

ADDRESS TO NATIONAL CONGRESS OF AMERICAN INDIANS
2019 EXECUTIVE COUNCIL WINTER SESSION
February 12, 2019

Good morning everyone!

Thank you, President Keel, for the kind introduction. I applaud your tremendous work and that of the Executive Board, as well as your incredible staff that convenes this important session every year. NCAI remains a leading voice for Native peoples across the nation.

This last election season, we made history: the first two Native American women were elected to the U.S. House of Representatives. Sharice Davids was elected to Kansas's District 3. And – I don't mind bragging – New Mexico's 1st District elected my good friend, Deb Haaland.

Representatives Haaland and Davids have hit the ground running, wasting no time taking action on important issues to their constituents, Indian Country, and the nation. Their historic elections represent a significant step forward in the march to full representation for Native Americans on the Hill. I look forward to continuing to work alongside them for years to come.

I am honored, as always, to be here today. Last year, when I delivered the Congressional Response to the State of Indian Nations, I committed to you to stand by three principles in my work as vice chairman: respecting tribal sovereignty, promoting tribal self-determination, and ensuring meaningful government-to-government consultation when federal action affects Indian Country.

I believe our committee stood true to those principles during the 115th Congress. And I recommit standing for those principles during the 116th.

It is the honor of a lifetime to continue to serve as vice chairman of the Senate Committee on Indian Affairs. Alongside Chairman Hoeven, I'm proud to say we strive to carry on the bipartisan tradition of the committee to advance tribal priorities in Congress. The chairman is a good partner, and I thank him for his leadership.

As a result of our work last Congress, the Senate passed 33 of the 71 bills referred to our committee. And 11 of those bills were signed into law. That's good success. But I think we can do better. So far, in our first two business meetings, the committee has approved 15 bills that either passed the Senate or the committee in the 115th

Congress. I hope that the newly constituted House will take up these bills . . . and send them to the president expeditiously.

One of these bills -- known as the PROGRESS¹ for Indian Tribes Act -- is of particular importance.

In the 40 years since the Indian Self-Determination and Education Assistance Act was enacted, hundreds of tribes have chosen to exercise their right to self-determination and self-governance under this cornerstone act. This federal law is widely considered one of the most successful in the nation's history. It proves what tribes have known all along -- that decisions made for Indians by Indians produce the best outcomes for the unique needs of their communities.

But the Self-Determination Act was passed decades ago, and needs updating. Responding to Native communities' concerns -- Chairman Hoeven and I crafted a bill to promote stronger and more effective tribal decision-making. I look forward to seeing this bill finally get signed into law in the 116th Congress.

While bills like PROGRESS didn't make it across the finish line last Congress, Indian Country did achieve historic legislative victories, such as the 2018 Farm Bill.

Empowering tribes is at the heart of tribal provisions we championed in the 2018 Farm Bill. The Farm Bill sets federal nutrition, agricultural, and forest policy for the next five years. I worked closely with stakeholders throughout Indian Country to make sure every title of the 2018 bill supports tribal families, farmers, and ranchers in a meaningful way.

For the first time -- we expanded tribal self-determination to the Department of Agriculture. We established a tribal self-determination demonstration project for the Food Distribution Program on Indian Reservations -- that allows tribes to enter into management contracts with U-S-D-A to purchase foods. Under tribal management, the nearly 90,000 participants will have greater access to traditional and nutritional foods.

And -- again, for the first time -- we expanded tribal self-determination to forestry management to help reduce wildfire threats on federal lands adjacent to Native communities.

¹ Practical Reforms and Other Goals to Reinforce the Effectiveness of Self-Governance and Self-Determination for Indian Tribes Act.

The Tribal Self-Determination Project allows tribes to enter into management contracts with both the Forest Service and Bureau of Land Management. Tribes have the biggest stake in their own communities, and are best situated to protect them.

We were also successful in making sure that Native communities have fair access to federal resources.

I secured important Tribal set-asides within the 21st Century Cures Act so Native communities can address substance use disorders and related maternal and infant health issues in a way that works best for them.

In the fiscal year 2018 appropriations package, we secured, for the first time, a 3 percent Tribal set-aside within the Crime Victims Fund so Tribes can fund victim resources. I'm working with Chairman Hoeven to make sure that Tribal set-aside stays on the books.

These funding opportunities will result in programmatic decisions that better reflect Tribes' needs.

Turning now to new business – what legislative priorities does Indian Country seek to achieve this Congress? Voting rights, economic development, and public safety all come to mind.

This last election season we experienced a deeply troubling surge in voter suppression tactics across the nation – including in Indian Country.

North Dakota's last-minute requirement that all voter ID's have a physical address was squarely aimed at Native Americans living on reservations -- whose tribal ID's don't always have physical addresses. The U.S. Supreme Court – wrongly, in my opinion -- upheld the restriction. We don't know how many hundreds or thousands of Native Americans were prevented from voting. Although, it is heartening that, across the state, tribes and activists worked tirelessly to help get voters IDs that would be accepted.

