

**Written and Oral Testimony of Jamie Henio, Vice President of
Ramah Navajo Chapter-Ramah Band of Navajos**

**Submitted to the US Congress:
U.S. HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENTAL AND RELATED
AGENCIES FY 2018 FEDERAL BUDGET REQUEST, SUPPORT AND CONCERNS FOR:
DEPARTMENT OF INTERIOR (DOI)--BUREAU OF INDIAN AFFAIRS (BIA)**

May 17, 2017

HONORABLE CHAIRMAN AND COMMITTEE MEMBERS:

I am Jamie Henio, Vice President of the Ramah Navajo Chapter. Thank you for the opportunity to provide oral testimony concerning the DOI-BIA FY 2018 Budget. This testimony focuses on the Ramah Chapter's four priority concerns: **(1) Inadequate and Untimely 638 Funding; (2) Lack of Funding for Adequate Officer Salaries; and (3) Lack of Funding for Equipment and Operation of Detention Facility. (4) Unmet needs for Transportation and Roads Maintenance.**

The Chapter sincerely appreciates you holding these hearings on an annual basis. Over the years, you have listened to us, taken action to resolve our issues and pushed other matters toward resolution. Our past testimony has led to resolution of many important issues, including most recently, a \$940 million settlement of the class action suit, *Ramah v. Salazar*. As a result of this litigation, 699 tribes and organizations will receive funding to address historic wrongs. In addition, contract support costs are now being properly funded at 100% each contract year. We are very grateful for the assistance of our Congressional Delegation and this committee in addressing our past needs and look forward to similar support now and in the future. We have identified four priority issues for this year. We respectfully request your sincere consideration and advocacy with appropriate Agencies to resolve the following issues:

1. Inadequate Funding of 638 Contract Programs as Compared to BIA Programs:

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 very rarely received.

The Chapter's programs continue to be funded at the same levels, year after year. Similar programs operated directly by the BIA, however, repeatedly see substantial increases. The BIA programs enjoy the newest vehicles, equipment, and technology while the Chapter's programs work to meet the needs of the community using old equipment, working in antiquated buildings, and with limited technology. Chapter program employees have not had a cost of living increase since 2009.

Continued failure of the federal government to fully fund the Chapter's 638 contracts has resulted in a substantial deficiency. At this time, the Chapter's P. L. 93-638 funds need to be increased 25% across the board to even begin to adequately meet the needs of the community. But for the remainder of FY 17, funds allocated to support 638 programs have been reduced across the board. ***We are already operating at a 25% deficiency and will be dramatically crippled if these cuts are implemented.***

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

Contracts	Year-2011	Year-2012	Year-2013	Year-2014	Year-2015	Yr -2016
Master-CTGP	\$ 786,209	\$ 784,103	\$ 764,290	\$ 764,290	\$ 764,290	\$ 776,038

Fac. O&M	\$ 135,978	\$ 135,978	\$ 106,259	\$ 99,138	\$ 108,968	\$ 93,259
Law Enforcement	\$ 667,377	\$ 674,906	\$ 650,868	\$ 673,323	\$ 650,868	\$ 685,672
Correction	\$ 369,882	\$ 377,500	\$ 361,295	\$ 363,903	\$ 361,295	\$ 369,242
Total:	\$1,959,446	\$1,972,487	\$1,882,712	\$1,900,654	\$1,885,421	\$1,924,211

In addition, even after inadequate funds have been awarded, they are not timely distributed to the programs. Tribally run programs often wait months after an award has been made to receive the promised funding from BIA. During this wait time, it is very difficult for such programs to effectively operate. **We request that BIA be expressly directed to distribute funds to tribal programs immediately upon appropriation.**

2. Lack of Funding for Adequate Officer Salaries:

Pursuant to 25 CFR §12.34, police officers operating under a 638 contract should be paid the same wages as a BIA police officer. However, BIA does not fund this mandate. The Chapter has lost many officers to other jurisdictions that offer better wages. This is a significant cost to the Chapter. The Chapter spends approximately \$75,000 to train and certify each new officer. We lose that much every time an officer leaves on account of poor pay. There is currently a “feeding frenzy” from larger agencies that are able to offer generous compensation packages and benefits to personnel from smaller agencies, like the Ramah Navajo Police Department, after those officers have been certified and trained. The Chapter simply does not have the funds to compete with these larger agencies. **BIA should be directed to fund 638 program officer salaries at the same rate as it funds the salaries of its own officers.**

The lack of funds is due in large part to BIA’s Law Enforcement Program Management. The Indian Affairs FY 2017 Budget Justification displays a FY 2015 appropriation of \$6,250,000 for “Law Enforcement Program Management.” However, the real OJS administration budget for FY 2015 was \$30,716,000, because the OJS kept \$24,451,567 (12.4%) of the Criminal Investigation and Police Services budget for administration. The budget should be restructured to reflect the true administrative cost of the BIA OJS. In addition, the BIA OJS keeps \$6,264,496 (6.5%) of the Detention and Corrections budget for Administration. Those funds are badly needed to meet the staffing and operating costs of tribal and BIA detention facilities. Our Officers should be salaried at the same rate as Federal/Bureau Police Officers. The chart below reflects the pay disparity between our officers and officers serving other area agencies.

