



**THE NAVAJO NATION  
NYGREN ADMINISTRATION**

**PRIORITIES**

**Prepared by the Navajo Nation Washington Office**



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## Executive Summary



My administration is committed to elevating the overall quality of life and to bring economic prosperity to the Navajo Nation (“**Nation**”) through strategic initiatives in six areas: Economy, Education, Public Safety, Veterans, Environment, and Health and Social Programs.

My economic goals have been to invest in business development, create jobs, and enhance the overall Navajo workforce. Key initiatives include nurturing tourism, fostering entrepreneurship, developing and improving infrastructure in the areas of broadband, roads, water and wastewater, and reforming land leasing policies. My administration has also been working to advance broadband equity, secure state-level funding, boost local agriculture, and implement a sustainable energy plan.

As it relates to education, one priority is to address the challenges and vulnerabilities revealed by the COVID-19 pandemic. The Nation’s strategy includes leveraging technology in education, enhancing early childhood and special education programs, and promoting and preserving Navajo language and culture. Another priority is supporting and promoting among our Navajo people by increasing scholarships and potentially creating a Navajo Nation Student Loan Forgiveness Program.

I am also committed to strengthening the Nation’s public safety system to increase protection of our people, particularly women, children, veterans, and elders. I am proud to be the first President to create a position in the Office of the President and Vice-President dedicated to the Missing and Murdered Diné Relatives crisis.

My Administration is consistently working to deliver efficient services our veterans. We have put forth efforts toward streamlining the process for applying for veteran benefits, housing, medical and employment needs of our veterans. Further, I am dedicated to mitigating climate change impacts, protecting our water resources, and respecting traditional Navajo land-use practices. We are investigating ways to establish a comprehensive waste management program to end illegal dumping.

I am also committed to addressing social illnesses, including substance abuse, mental health issues, and domestic violence. I further plan to establish treatment and rehabilitation facilities and collaborate with religious and medical organizations to address mental and social wellbeing. I am here to support women's rights, provide services for homeless youth, and increase funding for health care facilities.

In all these endeavors, I seek the federal government's continued support and collaboration to ensure the prosperous and sustainable growth of the Navajo Nation. I encourage our federal partners to collaborate with the Navajo Nation Washington Office Executive Director Justin C. Ahasteen to enhance our government-to-government relationship.

Dr. Buu V. Nygren, *President*  
**THE NAVAJO NATION**





## Priorities

### **Agriculture**

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

In 1962, Public Law 87-483 gave the Secretary of Interior the authority to "construct, operate, and maintain" the Navajo Indian Irrigation Project (NIIP). The NIIP was designed to deliver water to about 110,630 acres of Navajo Nation farmland, providing an annual allowable diversion of 508,000-acre feet of water. However, the federal government has not completed the project, leaving approximately 30,000 acres of the authorized farmland underdeveloped. This poses a significant issue for the Navajo Nation, as the NIIP is a vital resource for their agricultural activities. Moreover, the federal government has ceased to provide the necessary annual allocations to cover the full cost of NIIP operations and maintenance (O&M), a shortfall that amounts to more than \$174 million in needed remediation costs as of 2017.

This issue was brought into focus during a 2021 meeting between the Navajo Agriculture Products Industries (NAPI), the principal NIIP beneficiary, and Assistant Secretary of Indian Affairs Bryan Newland. However, no solution was proposed for the reimbursement of O&M shortfalls. Instead, the suggestion was made for the Navajo Nation and NAPI to consider covering O&M costs through water user fees. This recommendation was met with unanimous opposition from the Navajo Nation Naabik'iyati' Committee in 2022, reflecting their shared stance with NAPI against the imposition of O&M user fees.

Given the importance of the NIIP to the Navajo Nation's agriculture and the significant financial burden associated with its incomplete state and maintenance, it is crucial for the U.S. Government to address these issues.

#### ***Recommendations:***

- Congress must consider appropriating funds specifically to cover the ongoing O&M costs of the NIIP, thereby alleviating the financial pressure on the Navajo Nation.
- The Biden Administration should prioritize the completion of the NIIP construction to ensure the full extent of the project's benefits are realized. Moreover, it would be beneficial to establish a long-term, sustainable funding plan for the NIIP, to prevent future shortfalls and provide stability for the Navajo Nation's agricultural future.



