Indian Country, as part of the American Indian Probate Reform Act ("AIPRA"). Successful implementation of this Code required, among other things, a significant outreach into Indian communities to inform and educate landowners on the new law and to encourage them to engage in estate planning rather than simply allowing their trust estates to pass by intestate succession. A successful outreach effort would benefit the Department and the American taxpayer by having more Indian landowners executing wills to pass their trust estates rather than relying on intestate succession. It would also, of course, benefit landowners by showing them how to use the new law to their own best advantage. Congress anticipated the need for this outreach effort when it passed the new law by authorizing a grant and assistance program specifically for purposes of providing estate planning assistance to Indian landowners. But soon after the law was passed, the Department took steps that served only to frustrate the goal of outreach and education. *First*, it stopped providing will-writing assistance to individual Indians, something it had been doing for decades. *Second*, it all but failed to fund the estate planning assistance program authorized by the new law. *Will you review these steps taken by the Department to determine whether they truly served the best interests of the Indian landowners and the American taxpayer?*

Answer: Yes. If confirmed, I will review the Department's current estate planning efforts to determine whether they are in the best interest of Indian landowners and the American taxpayer.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DANIEL K. AKAKA TO LARRY J. ECHO HAWK

29. In the Commerce and the Supremacy Clauses, the Constitution acknowledges the sovereignty of Native nations and establishes a framework for government-to-government relationships. The Apportionment Clause implicitly recognizes the status of Indian tribes as Native nations and the allegiance of tribal citizens to their Native nations. After 90 years of treaty-making with Indian tribes, the 14th Amendment repeated the original reference of the Apportionment Clause to tribal citizens, referred to as "Indians not taxed," and in this way, affirmed the United States' historic government-to-government relationships with Native nations. *Do you acknowledge the constitutional basis for the United States' government-to-government relationships with Native nations?*

Answer: Yes.

30. The Kingdom of Hawaii had numerous international treaties, including treaties with the United States, so our Nation clearly recognized the sovereignty of the Hawaiian nation. Later, Hawaii was incorporated within the United States as a territory and then a State. Yet, unlike other native peoples, the Native Hawaiians were not afforded an opportunity to re-organize as a Native governing entity.
(a) Do you support my bill, the Native Hawaiian Government Reorganization Act to extend that right to the Native Hawaiian people?

Answer: Both President Obama and Secretary Salazar supported legislation sponsored by you in the previous Congress to provide Native Hawaiians with an opportunity to establish a Native Hawaiian governing entity. I understand the legislation introduced by you has changed from the 110th Congress, which the Department and Administration will need to review.

(b) If confirmed, in your capacity as Assistant Secretary of Indian Affairs at the Department of the Interior, will you support self-governance and self-determination for Native Hawaiians within the framework of Federal laws, as has been done for American Indians and Alaska Natives?

Answer: Both President Obama and Secretary Salazar supported legislation sponsored by you in the previous Congress to provide Native Hawaiians with an opportunity to establish a Native Hawaiian governing entity. I understand the legislation introduced by you has changed from the 110th Congress, which the Department and Administration will need to review.

31. Economic development is a critical issue for Native peoples, and Indian gaming has proved to be an important means for Indian tribes to fund essential tribal government services and promote economic development for Indian country. *If confirmed as Assistant Secretary will you support the implementation of the Indian Gaming Regulatory Act according to its language and spirit/Congressional intent?*

Answer: If confirmed, I will implement the Indian Gaming Regulatory Act in accordance with the law as set forth by Congress.

32. Under the Native Hawaiian Government Reorganization Act, the Native Hawaiian people will not be covered by the Indian Gaming Regulatory Act and gaming will not be an option for economic development. *Will you work with the Native Hawaiian people and our nations other indigenous peoples to find alternative means of economic development on native lands?*

Answer: If confirmed, I will work with the incoming Assistant Secretary for Policy Management and Budget to review the Department's responsibilities for Native Hawaiian people and other indigenous peoples and would support efforts for economic development in those communities.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO LARRY J. ECHO HAWK

33. Over the past several years the previous administration proposed cuts to several important BIA accounts that, among other things, fulfill treaty obligations concerning salmon and shellfish. Some of the biggest cuts have been made to the BIA's Natural Resources Management, Rights Protection account, which the previous President's budget cut by $1.8 million in Fiscal Year's 2008 and 2009. It now appears it will be cut again for Fiscal Year 2010. By not adequately funding this account and others, such as the BIA's Fish, Wildlife and Park's Account, our government is failing to meet treaty obligations in the NW. This is particularly damaging for many Tribal communities that rely on our natural resources for their cultural, economic and subsistence well-being.

(a) If confirmed, will you ensure that these programs are given due consideration as the BIA, the Department, and OMB formulates the Administration's budget requests?

Answer: I am unfamiliar with these specific accounts but, if confirmed, I will review how these accounts fit into the Bureau's overall trust responsibility. Generally, I am committed to a fair and balanced approach to considering funding needs for trust resource management.

(b) Can I have your assurance that the attention that has not been paid to these important treaty obligations over the last eight years will be reversed?

Answer: While I am not familiar with these specific accounts, I will commit to a fair and balanced approach to considering funding needs for trust resource management.

(c) Will these budgets be restored to levels that are commensurate with the promises made by our government?

Answer: I have not been at the Department of the Interior and I was not involved in the formulation of the FY 2010 budget. I will commit to a fair and balanced approach to funding needs.

34. Executive Order 13175, issued by President Clinton required federal agencies to engage in government-to-government consultations with Indian tribes prior to making decisions that may impact tribes. *If you are confirmed as the Assistant Secretary for Indian Affairs, how do you envision government-to-government consultations being conducted?*

Answer: Government-to-government consultations with tribal councils and tribal governing bodies regarding federal government decisions impacting tribes are an important aspect of the federal government's trust relationship with tribes. I envision government-to-government consultations occurring between tribal governing bodies with the Assistant Secretary or federal officials at the highest level practicable within the Department of the Interior.

35. Senator Murray and I have introduced the Hoh Tribe of Indians Safe Homelands Act, a bill to transfer 37 acres of land from the National Park Service to be held in trust for the Hoh Tribe in Washington State. The Tribe needs this land transfer to allow the tribe to move away from the encroaching Hoh River which threatens to destroy their homes and tribal buildings every year. Ninety percent of the tribe's reservation sits within a flood plain and the whole reservation sits within a Tsunami zone. *Will you support this legislation and work to implement it in a timely manner to avoid having the Hoh tribe having to survive another flood season surrounded by and sandbags?*

Answer: I am aware of the flooding concerns affecting the Hoh Indian Tribe in your state. I have been informed that the National Park Service has had extensive discussions with the tribe to find an appropriate way to address these concerns. If confirmed, I pledge to work with you on addressing this issue and to prevent any further hardship on the Hoh Tribe.

36. A number of Indian tribes and tribal organizations, including the Affiliated Tribes of Northwest Indians have expressed the view that the functions of the Office of the Special Trustee should be transferred to the Bureau of Indian Affairs and the Department should begin a dialogue with Indian country on this issue. Many of these tribes and tribal organizations believe that having two bureaucracies involved in the administration of trust funds and trust assets is duplicative and contributes to bureaucratic delay. *If confirmed, would you, as the head of the BIA, support consultation with tribes on this issue?*

Answer: If confirmed, I will examine this issue. I am concerned about the underlying problem of trust asset management, and open to consideration of better ways to administer our trust asset management responsibilities.

37. As you know, appraisals must be performed to complete fee-to-trust transactions and nearly all other transactions involving Indian trust lands. Ever since the Department centralized this function in 2002, Indian tribes have endured lengthy delays in completing land transactions because of the inability of the Department to complete appraisals in a timely manner. *If confirmed, would you commit to reexamining how the Department performs appraisals for Indian trust lands and seek to implement any needed reforms in the BIA with regard to this issue?*

Answer: If confirmed, I will examine how the Department performs appraisals for Indian lands and will work with my staff and the Office of the Special Trustee on ways to reform and improve the process.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM COBURN, M.D. TO LARRY J. ECHO HAWK

38. *Can the federal government meet its commitment to self governance for tribes and maintain the current bureaucratic structure within Interior?*

Answer: If confirmed as the Assistant Secretary for Indian Affairs, I will work with my leadership on examining Indian Affairs programs under my purview to see whether changes could be made to make the programs more effective and efficient.

39. *If not, please describe the changes you will propose?*

Answer: If confirmed as the Assistant Secretary for Indian Affairs, I will work with my leadership on examining Indian Affairs programs under my purview to see whether changes could be made to make the programs more effective and efficient.

40. *Which programs within the Department, if any, do you think can be eliminated because they are ineffective, duplicative, unnecessary or have outlived their purpose?*

Answer: I have not had the opportunity to be informed sufficiently in order to develop recommendations regarding whether certain programs should be eliminated. If confirmed as the Assistant Secretary for Indian Affairs, I will work with my leadership on examining Indian Affairs programs under my purview to see whether changes could be made to make the programs more effective and efficient.