Police Agency Name	Recruit	New Commissioned	Mid Point	Maximum	% RNPD Under Paid
Ramah Navajo Police	\$19,344.00	\$26,000.00	\$29,993.00	\$37,440.00	
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%

Funds for Criminal Investigation and Police Services, and funds for Detention and Correction, should be used only for the identified purposes, and not for administration. We are requesting an ongoing appropriation of additional \$190,000.00 per year to comply with applicable regulations and to keep good, hard-working officers in our Police Department. \$1,900,000.00 over 10 years period.

3. Lack of Funding for Equipment and Operation of Detention Facility

Ramah was awarded a TARP Recovery Act Correctional Facilities grant from the Department of Justice for \$3.8 million on September 21, 2009. Our Detention Facility is complete and BIA issued the Certificate of Occupancy on November 10, 2016. The Detention Center is in full operation but BIA has failed to award funds sufficient to equip and operate the facility in accordance with the operating Standards for BIA Correction Centers. We have submitted numerous requests to the BIA-Office of Justice Services for funding to equip and operate the new detention center without success. Our recurring budget is \$600,100. There is still a need for additional \$252,620. With the newly constructed detention facility, we are still in need of an additional 10 officers just to provide minimal coverage at the detention center. The new facility will require a total staff of 25.5 full time certified staff to operate the facility per BIA standards and requirements. **Additional Recurring Operational Costs for FY 2017 and Thereafter- \$852,720.00.**

We need to properly equip the facility with furniture, fixtures, computer equipment, and advanced security and communications systems. Finally, we will need ongoing funding to operate and maintain the facility. We have submitted numerous requests with the BIA-Office of Justice Services for additional funds that are needed: ***We will also require additional ongoing funds for maintenance of the new facility \$379,638.00.***

(4) Unmet needs for Transportation and Roads Maintenance.

Roads Maintenance: We operate a roads maintenance contract through the BIA. Our recurring budget for staff operations is \$255,000. The agreement identifies basic road maintenance functions required to maintain a safe, sustainable roadway without capacity increase. Funding barely supports 3 staff members. Currently we have four permanent staff members in Roads Maintenance. We need additional staff of two highway maintenance workers. Our Road Inventory Field Data System (RIFDS) transportation network is comprised of 496 miles of varying driving surface type. The unmet needs shown below for paved and base course are a result of deferred maintenance. The earth road surface modifications to base course are a result of LRTP data and Chapter growth or need. ***We are requesting an increase in this funding source to increase to \$585,000.***

TTP(Tribal Transportation Program): The TTP funds are program based. Current allocations are \$1.25 million dollars. The FAST act lists reasonably expected allocations during the life of the FAST Act bill. The expectations from our Federal partners is that we operate like a small Department of Transportation. Basic functions to operate like a small DOT are: Programming, Planning, Design, Construction, and Construction Management, and Fleet Management Services. We spend a significant portion of this program (TTP funds) in support of our Roads Maintenance Contract. Our supporting of Roads Maintenance further impacts our basic ability to function in the Planning, Design, and Construction TTP program responsibility areas. Our general responsibility for this effort includes the following road network breakdown:

Surface Type or need	Miles	Reconstruction	Rejuvenation	New Surface (improved)	Unmet funding need
Paved	47.5	18			\$32,400,000
Base Course	60.5		24.5		\$2,500,000
Earth	388			50	\$30,600,000
Trails	9				
Equipment					\$850,000
Summary	505	18	24.5	50	\$66,350,000

We are requesting an annual increase in our TTP Program allocation to equal \$6.5 million dollars a year. This request represents a 20 year plan to improve our community roads programs.

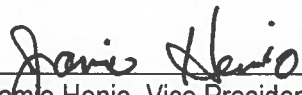
General Staff Positions required to operate like a small DOT:

Position	Classification	Codes/grades	Underfunded (based on BIA Equivalent)
Civil Engineer/Program Director	0810	92,93,94	35%
Roads Foreman/Supervisor	5716	11	35%
Transportation Specialist	2101	7	35%
Office Manager/Administrator	0344	7	35%
Heavy Equipment Operator	5716	10, 9, 8	35%
Highway Maintenance Worker	5716	4	35%

General GS Pay Rate Tables for the Albuquerque area are readily available at DOI.gov. We make note that we are 35% below the corresponding rate per job classification.

In closing, the Ramah Navajo Chapter has been a successful and diligent steward in operating programs under P.L. 93-638 for many decades and has had "clean" audits from the outset. The funds that have been appropriated by Congress for the Ramah Navajo Chapter have made a positive difference in the lives of our people. The Ramah Navajo Chapter appreciates the continued support of Congress as it strives to make funding available for Indian Nations and their organizations to provide services to their people. We would be happy to provide you with further information on any of the foregoing projects.

Thank you.



 Jame Henio, Vice President
 Ramah Navajo Chapter