



Q&A with Representative Tom Cole (R-OK)

Tom Cole was elected to Congress in 2002 and is currently serving his fifth term. He is a fifth generation Oklahoman, an enrolled member of the Chickasaw Nation and currently the only Native American serving in Congress. Rep. Cole was awarded the Congressional Leadership Award by the National Congress of American Indians in 2007 and was inducted in the Chickasaw Hall of Fame in 2004.

What is your perspective on the recent White House Tribal Nations Conference?

I have a very positive perspective about it. This is the third one in a row and the fact that the President and the Administration has remained committed to tribes is a very good thing. I often say it sort of acts as a triggering mechanism for good news because the President and obviously the leaders of the Administration want to announce good things. I was very happy to see the President's commitment on Indian education and tribal colleges within the Department of Education. It acknowledges that the responsibility for the education of Indian young people goes beyond the Bureau of Indian Education, particularly since the majority of Native American students don't go to BIE schools. I was also very happy to hear Secretary Salazar and Secretary Echo Hawk just ahead of the conference announce an overhaul on regulations relating to surface leasing and renewable energy. That's a really good step in the right direction and gives tribes a lot more control over their resource and asset bases. Frankly, I'd like to see us move beyond that and actually extend that to subsurface rights as well. But there is no doubt progress was made. This was a very good conference and, again, shows an ongoing commitment to Native American issues and concerns.

What is your overall assessment of the current Administration's handling of tribal issues so far?

Actually, very good, and you know I'm a conservative Republican and I disagree with the President on a lot of issues. But you have to give him credit where credits due. On Native issues, it's overall been a very good record. We've worked very closely with the Administration on everything from the Cobell settlement to the Tribal Law and Order Act. We're also working with him hand in hand on the Carcieri fix. The Administration has been a good ally in terms of appropriations. I give the President very positive marks and I certainly give Secretary Salazar, Secretary Echo Hawk and Director Roubideaux very high marks on their efforts to improve the lives of individual Native Americans and their recognition of the rights of tribal governments.

As we enter 2012, what issues are most important to you with regard to tribes?

There's quite a few that are in process right now. We've had some good successes – I want to give the Republicans a little

plug – the fact that they established the Subcommittee on Natural Resources for Indian and Alaska Native Affairs has been a big boon. It's given us a platform from which to launch pro-Native American legislation. This year Martin Heinrich of New Mexico moved the HEARTH Act through. I was able to move legislation H.R. 2362 for International trade, particularly focused on the Turks who have a real interest in Indian Country, in the pilot program. So, we've got those things in progress. We had a great year on the appropriations front, particularly in the House where we had bipartisan support. We actually spent more money on the BIA than the President asked for. It's pretty unusual that a Republican Congress would do that, although again it was bipartisan in the Appropriations Interior Subcommittee. We also increased Indian health care funding by 6%, which was more of an increase than almost anybody else in government got and, frankly, less than the House asked for – we actually asked for 10%, and the Senate reduced it, although we did still have a substantial gain.

Looking ahead, I would say we want to continue to move the legislation we talked about through the process. We also want to work with Chairman Young of the Natural Resources Committee and the Chairman of the Native American Alaska Native sub-committee. The biggest single thing for a lot of tribes would be to take care of the Carcieri issue. Senator Akaka has been a wonderful leader on that. He's held hearings on it; he's tried really hard to move it. I actually testified at one of those hearings at his invitation and we've written joint editorials together. He's got some strong resistance in the Senate, but also bipartisan support. His Vice-Chairman, Senator Barrasso from Wyoming, has been a real stalwart on this as well. So I would hope we could get that through. The Administration wants it through as well. Anybody that was actually in charge of administering the Bureau of Indian Affairs would not want a system whereby we have effectively two classes of Indian tribes – one that we put land in trust for and one that we can't. So that's something that really, really needs to be fixed. We need to continue to build on the appropriations gains of the last two or three years, because we are so far behind on the healthcare front, in particular, and we have so many needs educationally and with regard to housing particularly, to integrate reservations. So there's a lot to do, but again, that shouldn't take away from the

fact that we've had good bipartisan cooperation over the last two or three years and hopefully that can continue to the benefit of Indian Country.