41. President-elect Obama promised to conduct "an immediate and periodic public inventory of administrative offices and functions and require agency leaders to work together to root out redundancy." *When do you plan to start this and when can we expect you to complete it?*

Answer: If confirmed as the Assistant Secretary for Indian Affairs, I will work with my leadership on examining Indian Affairs programs under my purview to see whether changes could be made to make the programs more effective and efficient.

42. Currently all recipients of federal grants, contracts, and loans are required to be posted online for public review. *Do you support making all federal assistance including subcontracts and sub-grants transparent in the same manner?*

Answer: If confirmed as the Assistant Secretary for Indian Affairs, I will thoroughly review this issue consistent with the federal government's trust relationship and obligations to Indian tribes.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN MCCAIN TO LARRY J. ECHO HAWK

43. In a recent Memorandum of Agreement signed between the NIGC Chair and the DOI Solicitor, the Department asserted its position that the legal opinions of the Commission must have the concurrence of the Secretary. I'm concerned that such policy could result in the Department influencing and politicizing the Commission.

(a) How do you view the respective roles of the NIGC and the Department in Indian gaming decisions?

Answer: I have been informed that the Memorandum of Agreement (MOA) signed by the NIGC Chair and the Department's Solicitor does not address decision of the NIGC Chairman but rather the need for the Solicitor to concur in Indian lands legal opinions which are the legal interpretation of the definition of Indian lands and the exceptions in 25 U.S.C. § 2719(b).

Generally, the Chairman of the NIGC is authorized to issue complaints, fines, and temporary closure orders. In addition, the NIGC approves tribal gaming ordinances and management contracts. The Secretary reviews compacts and revenue allocation plans. In addition, the Secretary makes the two-part determination under 25 U.S.C. 2719(b)(1)(a).

(b) Do you believe that IGRA gives the Department authority over the decisions of the NIGC Chairman?

Answer: IGRA does not give the Secretary authority over decisions of the Chairman when the Chairman is acting pursuant to the specific powers identified in 25 U.S.C. 2705.

(c) Do you believe that the Department should have authority over the decisions of the NIGC Chairman?

Answer: While I would like to give this some more thought if I am confirmed, if the Chairman is exercising his statutory authority specified in 25 U.S.C. 2705, then it does not appear that the Department has authority over these decisions.

(d) Do you believe there is any ambiguity under the Indian Gaming Regulatory Act as to the respective authorities of the Commission and the Department, and, if so, shouldn't that ambiguity be clarified by Congress instead of an MOA?

Answer: As I understand it, the MOA was designed to address those instances when there is a need for a legal determination of whether lands identified for gaming are Indian lands under IGRA or whether the exceptions in 25 U.S.C. 2719(b) apply. The MOA does not attempt to address ambiguities in IGRA but rather to create a process for review and concurrence for these legal determinations. I agree, however, that ambiguities in statutes are best clarified by Congress. Alternatively, the Department can promulgate regulations to clarify the ambiguities.

44. The NIGC has promulgated regulations for both Class II and Class III operations, but as a result of the 2005 "CRIT" decision, which held that NIGC has no statutory authority to issue and enforce Class III oversight over tribes' internal control standards, at least 80 percent of the $26 billion in revenue from Indian gaming is not subject to federal rules. While some states actively enforce internal control standards, others have not exercised this authority. In fact, many states rely on the NIGC to issue and enforce these standards. I would be interested in learning your position on this important issue.

(a) Would you support amending IGRA to expressly provide the NIGC with authority to actively and judiciously conduct oversight into Class III gaming?

Answer: I will be happy to work with the National Indian Gaming Commission and the Congress on any necessary amendments to the Indian Gaming Regulatory Act if confirmed.

(b) Will the Administration work with Congress in developing legislation to amend the Indian Gaming Regulatory Act?

Answer: I will work with the rest of the Administration and Congress on necessary legislation to amend the Indian Gaming Regulatory Act if confirmed.

45. Last month, Congress approved legislation that would lift a 40-year old construction ban on the Navajo Reservation known as the "Bennett Freeze." That bill, S. 39, was presented to the President in April and awaits his signature well into the month of May.

(a) Have you had an opportunity to visit the Bennett Freeze area?

Answer: I have visited that area of the Navajo Reservation a number of times although I have not had personal involvement in the "Bennett Freeze" issue. I would welcome the opportunity to learn more and assist with this issue if confirmed.

(b) As you may know, the Freeze also restricted repairs on existing housing developments, which has kept many of the people living there in third world conditions for almost a half a century. *What will you do to help promote economic opportunity and improve the housing conditions in the Freeze area?*

Answer: I have been informed that the BIA has provided funding to the Navajo Nation to develop a recovery plan for the Former Bennett Freeze Area (FBFA). Central components of the plan were identification of needs for housing, economic development, and infrastructure in the FBFA. Navajo Region, BIA will continue to work with the Navajo Nation in the implementation of the recommendations for improvement of housing and economic development opportunities in the FBFA.

(c) To uphold the 2006 intergovernmental compact that led to the Freeze being repealed, both the Hopi Tribe and the Navajo Nation are depending on the U.S. Fish and Wildlife

Service conduct a study of the Golden Eagle population on their respective reservations. While I understand that you do not directly oversee the operations of the U.S. Fish and Wildlife Service, I'm dismayed that the Department, a signatory to the compact, has done little to support the successful implementation of this critical agreement. *Can you assure the Committee that you will work with the Assistant Secretary for Fish and Wildlife to respond to both tribes in a timely manner?*

Answer: I have been informed that in April, the Hopi Tribe and the Navajo Nation were each awarded $200,000 in Service-managed Tribal Wildlife Grants to initiate the Golden Eagle population study. If confirmed, I will work with not only the Assistant Secretary for Fish and Wildlife and Parks, but all Assistant Secretaries in the Department to ensure that agencies in the Department respond to tribes in a timely manner, and meet their Trust responsibilities.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JON TESTER TO LARRY J. ECHO HAWK

46. Recusal: You've recused yourself from a number of major issues in Indian Country (*Cobell*, Little Shell recognition, etc.), and I understand why. However, current DOI staff has indicated that they cannot act on these critical issues until your position is confirmed and they have accountable, permanent leadership.

(a) How will the Department address these important issues, if you cannot make decisions on them?

Answer: I will be working with a team in the Office of the Assistant Secretary for Indian Affairs which will include a Principal Deputy Assistant Secretary and several Counselors. For major issues such as the ones raised in your question where I am recused, I will ensure that there is one person in my office who is fully accountable for ensuring that the work of the office gets done and that decisions are made in a responsible and timely way.

(b) Under the recusal agreement you signed, to what extent can you provide leadership on these issues?

Answer: In accordance with the ethics agreement that I have entered into with the Department's designated ethics official, I will be recused from involvement with the *Cobell* litigation and Little Shell recognition determination, but I may participate in general policy matters, including trust reform, unless such general policy matter becomes a particular matter involving a specific party or parties, including litigation, from which I am recused.

(c) In Cobell, although you cannot act on the case itself, to what extent will you be involved in any settlement attempt?

Answer: I will not be involved in any settlement efforts that are specific to the *Cobell* litigation.

(d) To what extent can you act on the underlying problem of trust asset management reform efforts?

Answer: I will participate in efforts to deal with the underlying problem of trust asset management, as long as these efforts are being made under a general policy track rather than in the context of a litigation settlement offer.

(e) In Little Shell, although you cannot act on the decision itself, to what extent can you act on the underlying problem of BIA taking, in some cases, more than 31 years to make these critical decisions?

Answer: I agree that the long delays in making recognition decisions are unacceptable and as Assistant Secretary I will work on improving the functioning of the Office of Federal Acknowledgment to avoid these unacceptable delays.

47. Requesting Budgets: Testifying before the committee, witnesses most frequently claim that budgets for programs serving Indian Country are perpetually under-funded. The lack of resources is the number one barrier to improvement and eventual success.

(a) Do you agree generally, that Department of Interior budgets have been perpetually and significantly under-funded in the past 100 years?

Answer: I understand there are long standing concerns about funding levels provided for Indian programs. If confirmed, I commit to looking at budget levels and program needs.

(b) Will you recommend more in your budgets?

Answer: If confirmed, one of my highest priorities will be to evaluate the budgets for the programs that provide services to Indian Country.

(c) If so, where will you spend the additional resources?

Answer: I have not had the opportunity to be informed sufficiently about the budgets or the stated needs in Indian Country in order to be able to express a view about where additional resources are needed.

(d) What are your budget priorities?

Answer: At this point, I have not had an opportunity to become fully knowledgeable about the Department of the Interior's programs and priorities in order to provide an informed answer.

(e) Given President Obama's request that agencies take a hard look at their budgets and remove redundancies, what will you recommend to the President about Indian Country budget redundancies?

