

**Testimony of the Honorable Dr. Buu V. Nygren, President of the Navajo Nation
Before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies
American Indian and Alaska Native Public Witness Days
March 8, 2023**

Yá'át'ééh, Chairman Simpson, Ranking Member Pingree and Members of the Subcommittee.

My name is Dr. Buu Nygren, president of the Navajo Nation (“**Nation**”). We are the largest Native American tribe in the country. We provide critical governmental services to more than 400,000 members, half of whom reside on the Navajo Nation which encompasses more than 27,000 square-miles and spans portions of 11 counties across the states of Arizona, New Mexico and Utah.

Thank you for resuming these important in-person American Indian and Alaska Native public witness days to hear directly from tribal leaders on our appropriation requests for Fiscal Year (“FY”) 2024. Indian Country, like Congress, is eager to review President Biden’s budget proposal. We are hopeful that it will recommend increases to programs that have been chronically underfunded, as it did for FY 2023. We request that this Subcommittee, in acknowledgement of its trust responsibility, continue providing meaningful increases to programs that support the overall health, educational, social services and economic welfare of our people. Some of these programs include:

Protecting Indian Health Service (“IHS”) and Bureau of Indian Affairs (“BIA”) Funding from Sequestration. Across the board, sequestration cuts have a devastating impact on Indian Country. Sequestration impacts already chronically under-funded programs that tribal members rely on for healthcare, public safety, education and other critical services. More importantly, it represents a failure of the federal government to uphold its trust obligation to Indian tribes. The Nation receives fewer funds per acre than other federally funded programs. Funds are severely needed to enhance, restore and improve agricultural activity for community subsistence and commercial development. We need more funds, not fewer, and the prospect of sequestration threatens the small gains we have made over the years. This Subcommittee should implement provisions that protect vital funding resources for Indian Country from sequestration rather than further subjecting them to these harmful policies.

Advanced Appropriations to IHS & BIA. To understand the importance of providing advanced appropriations to IHS, this Subcommittee should provide advanced appropriations for critical BIA programs and services. These include public safety, housing, disaster relief, social services, welfare assistance and self-governance. Advanced appropriations ensure that the federal trust responsibility to tribes is upheld during times of uncertainty. Respectfully, they should continue for IHS and be expanded to BIA.

Providing an Increase of \$26 million for the Nation’s Public Safety services. Despite periodic increases for public safety over the years, the Nation sees very little of this funding going directly to our public safety efforts. The Navajo Police Department has approximately 179 commissioned police officers, 35 criminal investigators and has a need for 50 additional correctional officers to service 27,000 square miles of land. For every 1,000 Navajos, there are only 0.85 officers. According to the FBI, the recommended ratio is between 3.4 and 3.5 officers per 1,000 residents. The Navajo Nation Division of Public Safety receives approximately 250,000 calls for service every year. With so few officers available, responses are delayed due to the distance between communities from law enforcement stations. Additionally, with the shortage of funding and no

mechanism to replace dilapidated or aging correctional facilities, offenders are often released back into communities. That puts communities at risk of revictimization. In a 2018 report to Congress, the BIA stated that \$1 billion is required for tribal law enforcement, \$1 billion is required for tribal courts, and \$222.8 million is required for prisons to provide an adequate level of basic funding to all federally recognized tribes. Recent appropriation levels indicate that the BIA routinely funds tribal law enforcement at approximately 20% of projected demand, tribal prisons at approximately 40% of anticipated demand and tribal courts at a disappointing 3% of anticipated need.

For FY 2023, we are predicted to have a shortfall of **\$4 million**. This means we cannot invest in critical improvements to services. In addition to more recruitment, retention of officers and maintaining our specialty enforcement programs to counter the increase in violent crimes, the Navajo Division of Public Safety is in critical need of temporary public safety modular facilities for three (3) of its Navajo Police districts. Existing facilities have been condemned because of unsafe structural integrity and asbestos/mold contamination. There is a need for funding to purchase durable police vehicles for operation in mountain/desert terrains, as well as a critical need for specialty vehicles (snow cats, snowmobiles, etc.) in order to be able respond to the needs of the public during emergency declarations. Finally, the Nation's correctional services need 10 transport units and basic equipment to ensure current correctional officers have the necessary tools to conduct their day-to-day duties.