Last year, I introduced my Native American Voting Rights Act. And I will again this year. My act would require tribal IDs to be accepted – so that what happened in North Dakota won't be repeated.

It contains tough measures to make sure the Native American vote is counted, not discounted.

It creates a first-ever Native American voting rights task force.

It requires pre-clearance from a tribe's Attorney General for state or local measures that impair access to polling stations on Indian lands.

It requires state and local governments to establish accessible polling places on Indian lands.

I'm proud of my family's history of commitment to Native Americans voting rights. My grandfather – Levi Udall – was County Attorney in Apache County in northeastern Arizona when Congress passed the Indian Citizenship Act in 1924. My grandfather was one of only two Arizona county attorneys who believed Indians on reservation had the right to vote.

Four years later, the Arizona Supreme Court ruled that Native Americans on reservation did **not** have the right to vote.

So, although Native Americans were "citizens" under federal law – their citizenship ended at the door of their polling site.

That decision stood until 1948. At that time, my grandfather served as Chief Justice of the Arizona Supreme Court. He issued a decision that Native Americans living on reservations could vote. He wrote, "In a democracy, suffrage is the most basic civil right, since its exercise is the chief means whereby other rights may be safeguarded. To deny the right to vote . . . is to do violence to the principles of freedom and equality."

Continued economic development is a top priority for Native communities.

But entrepreneurs in Indian Country have difficulty accessing capital and getting loans to start businesses in rural areas, and face other unique challenges -- like federal restrictions on leasing on Tribal trust lands.

Last week, our committee unanimously approved my Native American Business Incubators Program Act. My legislation would establish competitive grants to establish and maintain business incubators that serve Native entrepreneurs and reservation communities.

When Native small businesses succeed -- they create more jobs, strengthen their communities, and expand opportunity across Indian Country and surrounding communities.

Loss of a language oftentimes means a devastating loss of culture. The federal government's part in suppressing and destroying Native languages was cruel, bigoted, and inexcusable.

While strides have been made to revive many Native languages that were thought to be lost, indigenous languages continue under severe threat.

And it is incumbent upon the federal government, as an exercise of its trust responsibility, to do all that it can to secure the survival of the Native languages that still exist in our country today.

Named after a Tewa teacher and storyteller from Ohkay Owingeh in northern New Mexico, the Esther Martinez Native American Language Preservation Act was passed in 2006 to establish language immersion programs – the best model for creating fluent speakers. But it hasn't been reauthorized since 2012.

I've been working on reauthorization for years. In fact, this act is one of the bills that passed the Senate last Congress, but was never acted on by the House.

Our committee has already passed this bill this year, reauthorizing appropriations through 2024, reducing the numbers of students needed for program eligibility, and extending the grant terms.

I'll keep pushing until the Esther Martinez Act is reauthorized.

Public safety is a Tribal priority, and I'll continue to fight for measures that empower tribes to protect their communities.

I'm proud we passed the Ashlynnne Mike AMBER Alert in Indian Country Act last Congress. In 2016, 11-year old Ashlynnne Mike, a Navajo girl, was abducted and murdered. The bill fixes a loophole so Native communities can access federal dollars to send out emergency alerts to protect children.

I was honored to partner with my friend, the late John McCain, on that bill -- which will save the lives of the most vulnerable.

We have much more to do. The missing and murdered indigenous women crisis continues to threaten Native communities.

Savanna's Act, which the Senate passed last Congress, would help close the data gap, standardize law enforcement protocols, and provide training to tribal law enforcement. Senators Murkowski and Cortez Masto have already re-introduced this important measure.

And last month I re-introduced my legislation that corrects loopholes in the Violence against Women Act – the Native Youth and Tribal Officers Protection Act – so Tribes have authority to prosecute crimes against tribal officers and children injured during domestic violence crimes committed by non-Indians.

Empowering tribes to enforce public safety means fully utilizing the law enforcement tools available to prevent crimes against tribal citizens, protect their safety, and bring perpetrators swiftly to justice.

These are a few successes from the last Congress and plenty of priorities for the next. Our committee will be tackling issues across the spectrum – health care, public lands, tribal broadband, veterans, energy, education, housing, protecting tribal cultural patrimony – among others.

We want to hear from Native leaders and communities. We will hold field hearings outside Washington, roundtables, and listening sessions. I expect any number of you here today will appear before us.

Our work doesn't stop. And I am always energized by the hard work, resolute commitment, and inspiring vision of all of you here.

I am committed to continuing the work to strengthen tribal sovereignty, self-determination, and self-governance. This policy is proven to make significant progress in turning around the economic, cultural, and social hardships Native Americans face.

Together -- working from the same set of goals, principles, and ideals -- we will continue to make a difference for Native tribes, families, and communities across the nation.