Answer: If confirmed, I will have an opportunity to evaluate whether there are redundancies in the Department of the Interior and develop recommendations for Secretary Salazar to share with the President.

(f) What programs will you recommend he remove?

Answer: I have not had the opportunity to be informed sufficiently in order to develop recommendations.

(g) What programs will you recommend he add?

Answer: I have not had the opportunity to be informed sufficiently in order to develop recommendations.

48. Gaming: Many in Indian Country say that gaming has been a blessing and a curse.

(a) What are your thoughts about Indian gaming generally?

Answer: In the *Cabazon* case the U.S. Supreme Court ruled in 1987 that California could not apply state gaming laws to tribal gaming operations because the state regulated, rather than prohibited, gambling. The following year Congress enacted the Indian Gaming Regulatory Act (IGRA) which set up a framework for regulating Indian gaming. The passage of the IGRA recognized the right of Indian tribal governments to determine their own economic development strategy for addressing problems of unemployment and poor economic conditions. The IGRA also advanced the federal policy of facilitating Tribal economic self-sufficiency.

The legal and policy foundation of the *Cabazon* ruling and the IGRA is reasonable. If a state has decided to regulate rather than strictly prohibit gaming, then I believe Indian tribes should be able to authorize and operate their own gaming enterprises. The balancing of tribal and state regulatory interests set forth in IGRA has proven to be a workable compromise.

Much of my professional career has been spent as a law enforcement officer. As a professor of law I have great respect for the rule of law. If confirmed, I will follow the law and enforce the law as set forth by Congress. If called upon to craft gaming regulations I will do my best to follow the statutory law set forth by Congress and will consult with all interest holders. Judgments about whether to allow or disallow gaming should be made by state, federal and tribal governments within the province of their own jurisdictional authority.

(b) Please explain your thoughts about Indian gaming, particularly for rurally isolated, poverty-stricken tribes of the Great Plains.

Answer: Indian gaming as a tool for economic development has had very limited success for tribes located in isolated, rural areas. We have to develop other means of economic development for these tribes to foster self-government.

49. Law Enforcement: As an expert in the field, I welcome your expertise and experience with this critical issue to my state, and all of Indian Country. Although the answer will likely develop over the next several months, please provide a basic framework of what Congress can do to improve public safety in Indian communities.

(a) What are your thoughts about S. 797, The Tribal Law and Order bill I'm cosponsoring with Dorgan?

Answer: I am unfamiliar with S. 797 and therefore unable to provide a position on the legislation at this time.

(b) Please explain any recommendations you have for improving the bill.

Answer: I am unfamiliar with S. 797. I would welcome the opportunity to work with the Committee on ways to improve any proposed law enforcement legislation if confirmed.

50. Religion: I read your article, "An Unexpected Gift". Religion is clearly a driving force in your life. Similarly as you know, religion is central to many American Indian citizens. However, most participate in traditional Indian practices. *How do you see your commitment to the Mormon faith complicating or complimenting your duties to protect Indian religious practices?*

Answer: I have always honored and respected Native American religious and traditional practices and will continue to do so during my service as the Assistant Secretary of Indian Affairs. It has been my experience that Indian people participating in traditional cultural practices come from a broad range of religious backgrounds, and I have observed that participation in traditional Indian practices is not inconsistent with other religious beliefs. I certainly would not impose my religious beliefs or practices on any others. However, principles of honesty, integrity, and compassion common to many religions, including my faith, will compliment my ability to fulfill my duties as Assistant Secretary.

51. Education: Education is essential for the future success of our children and communities.

(a) How do you plan to improve Indian education overall?

Answer: Establishing a world class educational system for Indian students is an important priority of mine. I believe it's important for our children to have parental support within their homes, to have support from the community, and to have a comfortable learning environment that reinforces the importance of good grades and earning a diploma, be it a high school diploma or a college degree. If confirmed, I will work closely with the Bureau of Indian Education (BIE), the Department of Education, tribal leaders, and Indian education organizations to provide a suitable environment to foster improved academic results in Bureau-funded schools.

(b) How will you address the disturbing backlog of school construction projects in your department?

Answer: If confirmed, I will review the facilities issues for schools.

52. Education: An important issue surrounding Indian Affairs and education is educating the general population about Indian Affairs. As a good example, I urge you to look at Montana's initiative called Indian Education for All. *To what extent will you lead public education about Indian Affairs?*

Answer: If confirmed, I will direct the BIE to examine the State of Montana's Indian Education for All initiative to ascertain how we can work in partnership with the State to share and exchange information about our programs. In addition, I will direct BIE to pursue similar opportunities for sharing of information with other states. I will also support BIE's current efforts to build partnerships with other entities.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO LARRY J. ECHO HAWK

53. (a) Mr. Echo Hawk, *could you describe for the Committee how you will work across departmental lines with HHS, HUD, Commerce, SBA, Education, Justice, Agriculture, Energy and other agencies to come up with a comprehensive strategy to move Federal Indian policy forward?*

Answer: If confirmed, I would be committed to working across Department lines to help Indian country. There are a number of departments that have responsibilities in matters affecting Indian country. Communication and coordination among these departments is critical to the effective administration of federal services within Indian country.

(b) *If confirmed, what steps will you take to make sure that Indian issues receive appropriate priority throughout these agencies?*

Answer: The technical expertise and resources of other departments could be valuable supplements to the efforts being made by the Bureau of Indian Affairs and the Bureau of Indian Education. I will initiate meetings with agency heads to consult with them about whether the services they provide to Indian people, and related regulations and processes, are consistent with the federal trust responsibility.

54. Mr. Echo Hawk, the BIA and IHS and three other agencies (DOE, EPA, and NRC) have been participating in addressing the Uranium mining legacy left in the Navajo Nation. These agencies have put together a 5-year plan, as has the Navajo Nation.

(a) Have you been apprised of this situation?

Answer: I have not been briefed on the Uranium in Indian Country issue but will look into this matter if confirmed.

54

(b) Under your direction, will you continue to embrace this initiative and lead in collaboration with the Navajo Nation and federal agencies to address this disaster in Indian Country?

Answer: While I am unfamiliar with the particulars of this issue, I have been informed that the lead agency for this issue is the Environmental Protection Agency with supporting participation by Indian Affairs. I will, however, take an active role in leading the Bureau of Indian Affairs participation in addressing this issue.

(c) How do you plan to coordinate with the Navajo and Hopi Nations on these efforts?

Answer: While the EPA is the lead agency on this issue, I will assist the EPA, the Navajo Nation, and Hopi Tribe on any coordinating efforts to address this issue.

(d) What can we do, as Senators, to help move this plan forward, and start to rectify the tragedies of uranium development in Indian Country?

Answer: I will need to become better informed of the situation concerning this issue prior to making any recommendations on how to rectify the situation.

55. Mr. Echo Hawk, in the late 1980s a fundamental decision was made by the Department of Interior that it would be better to negotiate complex Indian water rights cases rather than spend decades and tens of millions of dollars fighting them. And the Record shows that in the last 19 years much uncertainty has been removed and cases actually settled with Congress performing its role in reviewing, approving and funding the settlements. *Do you share the philosophy that seems to have worked for the past two decades of supporting federal investment to achieve settlement of Indian Water Rights Claims?*

Answer: Yes, I share that philosophy and believe that negotiation, in addition to defining the extent of Indian water rights, allows settlement parties to develop creative solutions to issues such as groundwater protection, resources administration, conservation and water marketing, based on local conditions and needs. The known benefits of settlement far outweigh the uncertainties inherent in litigation. Settlement negotiations foster a holistic, problem-solving approach that contrasts with the zero-sum logic of the courtroom, replacing abstract application of legal rules that may have unintended consequences for communities with a unique opportunity for creative solutions reflecting local knowledge and values. Settlements not only bring Indian and non-Indian communities together to confront joint water management challenges, they encourage consensus-driven solutions to other problems and build better relationships among tribes and their neighbors.

As a former Attorney General, I understand the importance of encouraging collaborative problem solving rather than divisive litigation. If confirmed as the Assistant Secretary for Indian Affair, I will assist the Department in achieving settlements that will provide justice for tribes as well as water for cities, farms, recreation, and the environment.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DIANNE FEINSTEIN TO LARRY J. ECHO HAWK

Question 56: With the financial benefits of Indian gaming, some tribes are attempting to obtain new lands closer to population centers or near transportation corridors for gaming purposes. Often these lands are a significant distance from the tribe's existing lands or their former lands. This can change the character of an area and lead to serious challenges for local communities. What is the administration's view of tribal acquisition of off-reservation lands for gaming purposes?

Answer: I am unable to speak on behalf of the Administration at this time. If confirmed, I would be happy to look into the issue of off-reservation land acquisitions for gaming purposes.