Providing an Increase to \$5 million annually for the Nation's Indian Child Welfare Act ("ICWA") Program. The Navajo ICWA Program is severely underfunded by the BIA through a P.L. 93-638 contract and is subject to unnecessary funding restrictions. The Navajo ICWA Program operates with \$1,599,461.00, which is inadequate for increasing travel and operating costs for our limited personnel. The Nation needs an annual budget of \$5 million to adequately fund the Navajo ICWA Program.

The purpose of the Navajo ICWA Program is to promote the stability and security of Navajo families. It provides services to preserve and reunite Navajo children with their parents, next of kin, or other appropriate families depending on the best interest of the child. The Navajo ICWA Program consists of 15 team members who coordinate and collaborate with tribal, state, and federal partners on open cases in 24 states. Currently, there are 354 active ICWA cases involving 655 Navajo children. The states with the highest caseloads include Arizona, New Mexico and Utah and account for approximately 75% of our cases. Additionally, the Navajo ICWA Program coordinates with the Nation's Department of Justice when it requests legal intervention in ICWA cases. Some of the successes of the Navajo ICWA Program include: 55 Navajo children placed with parents and 306 placed with extended family or relatives.

Providing \$23 Million for BIA's Housing Improvement Program ("HIP"). The Nation strongly encourages the Subcommittee to fund BIA's HIP program to past levels of \$23 million. HIP is a much-needed program providing housing resources to the neediest tribal members residing in Indian Country who cannot meet U.S. Department of Housing and Urban Development program income thresholds. Whether it supports emergency housing repairs, renovations, replacements, or even more recently, down payment assistance, it helps those who need it most.

Providing \$5 Billion to Address Abandoned Uranium Mine Clean-up on the Nation.

According to U.S. Environment and Protection Agency, there are more than 500 abandoned uranium mine sites located on the Nation. These sites are contaminating Navajo homes and water sources with elevated levels of radiation. Because of this, tribal members are subjected to potential health risks including lung and bone cancer as well as impaired kidney function. While some of these sites have funds allocated for their remediation, more than half of the sites still need federal funding. The Navajo Nation estimates that it will cost an additional \$4 to \$5 billion to address the remaining sites, which does not include the cost of long-term monitoring and maintenance of areas where hazardous waste may be contained in a disposal cell.

Fulfilling Federal Obligations for the Navajo Indian Irrigation Project (“NIIP”). In 1962, P.L. 87-483 authorized the development of 110,630 acres of farmland and an annual diversion of 508,000 acre-feet of water from the Navajo Reservoir to Navajo Indian Irrigation Project lands in exchange for the diversion of 100,000 acre-feet of water from the Nation’s claim in the San Juan Basin to the Rio Grande Basin. In 1970, the Nation established Navajo Agricultural Products Industry (“NAPI”) enterprise to operate the NIIP and manage the Nation’s industrial agri-business to build a profitable commercial enterprise, provide jobs and training for Navajo people and to expand markets for NAPI’s products.

Approximately 35,000 of the 110,630 acres of farmland authorized for construction under P.L. 87-483 remains undeveloped. Funding to build out the NIIP and increase farming capacity is critically needed. Appraisal level costs provided by the U.S. Bureau of Reclamation in 2019 estimated \$985 million to complete the project. Additionally, under an existing P.L. 93-638 contract, the federal government is obligated to cover the NIIP’s operations and maintenance (“O&M”) expenses. However, the BIA has failed to keep pace with increasing O&M expenses for the NIIP and other Indian Irrigation Projects. The NIIP Condition Assessment, which was conducted by the Bureau of Indian Affairs in 2016, estimates over \$175 million in remediation costs resulting from an extensive deferred maintenance backlog.

