

Rep. Raúl M. Grijalva Arizona CD 3 Statement:

House Committee on Appropriations

Subcommittee on Homeland Security

February 26, 2020

Chairwoman Roybal-Allard, thank you for the opportunity to testify regarding the serious concerns with the Trump Administration's and Department of Homeland failure to consult with the Tohono O'odham nation on the demolition of sacred Native American historic sites in Southern Arizona and wiping the cultural heritage of the Tohono O'odham Nation off the map. The Tohono O'odham Nation's reservation is located within my district along 62 miles of the U.S. Mexico border and has deep historical ties to the region, along with cultural ties to the land, plants, cultural artifacts and sacred animals.

The Trump Administration is circumventing legally required tribal consultation to build its xenophobic border wall. This construction drastically impacts the Tohono O'odham Nation's traditional homelands and is an example of the Trump administration failing to comply with this government's federal trust responsibility.

Earlier this month the contractors for the border wall construction teams along with U.S. Border Patrol's Tucson Sector dynamited a location called Monument Hill to build "a footer for the new border wall." Monument Hill is a sacred site where traditional O'odham leaders buried the bodies of Apache warriors defeated in battle. The preservation of these sites maintains cultural significance and teaches the O'odham people about their history.

Additionally, the Department of Homeland Security's contractors have bulldozed through another significant site near Quitobaquito Springs, a culturally sacred place for the O'odham that is home to multiple endangered species and is a critical area that sustains wildlife in this dry desert region. The bulldozers crushed the ancestor bones and significant traditional artifacts of the O'odham people. Another sacred site along the border is an area called Las Playas, this area

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holds a traditional burial site of the Hohokam people, the ancestors of the Tohono O'odham, Gila River, and Salt River people, who are now located in and around the cities of Phoenix and Scottsdale, Arizona.

Executive order 13175 "Consultation and Coordination with Indian Tribal Governments," outlines regular and meaningful tribal consultation is essential to maintaining and strengthening government-to-government relationships with tribes. Additionally, DHS's Tribal Consultation Policy reiterates these principles. This process is imperative to ensuring that the United States of America ensures that any federal project does not harm important natural or cultural resources. Unfortunately, the REAL ID Act of 2005 authorizes the Secretary of the Department of Homeland Security to waive all legal requirements, including tribal consultation when constructing the border wall and roads. This broad authority provisioned to a single member of the executive branch has been highly debated and even deemed unconstitutional. This administration continues to use its waiver authority at an unprecedented rate, it has been used 17 from August 2017 to February 2020. In the past the waiver was only used 5 times prior to this Administration. The current use of this waiver to avoid the federal government trust responsibilities to tribes is reckless and counter to the Department's own policy. We should not support this overreach of the federal government in tribal sovereignty.

I would like to thank you for your work on this bill. I appreciate the opportunity to speak on this important issue, and I urge you to include legislative language that will prohibit the construction of Trump's border wall and require the Department of Homeland Security conduct meaningful government to government consultation with the Tohono O'odham Nation as it's required by federal trust responsibility.