

**Testimony of Michael Chavarria, Governor of the Pueblo of Santa Clara, New Mexico**  
**"Public Witness Testimony: FY 2024 Appropriations"**  
**House Appropriations Subcommittee on Interior, Environment, and Related Agencies**  
**March 9, 2023**

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**Recommendations:**

1. IHS – Provide permanent full funding and advance appropriations for the IHS.
2. IHS – \$250 million with a self-governance funding mechanism option for SDPI.
3. DOI – Maintain the funding moratorium for energy leasing in the Greater Chaco Region.
4. BIA – \$20 million for Tribal Historic Preservation Offices.
5. BIA – Maintain \$1.5 million for NAGPRA enforcement.
6. DOI - \$1 million for implementation of the Safeguard Tribal Objects of Patrimony Act
7. BIA – \$300 million for BIA Criminal Investigations and Police Services.
8. BIA – \$50 million for Tribal Courts.
9. BIA – \$620,000 for juvenile education in BIA detention facilities.
10. BIA – Increase funding for all BIA disaster recovery and prevention programs.
11. BIA – \$15 million to establish a BIA Emergency Response Fund.
12. BIA – \$42 million for the Tribal Climate Resilience Program.
13. EPA – \$100 million for the EPA Tribal General Assistance Program.
14. USFS – \$15 million in priority funding for Tribal Forest Protection Act implementation.
15. BIE – Increase Tribal Education Department and Sovereignty in Education grant funding.
16. BIE – \$200 million for Facilities Operations and \$900 million for Facilities Maintenance.
17. BIE – \$600 million for Indian School Equalization Program.
18. DOI -- Request Report Language to encourage waivers on cost match requirements.
19. BOR -- Implementation of the Rio Grande Pueblos Irrigation Infrastructure Act.

Introduction. Thank you, Chairperson Simpson, Ranking Member Pingree, and Subcommittee Members for the opportunity to share our funding priorities for the FY 2024 federal budget. My name is J. Michael Chavarria and I am the Governor of the Pueblo of Santa Clara in New Mexico. I offer the following recommendations for your consideration for FY 2024 and urge the Committee to remember that increases must be significantly greater than the rate of inflation for these programs to even tread water, when they need to be expanded.

Provide Full and Advance Appropriations for the Indian Health System. The Indian health system faces annually compounding challenges related to supplies, staffing levels, infrastructure and facilities, and high rates of negative health outcomes among AI/ANs as a result of the chronic failure to fully fund trust and treaty obligations in Indian health. Until this year, IHS was funded on an annual, discretionary basis, but at least for the next year it has been provided with advance appropriations. *Santa Clara urges the Committee to support making advance appropriations permanent on at least a two-year cycle, and to support a multi-billion dollar increase to achieve full funding in FY 2024.*

\$250 Million with a Self-Governance Funding Mechanism Option for the Special Diabetes Program for Indians (SDPI). *For program stability and expansion, we advocate for an increase*

*in mandatory funding to \$250 million with automatic annual adjustments for medical inflation. We also ask that Congress authorize the use of either a grant (as currently used) or Public Law 93-638 funding mechanisms for SDPI participants consistent with Tribal sovereignty.*

Maintain the Funding Moratorium Related to Energy Leasing in the Greater Chaco Region. *We request that Congress maintain the moratorium on oil and gas leasing on federal land in the withdrawal area of the Greater Chaco Region. We request this moratorium span the lifetime of the legislation rather than becoming ineffective upon completion of the ongoing Tribally-led cultural resource studies. However, if a temporal limit must be included, we ask the moratorium stay in place until completion of the studies as well as the Resource Management Plan Amendment.*

\$20 Million to Support the Vital Work of Tribal Historic Preservation Offices (THPOs). *The preservation of Tribal sacred and cultural sites is a priority for all Indian Country. Damage of these sites is often irreversible. More Tribes are establishing THPOs under the National Historic Preservation Act to protect this heritage. Our expert officers identify sites and coordinate with appropriate officials and third parties on their protection, as well as support the work of museum and research centers that house Tribal material culture and repatriated items. We request \$20 million for THPO support in FY 2024.*

\$1.5 Million for Native American Graves Protection and Repatriation Act (NAGPRA) Enforcement. *The provision of dedicated NAGPRA enforcement funding has contributed directly to the development of a more culturally competent understanding of the importance of Tribal patrimony to Native peoples for improved law enforcement activities. We ask that this funding be maintained in FY 2024 and beyond.*

\$1 Million for Funding Implementation of the Safeguard Tribal Objects of Patrimony (STOP) Act. *This law, passed in the last Congress, will assure the protection of many sensitive tribal items from illegal export. It is important to put in place the necessary resources in the federal government to enable this law to be implemented. We request that at least \$1 million be allocated for FY 2024 for the purposes of implementation and enforcement of this law.*

\$300 Million for BIA Criminal Investigations and Police Services. *Tribal law enforcement and emergency services personnel strive to provide high-quality and responsive public safety services. They must often do this notwithstanding the effects of serious understaffing and insufficient resources. We urge a minimum of \$300 million for BIA Criminal Investigations and Police Services to effectively serve and protect our community, including additional resources for officer equipment, training, and innovation.*

\$50 Million for Tribal Courts on a Permanent Ongoing Basis. *Our Tribal Court requires additional resources to continue functioning efficiently and to address challenges related to resources, facilities, and court administration. To strengthen our court system, we encourage the Subcommittee to maintain its commitment to public safety and justice on Tribal lands and ask for at least \$50 million for Tribal Courts (TPA).*

