

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



**Testimony of Jonathan Nez, President of the Navajo Nation
Before the
United States House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Hearing on Thursday, March 7, 2019**

Yá'át'ééh. Good morning Chairwoman McCollum, Ranking Member Calvert, and members of the subcommittee. My name is Jonathan Nez. I am the President of the Navajo Nation. I appreciate this opportunity to provide testimony to the subcommittee to address the Navajo Nation's funding priorities and needs in fiscal 2020. I commend this subcommittee for working on a bipartisan basis to increase funding for Indian programs these past couple of years despite the President's request for budget cuts. As you well know, Indian Country is very far from sufficient funding, however it is good to continue seeing incremental increases in funding for Native American programs these past couple of years. As within prior years, we are concerned that the President's budget to be released in mid-March will continue a call for cuts in Indian programs. We again request that the committee to refrain from any cuts to Indian programs, but maintain a positive funding trend for fiscal 2020. These programs are critical in Indian country. In my testimony, I want to highlight our priority items for your consideration as you appropriate funding for fiscal 2020.

Public Safety

One of our main funding priorities this upcoming fiscal year is public safety. Our public safety division includes Criminal Investigations, Department of Corrections, Training Academy, Police Department, and seven police districts. Every year, we request increases in our funding and, even with the small improvements, it is not enough to meet the demands of our public safety system. We estimate that it would take at least \$74 million in additional funding per year to ensure proper law enforcement, detention, and judicial services including prosecution and public defenders.

Annual reporting to the FBI indicates that violent crime rates have fallen by 48 percent over the past 25 years. However, this same data suggests that violent crime is on the rise on the Navajo Nation. From 2010-2016, over 44.1 percent of calls to the Navajo Department of Public Safety (NDPS) involved violence, and alcohol underlies almost all of this violent crime. The NDPS most recent annual crime reports illustrate the increase of violent crimes on the Nation—particularly homicides. Navajo Criminal Investigations responds to approximately 30–50 homicides per year within the Nation's boundaries, which represents a homicide rate well above the national average (20–33 homicides per 100,000 people compared to 6-13 per 100,000 nationally). Based on the most recent census data, the homicide rate on the Navajo Nation is four times the national average. These alarming statistics help illustrate why the Navajo Nation has one of the most violent crimes in Indian Country with 2,524 violent crimes; 2,311 aggravated assaults; and 160 rapes reported to law enforcement in 2017.¹

The Navajo Nation is currently far from having sufficient public safety resources to respond to

¹ <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/tables/table-11/table-11-state-cuts/arizona.xls>

all these reported crimes adequately. Significantly, there are fewer than 205 patrol officers, 27 criminal investigators, and 4 internal investigators for the entire Navajo reservation. With about 174,000 people residing on the Navajo Nation, we have 13.4 patrol officers/10,000 citizens, which is less than the national average of 24 officers/10,000. Assuming vacancies are filled, NNPD would have to hire 115 more patrol officers and 30 more criminal investigators to close the gap. In 2018, the Navajo Police Department responded to over 248,600 service calls and made 27,342 arrests. The deficit in police officers and the vast travel distances results in increased response times, which allows more bad actors to evade crime. Furthermore, police vehicles are also subject to wear and tear due to the significant service territory. As of last year, NDPS had about 254 vehicles -- 86 of these units have more than 150,000 miles.

The Nation also has difficulty in gathering specific information to prosecute criminal activity. The Nation does not have funding to hire any medical examiners. Deceased individuals have to be transported long distances to state autopsy facilities. The Nation also does not have a crime lab. Evidence for federal crimes can be submitted to the federal crime lab, however there is no lab facility to analyze evidence in a case that is purely under Navajo jurisdiction.

Navajo also operates six Adult Detention Facilities with 345 beds and four juvenile detention facilities with 98 beds. In fiscal 2018, our department of corrections served 25,751 individuals. All facilities provide 24-hour supervision and other services to ensure full compliance with mandated standards. However, the amount of staff is at the very minimum level and, even then, funding their salaries and benefits through the fiscal year is always a challenge. In fiscal 2019, our 638 funds will have depleted by August 2, 2019 and we will need an additional \$4 million to carry us to December 31, 2019. We need additional funding to provide the security we need to maintain the minimum standards. The lack of fiscal resources also means that the Adult Detention Facilities do not provide domestic violence or substance abuse/alcohol assessments, intervention, or rehabilitation.

Navajo has one Supreme Court and trial courts in 11 judicial districts. There are three Supreme Court justices and about 13 judicial court judges that handle approximately 50,000-52,000 cases every year. With each judge averaging 4,000 cases per year, we are in dire need of funding for additional judges and court personnel. With regards to criminal cases, only 14 prosecutors handle these cases in eleven judicial districts. In fiscal 2018, the prosecutors received 16,887 cases, which is a significant increase from the prior fiscal year 2017 of 8,108 cases. The Prosecutors Office also has no victim advocates to support victims of crime on the reservation. With the high and ever-increasing number of cases, the recurring allocated funds are insufficient to fund operational and facilities costs, as well as replacing outdated and substandard judicial courthouses.

As you can see from our discussion above, we have many challenges to overcome, and they all require a workforce to tackle those challenges. I ask this committee to pay attention to our public safety concerns, which are likely similar concerns for many other Indian tribes.

Natural Resources

Our Natural Resources Division oversees our natural resources and about 17.2 million acres of land through 12 departments: Land, Agriculture, Forestry, Enforcement, Parks/Recreation, Museum, Archaeology, Fish & Wildlife, Abandoned Mines/Uranium, Historic Preservation, and Water Resources. We emphasized the following priorities in our budget submission to the U.S. Department of the Interior.

