



**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 Wednesday, February 12, 2020**

Yá'át'ééh. Good afternoon Chairwoman McCollum, Ranking Member Joyce, and members of the Subcommittee. My name is Jonathan Nez and 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 year 2021. I commend this Subcommittee for working on a bipartisan basis to increase funding for Indian programs in past years. As you well know, Indian country receives far less from sufficient funding, however it is good to see incremental increases in funding for Indian programs these past few years. As with prior years, we are concerned that the President's budget will request cuts in Indian programs. These programs are critical to Indian communities. We again request that the Subcommittee refrain from recommending any cuts to Indian programs and maintain a positive funding trend for fiscal year 2021. In my testimony, I want to highlight our priority items for your consideration as you appropriate funding to meet the needs of Tribal Government and Human Services in fiscal year 2021.

**Transportation and Infrastructure**

As the largest land-based Native American tribe in the country, the Navajo Nation encompasses over 27,000 square-miles across three states and has a registered enrollment of over 350,000 members. With such a broad land base and areas that lie within multi-jurisdictional boundaries, the Navajo Nation encounters some of the most challenging obstacles when it comes to transportation and infrastructure needs.

The Navajo Nation ranks second in population and first in road mileage out of all of the BIA regions. The Navajo Nation has more than 11,200 miles of roads, with over 9,500 miles remaining unpaved. Additionally, there are five airports and 179 bridges on the Nation; 38 are eligible for rehabilitation and 28 are eligible for replacement. Navajo Nation transportation officials have estimated that it would take approximately 116 years and \$7.9 billion to meet current transportation infrastructure needs. Pavement deficiencies need approximately \$1.4 billion in repair and upgrades to the remaining roadway system need \$6.5 billion.

The Navajo Nation receives about \$54 million annually in Federal funds. Of this amount, nine percent or \$4.9 million goes to Operations and Planning; over ten percent or \$5.6 million goes to Road Maintenance and Safety Projects; over 12% or \$6.9 million goes to Preliminary Engineering and Construction Engineering; and the remaining over 67% or \$36.6 million goes to Construction. Since it costs nearly \$3 million to pave one mile of new road, funds appropriated each year only allows the Navajo Nation to build 12.2 miles of new road annually.

The Navajo Nation's roads are lifelines and provide critical thoroughfare for school buses, public safety services, emergency responders as well as access to governmental and public services, shopping and utilities. It is imperative that the Navajo Nation is appropriated funding for investment in maintenance and infrastructure of on-reservation highways, roads and bridges.

## **Education-Scholarship**

The Navajo Nation commends this Subcommittee and Congress on authorizing an independent budget for Bureau of Indian Education (BIE). It is our hope that adequate funds be appropriated for the operation and maintenance of BIE schools to educate our children. Many BIE schools are in severe need of upgrades and replacement, so we hope to see an increase in that line item. Finally, we would like to see an increase in scholarship funding. In 2018, the Office of Navajo Nation Scholarship & Financial Assistance (ONNSFA) received nearly 16,000<sup>1</sup> scholarship applications. Due to limited funds, ONNSFA was only able to provide partial scholarships (approx. \$2,500/semester) to nearly 51 percent of those applications. If we were to fund all applications, we would need \$51.5 million for the academic year. Moreover, all Federal funds made available are used solely for awarding undergraduate students. As a result of this investment, in fiscal 2018, 915 students received their associate's degree, 480 obtained their bachelor's degree, 126 earned their master's degree, and 12 received their doctorate.<sup>2</sup>

## **Healthcare**

The Navajo Nation appreciates the increases in fiscal 2020 funding of the Indian Health Service (IHS). The Navajo health care system consists of five federal service units, one urban health program, and several tribal healthcare corporations. The Indian Health Service has a federal trust responsibility to provide access to health services for American Indian and Alaska Native (AI/AN) patients. Health care facilities across the Navajo Nation differ and are outdated, which requires action to expand services, renovate, or replace facilities.

The Navajo Nation has also declared war on diabetes. The Special Diabetes Program for Indians (SDPI) is crucial in our fight against a disease that threatens too many of our tribal members and their unborn children. SDPI achieves astounding results throughout Indian Country. Since 2011, there has been no increase in the prevalence of diabetes among AI/AN<sup>3</sup>. In just the first seven years of SDPI, diabetes-related end-stage renal disease among AI/AN adults decreased by 54%<sup>4</sup>. Also, Medicare cost savings from this reduction in kidney failure among AI/AN are between \$208 million (if 40% of the savings are attributable to SDPI) to \$520 million (if 100% of those savings are attributable to SDPI).<sup>5</sup> The FY2020 budget extended funding to SDPI only until May 22, 2020. SDPI is a beacon of hope in a federal tribal health care system that struggles in the shadow of federal funding shortfalls. The Navajo Nation respectfully requests that SDPI receive a permanent reauthorization in the amount of \$200 million per year.