Increased Detention Services Funding and \$620,000 for Juvenile Detention Center Education. *Public safety facilities and housing construction programs have been critically needed for many*

years. In the southwest the situation is particularly acute owing to the lack of any integrated substance abuse behavioral modification detention program since the closure of the Turning Point Program in Yuma, Arizona, in 2017. We need culturally-responsive detention services to improve recidivism rates and support long-term rehabilitation. *We request increased funding for BIA detention services and at least \$620,000 for juvenile detention center education.*

Increase Funding for BIA Disaster Recovery and Prevention Programs. The stewardship of natural resources is key to both the economic and cultural well-being of Pueblo people, particularly in this era of increasing climate uncertainty. Santa Clara has been devastated by *three* catastrophic wildfires with the threat of new fires and floods always on the horizon. We have invested heavily in the development of fire preparedness and suppression resources to protect life and property. We understand the fundamental importance of beneficial partnerships with the BIA and other agencies in this effort. Because of this work, we are proud to say that Santa Clara is home to award-winning Tribal forestry and land management departments. Expanding access to BIA disaster programs and deepening the resources available is critical. *We ask for an increase across all these line items.*

\$15 Million to Establish a BIA Emergency Response Fund. Many Tribal governments are hindered by the upfront investment costs and cost-sharing requirements of certain federal emergency response programs. When coupled with bureaucratic delays in distributing funds, it often takes an unacceptable amount of time to receive disaster relief precisely when time is of the essence. We anticipate the need for these resources will only continue to grow and with quick access to funding becoming a top response need. *We recommend an initial amount of \$15 million be allocated to establish a BIA Emergency Response Fund within the Office of Trust Services.*

\$42 Million for the Tribal Climate Resilience Program and Restore Cooperative Landscape Conservation Programs. Across America, communities are facing mounting challenges related to our progressively unstable natural environment. Invasive species, disappearing tree lines, and accelerated rates of erosion are also taking an increasing toll on our agricultural and natural resources. These two Interior programs equip Tribes with the tools to manage resource stressors, develop adaptive management plans, and engage in intergovernmental coordination. *We request Congress appropriate \$42 million for the BIA Tribal Climate Resilience Program and restore adequate funding for Department-wide Cooperative Landscape Conservation programs.*

\$100 Million Minimum for the EPA Indian General Assistance Program. EPA resources enable our Pueblo to establish and maintain technical ability to support an array of projects that protect human health and the environment for our people and safeguard the natural resources that provide us with physical and spiritual sustenance. Without these funds, we would face tremendous hurdles in developing and maintaining environmental programs such as water quality monitoring and hazardous waste management. EPA Tribal GAP is an essential program assisting Tribes in developing the internal capacity to manage their own environmental protection programs. *We request Congress provide at least \$100 million for EPA Tribal GAP funding to advance sustainable environmental protection measures in Indian Country.*

\$15 Million in Priority Funding for Tribal Forest Protection Act (TFPA) Implementation. The TFPA (Pub. L. 108-278) authorizes the Interior Secretary to give special consideration to Tribally proposed Stewardship Contracting or other projects on Forest Service or BLM land bordering or

adjacent to Tribal lands to protect trust and federal resources from fire, disease, and other threats. This is a smart policy. Stewardship agreements are an important tool for fighting the ever-growing threat of wildfires that have devastated the west in recent years. TFPA was authorized, however, without a designated funding mechanism. As a result, efforts to implement its beneficial provisions have been impeded. *We request report language encouraging agencies to prioritize TFPA implementation to the greatest extent possible with at least \$15 million in dedicated funding.*

Increase Funding for BIE Tribal Education Department (TED) and Sovereignty in Education Grants. These funds support the development of TEDs to improve educational outcomes for students and efficiencies and effectiveness in the operation of BIE-funded schools. The goal of the grants is to promote Tribal educational capacity building, which it has achieved in our community through our Department of Youth and Learning and Pueblo-operated Kha'p'o Community School. *To strengthen the exercise of sovereignty in Tribal education additional funding is needed for these grants, particularly as the TED line item has been flat funded for several appropriations cycles.*

\$200 Million for BIE Facilities Operations and \$900 Million for BIE Facilities Maintenance and Construction. To flourish academically and personally, we must provide our children with safe and vibrant classrooms and engaging areas to play, as well as with after-hours wraparound services, but too many Tribal school facilities are in various states of disrepair. The backlog of unmet needs for these accounts has grown exponentially with Interior leadership testifying in July 2019 to a total identified deferred need of \$725 million, but increased costs since then justify \$900 million. *We urge full funding of this unmet need for BIE Facilities Maintenance and for Operations.*

\$600 Million for the Indian School Equalization Program (ISEP). These funds provide the core budget account for BIE-funded schools by covering teacher salaries, aides, principals, and other personnel. ISEP funds are often reallocated to cover the program cuts in other areas of education. ISEP must have adequate funding to ensure all program needs are fulfilled and must not be reduced to provide funds for new initiatives that have not been vetted by Tribes. *We strongly support an influx of investment in the ISEP in FY 2024 to at least \$475 million.*

Report Language to Encourage Waiver of Cost Match Requirements. There are many federal programs that require a tribal cost match, frequently in an amount that is beyond the means of many Tribes, resulting in Tribes not being able to take advantage of a particular program or source of funding. Santa Clara urges the Committee to include report language that encourages Federal agencies to provide the maximum waiver possible for cost matches applicable to Tribes and Pueblos.

Implementation of the Rio Grande Pueblos Irrigation Infrastructure Act. In 2009, the United States Congress passed the Omnibus and Public Lands Act authorizing planning and implementation of improvements to irrigation infrastructure for the eighteen Pueblos in the Rio Grande Valley in New Mexico. In February 2022, an amended report was released setting forth many of the needed improvements. *Santa Clara urges this committee to fund these identified improvement needs.*