

**Written and Oral Testimony of Nancy R. Martine-Alonzo Secretary/Treasurer**  
**Ramah Navajo Chapter-Ramah Band of Navajos**

**Submitted to the US Congress:**

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENTAL  
AND RELATED AGENCIES FY 2017 FEDERAL BUDGET REQUEST, SUPPORT AND  
CONCERNS FOR: DEPARTMENT OF INTERIOR (DOI)--BUREAU OF INDIAN  
AFFAIRS (BIA)**

**March 18, 2016**

**HONORABLE CHAIRMAN AND COMMITTEE MEMBERS:**

I am Nancy Martine-Alonzo, Secretary-Treasurer of the Ramah Navajo Chapter. Thank you for the opportunity to provide testimony for consideration under the DOI-BIA FY 2017 Budget. This testimony focuses on: **(1) Law Enforcement Appropriations, (2) Additional Detention Funds, and (3) Contracted Consolidated Tribal Government Programs; the Annual Budget Formulation and Appropriation vs. Actual Funds.** First of all, the Ramah Navajo community sincerely appreciates the House Appropriations Subcommittee on Interior, Environmental and Related Agencies holding these hearings on an annual basis. You have listened to us, taken action to resolve our issues and helped to move forward other matters toward resolution. We are very grateful for the support of our Congressional Delegation and this committee in addressing many of our previous requests. Our testimonies from past years have seen results, such as these:

- (1) Settlement of the class action suit, *Ramah v. Salazar*. We had our last Court Fair Hearing and the final settlement of \$940 million has been approved. 699 tribes and organizations will start receiving their portion of the settlement in the Summer of 2016.
- (2) The Contract Support Cost is now being funded the full 100% each year; and
- (3) We have successfully contracted the Roads Maintenance Program and are awaiting approval on the Housing Improvement Program.

This year we are bringing our priority needs and issues to your attention. We respectfully request your sincere consideration and advocacy with appropriate Agencies to resolve these outstanding needs and issues. They are:

**1) Law Enforcement Appropriations Request:**

Congress to Appropriate Monies for Ongoing Services Needed by the Ramah Navajo Police Department. In particular, we request a \$500,000 appropriation to fully fund salaries of Ramah Chapter police officers in compliance with CFR 25, Subpart D, §12.34. All contracted police officers through P. L. 93-638 must be paid the same wages as a BIA police officer; however, the BIA does not fund this mandate. At this time, we are losing officers to other jurisdictions because the Chapter cannot pay competitive wages.

We spend about \$75,000 on each officer that we train, send to the Academy, and earn their commissions from the Federal Government, the State of New Mexico, the Navajo Nation, and several counties. This means we lose \$75,000 every time an officer leaves because of poor pay. Since 2012 to 2015, seven (7) officers have left for better pay and more opportunities.

It is true that there is currently a “feeding frenzy” from larger agencies who are giving pay increases, officer sign on bonus money, college education loan payments, housing down

payments, and other stipends for knowledge, abilities, and skills like bi-lingual, college degree, specialty team, etc..., to solicit and offer smaller agency personnel (like RNPd) who have certified police officers, to come to work for the larger agency.

Understand that the OJS administration budget for FY 2015 was \$32,836,685. Yet, the Indian Affairs FY 2016 Budget Justification displays a FY 2015 appropriation of only \$6,250,000 for "Law Enforcement Program Management." This leads us to believe that BIA OJS keeps \$26,586,000 of the Criminal Investigation and Police Services budget for their own internal administration. Funds for Criminal Investigation and Police Services should be used only for actual services. The entire budgeted amount, or at least a much larger portion, should be going to the Tribal Contracted Law Enforcement Program that provides essential services to its constituents. We are asking for this base funding increase to comply with regulations and to keep good, hard-working officers in our Police Department. Our Officers should be salaried at the same rate as Federal/Bureau Police Officers and comparable to the chart below.

Police Agency Name	Recruit	New Commissioned	Mid Point	Maximum	% RNPd Under Paid
Ramah Navajo Police	<b>\$19,344.00</b>	<b>\$26,000.00</b>	<b>\$29,993.00</b>	<b>\$37,440.00</b>	
BIA OJS Police	\$32,598.00	\$32,598.00	\$44,437.00	\$50,253.00	31%
New Mexico State Police	\$33,280.00	\$44,408.00	\$48,859.00	\$53,830.00	42%
Laguna Tribal Police	\$25,334.00	\$32,260.00	\$40,310.00	\$48,380.00	20%
Zuni Tribal Police	\$23,233.00	\$34,673.00	-	\$43,326.00	23%
Gallup Municipal Police	\$36,566.00	\$39,624.00	\$52,000.00	\$55,286.00	34%
McKinley Sheriffs Dept	\$36,400.00	\$39,624.00	\$52,000.00	\$55,286.00	34%

**2) Detention Facility Funding Request: BIA-OJS Funding for the Operation of Ramah Chapter's New Detention Facility, \$852,720.00.**

Ramah was awarded an American Recovery and Reinvestment Act for Correctional Facilities grant from the Department of Justice for \$3.8 million on September 21, 2009. Our Detention Facility is at 99% completion with final completion by June 30, 2016 and will be ready for operation as soon as the BIA issues the Certificate of Occupancy. To open our doors, we need the following additional funding:

Additional Recurring Operational Costs for FY 2017 and Thereafter- \$852,720.00. We are in the process of redesigning the staffing, operations and maintenance of the new detention facility with certified corrections personnel as required by law. To meet the BIA standards and requirements, the Detention Center must be funded at this level in FY 2017 and thereafter. We have submitted numerous requests with the BIA-Office of Justice Services for additional funds that are needed in three areas:

- (1) Add eight (8) certified corrections officers to staff the new facility that will be opening in the fall of 2015. The new facility will require a total staff of 25.5 full time certified staff to operate the facility per BIA standards and requirements;

- (2) Additional operational costs of a modern detention facility, including complex technological security systems and communications; and
- (3) Additional costs associated with obtaining other services (such as mental health, violence reduction, and addiction counseling) to inmates.

