

Written Testimony of E. Paul Torres
Chairman, All Pueblo Council of Governors, New Mexico

“Public Witness Hearing for Fiscal Year 2018: American Indian/Alaska Native Programs”
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
May 17, 2017

Requests:

1. Continued support and funding for the Land-into-Trust Program at Interior.
2. Sustainable funding for the National Forest Service and Interior forestry programs.
3. Maintain the \$1 million set-aside for NAGPRA-related law enforcement going forward.
4. Provide dedicated funding for Bears Ears National Monument.
5. Increase funding for broadband development to bridge the digital divide in Indian Country.
6. Increase funding to address negative health outcomes associated with inadequate housing.
7. Support vocational and S.T.E.M. programs in tribal schools for increased student success.

Introduction. Thank you Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee for the opportunity to testify on the critically important topic of federal funding for American Indian and Alaska Native programs in the Department of the Interior. The All Pueblo Council of Governors thanks you for your dedicated efforts to advance Indian Country priorities in the U.S. House of Representatives.

My name is Paul Torres and I am the Chairman of the All Pueblo Council of Governors (APCG), which is comprised of the tribal leaders (Governors) of all 19 of the New Mexico Pueblos as well as the Pueblo of Ysleta del Sur in El Paso, Texas. Formed in 1598, the APCG is the oldest consortium of tribal leaders in the United States. Collectively, the leadership of the APCG is respectful of the historic relationship between the Pueblos and the Federal Government. This relationship is political in nature, reflecting the government-to-government relationship between and among our governments. The federal budget for Indian programs is an important aspect of that relationship and is reflective of the federal government’s trust responsibility to Indian nations and Indian peoples. As such, federal Indian laws and associated budgets are deeply rooted in the Constitution and represent an enduring promise of friendship and support to the First Americans.¹ In the spirit of cooperation, based on respect and full consideration of the sovereign status of tribes, we offer the following budget recommendations for fiscal year 2018.

I. Land Base and Natural Resources

The sandstone mesas, verdant hills, brush covered flatlands, and steep mountains of the southwestern United States form the landscape in which we exercise our tribal sovereignty and cultural identities as Pueblo People. We are not just people residing on this beautiful land; we are

¹ Suggestions that these laws are somehow not constitutional are made without a deep understanding of this area of law. It has been long settled that federal Indian laws are constitutional; to our knowledge no federal Indian law has ever been struck down as unconstitutional. *See Morton v. Mancari*, 417 U.S. 535, 555 (1974) (upholding an employment preference for Indians in the Bureau of Indian Affairs (BIA) in the face of an equal protection challenge, on the basis that the preference was political in nature and could be “tied rationally to the fulfillment of Congress’ unique obligation toward the Indians”).

a People *of* this land. We carry it in the very essence of our being. Our connection is etched deep into our collective history and memories. Wise stewardship of land, minerals, water, and other resources is, therefore, key to our cultural survival and socioeconomic well-being as sovereign tribal nations.

Continuation of the Land-into-Trust Program. As sovereign tribal governments, the exercise of our self-determination is strengthened by the ability of the federal government to take land into trust on behalf of tribes. Trust lands enable us to provide a homeland for our people as well as a base from which to offer essential governmental services, such as housing, education, healthcare, and economic development opportunities. Trust lands also facilitate the expression of our identity as Pueblo people by protecting the natural and cultural resources that form the bedrock of our traditional practices and ceremonies. **We urge Congress to provide continued support and funding for the land-into-trust program at the Department of the Interior.**

Funding for the National Forest Service and Interior Forestry Programs. The APCG also encourages support for policy and legislation that provide funding for effective and sustainable natural resource management practices, particularly in regards to the Interior's forestry programs. The trees and shrubs of our southwestern national forests play critical roles in regional economic development, disaster mitigation efforts, recreation, and ecological habitats for many local wildlife and plant species. Cuts in federal funding for forestry management threaten the delivery of services in each of these areas. Our historic attachment to the southwest landscape and geography including the national forests forms the core of our traditional belief systems and cultural worldview. **We respectfully request National Forest Service funding at least at the FY 2016 enacted level to maintain the effective management of our national forests and their diverse resources.**

II. Protection for Tribal Cultural Patrimony

Dedicated NAGPRA Enforcement Funds—Thank you for this Committee's Support! The APCG would like to take this opportunity to thank the Subcommittee and all of Congress for including a one million dollar appropriation in the 2017 Omnibus to strengthen the implementation of the Native American Graves Protection and Repatriation Act (NAGPRA). Dedicated funding for expanded Bureau of Indian Affairs law enforcement activities related to NAGPRA advances stronger federal protections for cultural patrimony put in place under the PROTECT Patrimony Resolution, adopted by both the House and Senate in the last Congress (H. Con. Res. 122 Dec. 2016). **We thank you for your support and encourage continued funding in this important area going forward.**

Bears Ears National Monument. Our cultural heritage resides not only in the tangible objects protected by NAGPRA and the PROTECT Patrimony Resolution, but also in the living landscapes from which our people emerged, long before the arrival of the first Europeans to this continent. Our ancestral ties to the Bears Ears National Monument in Utah can be traced through the ancient roads, dwellings, petroglyphs, and ceremonial features that continue to enrich the region today. However, these sites are under constant threat by erosion, vandalism, looting, and indiscriminate damage through off-road vehicle use, as well as the general degradation of wildlife and plant habitats that are significant to our traditional practices. **We urge Congress to preserve the designation of Bears Ears as a National Monument to support the permanent, long-term**

protection of the land and its irreplaceable resources and to provide appropriate funding for its preservation.