## *Feral Horses*

The Navajo Nation is grappling with an escalating ecological issue, primarily triggered by the unchecked growth of the feral horse population. In 2016, a survey estimated the population of these horses to be roughly 40,000. Given the typical growth rate of 10-20% per annum for feral horses, it is projected that the current population could range between 70,000 and 120,000. The Fish and Wildlife Department has spotlighted the feral horses as an acute ecological challenge, as they consume substantial water resources, devastate native vegetation, and exacerbate desertification. To manage the problem, it was estimated that approximately 8,000 horses needed to be removed annually when the population stood at 40,000.

This figure is likely to be higher now, given the current population estimates. However, currently, fewer than 2,000 horses are removed each year on average, through roundups and subsequent sales. This issue began to intensify in 2014 when Congress defunded the USDA inspectors of horse slaughter facilities—facilities where many of the Navajo feral horses were previously sold. The remaining buyers predominantly export the horses to Mexico. While the exact number of horses that end up in slaughter facilities is unknown, it is not negligible. The proposed Save America's Forgotten Equines (SAFE) Act could further complicate this issue. If enacted, it would prohibit the export of horses if there is a reasonable expectation that they will end up in a slaughter facility, effectively eliminating a majority of the Navajo Nation's current buyers.

### ***Recommendations:***

- Oppose the SAFE Act. This legislation, while well-intentioned, would inadvertently exacerbate the ecological challenges faced by the Navajo Nation by restricting the sale of feral horses, a vital component of their current management strategy.
- Provide funding specifically for rounding up feral horses. To put into perspective, the Bureau of Land Management spends \$137 million to manage 58,000 feral horses on federal lands. A similar investment in the Navajo Nation could go a long way towards managing and mitigating the effects of this ecological issue.





## *Animal Shelters*

The animal shelter in Crownpoint, New Mexico was originally built in the 1970s and is in very poor condition due to its age. The shelter was operated by the Bureau of Indian Affairs. In 2005, the shelter was permanently closed due to inadequate resources to continue operation and it was also condemned due to safety risks and health concerns. A new shelter design has been developed that would allow operations to resume for the surrounding communities, and it would be a start to addressing the health and safety issues of the Navajo people and others when dealing with free roaming pets, and feral dogs and cats. This will also assist with preventing disease outbreaks, including parvo, distemper, and rabies in dogs and cats. The shelter will provide staff and the public a clean and sanitary facility for dogs and cats.

Currently all stray dogs and cats are sent to existing shelters in Many Farms, Shiprock, Ft. Defiance or Tuba City, facilities that are 1 to 3 hours away from where the animals are picked up. This causes hardship on the families who want to retrieve their impounded pets, and less likely for strays to be adopted. Providing a clean and sanitary facility to house pets and unwanted animals can reduce the risks of animal disease transmission to other animals, as well as to humans.

The Navajo Nation supported an earmark request through Representative Leger Fernandez's office for FY24 for \$1million to build the new facility in Crownpoint, but we are waiting for Congress to finish the appropriations process to see if it will be approved. Additional funding may be required to ensure the successful operation of the Crownpoint and other facilities on the Nation.

### ***Recommendations:***

- Congress must support \$1 million in earmark funding for the cost of construction of a new shelter in Crownpoint.
- Congress should authorize a pilot program to improve services at animal shelters across the Navajo Nation, and work to get annual dedicated funding.





## **Economic Development & Taxation**

Historically, the Navajo Nation relied on subsistence farming, sheep herding, and trading as the primary means of sustenance. However, several factors related to the American presence in and around Navajo lands disrupted traditional economic activities and have led to significant challenges.

One notable event was the forced relocation of the Navajo people in the 1860s by the U.S. government, known as the "Long Walk." This relocation resulted in the loss of traditional lands and disrupted the economy of the Navajo people. However, the Navajo people eventually returned to their homelands and began rebuilding their communities and economy.

In the early 20th century, the discovery of valuable mineral resources, particularly coal, oil, and natural gas, presented new economic opportunities for the Navajo Nation. Mining operations, such as the Navajo Coal Mine, provided jobs and revenue for the tribe. For example, the Navajo Generating Station, a coal-fired power plant, played a significant role in the Navajo Nation's economy.

Furthermore, the Navajo Nation has developed a strong tourism industry, capitalizing on its unique landscapes, cultural heritage, and historical sites. Attractions such as Monument Valley, Canyon de Chelly, and the Navajo Nation Zoo draw visitors from around the world, contributing to the local economy.