We are already short on providing much needed operating costs with our current recurring budget of only \$361,000 per year for a small facility with only 8 officers. When our new facility opens, we will have additional space to manage and will need 8 additional officers to meet the minimal needs of new expanded facilities and will incur additional operating expenses to manage the larger facility.

We are pleased that the BIA has requested an increase of \$1.0 million for Detention and Corrections in the FY 2017 budget request. We request that additional funds be allocated in a fair, open and honest manner, and not just to BIA-operated detention facilities. However we question the distribution for the FY17. The FY 2017 Indian Affairs budget justification displays the FY 2016 enacted budget for Detention and Corrections as \$95,305,000 (page IA-PSJ-1). The display of FY 2016 base funding for Detention and Corrections (on Appendix 1-12) displays the following costs:

**Corrections – OJS: Deputy Associate Director, \$1,896,351. District 1-\$384,128, District 2-\$150,896, District 3-\$513,669, District 4-\$525,509, District 5-\$322,534, District 7-\$150,896, District 8-\$191,135.**

It appears that the BIA Office of Justice Services retained \$3,135,118 (3.3%) of the \$95,305,000 that was appropriated for Detention and Corrections in FY 2016 for administrative purposes. Therefore; we question the following;

1. Why are these amounts, which total \$3,135,118 not listed as Program Management?
2. What direct services are provided by the District Offices for corrections?
3. What was the OJS plan to allocate \$2,129,378 that was retained by “Pending New Facility Increases to Tribes”?
4. What was the OJS plan to allocate \$1,267,000 that was retained as “Distribution of 2015/2016 Fixed Cost Increases”?

### **3) Annual Budget Formulation and Appropriations vs. Actual Funding Request:**

Congress to Recognize the Identified Needs of the Chapter and Appropriate Funds. The BIA Funding Process is not Transparent or Fair. Every year the BIA puts tribes through an “exercise” to prioritize unmet needs and budget requests. The Chapter complies with these requests, and even if our local priority makes it to the national priorities list, the funding increase is never received at our 638 tribal contracted levels. However, the similar programs operated directly by the BIA receive substantial increases, especially in the area of law enforcement.

**Request:** Increase overall P. L. 93-638 Funding for the Chapter. At this time, the Chapter’s P. L. 93-638 funds need to be increased 25% across the board to begin to meet the needs of the community. Further increases are needed to continue to meet the needs of this community. Funding is supposed to be at the same level as when BIA was operating these programs. Yet it’s not happening.

Funds are not coming down to the tribes that are contracting under Indian Self-Determination Act, P.L. 93-638. We are kept at the previous funding level each year and we have not received increases unless a program has become one the top priorities at the national

level. But we see BIA operated programs receiving additional funds that have the newest vehicles, equipment, and technology for their programs. Yet, the Chapter is using old equipment, working in antiquated buildings, and has limited technology. Our employees have not had a cost of living increase since 2009. In fact, as the table below demonstrates, our funding has declined substantially over the last five years, even though our needs have significantly increased. We contracted the Road Maintenance Program and BIA did not accept our Start-Up funds request to purchase new heavy equipments, instead we received equipments that are over 30 years old that are in constant need of repairs. Nor is it funded at the formula that is established base on miles of roads being maintained.

The table below shows over the past five (5) years what Ramah Navajo Chapter has received;

Contract	Year-2011	Year-2012	Year-2013	Year-2014	Year-2015
Master-CTGP	\$ 786,209	\$ 784,103	\$ 764,290	\$ 764,290	\$ 764,290
Fac. O&M	\$ 135,978	\$ 135,978	\$ 106,259	\$ 99,138	\$ 108,968
Law Enforcement	\$ 667,377	\$ 674,906	\$ 650,868	\$ 673,323	\$ 650,868
Correction	\$ 369,882	\$ 377,500	\$ 361,295	\$ 363,903	\$ 361,295
<b>Total:</b>	<b>\$1,959,446</b>	<b>\$1,972,487</b>	<b>\$1,882,712</b>	<b>\$1,900,654</b>	<b>\$1,885,421</b>

It has been almost two and half months since the law was enacted, and tribal governments are waiting for FY 2016 allocations from the Indian Affairs budget office. The Indian Affairs Budget Officer, Mr. George Bearpaw, has indicated that Indian Affairs programs are being funded under a 5<sup>th</sup> CR while Indian Affairs waits for warrants to be approved by the United States Treasury. In fact, there were only two CRs passed by the Congress and signed into law by President Obama, PL 114-53, which provided federal funding from October 1 to December 11, 2015, and PL 114-96, providing federal funding through December 16, 2015. Funding is not being distributed in a timely fashion.

**We request that this Committee direct BIA to allocate Tribal Priority Allocations base funds to tribal governments and to BIA Agency offices immediately upon appropriation, not months later.**

In closing, the Ramah Navajo Chapter has been very successful and diligent stewards in operating programs under the P.L. 93-638 and has been meeting the needs of the Band of Ramah Navajos since 1986. We value the funds that are appropriated by Congress that have made a difference in the lives of our people. We have had “clean” audits since 1986. The Ramah Navajo Chapter appreciates the continued support of Congress as it strives to make funding and laws available for Indian Nations and their organizations to provide much needed services to their people. We would be happy to provide you with further information on any of the foregoing projects.

Thank you.

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Nancy R. Martine-Alonzo, Secretary/Treasurer,  
Ramah Navajo Chapter