## **Housing**

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

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<sup>1</sup> <https://img1.wsimg.com/blobby/go/74cd80dd-d6f0-4609-8ed6-615cdf892847/downloads/2018%20Annual%20Report.pdf?ver=1580332541521>

<sup>2</sup> Ibid.

<sup>3</sup> <https://www.cdc.gov/vitalsigns/aian-diabetes/index.html>

<sup>4</sup> Ibid.

<sup>5</sup> [https://aspe.hhs.gov/system/files/pdf/261741/SDPI\\_Paper\\_Final.pdf](https://aspe.hhs.gov/system/files/pdf/261741/SDPI_Paper_Final.pdf)

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.

### **Public Safety**

Another funding priority 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 increases, it is insufficient to meet the demands of our public safety system. Navajo police, criminal investigations and corrections anticipates in FY2021 a salary shortfall of approximately \$3 million due to minimal new hires, salary increases, fringe benefit, and retirement rates on the current mature contract. 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, the Navajo Division of Public Safety's (NDPS) most recent annual crime report illustrates an increase of violent crimes on the Nation—particularly rape, motor vehicle theft, and arson. The number of reported rapes in 2018 is an alarming 1.28% increase from 2017. These statistics illustrate why the Navajo Nation has one of the most violent crimes in Indian Country with 2,436 violent crimes; 2,193 aggravated assaults; and 205 rapes reported to law enforcement in 2018.<sup>6</sup>

The Nation also has difficulty gathering specific information to prosecute criminal activity. The Nation does not have funding to hire any medical examiners and also does not have a crime lab. Evidence for federal crimes can be submitted to the federal crime lab, however it takes months to receive results. Our prosecutors just recently received the results of a rape kit they submitted eight months ago. I ask this Committee to pay attention to our public safety concerns, which are likely similar concerns for many other Indian tribes. It is imperative to improve funding of our public safety and justice programs in order to protect Navajo Nation members and its law enforcement.

### **Welfare Assistance – Human Services**

The Navajo Nation Department of Family Services (DFS) utilizes welfare assistance funding for case management 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, and assistance to individuals and families with needs during temporary financial hardship.

Due to lack of available foster homes and placement facilities on the Navajo reservation, DFS has to contract with off-reservation shelter homes for out of home placement of children. DFS services 886 cases per month, an 18 percent increase from 2015, of which 72 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 2,581 in 2019 as compared to 1,305 in 2015. While funding increased in fiscal 2020, it has not kept up with the increasing cost of services. We continue to seek an increase in funding.

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<sup>6</sup> <https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/tables/table-11/table-11-state-cuts/arizona.xls>

## **Natural Resources**

Our Natural Resources Division oversees our natural resources and about 17.2 million acres of land through twelve departments. 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 and livelihood, the backlog in the construction of over 100 livestock water facilities and maintenance needs to be addressed. Our current funding only allows us to construct one facility per year.

## **Abandoned Uranium Mine Clean-up**

According to USEPA, there are approximately 524 abandoned uranium mine sites on the Navajo Nation. Unfortunately, only 219 of USEPA's identified sites have available funds for clean-up and remediation efforts, leaving a total of 305 unaddressed sites that pose severe environmental and health hazards to surrounding areas and people. Although the Federal government provides approximately \$1.7 billion for the 219 sites, it is not yet clear whether this amount is sufficient. Moreover, the Navajo Nation estimates that it will cost an additional \$4 to \$5 billion to address the remaining 305 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. It is the Navajo Nation's position that the federal government is responsible for funding the clean-up of the remaining 305 AUM sites, which is currently stagnant with no remediation efforts taking place. Therefore, we urge Congress to appropriate funds to develop a comprehensive clean-up plan and funding package to remediate these remaining 305 AUM sites.

## **Navajo Indian Irrigation Project (NIIP)**

In 1962, P.L. 87-483 authorized construction of 110,630 acres of farmland and an annual diversion of 508,000 acre-feet of water from Navajo Reservoir to the Navajo Indian Irrigation Project ("NIIP") lands in exchange for diversion of 100,000 acre-feet of water from the Navajo Nation's claim in the San Juan Basin to the Rio Grande Basin. In 1970, the Navajo Nation established NAPI 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. However, Navajo Nation has never received the full benefit of what was promised in the legislation. Approximately, 35,000 acres remain undeveloped and we have been hit with a funding shortfall for Operations and Maintenance ("O&M") that have totaled over \$4.3 million since 2013. Accordingly, we respectfully request the following from this Committee for the upcoming fiscal year:

1. Full funding of the NIIP O&M expenses in FY 2021 and beyond. Total funding needs in FY 2021 for NIIP's O&M needs is \$6.9 million.
2. Increased funding for Indian Irrigation projects in the Water Infrastructure Improvement for the Nation (WIIN) Act from \$10 million annually to \$35 million.
3. Increase funding level for the Resources Management Construction Fund. We request that the NIIP receive \$4 million from this fund in FY 2021.

## **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 Nation seek to strengthen the sacred trust relationship and assist the Navajo Nation in furtherance of self-determination and tribal sovereignty. Thank you.

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