In order to meet its obligation, the federal government needs to increase funding to the following:

- Due to a continued lack of past necessary funding, total funding needs for NIIP’s O&M will be \$8.1 million in FY 2024. We therefore request the Natural Resources Management; Irrigation Operations & Maintenance funding be increased to \$25 million total in FY 2024.
- Increased funding for the WIIN Act, Public Law 114-322, Title III, Subtitle B, Irrigation Rehabilitation and Renovation for Indian Tribal Governments and their Economies from \$10 million annually to \$35 million annually. NAPI is ready to complete Block 9, stage 2 and 3 of the NIIP but lacks the promised funding to do so. We respectfully request that the Resources Management Construction fund be increased to \$110 million in FY 2024 and that the NIIP be funded at a minimum of \$12 million from this fund.

The Nation has not received all of what was promised in the NIIP Act nor in our P.L. 93-638 contract with the federal government. As a result, we are leaving valuable land unfarmed, Navajo Nation water rights entitlement unused and NAPI is forced to cover the government’s O&M funding short falls. We request what was promised over 60 years ago.

Fulfill Navajo-Hopi Settlement Act obligations with sufficient funding, and provide additional funding to address harms from the relocation and construction/development freezes. Pursuant to the Navajo-Hopi Land Settlement Act of 1974, the Office of Navajo Hopi Indian Relocation (“ONHIR”) is responsible for the federally-mandated relocation of Navajo and Hopi families living within each other’s boundaries in a “generous and humane” fashion. Yet the federal government’s most recent forced relocation of our people continues to cause great harm to generations of Navajo families, destroying traditional lifeways, undercutting spiritual practices, which have led to a range of social ills that have had terrible spiritual, physical and economic consequences.

The harms caused by the relocation have been exacerbated by ONHIR’s ineffectiveness and federally imposed construction/development freezes. ONHIR has not had a Commissioner since 1994, leaving the agency rudderless and chronically underfunded. Further, from 1966 to 2009, the construction freeze that was imposed left 1.6 million-acres—comprised of nine Navajo Chapter communities—ineligible for *any* federal or tribal aid. Congress must act through appropriations to address its outstanding obligations and to remediate the harms caused by the federal government. We seek:

- Immediate transfer of not less than \$15 million in "excess" ONHIR funds to the Navajo Rehabilitation Trust Fund to address relocatee and relocation community needs.
- Maintenance of ONHIR funding for another 10 years for a total of \$300 million or more, if the studies and planning call for more, to coordinate a multi-agency rehabilitation program.
- Forgiveness of the Navajo Rehabilitation Trust Fund loan repayment, which is a federal loan, whose conditions requiring repayment will never occur.
- Expanding ONHIR’s authorization to allow it to work in the Former Bennett Freeze Area.
- Funding of the Navajo Thaw Initiative and a Former Bennett Freeze Rehabilitation Program to address the impact of federal freezes.
- Funding of a Navajo Partitioned Lands Rehabilitation Trust Fund, to be used by the Navajo Nation to immediately provide rehabilitation to the Navajo Partitioned Lands, for not less than \$20 million per annum until its purposes have been fulfilled.
- Funding for studies, analyses and reports concerning the Navajo relocation and construction/development freezes and their impact on generations of Navajo families, economic development, infrastructure, traditional lifeways, the Navajo aquifer and other areas as determined through coordination with the Navajo Nation.
- Although not an appropriations matter, support for the Navajo Technical Amendments; legislation that has been introduced in the last several Congresses that would implement or advance many of the items identified above.

Conclusion: The Navajo Nation strongly urges the Subcommittee to act on these recommendations in FY 2024, both to uphold its trust and treaty obligations to the Navajo people and to remedy some of the grievous injustices the federal government itself created and perpetuated. Thank you for taking the time to consider the Nation’s comments and the needs of the Diné people. We look forward to working you to enact a FY 2024 appropriations package that addresses these needs. *Ahéhee*’ (Thank you).