Question 57: The Bush Administration took various administrative actions to address off reservation gaming, including adopting a policy in May 2005 not to approve compacts until the subject land was first taken into trust, issuing a "guidance memorandum" in January 2008 requiring new lands to be within a "commutable distance" of the existing lands, adopting regulations in February 2008 requiring new facilities to obtain licenses, and adopting regulations in May 2008 which require tribes to have historical connections to newly acquired lands before gaming will be allowed on them. Which of these actions, if any, will you support? Can you comment on any other actions that you will support to address these problems? What solutions do you believe will alleviate some of the concerns about oversight deficiencies and lessen the impacts to local communities?

Answer: I am unfamiliar with the particulars of the previous Administration's actions regarding the question of off-reservation gaming. I would be happy to review these actions, as well as impacts to local communities, if confirmed.

Question 58: In a recent opinion, United States District Judge Richard Roberts dismissed a case brought by a California county against the Department of Interior challenging its approval of a compact as violation of the Administrative Procedures Act because it violated IGRA. Whether or not a tribe has met IGRA's statutory requirements and the Department's regulations for gaming, the court opined that the Secretary's approval of a compact "can never violate the statute." The court also found that approved compacts are precluded from judicial review by IGRA according to clear Congressional intent. While the court noted that portions of a compact that violate IGRA are deemed not approved even with Secretarial consent, it failed to address cases when the entire compact is in violation of IGRA because the underlying conditions for the compact have not been met. This ruling appears to suggest that IGRA authorizes its own violation so long as a compact is approved by the Secretary. What is the administration's view of this ruling and will you commit to denying compacts which do not fully comply with IGRA and regulations established by the Department and National Indian Gaming Commission?

Answer: The Indian Gaming Regulatory Act (IGRA) provides that if the Secretary does not affirmatively approve a compact within 45 days it is

considered to be approved but only to extent that it is consistent with IGRA. Judge Roberts found that Congress in IGRA did not provide standards for a court to review a decision to let the compact go into effect by operation of law. Thus, the decision to let a compact go into effect by operation of law is committed to agency discretion by the terms of IGRA.

I have been informed that the compact at issue in this case was not approved by the Secretary within 45 days and therefore became effective by operation of law. IGRA provides only three statutory reasons for the Secretary to disapprove a compact: (1) if a provision of the compact violates IGRA; (2) if the compact violates other provisions of Federal law that do not relate to jurisdiction over Indian gaming; or (3) if the compact violates the trust obligations of the United States. The failure to meet any of the three criteria is grounds for the Secretary to disapprove a compact.

P.O. BOX 4456
ALBUQUERQUE, NEW MEXICO 87196

May 6, 2009

The Honorable Byron Dorgan, Chairman
Committee on Indian Affairs
United States Senate
838 Hart Office Building
Washington, DC 20510

The Honorable John Barrasso, Vice Chairman
Committee on Indian Affairs
United States Senate
838 Hart Office Building
Washington, DC 20510

Re: Letter of Support for Larry J. Echo Hawk for appointment as Assistant Secretary of Indian Affairs, U.S. Department of the Interior

Dear Chairman Dorgan and Vice Chairman Barrasso:

On behalf of the American Indian Law Center, Inc., I write in support of the nomination of Larry J. Echo Hawk to serve as Assistant Secretary of Indian Affairs, U.S. Department of Interior.

Mr. Echo Hawk has clearly shown through his years of experience as an accomplished attorney and dedicated professional representing American Indian tribes that he is an effective advocate for tribal nations throughout the country. He was the first American Indian in the nation to be elected to a constitutional statewide office, serving as attorney general for the state of Idaho from 1991 to 1995. In addition to his legal work for tribes, Echo Hawk has served on the American Indian Services National Advisory Board and Board of Trustees, the Indian Alcoholism Counseling and Recovery House Program and the American Indian Community Resource Center Board.

In all of these capacities, Mr. Echo Hawk has exhibited the strong leadership skills and experience that is necessary to help stabilize the Bureau of Indian Affairs, an organization that is in critical need of his oversight and direction.

The American Indian Law Center, Inc.(AILC) is the oldest existing Indian-controlled and Indian-operated legal and public policy organization in the country, serving to strengthen, promote, and honor self-sustaining American Indian and Alaska Native communities through education, training, and leadership. Throughout the years, the AILC has continued to provide important and timely legal and policy analysis on the development of federal Indian policy. We take this

important role very seriously and support Mr. Echo Hawk because of his unique knowledge and expertise that will provide positive development and the strengthening of Indian self-determination.

Important to note, Mr. Echo Hawk is one of the outstanding graduates of the AILC's Pre-Law Summer Institute of 1970 (then called the Special Scholarship Program in Law for American Indians and Alaska Natives). The Pre-Law Summer Institute (PLSI) is an intensive program that prepares American Indian and Alaska Native individuals for the rigors of law school. PLSI has been the starting point for many people, such as Mr. Echo Hawk, who are prominent in Indian law, including federal officials, state and tribal court judges, law school professors and directors of a wide variety of organizations. Graduates of PLSI also serve as tribal chairpersons, tribal legal counsels and general practitioners serving Indian people. They have argued before the United States Supreme Court, testified before Congress, and held various political appointments, including three Assistant Secretaries of Indian Affairs for the Department of the Interior.

The AILC believes it is critically important to place a proven leader in this key position as expeditiously as possible. We believe Mr. Echo Hawk is well-qualified for the position of Assistant Secretary for Indian Affairs through his unique combination of education, experience, intellect and service and we urge his confirmation.

Sincerely,

Helen B. Padilla

Helen B. Padilla, Esq.
Director

CALIFORNIA INDIAN LEGAL SERVICES
BISHOP·ESCONDIDO·EUREKA·SACRAMENTO
Principal Office
609 S. Escondido Blvd., Escondido, CA 92025

Devon Lee Lomayesva, Executive Director

May 7, 2009

Senator Byron Dorgan
322 Hart
Senate Office Bldg
Washington, DC 20510

Re: Letter of Support and Recommendation for Larry EchoHawk as Assistant Secretary for Indian Affairs for the U.S. Department of the Interior

Dear Honorable Senator Dorgan:

On behalf of the staff and Board of Trustees of California Indian Legal Services ("CILS"), we submit this letter of support and recommendation for the appointment of Larry EchoHawk as Assistant Secretary for Indian Affairs for the U.S. Department of the Interior. It is our firm belief that Mr. EchoHawk will bring valuable experience and a sound approach to this vital position for American Indian people.

A number of former and current CILS attorneys and Board members have firsthand experience in working with Mr. EchoHawk, as he was an attorney at CILS in the early 1970's. After CILS, Mr. EchoHawk took on various positions to advocate for the legal interests of American Indians and later became the first American Indian elected to a constitutional statewide office, serving as Attorney General of Idaho.

CILS is confident that Mr. EchoHawk's leadership and legal advocacy experience will make him a prime candidate for the position of Assistant Secretary of Indian Affairs. Mr. EchoHawks's decades of experience with tribal governments and state government as well as public service on a variety of boards and committees demonstrate his commitment to Indian nations and Indian self-determination. If appointment, Mr. EchoHawk would undoubtedly respect and encourage the long standing policy of government to government relations between Indian tribes and the federal government.

Again, we urge your consideration of Mr. EchoHawk as the next Assistant Secretary of Indian Affairs. Please feel free to contact me on behalf of CILS at 760-746-8941. Thank you for your time and consideration.

Respectfully,

CALIFORNIA INDIAN LEGAL SERVICES

Devon Lee Lomayesva
Executive Director

UNITED SOUTH AND EASTERN TRIBES, INC.
711 Stewarts Ferry Pike • Suite 100 • Nashville, TN 37214

May 9, 2009

Senator Byron L. Dorgan
Chairman
Committee on Indian Affairs
SH-838 Hart Senate Office Building
Washington, DC 20510-6450

RE: Nomination of Larry EchoHawk to Assistant Secretary of Indian Affairs at the Department of the Interior

Dear Senator Dorgan:

United South and Eastern Tribes, Inc (USET) is a non-profit inter-tribal organization representing twenty-five (25) federally recognized Tribal Governments. I am writing regarding USET's support on the nomination of Larry J. EchoHawk to be Assistant Secretary of Indian Affairs, U.S. Department of the Interior.

Please call the USET office at (615) 872-7900 if you have questions.

Sincerely,

UNITED SOUTH AND EASTERN TRIBES, INC.

Brian Patterson
USET President

"Because there is strength in Unity"

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CHEROKEE NATION™
P.O. Box 948 • Tahlequah, OK 74465-0948 • (918) 453-5000

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Chad "Corntassel" Smith
Principal Chief

ᏄᏓᏍᏗᏂᏲᏎᏍᏗ
Joe Grayson, Jr.
Deputy Principal Chief

May 5, 2009

Senator Byron Dorgan, Chairman
U.S. Senate Committee on Indian Affairs
838 Hart Office Building
Washington, DC 20510

Senator John Barrasso, Vice-Chairman
U.S. Senate Committee on Indian Affairs
838 Hart Office Building
Washington, DC 20510

Dear Chairman Dorgan and Vice-Chairman Barrasso:

On behalf of the Cherokee Nation, please accept this correspondence in support of the confirmation of Larry Echohawk as Assistant Secretary of Indian Affairs. Mr. Echohawk, a citizen of the Pawnee Nation, has led a distinguished and influential career with the sincerest regard and commitment to the preservation of sovereignty among federally recognized Indian Nations. Mr. Echohawk's collective experience and service to Indian Country has exceptionally equipped him with the essential knowledge, skills and ability to bear the responsibility of directing the Bureau of Indian Affairs and the Bureau of Indian Education.