Our forestry department manages 596,728 acres of commercial forest and 4,818,815 acres of woodlands, and they always require more funding to implement biological and archaeological clearances for timber treatment, NEPA clearances, providing thinning treatments for areas prone to high wildland fire risk, and additional planting of trees where natural regeneration is not occurring.

The Navajo Nation consists of semi-arid land where drought conditions continue to exist. Since Navajo people travel long distances to haul water for their livestock, the backlog in the construction of over 100+ livestock water facilities and maintenance of 123 needs to be addressed. Under current funding, we can only construct one facility per year. Our water resources program requires funding to plan, design, secure permits and build water facilities in remote areas and fund personnel costs.

Education- Scholarship

Also, as part of our fiscal 2019 budget priorities, we continue to request additional funding. We received 12,887 scholarship applications in 2016 and, if we were to fund all those students, we would need \$51.5 million for the academic year. We could only provide limited funding to about 51 percent of those applicants. Nonetheless, as a result of this investment, in fiscal 2016, 935 students received their associate's degree, 416 obtained their bachelor's degree, 126 earned their master's degree, and 12 received their doctorate.

Housing Improvement Program

In recent years, there have been cuts every year to our Housing Improvement Program (HIP) even though there is a need to provide decent housing. HIP is a secondary safety-net housing program to address substandard housing and homelessness for very low-income tribal members that have no other resource for assistance. The Navajo Nation has a very high unemployment rate, which creates a high rate of poverty and a high number of residents who live in substandard housing. In fiscal 2017, our HIP had 753 applicants that were eligible for assistance, but we can only help seven. To serve all those applicants, it would require about \$207 million.

Welfare Assistance – Human Services

As part of our budget submission, we highlighted welfare assistance as one of our priorities. Our Department of Family Services (DFS) utilizes this funding to handle cases involving placement of children, adults and elders in residential care, adult in-home care, institutional care, foster care and group homes, youth/children emergency shelter homes, burial assistance, assistance to individuals and families with needs during temporary financial hardship.

Due to the lack of available buildings on the Navajo reservation, DFS has to contract with off-reservation shelter homes for out of home placement of children. DFS services 777 cases per month (12 percent increase from 2015) of which 70 percent were children in out of home placement. Most children are in out of home placement due to abuse and neglect. The number of children in need of foster care also increases every year with 2,108 in 2016 as compared to 1,305 in 2015. Despite the need, funding has been cut in the past couple of years despite our requests for an increase. Because funding has not kept up with the increasing cost of services, we continue to ask for increased funding.

Healthcare

The Navajo Nation appreciates the increases in fiscal 2019 funding for the Indian Health Service (IHS). Our funding for Health Care Facilities Construction (HCFC) has been used to complete

the design of the new Alternative Rural Health Center in Dilkon, Arizona. The construction is expected to start in July 2019. As we have stated previously, this facility is projected to serve over 34,391 primary care visits per year until 2025. Subsequently, increased funding for Sanitation Facilities Construction will improve the overall health of those served. The other inpatient facility on the outstanding priority list for HCFC is the Gallup Indian Medical Center (GIMC), cited by the U.S. Commission on Civil Rights as an “utter disaster.” We continue to urge Congress to fund these priority health care facilities projects until completion. This includes the outpatient health care facilities in Pueblo Pintado, New Mexico and Bodaway Gap, Arizona, which are at the site selection and evaluation phase.

Bennett Freeze Area Development

In 1966, as a result of litigation of boundary dispute, the Commissioner of Indian Affairs Robert Bennett ordered a “freeze” on any development in a 1.5-million-acre area. Due to subsequent legislation and litigation, no development occurred in the area. In 2006, the Navajo and Hopi tribe reached a settlement agreement, and the “freeze” was lifted. However, the damage was done leaving behind homes and infrastructure that are in poor condition. There is also a severe lack of needed housing, roads, schools, and health centers. The Navajo Nation is working on bringing development back to the area, but it requires funding, and we continue to request funding to start construction and repair of houses and infrastructure, as well as to implement a management plan for agriculture, permit administration, range management and conservation plans, water resources, fence construction, and additional employees, enhance livestock economy and other activities. We ask this subcommittee’s help in that effort.

Navajo Indian Irrigation Project (NIIP)

The Navajo Nation requests that the cap be lifted on appropriations for construction and that funds for construction be increased so Bureau of Reclamation can complete construction of all 11 blocks of NIIP. An estimated 75,000 acres have been developed out of the 110,630 acres of federal responsibility. Based on a Bureau of Reclamation memorandum dated June 16, 2016, the total cost of completion of NIIP is approximately \$556.49 million and NIIP Gallegos Dam, and related structures are about an additional \$286.2 million.

Gold King Mine

The Navajo Nation continues to support funding for long term water monitoring due to the Gold King Mine (GKM) spill and funding to identify risks of future spills from abandoned mines. We also continue to advocate for the EPA to compensate those impacted by the GKM spill.

Advanced Appropriations

In light of the recent government shutdowns and the impacts to Indian country, the Navajo Nation supports advanced appropriations as outlined in S. 229 for the Bureau of Indian Affairs and Indian Health Service.

Conclusion

In conclusion, the Navajo Nation entered into a treaty with the United States in 1868. The federal government, therefore, has a treaty responsibility, as well as a trust obligation, to protect and assist the Nation in securing our land and resources, and developing a sustainable permanent homeland. The priorities outlined by the Navajo Nation seek to strengthen the sacred trust relationship and assist the Navajo Nation in furtherance of self-determination and tribal sovereignty. Thank you.