

Written Testimony of J. Michael Chavarria
Governor of the Santa Clara Pueblo
“Public Witness Hearing for Fiscal Year 2018: American Indian/Alaska Native Programs”
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
May 17, 2017

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, National Forest Service, Indian Health Service, Bureau of Indian Affairs, and the Environmental Protection Agency. Indian country is appreciative of your hard work and the tremendous support you have provided for Native programs. My name is J. Michael Chavarria and I am the Governor of the Pueblo of Santa Clara, located in north-central New Mexico. As a tribal leader, I have developed a deep understanding of our community’s pressing needs, as well as of the immense potential of the Santa Clara People to succeed if given the appropriate level of resources and support. To further these twin objectives of progress and achievement, I offer the following FY 2018 budget recommendations for the Subcommittee.

Federal Trust Responsibility and Tribal Consultation. The federal budgeting process plays an essential role in fulfilling the federal government’s trust responsibility to Indian tribes by ensuring that critical programs and services receive adequate funding. A critical component of the federal trust responsibility is the mandate to consult with tribes whenever a federal action may impact our communities. Indeed, as you well know, the programs we are gathered to discuss today are premised on the government-to-government relationship that exists between the federal government and tribes, and are not based on the racial status of Indian nations and peoples.¹

I. Public Safety and Law Enforcement

Closure of the Turning Points Rehabilitation Program in Yuma, Arizona. The Pueblo of Santa Clara is deeply alarmed by the overnight shutdown of the Emerald Corporation’s Turning Point Program in Yuma, Arizona, on April 7, 2017. Our Pueblo—as well as other District III and District IV tribes under the BIA Office of Justice Services—has seen many positive benefits from the program, including a rehabilitation rate of 76% for substance abusers participating in the program and a reduced crime rate of approximately 50% over the past four years. Yet, we received no advance notice of the shutdown. The unannounced closure has resulted in an immediate increase in detention costs and left our law enforcement officials and Tribal Court scrambling to find appropriate placements. **Santa Clara requests sufficient funding to implement a similar rehabilitation program at an alternative center so these essential services can continue to be provided to our tribal members. We also request greater tribal involvement in the Office of Justice Services’ budgeting process as it relates to incarceration and rehabilitation services.**

¹ As the late Justice Antonin Scalia once wrote in an opinion he authored while serving on the United States Court of Appeals for the District of Columbia: “As the Supreme Court has said in rejecting equal protection challenges to legislation affecting a group which ... might otherwise qualify as a ‘suspect class’: [T]he Constitution itself provides support for legislation directed specifically at the Indian tribes... [T]he Constitution therefore ‘singles Indians out as a proper subject for separate legislation.’” *United States v. Antelope*, 430 U.S. 641, 649 n. 11 (quoting *Morton v. Mancari*, 417 U.S. 535, 552 (1974)) (emphasis added).

Dedicated Funding for the DOJ Tribal Access Program. The Tribal Access Program (TAP) administered by the U.S. Department of Justice provides tribes with access to critical information systems and training for law enforcement purposes. Launched in August 2015, the program uses a collaborative partnership approach to enable tribes to identify and share best practices regarding the use of national crime information databases to strengthen public safety. Over 50 tribal governments have submitted letters of interest in joining the TAP; however, due to funding restrictions only *11 tribes* were able to participate in the initial phase of the program. **We request a dedicated funding stream of \$6 million in FY 2018 to provide for the wider rollout and long-term viability of the Tribal Access Program to support tribes in their public safety efforts.**

II. Natural Resources Management

Increased Support for the Tribal Forest Protection Act (TFPA). Effective natural resources management is key to both the economic well-being of Pueblo people and to their cultural survival. We are pleased to see that the FY 2017 Omnibus provides increased funding for wildfire suppression and prevention, including full funding of the Interior and Forest Service's 10-year average for wildfire suppression costs. We believe that collaborative and effective forest management techniques are essential in preventing catastrophic fires and floods on Pueblo lands. The Tribal Forest Protection Act (Pub. L. 108-278) empowers tribal governments to act as caretakers of both tribal lands and adjacent federal lands, and it advances tribal and federal interests in the development of land resource and management plans. **We encourage increased federal support for the TFPA to advance efficient and effective natural resources management.**

Self-Governance Compacting of National Park Service Functions. Santa Clara is a self-governance tribe, meaning that we have assumed control of federal programs and funds for many functions at our reservation. As a self-governance tribe, we can similarly assume functions at National Park Service units. With the transfer of the Valles Caldera, which is adjacent to our reservation and holds many sites sacred to us, to the National Park Service we are interested in assuming certain National Park Service functions. **Santa Clara urges the Subcommittee to continue funding for compacting tribal self-governance programs.**

Catastrophic Fire and Flood Mitigation Efforts. The stewardship of land, minerals, water and other natural resources is key to both the economic well-being of Pueblo people and to their cultural survival. As tribal leaders, we strive to balance these interests through beneficial partnerships and the effective management of our natural resources. Nature, however, chooses her own course. In the summer of 2011, the Pueblo of Santa Clara was devastated by the Las Conchas Fire, at that time the largest wildfire in New Mexico history. When combined with the destructive effects of the Oso Complex Fire of 1998 and the Cerro Grande Fire of 2000, we have lost more than 80% of our forestlands and an immeasurable part of our heritage to the flames. The Bureau of Indian Affairs (along with numerous other federal agencies outside of this Subcommittee's purview) played an essential role in coordinating the Pueblo's disaster mitigation efforts. **We urge Congress to continue to support the Bureau of Indian Affairs programs that work with tribes on disaster prevention and recovery efforts.**