As you know, the Assistant Secretary for Indian Affairs is a critical position in the United States' efforts to fulfill the Trust Obligation to Indian Nations. The Assistant Secretary must be well versed in Federal Code but also have the ability to connect with the population that the office affects. Indian Country is deserving of an Assistant Secretary that can identify with Native issues yet fulfill the orders and directives of President Obama and Secretary Salazar to the highest of standards.

Mr. Echohawk has demonstrated an excellence in service to State, Federal and Tribal Governments. Mr. Echohawk's professional and academic experience has made him distinctively qualified to perform the duties entrusted to the office. The Cherokee Nation is supportive of an expedient confirmation process for Mr. Echohawk as Assistant Secretary for Indian Affairs.

Should additional information be required on this matter, please contact Paula Ragsdale at (202) 393-7007, or by e-mail at paula-ragsdale@cherokee.org.

Sincerely,

Chad Smith
Principal Chief
Cherokee Nation

TESTIMONY OF THE NATIONAL CONGRESS OF AMERICAN INDIANS ON THE CONFIRMATION OF THE PRESIDENT'S NOMINATION OF MR. LARRY ECHOHAWK TO BE ASSISTANT SECRETARY FOR INDIAN AFFAIRS

UNITED STATES SENATE COMMITTEE ON INDIAN AFFAIRS MAY 7, 2009

Chairman Dorgan, Vice Chairman Barrasso and distinguished members of the Senate Committee on Indian Affairs, thank you for the opportunity to provide our views on the nomination of Mr. Larry Echohawk to be the next Assistant Secretary for Indian Affairs. On behalf of the National Congress of American Indians, we urge the Senate to move forward on confirmation of Larry Echohawk to be the Assistant Secretary of Indian Affairs.

We recommend a swift confirmation of the President's appointment because this is an extremely important leadership position for Indian tribal governments, and the position has been vacant for a year. The Assistant Secretary leads the Bureau of Indian Affairs, an agency with 10,000 employees and an annual budget of $2.4 billion. The BIA provides critical services and infrastructure in law enforcement, education, social services, transportation and land and natural resources management; and the Assistant Secretary is the primary manager of and advocate for these programs and services within the Administration. The Bureau of Indian Affairs requires an appointee who has the support of the President and the approval of the Senate to improve the operations of the BIA, expand tribal self-government, and address longstanding problems -- particularly in law enforcement, natural resources mangement.

Unfortunately the BIA suffered from instability in leadership during the last Administration. A pattern developed where short term Assistant Secretaries were not given the authority or support they needed to effectively fulfill their role. This concern was compounded by the several rounds of reorganization of the Department which moved decision making outside of the Bureau of Indian Affairs. Congress has mandated that the Administration of the Bureau of Indian Affairs be managed by Indian people in order to promote tribal self-determination and move away from the paternalism of the past. NCAI urges swift confirmation and strong oversight from this Committee in order to restore confidence in the agency.

We believe that Mr. Echohawk has the necessary experience for this important job, having served as a tribal attorney for the Shoshone Bannock Tribes, as Attorney General for the State of Idaho, and as a law professor. Mr. Echohawk does not have direct experience working in Indian Affairs for the Department of Interior, and there is a significant learning curve because of the multi-faceted mission, complex laws and regulations, and diverse regional needs. NCAI would urge the Administration to empower the new Assistant Secretary to employ a talented and energetic staff that has experience with the internal workings of the agency.

Vision for the Future: Mr. Echohawk has the opportunity to lead the federal-tribal relationship into the future. Tribal leaders are working to fulfill a vision of transitioning the Bureau of Indian Affairs to a system where there is vigorous participation and management by tribal governments, while the BIA fulfills its trust responsibility to protect Indian lands and provide technical assistance and funding for critical services. Tribal leaders have a vision of a partnership where tribes and the BIA work together to manage reservation lands for their intended purpose -- providing a homeland and economy for Indian people.

Backlog of Decision-making: The Assistant Secretary has an important decision-making role that affects individual tribes. Many of these decisions have been on hold for too long -- construction of schools and roads, allocation of police, water rights settlements, approval of leases, and acquisition of land into trust. The Assistant Secretary has to balance competing interests and make decisions in a timely manner. Endless delays hinder the ability of tribal governments to move forward with their efforts.

Economic Development and Tribal Natural Resources Management: For the last decade, trust accounting litigation and trust reform have dominated the resources and energy of the Department of Interior. There is broad agreement that a fair settlement is necessary and that fundamental reforms are needed to improve the Department's management of Indian natural resources and trust accounts, to empower tribal governments in natural resources management, to address fractionation, and to streamline the bureaucracy that stifles economic development in Indian country. Leadership is needed to bring these issues to closure.

Funding of Tribal Government Services: Treaty rights and the trust responsibility created the federal obligation for basic services on reservations such as education, health care, law enforcement and transportation. Under the federal policy of Tribal Self-Determination, Indian Nations have the primary role in providing these services. Interior budgets and policies must ensure stable sources of funding for tribal governments so that tribal citizens receive equitable services in the same manner that is found in other jurisdictions throughout the United States. Adequate funding for programs that foster self-determination is paramount.

Law Enforcement: Rising crime rates and scarce law enforcement resources have grown into a crisis on many Indian reservations. Jurisdictional fragmentation, lack of funding, failures of coordination and an anemic federal response have all contributed to the problem. The Assistant Secretary must coordinate with the Department of Justice and other federal agencies to seriously address the federal government's role. This coordination role has increased in importance with the creation of the Department of Homeland Security and the need to increase tribal government capacity to manage emergency response and homeland security situations resulting from natural and man-made disasters. New resources must be focused to reduce crime on Indian reservations, particularly to increase law enforcement capacity and address the increasing problems with drug trafficking, domestic violence and sexual assault.

Advancing Tribal Self-Governance: Tribal Self-Governance within the DOI and BIA is a long-term initiative to expand the capacity of tribal government to meet the needs of their own communities. Numerous successes and positive impacts have been realized, as evidenced by the increasing number of tribes entering Self-Governance over the last 20 years. In 2008, 40% of

562 federal recognized tribes are Self-Governance in the Interior Department, compacting for approximately $300 million of the BIA budget. These numbers represent the tremendous importance of Self-Governance as a key federal Indian policy initiative, but also the need to continue to focus on tribes receiving direct services. Leadership is needed to make improvements that will expand Self-Governance opportunities as well as other innovative ways to build tribal government management capacity and decision-making authority, particularly in land management. Leadership is also needed for the amendments to Title IV of the Indian Self-Determination and Education Assistance Act.

Education and Job Training: The federal government has direct responsibility for only two education systems – military and Indian school systems. Indian education and job training should become a model for preparing our children and our workers to compete in the global economy while also respecting the values of local communities. The Bureau of Indian Education immediately needs consistent and stable leadership that understands the needs of Indian schools. The Assistant Secretary can also play an enormously important role in improving coordination between the Department of Education and the BIE on meeting federal education requirements.

Indian Gaming: When Mr. Echohawk's nomination was first announced, concerns were raised about his position on Indian gaming during the early 1990's when he was Attorney General of the State of Idaho. Our understanding is that these concerns have been put to rest, and the tribal governments in Idaho support Mr. Echohawk's confirmation. The Indian Gaming Regulatory Act was signed into law by President Reagan in 1988. During the early 1990's when tribal government gaming was new, there was opposition to tribal government gaming in several states including Idaho, and much of it was based on misinformation. Twenty years later the track record of tribal government gaming has demonstrated beyond any doubt that it is a significant benefit to tribes and their surrounding communities. Indian reservations are now an economic anchor in rural Idaho, and tribes across the country have diversified and expanded their enterprises, employment, and government services far beyond the best expectations. Both federal law and common sense strongly support tribal government gaming, and we have no doubt that Mr. Echohawk will do the same.

Consultation: At this critical time, the Assistant Secretary must lead these efforts in full consultation with tribal leadership with all Indian and Alaska Native Nations. The key is to communicate with tribes *early before decisions are made*, have an open mind and talk about problems and solutions. Consultation functions best when tribal leaders' concerns are respected, and they are actively engaged in creating solutions.