However, the Navajo Nation has faced economic challenges as well. The decline in coal production and the closure of the Navajo Generating Station in 2019 impacted the region's economy significantly, leading to a loss of over 1,000 jobs and the loss of revenue ranging from \$30 to \$50 million per year. Today, The Nation is working to diversify its economy by promoting renewable energy projects, such as solar, targeted manufacturing, specifically housing manufacturing, the expansion of the tourism industry, strategic retail sector development, in addition to supporting small businesses and entrepreneurship.

Additionally, the Navajo Nation has emphasized the development of industries that align with its cultural values and traditions. This includes promoting traditional arts and crafts, Navajo language preservation, culture-based tourism, and supporting traditional and community agriculture and food production.

Government initiatives and partnerships with private organizations and investors have been instrumental in supporting economic development on the Navajo Nation. The Navajo Nation government has established various programs, such as the Navajo Nation Division of Economic Development, to stimulate business growth, provide technical assistance and financial resources to communities and aspiring entrepreneurs, and promote economic self-sufficiency.

Overall, the economic development of the Navajo Nation is an ongoing process, characterized by a combination of the following: traditional activities natural resource extraction, tourism, retail, manufacturing, renewable energy, and cultural preservation. The Navajo people continue to strive for economic sustainability and self-sufficiency while preserving their cultural heritage and strengthening their communities.



### ***Recommendations:***

Promoting economic development for the Navajo Nation requires a comprehensive approach that considers various aspects of the region's needs and potential. To support economic development for the Navajo Nation, we recommend the following:

- **Infrastructure Investment:** Congress can allocate funds specifically for infrastructure development on the Navajo Nation. This includes improving transportation networks, expanding broadband access, upgrading water and sanitation systems, and investing in renewable energy infrastructure. Enhanced infrastructure will attract businesses, create jobs, and provide essential services to support economic growth. An example of the infrastructural needs and opportunity for investment; Of 400,000 enrolled tribal members of the Navajo Nation, a third of its residents do not have safe and reliable drinking water.
- **Renewable Energy Support:** Congress can continue to provide financial incentives and support for the development of renewable energy projects on the Navajo Nation. This includes funding for solar and wind energy initiatives including power production and component manufacturing, training programs for clean energy jobs, and establishing partnerships with renewable energy companies. Encouraging renewable energy development will diversify the economy and capitalize on the region's natural resources. Continuous support for renewable energy projects would help tribes that have suffered a loss due to the closure of coal power plants or other fossil fuel-based energy production facilities.
- **Small Business Assistance:** Congress can ensure the loan guarantee programs offered by Bureau of Indian Affairs, U.S Department of Agriculture and the Small Business Administration recognize Navajo Nation support for the 20% cash requirement that entrepreneurs cannot fulfill. Specifically, we recommend that Congress, in conjunction with the BIA, USDA, and SBA acknowledge and recognize the obstacles on-reservation businesses face and how they differ from States. For example, Tribal government became eligible for SSBCI in 2021.
- **Education and Workforce Development:** Congress can allocate resources for educational programs that focus on skills training, job placement, and entrepreneurship. This includes partnerships with vocational schools, incubators, colleges, and universities to provide relevant training programs aligned with the needs of emerging industries. Empowering the Navajo workforce with the necessary skills will attract businesses and foster economic growth. Additionally, there is an opportunity to increase human capital is to investment into tribal higher education institutions, like Navajo Technical University and Dine College.



- **Cultural Tourism Promotion:** Congress can support initiatives that promote cultural tourism on the Navajo Nation. This includes funding for marketing campaigns, infrastructure improvements at tourist sites, community markets and programming, and cultural preservation programs. By highlighting the unique cultural heritage of the Navajo people, tourism can be a significant driver of economic development.
- **Tribal Sovereignty and Self-Determination:** Congress should continue to respect and uphold tribal sovereignty and self-determination rights of the Navajo Nation. This includes supporting legislation that allows the Navajo Nation to exercise greater control over its resources, land use, and economic development initiatives. Empowering tribal governance will enable the Navajo Nation to make informed decisions that align with their cultural values and economic goals. Recognition of tribal sovereignty is the practice of inclusion. Tribal government, like states, should always have a seat and a voice in policy decisions that impact tribal communities now and in the future.
- **Collaborative Partnerships:** Congress can encourage collaboration between federal agencies, state governments, tribal governments, private sector organizations, and non-profit entities to support economic development efforts on the Navajo Nation. This includes fostering partnerships that promote job creation, investment, and resource sharing. Collaboration can leverage resources and expertise to maximize the impact of economic development initiatives. Continued positive relationships with State and Federal government partners are crucial in ensuring mutually benefits resulting from creative solutions in public-private projects or initiatives



### *State Small Business Credit Initiative (SSBCI)*

On March 11, 2021, President Biden signed The American Rescue Plan Act, which provided \$10 billion to fund the State Small Business Credit Initiative (SSBCI). SSBCI will fund state, territory, and Tribal government small business credit support and investment programs. These funds allow participating entities to give out loans to small businesses to help them grow. The Navajo Nation was awarded over \$83 million.

