

**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
May 8, 2024**

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**”). The Nation is one of the largest Native American tribes in the country. We provide critical governmental services to more than 400,000 members, approximately 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 holding these important in-person American Indian and Alaska Native (AI/AN) public witness days to hear directly from tribal leaders on our appropriation requests for Fiscal Year (“**FY**”) 2025. We acknowledge that the Fiscal Responsibility Act will have an impact on the overall FY 2025 discretionary budget. However, we remind the Subcommittee that Congress’ trust and treaty responsibilities to provide for the health, education, social services, agriculture and overall wellbeing of tribal members to remain firmly intact regardless of Congress’ self-imposed tight budget environment. We therefore request that this Subcommittee, in acknowledgement of its trust responsibility, continue to provide meaningful funding increases to Indian Country programs to support improvements to the quality of life in the U.S. Some of these programs include:

Exempting Indian Health Service (“IHS”) and Bureau of Indian Affairs (“BIA”) Funding from Sequestration. Across the board, federal sequestration cuts have a devastating impact on Indian Country. Federal agencies like I H S and BIA are fiscally stagnant for decades and already chronically under-funded programs that tribal members rely on for healthcare, public safety, education, social, natural resources, and other essential services, and represents a failure of the federal government to uphold its trust obligation to tribes for equity and socioeconomical justice. The Nation receives fewer funds per acre than other federally funded tribes. Funds are needed to enhance, restore and improve agricultural programming activities for community subsistence and commercial development. We need more federal funds, not fewer, and the prospect of sequestration threatens the small gains we have made over the years. This Subcommittee should implement provisions that exempt vital funding resources for Indian Country from sequestration rather than further subjecting them to these harmful policies.

Advance and Mandatory Appropriations to IHS & BIA. Advance appropriations have been a huge success for the IHS, providing the agency with much-needed stability for operations and providing basic health care services during the tumultuous FY 2024 appropriations process. Recognizing this accomplishment, the Subcommittee should continue providing advance appropriations for the IHS in FY 2026 and expand them to critical BIA programs and services, while also making these appropriations mandatory. This would ensure that the federal trust responsibility to tribes is upheld during times of uncertainty, and this must be done without taking from other tribal programs. We also recommend that there be investments to require the federal agencies to conduct a full assessment and analysis of the funding inequities and proposed estimates to provide full funding for Indian County and their federal partners to provide direct services for tribal members.

Providing \$2.9 Billion to BIA’s Public Safety and Justice Account, including an Increase of \$26 million for the Nation. The Navajo Nation is critically under-resourced in public safety, with only 218 officers and 35 criminal investigators to cover 27,000 square miles, resulting in a ratio of 0.85 officers per 1,000 residents—far below the FBI’s recommended 3.4 to 3.5. This shortfall leads to over 200,000 service calls annually, with dangerously long response times and inadequate correctional facilities, forcing the early release of offenders and increasing risks to the community.

The Bureau of Indian Affairs (BIA) recognizes a \$1.7 billion need for tribal law enforcement, \$1.5 billion for tribal courts, and \$284.2 million for correctional facilities across all tribes. However, current funding is drastically insufficient, at about 20% for law enforcement, 40% for prisons, and only 3% for courts.

With a rise in violent crimes, the Navajo Nation urgently requires investments in public safety infrastructure, including temporary modular facilities, durable police vehicles, and specialized emergency equipment like snowmobiles. The Tribal Interior Budget Council has clearly outlined these needs. It is imperative for Congress to fully fund the Public Safety & Justice account, not just as a budgetary measure but as a crucial investment in the safety and well-being of the Navajo people.

Providing \$46 Million to the BIA’s Indian Child Welfare Act (“ICWA”) Program. ICWA program is severely underfunded and subject to unnecessary funding restrictions. As a result, the Navajo ICWA Program currently operates with a \$3.4 million shortfall even with limited personnel. We therefore request the full-funding amount of \$46 million for ICWA programs. The Navajo ICWA program services 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 13 team members who coordinate and collaborate with tribal, state, and federal partners on open cases in 28 states. Currently, there are 400 active ICWA cases involving 748 Navajo children. The states with the highest caseloads include Arizona, New Mexico and Utah and account for approximately 76% 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: 101 Navajo children placed with parents and 364 placed with extended family or relatives.

Providing 1.2 Billion to Support Broadband Access for the Navajo Nation. Broadband spectrum availability on the Navajo Nation faces significant challenges. The reservation, spanning parts of Arizona, New Mexico, and Utah, comprises a vast and rugged terrain, including rural and sparsely populated areas. The geographic challenges, such as the dispersed population and difficult terrain, make it costly and complex to deploy broadband infrastructure. Outdated and insufficient telecommunications infrastructure further compounds the problem, leaving many areas without fiber-optic cables, cell towers, and other necessary infrastructure for high-speed internet access. We therefore request \$1.2 billion to support the Nation’s broadband efforts.