Conclusion: NCAI urges the Senate to confirm Mr. Echohawk's nomination as soon as possible so that he can move forward with this important work. In previous Administrations there have been long delays in nominating and confirming the Assistant Secretary for Indian Affairs that have worked to the detriment of Indian country. When appointments and major policy decisions are delayed for extended periods, the long term issues in Indian country are often left unaddressed. We are optimistic that today's hearing and the confirmation of Mr. Echohawk is the beginning of a new era where successful reform and improvement efforts in Indian affairs are given the priority they deserve, right from the beginning of the Administration.

NATIONAL INDIAN EDUCATION ASSOCIATION

110 Maryland Ave, NE
Suite 104
Washington, DC 20002

NIEA Board of Directors
(2008/2009)

PRESIDENT
Robert B. Cook
Oglala Lakota
Board Term: (06/09)

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Oglala Lakota
Board Term: (07/10)

STUDENT BOARD MEMBER
Skawenniio Barnes
Mohawk Nation
Student Board Term: (08/11)

WHO WE ARE
The National Indian Education Association, a 501(c) (3) organization, was founded in 1969 to support traditional Native cultures and values, to enable Native learners to become contributing members of their communities, to promote Native control of educational institutions, and to improve educational opportunities and resources for American Indians, Alaska Natives, and Native Hawaiians throughout the United States.

www.niea.org

May 5, 2009

Chairman Byron Dorgan
Senate Committee on Indian Affairs
United States Senate
South Hart 838
Washington, DC 20010

Vice-Chairman John Barrasso
Senate Committee on Indian Affairs
United States Senate
South Hart 838
Washington, DC 20010

Dear Chairman Dorgan and Vice Chairman Barrasso:

The National Indian Education Association (NIEA) supports Mr. Larry EchoHawk's nomination to be Assistant Secretary of the Interior for Indian Affairs. We believe Mr. EchoHawk's background, experience, and expertise make him an excellent choice for the position. We thank the Committee for expediting the consideration of Mr. EchoHawk's nomination and urge the Senate to confirm his nomination as quickly as possible given the all the pressing needs in Indian Country, including the educational needs of students attending schools administered by the Bureau of Indian Education.

Mr. EchoHawk's education and experience in the field of education and in Indian Country have prepared him to address the myriad of issues and needs of schools administered by the Bureau of Indian Education as well as the needs of their students, parents, teachers, and communities in which they are located. For too long, the needs of schools administered by the Bureau of Indian Education have languished. For the past three school years, only 30% of Bureau of Indian Education schools made AYP goals established by the state in which the school was located. Department of Education statistics indicate that student performance at Bureau of Indian Education schools is lower than students at public schools. Further, there is a tremendous backlog of Bureau of Indian Education schools in need of replacement or repair due to severely inadequate funding. These schools and our students need to be a priority at the Department of the Interior and within the Obama Administration, and we are confident that Mr. EchoHawk will work with us to ensure that our students have the resources and tools they need to become productive citizens in their communities.

Sincerely,

Robert B Cook

Robert Cook

President

POARCH BAND OF CREEK INDIANS

5811 Jack Springs Road • Atmore, Alabama 36502

May 6, 2009

Chairman Byron Dorgan
Senate Committee on Indian Affairs
United States Senate
South Hart 838
Washington, DC 20010

Vice-Chairman John Barrasso
Senate Committee on Indian Affairs
United States Senate
South Hart 838
Washington, DC 20010

Dear Chairman Dorgan and Vice Chairman Barrasso:

The Poarch Band of Creek Indians supports Mr. Larry EchoHawk's nomination to be Assistant Secretary of the Interior for Indian Affairs. We believe Mr. EchoHawk's background, experience, and expertise make him an excellent choice for the position. We thank the Committee for expediting the consideration of Mr. EchoHawk's nomination and urge the Senate to confirm his nomination as quickly as possible given the all the pressing needs in Indian Country.

Given Mr. EchoHawk's education and experience in Indian Country working to protect tribal sovereignty and in ensuring that the federal government fulfills its trust responsibilities to tribes in areas such as law enforcement, infrastructure, health care, education, we believe that he is the right person for the job. There are many complex and urgent issues in Indian Country in need of immediate attention, and we believe that Mr. EchoHawk has the determination, steadfastness, and skill that is needed to resolve them.

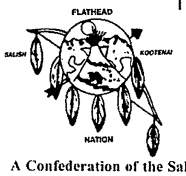
The Poarch Band of Creek Indians looks forward to working with Mr. EchoHawk and with you to improve the government-to-government relationships between the United States and Indian tribes.

Sincerely,

Buford L. Rolin

Buford Rolin
Chairman

Seeking Prosperity and Self Determination



THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION
P.O. BOX 278
Pablo, Montana 59855

A Confederation of the Salish, Upper Pend d'Oreilles and Kootenai Tribes

May 6, 2009

TRIBAL COUNCIL MEMBERS:
James Steele Jr. – Chairman
E.T. "Bud" Moran – Vice Chair
Steve Lozar – Secretary
Jim Malatare – Treasurer
Joe Durglo
Carole Lankford
Michel Kenmille
Reuben A. Mathias
Charles L. Morigeau
Terry L. Pitts

The Honorable Byron Dorgan, Chairman
The Honorable John Barrasso, Vice Chairman
Committee on Indian Affairs
United States Senate
Washington, DC 20510

Dear Chairman Dorgan and Vice Chairman Barrasso,

The Confederated Salish and Kootenai Tribes of the Flathead Reservation wish to lend our support and endorsement to the nomination of Larry Echohawk to be the next Assistant Secretary for Indian Affairs in the Department of the Interior. This endorsement was agreed to via a vote of our Tribal Council on April 16, 2009. I respectfully request this letter be a made a part of the Committee's hearing record on this nomination.

We believe Mr. Echohawk's unique background as a member of one this country's most preeminent Indian families, as a lawyer for the Shoshone-Bannock Tribes in neighboring Idaho, as a State Legislator and Attorney General of Idaho and as professor and scholar in the field of Indian law make him extremely qualified for the post to which he has been nominated. We are impressed by the fact that the tribes that know him best, our brothers and sisters in Idaho, have endorsed him.

Senators, it is sometimes said the post of Assistant Secretary for Indian Affairs is one of the worst jobs in Washington and that most people leave the position tattered and torn, full of lumps and bruises and in need of a long hug from their mothers. In my opinion there are two fundamental reasons for this. The basic infrastructure on the vast majority of Indian reservations are decades behind what would be found in off-reservation communities. As numerous studies have demonstrated (including one by the US Commission on Civil Rights), the money allocated for trust resource management and human resource needs on Indian reservations pales in comparison to what is made available for other federal programs and in most communities. The tribes expect the Assistant Secretary to be an advocate yet he has been routinely hamstrung from day one constantly having to say "no" and to preside over the continued nickel and diming of tribal programs. As a result, past Assistant Secretaries have ended up overseeing reservation communities where so many have lost hope. This them becomes a thankless job at best.

The other problem the holder of this position encounters are the many conflicts that exist within the Interior Department, over water rights, funding decisions, jurisdictional matters, litigation, natural resource management, etc. Senators we believe you understand what it means to be a trustee and to have a fiduciary responsibility. That is precisely the role that the Assistant Secretary for Indian Affairs must play and the only way for Larry Echohawk to succeed is to have the strong support from the White House, from Secretary Salazar, from the Office of Management and Budget, and from the Congress. If your Committee together with the Energy and Natural Resources Committee and the Appropriations Committees give him this support, Mr. Echohawk will be able to preside over a period of renaissance for our people and this will be a time we will all look back to with pride. Larry has the skills to do well in this position but he can't succeed unless the rules of engagement change, the budget of the Bureau of Indian Affairs is enhanced to reflect reality and parity and unless tribal sovereignty becomes an accepted reality and not merely a politically correct statement touted during election cycles. This was the hope I left with after hearing then candidate Barrack Obama speak in Montana last year and this is the hope I am left with when I have heard positive statements you have made at hearings and on the Senate floor. This is the prayer I now say on behalf of my people.

Thank you.

Sincerely,

James Steele, Jr.
Chairman

cc: Hon. Max Baucus
Hon. Jon Tester

SALT RIVER
PIMA-MARICOPA INDIAN COMMUNITY
10005 East Osborn Road / Scottsdale, Arizona 85256-9722

May 7, 2009

Chairman Byron Dorgan
Senate Committee on Indian Affairs
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Dorgan:

On behalf of the Salt River Pima-Maricopa Indian Community, I'm writing in support of Mr. Larry Echohawk as Assistant Secretary for Indian Affairs for the Bureau of Indian Affairs, Department of Interior.

The Assistant Secretary for Indian Affairs has the responsibility for fulfilling the Department of Interior's trust responsibilities and promoting self-determination on behalf of tribal governments, American Indians and Alaskan Natives. The Assistant Secretary oversees the Bureau of Indian Affairs, its programs and delivery of services to the 559 federally recognized tribes nation-wide.

Mr. Echohawk's legal training, his work with tribal governments and his direct involvement in the political process brings a wealth of experience necessary to achieve renewal of trust and government-to-government relationships with tribal governments and its leaders.

