

THE NAVAJO NATION

JONATHAN NEZ | **PRESIDENT** MYRON LIZER | **VICE PRESIDENT**



February 27, 2019

Representative Betty McCollum
U.S. House of Representatives
2256 Rayburn House Office Building
Washington, DC 20515

RE: Support for H.R. 1128, The Indian Programs Advance Appropriations Act

Dear Congresswoman McCollum:

I write to you to express my support for your bill H.R. 1128, the Indian Programs Advanced Appropriations Act. In light of the recent federal government shutdown and the effects we experienced, I fully support your bill.

The last government shutdowns essentially halted the services and funding provided to the Navajo Nation by the Indian Health Service, the Bureau of Indian Affairs, and the Bureau of Indian Education. The Navajo Nation outlined these effects in a January 28, 2019 letter to Congress (attached hereto). Your bill would help prevent the negative effects on Indian tribes of any future government shutdowns.

If your staff has any further questions, please call our Executive Director of our Navajo Nation Washington Office at (202) 682-7390. Thank you.

Sincerely,

Handwritten signature of Jonathan Nez in black ink.

Jonathan Nez, President
THE NAVAJO NATION

Handwritten signature of Myron Lizer in black ink.

Myron Lizer, Vice-President
THE NAVAJO NATION

NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT

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January 28, 2019

Dear Honorable Senate and Congressional Members,

The Navajo Nation calls on the Senate, Congress, and President Trump to put political interests aside and work together to prevent another government shutdown, and develop a long-term solution to fully-fund the government beyond February 15th. We will continue calling on you to fully fund the government and end the cycle of continuing resolutions that get us from one deadline to the next.


Along with the rest of the nation, the Navajo Nation and its citizens felt the impacts of the longest government shutdown in history. Since the shutdown began on Dec. 22, it has affected contracted Indian Health Service employees, certain services provided through the Bureau of Indian Affairs, and schools that rely on Bureau of Indian Education staff for certain administrative services, such as human resources and technical assistance.

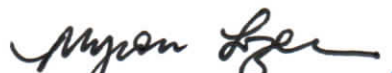
If another shutdown occurs, the consequences and harmful impacts will be greater and more people will suffer as a result. We cannot afford another shutdown, especially for the Navajo people who rely on federal programs for assistance and the many who are federal employees.


The federal government has a federal trust obligation to provide services to the Navajo Nation and other Indian tribes, such as healthcare, education, public safety, and others. Our Navajo Treaty of 1868 with the United States requires the federal government to provide those services. Continuing the shutdown is a breach of trust and our treaty.

The following report provides an overview of the impacts to members of the Navajo Nation, our communities, and direct services that occurred during the recent shutdown. We are open to discussing these direct impacts and meeting with you on these important matters.

Sincerely,


Jonathan Nez, President
The Navajo Nation


Myron Lizer, Vice President
The Navajo Nation


Seth Damon, Speaker
24th Navajo Nation Council

The Navajo Nation's Report on the Impact of the Government Shutdown

The federal government shutdown began at midnight on Saturday, December 22, 2018. As of Thursday, January 24, 2019,¹ the shutdown will have lasted 34 days. Currently, the Democrat controlled House of Representatives and the White House are at a standstill, while some proposed resolutions have been attempted and continue to be attempted between the two Federal parties, it is unclear at this time when the Federal government shutdown will cease. To begin to fully understand the impact of the government shutdown to the Navajo Nation, the Office of the President and Vice President continue working with Executive Branch entities to determine the actual and potential financial as well as non-financial impacts to the Navajo Nation and Navajo people.

The government shutdown financially impacts the Navajo Nation's ability to drawdown Federal funds and process Federal funding documents. The Navajo Nation manages approximately 11,143 contracts and grants with a total award amount of approximately \$5.8 Billion from a variety of external sources (Federal, State, and private). Since many of these awards operate on a cost reimbursement basis, the Navajo Nation must first spend Navajo Nation General Fund dollars and then submit a request for reimbursement via a drawdown process. With the closure of many Federal offices and unavailability of Federal staff, the processing of Federal agreements and drawdowns has halted in many instances. As a result, funding for some Federal agreements were in the process of being negotiated or reviewed during the government shutdown so there remains some ambiguity as to if and when those Federal agreements will be finalized and/or replenished. In the meantime, the Navajo Nation continues to spend General Fund dollars to support Federal programs and Federal services to Navajo people pursuant to these Federal agreements. In addition, the Navajo Nation entities are impacted immediately by the lack of technical assistance from Federal funding sources as well as the ability to move essential projects through the Bureau of Indian Affairs. Several programs have also reported delays and/or the inability to provide services to the Navajo people as a result of Federal government office closures.

As the majority of these Federal funding agreements are based upon the Federal government's treaty and trust obligations to the Navajo Nation, the Federal government shutdown is causing the Navajo Nation to expend its own funds to uphold the Federal government's promises. The lack of resources on the Navajo Nation is further stretched to ensure that Navajo people are not negatively impacted by the Federal government's failure to fund contractual obligations. This overview report provides the current impacts as well as potential impacts, however, it is very

¹ Information from this report was delivered to the Honorable Members of the 24th Navajo Nation Council on Thursday, January 24, 2019.

likely that more programs will eventually be impacted if the shutdown continues for a longer term as most programs report services will be increasingly impacted around the 90-day mark. Navajo Nation governmental entities impacted by the Federal shutdown are seeing a lack of necessary resources to provide services. Educational institutions on the Navajo Nation do not have access to information from the Federal government, hindering the Navajo Nation's ability to educate and provide other educational services to our children. Financial aid funds have been delayed from the Federal government causing the Navajo Nation to use its own resources to pay for higher education. These delays have led to rising concerns in our communities about our children's access to their education at the beginning of a new semester.

The Navajo Nation's public safety system has been deeply impacted by the lack of funding to its correctional facilities. The leadership of the Navajo Nation have taken steps to ensure public safety by accessing Navajo Nation funds to pay for the Federal contracts. The administrative burden placed on the Navajo Nation to quickly identify other funding sources and create new funding streams to ensure the safety of our communities has been detrimental to our goals of expanding services in these facilities and other public safety stakeholders. Access to federal courts to ensure the legal interest of the Navajo Nation are protected is blocked in many cases.

When the Bureau of Indian Affairs ceased road maintenance operations, the impact of this decision was far-reaching and impacted nearly every person traveling through the Navajo Nation. With thousands of miles of dirt roads, the need for road maintenance and clearance during the winter months is a necessity. Roads were untraversable, causing great hardship to Navajo people, schools and other government entities. As the Navajo Nation already faces great obstacles in traveling across over 27,000 square miles, the challenge of accessing critical roads hinders access to basic necessities for our communities such as water, food, and education. The Navajo Nation's Department of Transportation is carrying a heavy load of work currently and the added burden of providing Federal services is hindering progress in other areas.

Federal approvals or recording of necessary leases, permits, and rights of ways creates roadblocks to economic and community development projects. Sanitation permits are on hold which jeopardizes business and access to food services. Critical basic needs are not met due to the Federal government shutdown. The lack of access to wood hauling permits from the Bureau of Land Management only furthers suffering of Navajo families in winter months where wood is often the only source of heat.