Providing \$1.1 Billion for BIA’s Housing Improvement Program (“HIP”). The Nation strongly encourages the Subcommittee to fund BIA’s HIP program at \$1.1 billion, consistent with the recommendations of the TIBC. 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. Over 500 abandoned uranium mine sites on Navajo land are causing environmental and health hazards, including cancer risks and kidney damage. Despite some funded remediations, over half of these sites lack federal funding. The Navajo Nation predicts it will need an extra \$4 to \$5 billion to cover the costs of cleaning up, monitoring, and maintaining the remaining 46 priority sites.

Since 2008, federal agency efforts have not yielded plans for long-term waste disposal off Navajo lands, and the EPA has not fully assessed the impact of creating multiple disposal sites on Navajo Trust and Allotment Lands. Two disposal facilities in Colorado and Texas are potential destinations for the waste. The EPA's cost analysis for cleaning up Quivira AUM reveals a stark contrast: \$40 million for on-site containment versus \$550 million at a RCRA facility. The prohibitive cost of the latter prompts the use of Navajo Nation land for cleanup, underscoring the need for more disposal options elsewhere. In 2021, the EPA, alongside DOI, DOE, and NRC, began discussions with the Navajo Nation to identify potential long-term disposal solutions, but no concrete off-site cleanup plans have been established. The DOE and NRC should also contribute to the long-term waste management. Additionally, the EPA has not requested funds to evaluate 239 lower-priority, unfunded AUMs. A \$500 million allocation from the FY 2025 budget is recommended to start addressing these AUMs.

Fulfilling Federal Obligations for the Navajo Indian Irrigation Project (“NIIP”). In 1962, through P.L. 87-483, Congress authorized the development of approximately 110,630 acres of farmland and an annual diversion of 508,000 acre-feet of water from the Navajo Reservoir to the Navajo Indian Irrigation Project lands. Approximately 30,000 of the 110,630 acres of farmland remains undeveloped. Funding to build out the NIIP 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 \$8.7 million in FY 2025. We therefore request the Natural Resources Management; Irrigation Operations & Maintenance funding be increased to \$25.5 million total in FY 2025.
- 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 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 \$90 million in FY 2025, \$30 million specifically for irrigation construction funding, of which no less than \$12 million go to the NIIP.

Funding to Support the Indian Water Rights Settlements. As mentioned in the BIA’s 2025 Budget Request, the Permanents section of the Bureau of Reclamation’s 2025 Budget Request includes a proposal to expand the Indian Water Rights Settlement Completion Fund to cover the costs of enacted and future water rights settlements and address the ongoing Operation, Maintenance, and Repair requirements associated with several enacted Indian Water Rights Settlements managed by the Bureau of Reclamation. The Administration proposal would provide a total of \$2.8 billion - \$250 million annually over ten years for enacted and future water rights settlements, and \$34 million annually over ten years to be transferred to the Bureau of Reclamation for operations, maintenance, and rehabilitation requirements associated with a number of settlements, including the Navajo-Gallup Water Supply Project. The Nation urges this Committee to adopt this proposal as it would provide a dedicated funding source to address the Navajo Nation’s

unresolved water related claims against the United States, while at the same time funding clean drinking water for our people.

Support for the Indian Health Services Sanitation Facilities. The Navajo Nation supports the FY2025 Indian Health Service Budget Request for Sanitation Facilities Construction of \$200 million to address the water crisis on the Navajo Reservation and throughout Indian Country. To this day, thousands of homes on the Navajo Reservation still lack access to adequate infrastructure, sewage disposal, and solid waste disposal facilities. Funding for these projects have been shown to reduce infant mortality rates and for gastroenteritis and other environmentally-related diseases. Therefore, the Nation strongly urges this Committee to, at a minimum, adopt IHS's request to address this urgent need.

Fulfill Navajo-Hopi Settlement Act Obligations. 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. 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 "excess" ONHIR funds to the Navajo Rehabilitation Trust Fund to address relocatee and relocation community needs.
- Support for the Nation's request that President Biden appoint Ethel Branch as ONHIR Commissioner; and support for the Nation's Technical Amendments to the Relocation Act.
- 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.
- Funding for studies, analyses and reports concerning the Navajo relocation and construction/development freezes and their impact on generations of Navajo families as described in the Technical Amendments.

Conclusion: The Navajo Nation strongly urges the Subcommittee to act on these recommendations in FY 2025, 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 2025 appropriations package that addresses these needs. *Ahéhee'* (Thank you).