I strongly urge you to vote in support of Mr. Echohawk's nomination. Thank you and if you have any questions or concerns, please feel free to contact me.

Sincerely,

Diane Enos

Diane Enos
President

CONFEDERATED TRIBES OF
COOS, LOWER UMPQUA AND SIUSLAW INDIANS
TRIBAL GOVERNMENT OFFICES
1245 Fulton Ave. • Coos Bay, OR 97420

May 5, 2009

Honorable Byron Dorgan
Chairman
Honorable John Barrasso
Vice Chairman
Committee on Indian Affairs
United States Senate
Washington, DC 20510

Re: Support for nomination of Larry Echohawk to be Assistant Secretary – Indian Affairs

Dear Mr. Chairman and Vice Chairman:

I write on behalf of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians to encourage the Committee to move quickly to persuade the United States Senate to confirm the President's nomination of Larry Echohawk as Assistant Secretary - Indian Affairs in the Department of the Interior.

Mr. Echohawk is a lawyer with a distinguished career in public service. He has been a strong advocate for Native American Indian people and our tribal governments. He will bring considerable talent and dedication to this high office.

I am confident that Mr. Echohawk will, with the conscientiousness that has marked his career to date, carry out the federal trust responsibilities to the Nation's Indian Tribes. On behalf of my Tribes, I wish to indicate our support for his nomination and our hope that he is swiftly confirmed.

Sincerely,

Robert Garcia
Chairman
Confederated Tribes of Coos,
Lower Umpqua, and Siuslaw Indians

Ewiiaapaayp Tribal Office

Ewiiaapaayp Band of Kumeyaay Indians

4054 Willows Road
Alpine, CA 91901

May 5, 2009

The Honorable Byron L. Dorgan, Chairman
The Honorable John Barrasso, Vice Chairman
Committee on Indian Affairs
United States Senate
838 Hart Office Building
Washington, DC 20510

Attention: John Harte, Policy Director

Dear Sirs:

On behalf of the Ewiiaapaayp Band of Kumeyaay Indians, as its Chairman, I write in support of the nomination of Larry J. Echo Hawk to be Assistant Secretary of Indian Affairs ("ASIA"), U.S. Department of the Interior. I ask that Mr. Echo Hawk's nomination be provided speedy approval by the Senate Indian Affairs Committee, with a strong recommendation to the full Senate for his approval for the post of ASIA.

Thank you for your help. Please contact me or the Tribe's CEO, Mr. Will Micklin, should you or your staff have any questions.

Sincerely,

Robert Pinto Sr.

Robert Pinto Sr., Chairman
Ewiiaapaayp Band of Kumeyaay Indians

Kootenai Tribe of Idaho
P.O. Box 1269
Bonners Ferry, ID 83805

February 3, 2009

The Hon. Barack Obama
President, United States of America
The White House
1600 Pennsylvania Ave. NW
Washington, D.C. 20500

Re: Support for Larry EchoHawk for Position of Assistant Secretary of Indian Affairs

Dear Mr. President:

The Kootenai Tribal Council unanimously supports the nomination of Larry EchoHawk to become the next Assistant Secretary of Indian Affairs.

Mr. EchoHawk is supremely qualified to be the Assistant Secretary of Indian Affairs. His work before, during and after his service as the first Indian Idaho Attorney General is evidence of his awareness of Indian issues and his determination to achieve results. We did not always agree while he was Attorney General, but the Tribe was appreciative of his willingness to discuss the issues.

There are a number of issues facing Indian Country and the role and function of the Department of Interior. The Tribe believes Mr. EchoHawk is the right person to make the necessary changes to ensure protection and promotion of Tribal self-determination.

Sincerely yours,

Jennifer Porter

Jennifer Porter
Chairperson

MENOMINEE INDIAN TRIBE OF WISCONSIN
CHAIRMAN'S OFFICE
P.O. Box 910
Keshena, WI 54135-0910

Monday, April 27, 2009

Honorable Chairman Bryan Dorgan
Honorable Vice-Chairman John Barrasso
Committee on Indian Affairs
United States Senate
Washington, DC 20510

RE: CONFIRMATION OF LARRY ECHOHAWK

Dear Mr. Chairman and Vice-Chairman:

I write on behalf of the Menominee Indian Tribe of Wisconsin to urge the Committee to act quickly to persuade the full U. S. Senate to confirm the President's nomination of Larry Echohawk as Assistant Secretary – Indian Affairs.

Mr. Echohawk has had a distinguished career in public service. His advocacy on behalf of Indian people and their tribal governments has been noteworthy. He is quite talented and dedicated. On behalf of my Tribe, I wish to indicate our support for his nomination and our hope that he is swiftly confirmed. I am confident that Mr. Echohawk will diligently carry out the federal trust responsibilities to the Nation's Indian Tribes.

The Menominee Indian Tribe considers the post of Assistant Secretary – Indian Affairs to be charged with ensuring that the United States maintains a respectful government-to-government relationship with each Tribe. The fact that this position has gone unfilled for such long periods in the recent past has been detrimental to these relationships. Prompt confirmation of Mr. Echohawk would signal the federal government's renewed commitment to both its trust responsibilities and its respect for the government-to-government relationship with Tribes.

Sincerely,

Lisa S. Waukau
Tribal Chairman

May 5, 2009

Honorable Byron Dorgan, Chairman
Honorable John Barrasso, Vice Chairman
Committee on Indian Affairs
United States Senate
Washington, DC 20510

Re: Mohegan Tribe Support for nomination of Larry Echohawk to be Assistant Secretary – Indian Affairs

Dear Mr. Chairman and Mr. Vice Chairman:

I write on behalf of the Mohegan Tribe of Indians to urge the Committee to move quickly to convince the United States Senate to confirm the President's nomination of Larry Echohawk as Assistant Secretary - Indian Affairs at the Department of the Interior.

Mr. Echohawk has earned great respect during his career as an advocate for Native American Indians and for tribal governments. The Mohegan Tribe is sure that Mr. Echohawk will bring that same commitment to the office of Assistant Secretary and that he will serve the President with distinction.

We wish to indicate our support for his nomination and our hope that he is swiftly confirmed. Please include our letter in the record of the hearing on May 7, 2009. Thank you.

Sincerely,

Bruce Bozsum, Chairman
Mohegan Tribe of Indians

cc: Senator Chris Dodd
Senator Joe Lieberman

THE MOHEGAN TRIBE

5 Crow Hill Road • Uncasville, CT 06382

Osage Nation

Office of the Principal Chief

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Jim Gray
Principal Chief

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John D. Red Eagle
Assistant Principal Chief

February 5, 2009

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Obama:

On behalf of the Osage Nation, I write to support the candidacy of Larry EchoHawk for Assistant Secretary for Indian Affairs within the Department of the Interior.

Indian tribes from across the country thirst for change in their long history of dealings with the United States. The Osage Nation is among them. We strongly support your Principles for Stronger Tribal Communities and believe that Larry EchoHawk, citizen of the Pawnee Nation, our neighbor, is the right person to carry forward these Principals forward as the head the Bureau of Indian Affairs.

Mr. EchoHawk has a long and distinguished history of public service. We look forward to working with him to protect and enhance the sovereign rights of Indian tribes, which is paramount.

I urge your support of Larry EchoHawk for this important position.

Sincerely,

Jim Gray
Principal Chief

JG/jl

Cc: The Honorable Byron Dorgan, Chairman, Senate Indian Affairs Committee
The Honorable John Barrasso, Vice Chairman, Senate Indian Affairs Committee

627 Grandview * P.O. Box 779 * Pawhuska, Oklahoma 74056

Pawnee Nation of Oklahoma

P. O. Box 470
Pawnee, OK 74058

January 29, 2009

The Honorable Byron Dorgan
322 Hart Senate Office Building
United States Senate
Washington, DC 20510

Dear Senator Dorgan:

The Pawnee Nation of Oklahoma extends our full support for our tribal member, Larry Echo-Hawk, in this tremendous occasion of consideration for the appointment of Assistant Secretary of Indian Affairs.

The Pawnee Nation is truly blessed in counting Mr. Echo-Hawk among our many accomplished tribal members. In fact, as you are fully aware his family shares a legacy of commitment to justice, equality, sovereignty, and human rights for all Indian people.

We believe his service to this great country in his many stations as a public servant and his service to the indigenous peoples of this country stand alone as a representation of his character and upbringing.

The Pawnee Nation is confident Mr. Echo-Hawk's abilities and mature understanding of the needs of Indian people make him the right choice for Assistant Secretary of Indian Affairs and, once again, we pledge our full support of his appointment.

Thank you for your time and consideration. We wish you and your family the best in the days to come. This is certainly an exciting time for all Americans.