What is your position on Internet gaming and what should tribes be doing in order to protect their gaming rights?

I've generally been opposed to Internet gaming and actually, when the super committee met, I put out a letter to that effect – urging them not to adopt that course. Most of the Internet gaming proposals I've seen really are written without any thought about tribal gaming. That is such a vital lifeline to so many of our tribes and provides employment for literally hundreds of thousands of Americans – so I want to be very careful. I want a consensus in Indian Country as to what we do before we move ahead, and frankly, I want to make sure that the tribes are in the room, so to speak. Most of the proposals I've seen are drawn up without any tribal consultation. We've got considerable tribal investment in brick-and-mortar [casinos] that might potentially be put at risk. Certainly we don't want a situation where tribal nations would be subject to either federal or state taxation as most of the Internet gaming schemes I've seen suggested. So, at this point, I would certainly be a strong 'no.' Now, if the tribes sat down collectively and could work out a deal with the proponents that tribal nations thought were to their advantage, then I would re-consider that position. But there's also a lot of opposition to it, period. There's a lot of folks that say, 'I don't want that flowing into my house. It's one thing to have an establishment that adults go to, it's another thing to have the ability to bring it directly into the home.' There are a lot of issues here and I think the proponents have generally pushed ahead but, from the tribal standpoint, there's really three paramount things to take into account. First, whatever the final deal is, if you will, it can't undercut tribal sovereignty; it just simply can't allow that to happen in any way shape or form. Second, whatever the final deal is has to work to the economic advantage of Indian nations. We don't have the power to tax and this isn't just a question of jobs and profits, as important as those are, those [gaming] revenue streams support hospitals, housing, educational opportunities, senior nutrition centers – you name it. So, if we do anything that undercuts the profitability of Indian gaming, we immediately put Indian people at risk, and really, it's already the part of our population that faces some of the greatest challenges. So, I'm adamant that doesn't happen. And finally, the third thing I'd say is, whatever settlement there is, if there is one, we have to be involved in it from the beginning. Indian nations individually and collectively have to be part of the negotiation; you just can't have a bunch of other people in the room come up with what they think is a great idea and impose it on Indian Country. That would just be tragic.



Representative Tom Cole (R-OK) speaks with Jefferson Keel, Lt. Governor of the Chickasaw Nation and President of the NCAI, at the White House Tribal Nations Conference in Washington, D.C.

Those are my major concerns in that area and so far they haven't been addressed – I hope some day they are. Actually, I know some tribes are looking at this very seriously and, if they can see a way that it works to their advantage and it doesn't undercut sovereignty or harm other people, then I think that's all fine. But so far, I haven't seen the solution that actually does that.

Thank you for taking time to share your unique insights with our readers.

It's my privilege, and just thanks for what you're doing. Who would have thought when IGRA was passed that this would turn out to be the most successful piece of federal legislation in a long and generally pretty dismal history of the relationship between the federal government and tribal nations. But it has and it's done so much good in terms of creating opportunity and prosperity and empowering Indian people. I'm wise enough to recognize that the benefits aren't equally distributed because tribes don't all enjoy the same location advantage and geography is a powerful determinant in this. But, I'm going to be awfully careful before I participate in anything that kills the goose that's laying at least some golden eggs for Indian nations and I think other people ought to be equally careful, and again, appreciative of what this has done. It's just been transformative in terms of providing opportunities and people need to think past the gaming to everything that's supported by both the jobs for Native Americans and non-Native Americans alike; but particularly the services that help a lot of folks. I see the seniors of my own tribe, the Chickasaw Nation, that are able to get health care, live in decent homes and have a better shot at life than any of their forebears had because of the prosperity of our various industries – but there's no question that the one that recapitalized us, if you will, and gave us the ability to do other things, was Indian gaming. It's just been a tremendous source of good, and that's true with many, many other tribes. It's certainly true in my home State of Oklahoma where Indian gaming has been a powerful and good force for Indian peoples. ♣