Indian Environmental General Assistance Program at the EPA. EPA funding and grants enable the Pueblo of Santa Clara to administer or support an array of projects that improve the quality of

life in our community and safeguard the natural resources that provide us with physical and spiritual sustenance. Without these funds our Pueblo would face tremendous hurdles in delivering essential services such as clean drinking water and hazardous waste management to our people. Among the most widely utilized EPA sources of funding is the Indian Environmental General Assistance Program (GAP), which assists tribes in developing the capacity to manage their own environmental protection programs. Cuts to the GAP will directly impact front-line environmental staff working for tribal governments and place our natural and cultural resources in unacceptable risk. We support the GAP's spirit of greater local control, cooperative federalism, and exercise of tribal self-determination in allowing tribes to manage their resources. **We strongly urge Congress to provide full-funding for the Indian Environmental GAP to assist tribes in the development and implementation of sustainable environmental protection measures in Indian Country.**

III. Protection for Tribal Cultural Patrimony — Thank You for Your Support for Cultural Property Law Enforcement!

Bureau of Indian Affairs Cultural Items Unit. Items of cultural patrimony are not simple tangible objects or works of art. They are living vessels of our cultural heritage, carrying the ceremonies and traditions of our people down through the generations. Trafficking in sacred cultural items removes those items from our communities and causes irreparable harm to our way of life. Led by the New Mexico Congressional Delegation, Congress adopted the PROTECT Patrimony Resolution on December 1, 2016, supporting efforts to stop the illegal trafficking of our cultural heritage. In the FY 2017 appropriations bill, and again in the FY 2017 omnibus, this Committee successfully supported \$1 million for Bureau of Indian Affairs law enforcement to address implementation of the Native American Graves Protection and Repatriation Act (NAGPRA) and halt the illegal trafficking in sensitive cultural materials. This will make a huge difference in tribal efforts to stop the looting and marketing of items of tremendous cultural importance that are not properly for sale, but rather our community property that needs to remain within a tribe. **We urge Congress to continue to support programs that protect our communities and work to bring these sacred items home and to maintain the \$1 million funding for FY 2018 and beyond.**

Historic Preservation. As Pueblo People, we are our culture. Tribal sacred sites are important to us as a people and as a nation. In recent years, an increasing number of tribes have chosen to establish Tribal Historic Preservation Offices (THPOs) to protect these sites for future generations. Federal funding for these programs has remained flat and tied to the on-reservation status of sacred sites, meaning that the same amount of funds is now spread thinly across far more recipients. As a result, it is difficult for THPOs to perform key duties and preservation compliance responsibilities. Tribes need funding to establish or expand THPOs equivalent to state programs under the National Historic Preservation Act. **We request an increase in funding for the tribal historic preservation programs and for protection of cultural sites in the Interior budget.**

IV. Healthcare and Related Infrastructure

Like the veins and arteries of a human being that carry life-giving oxygen throughout the body, the healthcare facilities and related municipal infrastructure of a tribe form the core of any vibrant and economically productive community. Yet, despite its major contributions to local and

regional economies and cultures, Indian Country remains plagued by limited access to quality healthcare and antiquated infrastructure systems. Insufficient roads, eroding water supply systems, critical housing shortages, and facilities marred by environmental health hazards inhibit the ability of tribal governments function properly and obstruct the provision of essential services to their people. **We request that specific set-asides and increased support for Indian Country infrastructure development under the FY 2018 budget to strengthen our communities and build towards a more promising future.**

Adverse Health Outcomes Associated with Inadequate Housing. Access to affordable, structurally sound housing provides shelter from the proverbial storm and supports the physical and mental health of individuals and families. Reliable affordable housing reduces certain stressors that have been proven to contribute to negative health outcomes for low-income families by freeing up family resources for essential needs like education, food, and healthcare, as well as alleviating stressors associated with overcrowding—an endemic problem throughout Indian Country. Many of these languishing housing-related issues could be addressed by the reauthorization of the Native American Housing and Self-Determination Act (NAHASDA); however, the legislation has been unjustly obstructed for over five years, despite wide Congressional support. **Santa Clara requests that Congress provide increased funding to the Indian Health Service (IHS) to address the adverse health outcomes associated with critical housing shortages in Indian Country.**

Full Funding for the IHS. Indian health programs have suffered from annual budget cuts due to sequestration under the Budget Control Act of 2011 (Pub. L. 112-25). While other critical healthcare agencies such as the VA were exempt from federal sequestration in 2013, the IHS was not. The disruption in federal funding resulted in a loss of over \$219 million from the IHS budget, which translates into immediate and long-lasting negative health impacts through lost resources for primary and preventative health care services, staff recruitment and training, and other programs serving Indian Country. These losses are exacerbated every year due to the lack of full funding for the IHS. **We urge Congress to provide the IHS with full funding and parity with other healthcare agencies through an exemption from sequestration, as well as any other reductions or cuts to the federal budget.**

Increased Support for Preventative Healthcare Services. Our Pueblo's healthcare infrastructure faces an array of challenges that pose significant threats to the safety and well-being our people: facilities are in critical need of maintenance and repair, equipment is outdated, access to telehealth services is severely limited, and professional medical staff are difficult to recruit and retain. We also face disproportionately high rates of chronic illness that are compounded by the limited access to care in our home communities. Concerted efforts are needed to address the root of our tribal health problems by expanding the availability and delivery of preventative services in Indian Country, particularly in the fields of behavioral and mental health. Preventative care reduces future incident rates of chronic illness and promotes the long-term vitality of our people. **We urge Congress to provide additional funding and support for expanded access to preventative care as a wise policy choice for Indian Country and for America.**

Thank you for the opportunity to testify. The Pueblo of Santa Clara looks forward to working with you on addressing these complex, multi-faceted needs going forward.