Respectfully,

George E. Howell, President
Pawnee Business Council

February 4, 2009

The Honorable Barack Obama
President
United State of America
1600 Pennsylvania Ave. NW
Washington, DC 20500

Dear Mr. President:

On behalf of the people of the Pueblo of Jemez, congratulations on your election as the 44th President of the United States. Your campaign platform and conviction to change how America communicates and responds to the needs of Indian Country resonated with our community. In fact, the Pueblo of Jemez had record attendance at the polls, boasting an 85% turnout of registered voters. We know your message also sparked hope in Native American communities across the nation and that your staff spent countless hours in Indian Country working to understand the challenges facing our communities.

Your consideration of Mr. Larry Echohawk for the position of Assistant Secretary of Indian Affairs confirms that you are listening to Indian country. The Bureau of Indian Affairs is in dire need of strong leadership and advocacy for Indian Tribes across the country, and we are confident that Mr. EchoHawk, with his knowledge of Indian law and experience with Tribes as a former attorney for the Shoshone-Bannock Tribe in Idaho will be in a position to protect tribal sovereignty and advance the interest of tribes.

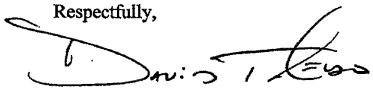
We appreciate that Mr. Larry EchoHawk personally called our 1st Lieutenant Governor, Benny Shendo, Jr. last week to discuss some of the concerns of Mr. EchoHawk's actions as Attorney General of Idaho regarding Indian gaming. Based on his answers that he will be an advocate for tribal economic development and will support the Indian Gaming Regulatory Act (IGRA) within the parameters of the law, we support his nomination. The continued support of IGRA is very important to tribes because it goes to the very core of our sovereignty and our ability to determine our own destiny.

Office of the Governor
4471 Highway 4, Box 100 • Jemez Pueblo • New Mexico • 87024

On a personal note, the people of Jemez have fond memories of the EchoHawk brothers and their athleticism during their participation in the Annual Father's Track Meet in Jemez Pueblo back in the '60-'70s. In addition, the EchoHawk family and their tremendous work in the Indian Law profession and advocacy of Indian issues across the country has not gone unnoticed.

With positive thoughts and prayers.

Respectfully,



David Toledo
Governor

cc: The Honorable Jeff Bingaman
The Honorable Tom Udall
The Honorable Ben Lujan
The Honorable Martin T. Heinrich
The Honorable Harry Teague
The Honorable Byron L. Dorgan
The Honorable John Barrasso
The Honorable Nick Rahall, II
The Honorable Doc Hastings

Resolution 2009-01

TO SUPPORT LARRY ECHOHAWK FOR THE ASSISTANT SECRETARY OF INDIAN AFFAIRS FROM THE PUEBLO OF JEMEZ

WHEREAS, The Pueblo of Jemez is a federally recognized sovereign tribal government with a Governor and Tribal Council empowered to exercise all governmental powers, and fiscal authority, and

WHEREAS, the Pueblo of Jemez has been made aware that President Barack Obama is considering Larry Echohawk for the position of Assistant Secretary of Indian Affairs; and

WHEREAS, the Bureau of Indian Affairs is in dire need of strong leadership and advocacy for Indian Tribes across the country, and

WHEREAS, Larry Echohawk has wealth of knowledge in Indian Law and experience with Tribes, and

WHEREAS, the Jemez Tribal Council firmly believes that Mr. Echohawk will be an advocate for tribal economic development.

NOW THEREFORE BE IT RESOLVED THAT the Pueblo of Jemez fully supports the nomination of Larry Echohawk for the Assistant Secretary of Indian Affairs position.

CERTIFICATION

I, the undersigned as the Governor of the Pueblo of Jemez, do hereby certify that at a duly called meeting of the tribal council on this 4th day of February, 2009, the Jemez Tribal Council approved this resolution, with a quorum being present, and that 13 voted for the resolution, and 0 opposed.

David M. Toledo, Governor
Pueblo of Jemez

ATTEST:
Benny Shendo, Jr, 1st Lt. Governor

TRIBAL COUNCIL:

Paul Tosa

Candido Armijo

Joe Cajero

Paul S. Chinana

Raymond Gachupin

Frank Loretto

J. Leonard Loretto

Raymond Loretto

Jose E. Magdalena

Roger Madalena

Jose L. Pecos

Arthur Sandia

Jose Toledo

Michael Toledo, Jr.

Vincent A. Toya, Sr..

Augustine Waquie

February 3, 2009

President Barack Obama
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Dear Mr. President:

The Puyallup Tribe of Indians supports Mr. Larry EchoHawk's appointment to the position of Assistant Secretary of the Interior for Indian Affairs. We believe Mr. EchoHawk's background, experience and expertise make him an excellent choice for the position.

We are particularly appreciative that Mr. EchoHawk personally responded to our request to discuss his potential nomination and the important issues he will focus on once in office.

One of the issues identified by Mr. EchoHawk that is particularly important to the Puyallup Tribe is upgrading criminal law enforcement on reservations. Mr. EchoHawk's background in criminal and Indian law make him uniquely qualified to address the myriad of issues surrounding law enforcement on Indian reservations. He will bring a heightened level of expertise to the office that will allow him to work with tribes to formulate plans to improve tribes' abilities to combat crime on their reservations.

Furthermore, Mr. EchoHawk's education and experience in the field of education and in Indian Country have prepared him to lead the Department of Indian Education. We know of his passion for education and his knowledge of the important role it plays in the lives of youth and we look forward to seeing him share that passion with our youth and those that teach our children. We are confident that that focus on education will make a difference in the lives of children throughout Indian Country.

Finally, we know that Mr. EchoHawk is a man of integrity and honor who will uphold his oath of office and serve you and Indian Country well. These attributes will allow him to cultivate strong relationships of trust between the Administration and the tribes that will help him be successful in advancing the issues of tribal sovereignty and self-determination and ensuring that the United State's trust obligation toward tribes is adequately met.

We pledge our support for Larry EchoHawk as the next Assistant Secretary for Indian Affairs.

Respectfully,

Herman Dillon, Sr.
Chairman, Puyallup Tribe of Indians

Cc: Director, White House Personnel
Secretary Ken Salazar, Department of Interior

3009 E. Portland Ave. • Tacoma, Washington 98404

CENTRAL COUNCIL
tlingit and haida indian tribes of alaska
ANDREW P. HOPE BUILDING
320 West Willoughby Avenue • Suite 300
Juneau, Alaska 99801-1726

May 5, 2009

Honorable Byron Dorgan, Chairman
Honorable John Barrasso, Vice Chairman
Committee on Indian Affairs
United States Senate
Washington, DC 20510

Re: CCTHITA Support for nomination of Larry Echohawk to be Assistant Secretary – Indian Affairs

Dear Mr. Chairman and Mr. Vice Chairman:

I write on behalf of Central Council of Tlingit and Haida Indian Tribes of Alaska. We wish to encourage the Committee to act promptly to persuade the United States Senate to confirm the President's nomination of Larry Echohawk as Assistant Secretary - Indian Affairs in the Department of the Interior.

We have watched Mr. Echohawk's career-long dedication to Native American Indians and to public service. He has been a strong advocate for Natives and our tribal governments. We believe he will bring that same talent and dedication to the office of Assistant Secretary.

We have high hopes that Mr. Echohawk will do everything he can to help the United States honor its obligations to Indian Tribes and to faithfully carry out the solemn trust responsibilities our Nation owes Indian Tribes. We are especially eager to sit down with Mr. Echohawk and review with him the often unfair treatment the Department has accorded Indian Tribes in Alaska, especially with regard to trust land acquisition in Alaska.

On behalf of the Central Council, I wish to indicate our support for Mr. Echohawk's nomination and our hope that he is swiftly confirmed. Please include our letter in the record of the hearing on May 7, 2009. Thank you.

Sincerely,

William E. Martin
President

Cc: Senator Lisa Murkowski
Senator Mark Begich

Board of Directors:
Mel Sheldon - Chairman
Marie Zackuse - Vice Chairman
Chuck James - Treasurer
Marlin J. Fryberg, Jr., *Sawlus*, - Secretary
Stanley G. Jones Sr., *Sahe Hallem* - Board Member
Glen Gobin - Board Member
Tony Hatch - Board Member
Shelley Lacy, χιεανια - General Manager

6700 TOTEM BEACH ROAD
TULALIP, WA 98271-9694

The Tulalip Tribes are the successors
in interest to the Snohomish,
Snoqualmie and Skykomish tribes
and other tribes and band signatory
to the Treaty of Point Elliot.

January 28, 2009

Secretary Ken Salazar
Department of Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Ken Salazar:

We join tribes in our unqualified support of the appointment of Larry Echohawk to Assistant Secretary for Indian Affairs. Like many other tribes, we have full confidence to Mr. Echohawk's strong commitment to Tribal Sovereignty and Indian interests, including economic development through gaming enterprises.

We are confident that Mr. Echohawk's long history of advancing tribal sovereignty and self-sufficiency will continue in his role as Assistant Secretary of Indian Affairs.

Sincerely,

Melvin Sheldon Jr

Melvin Sheldon Jr.
Chairman