III. Infrastructure Development in Indian Country

Many Pueblos are economically distressed rural communities. Infrastructure development is essential to diversifying and sustaining rural economies. However, most tribal lands are subject to conditions that require intense overhauling – roads are often unimproved, utilities are insufficient, and reliable broadband connections barely exist. In addition, other types of infrastructure critical to creating vibrant tribal communities such as new housing construction are deficient, with severe housing shortages occurring on tribal lands.

Increased Access to Capital for Economic Development. Pueblo governments and Pueblo-owned businesses are collectively among the largest employers in New Mexico, providing thousands of jobs in many rural areas of the state. Most recent statewide figures put the number of jobs provided by tribal employers at nearly 18,000 in various industries. Non-Indians hold nearly 75% of these jobs. Despite such positive contributions, limited access to capital and financing remains one of the most significant barriers to Pueblo economic development. Tribes across the country struggle with uniquely burdensome federal restrictions and regulations, poor infrastructure, and other challenges that limit their economies from flourishing. It is important to create avenues for investment funds, financial resources, and business models that are mutually advantageous to tribes and potential partners for economic advancement, stability, and diversification. The opportunity to provide for a family through a desirable job with a decent income is a shared desire of all Americans.

Broadband Infrastructure for Expanded Community Services. We are living in the digital age. The Internet has the potential to link an individual to the world at the click of a button, yet many Pueblo communities do not have access to the basic technology or reliable broadband systems that make even an initial connection possible. Our tribal members are unable to take advantage of the myriad of benefits that the Internet has to offer, which range from access to online GED and higher education degrees, to telehealth medical services, to expanded economic opportunities for business investment, among many others. For communities that successfully connect to the broadband network, the experience is transformative. **We urge Congress to bridge the digital divide and provide increased funding for broadband development in Indian Country.**

Health Begins at Home – Investing in Housing Development. Access to affordable, safe housing is the foundation for strong families, communities, and economies. Just as the deserts, mountains, and mesas provide a spiritual and cultural home for our Pueblo communities, tribal governments have the responsibility of providing housing for our tribal members. However, we depend on federal appropriations under the Native American Housing and Self-Determination Act (NAHASDA) to meet many of our housing-related needs. A 2014 study conducted by the U.S. Department of Housing and Urban Development reported unacceptable living conditions for American Indians in New Mexico and Arizona counties with high rates of overcrowding and incomplete utility systems for kitchens and bathrooms. **We urge Congress to provide increased funding to the Indian Health Service (IHS) address negative health outcomes associated with critical housing shortages that imperil our tribal communities.**

IV. Educational Opportunities in Our Home Communities

Pueblo leaders wish to create a highly skilled, well-educated, workforce within their respective tribal communities. With a pool of qualified workers, the Pueblos believe they will be able to attract business and economic development possibilities, create well-paying job opportunities, and assure that tribal members enjoy a prosperous future that comes with being well educated.

High Quality Tribal Education Systems. The Pueblos that constitute the APCG have always supported sound educational programs that comply with state and federal accountability standards. We emphasize the importance of high quality instruction, effective professional teacher development and the development of appropriate, culturally sensitive curriculum, including Native language retention and instruction. A number of Pueblos are in the process of or have already assumed the responsibility for operating Bureau of Indian Education (BIE) schools located on their respective tribal lands. Operating and maintaining schools requires considerable resources. **We request adequate funding to develop and maintain high quality tribal education systems that prepare the next generation of Native students for a lifetime meaningful opportunities.**

Vocational Training Programs. The APCG supports comprehensive oversight of the flow of funds and the implementation of policies that effectuate meaningful educational change. It is important to foster the advancement of higher education, but also to consider re-introducing vocational education, which in many school districts has been eliminated or severely limited. Vocational education can provide skills that contribute to employment opportunities and sustainable incomes. In addition, Science, Technology, Engineering and Mathematics (S.T.E.M.) curricula must be incorporated into tribal school systems to enable our students to develop and compete in these pivotal industries. **We request increased funding for the re-introduction and integration of vocational and S.T.E.M. curricula to diversify tribal school systems and lay the foundation for student success.**

Protecting and Preserving Native Languages. The Pueblo worldview is contained in their languages. In addition to maintaining tribal life ways, the Pueblos have established various programs and methods in order to retain and preserve what are considered some of the most ancient and distinct languages in America. Some Pueblo languages are so unique they are not spoken anywhere else in the world. Students in language immersion programs demonstrate substantial improvement in their academic performance and testing. They have also shown greater achievement in S.T.E.M. related subjects that increasingly form the bedrock of our domestic and international economies. **We urge Congress to support programs that promote the value of Native languages and prevent the further loss of our languages and traditions.**

Thank you for the opportunity to testify. The All Pueblo Council of Governors looks forward to working with Congress on advancing meaningful tribal development under the FY 2018 budget.