The SSBCI is a critical component to assisting our small businesses in recovering from the COVID-19 pandemic, including the loss of revenue due to reduced tourism and closures of many businesses. Revitalizing our economy is the key to recovery and we are hopeful that the \$80+ million allocated to the Nation will provide a significant boost to our small businesses and job growth. Phase I of the Navajo Nation Small Business Credit involves both a loan participation and loan guaranty program.

The Navajo Nation Division of Economic Development (“**DED**”) has been working closely with the U.S. Treasury to develop a loan participation and loan guaranty program that targets small Navajo businesses. With the loan participation program, the Nation will participate in small business loans made by participating lenders to Navajo small businesses meeting the criteria established by the Nation and the federal requirements of SSBCI. With the loan guaranty program, the Nation will guarantee loans made by participating lenders to Navajo small businesses in exchange for a loan guarantee fee paid by each participating borrower.

After receiving the required legislative approval to submit the application and entering into the federal Allocation Agreement, DED has been working with Program Administrators through agreements that set forth terms and conditions upon which they will support the implementation of the Navajo SSBCI Loan Programs in order to make credit available directly to Navajo small businesses. Once the application is approved by Treasury and the funding is provided to the Nation, DED will ensure funds are promptly made available to Navajo-owned small businesses through local lenders.

After a successful implementation of phase I of the Navajo Nation Small Business Credit Initiative, DED plans to take steps to include other capital access programs within the program model, such as an additional loan participation program and a venture capital program.

#### ***Recommendations:***

- Tribes are in a unique position where capacity is challenging, and timelines given by Congress do not account for this. Congress must allow ample time for Tribes to submit their application and to be awarded before any discussion or effort is made to retrieve unspent SSBCI Funding.



## *Dual Taxation*

The Navajo Nation faces a critical issue of dual taxation, where both the state and tribal governments have the power to impose taxes on tribal lands. This dual taxation inhibits the economic development of the Nation's lands, as businesses are discouraged from operating due to the threat of being double-taxed. This leaves the Nation with two unfavorable options: either to impose their own taxes, driving businesses away due to the resultant double taxation, or to refrain from imposing taxes, thus losing essential revenue for infrastructure and services.

Furthermore, the Nation's reliance on gaming and other business ventures for revenue has proven to be a precarious solution, as evidenced by the drastic revenue declines during the COVID-19 pandemic. While the Nation maintains a tax code, the issue of dual taxation significantly limits its effectiveness, resulting in inadequate funding for critical infrastructure needs. Tax sharing agreements with states, though in place, are an inadequate solution as they typically lead to a loss of tribal tax revenue and an administrative burden for the tribe. The poverty rate on tribal lands remains significantly higher than the national average, highlighting the urgent need for more effective economic development strategies and access to capital investment.

The current taxation situation is fundamentally unfair to the Navajo Nation and undermines the promise of respect for tribal sovereignty. The Nation needs a solution where lawfully imposed tribal taxes on tribal land take precedence over state or local government taxes, and where tribal economies are not funneled into state and local government treasuries. This would allow the Nation to be more financially sustainable and to adequately provide for its citizens.

### ***Recommendations:***

- It is recommended that Congress amend federal law to clearly establish the exclusive right of tribes to tax activities on their lands, overriding any conflicting state taxes. This can be accomplished by enacting a law that expressly prohibits states from taxing activities on tribal lands, except in cases where a specific agreement has been reached between the state and tribal governments. Additionally, it is important for states and tribes to collaborate on tax-related matters while Congress addresses other pertinent issues.
- Congress should also pass legislation to establish specific exemptions for businesses operating on tribal lands from state taxes, as long as the tribal government levies its own equivalent tax.
- The Department of the Interior and Department of Treasury should issue regulations or policy guidance that strengthen the authority of tribal governments to levy taxes on their lands, and clarify the limitations of state taxing authority on tribal lands. The federal government could develop a policy framework that encourages and facilitates tax agreements between states and tribes, providing a clear process and guidelines for these agreements.
- The federal government should establish a process for reviewing state taxes that apply to activities on tribal lands, to ensure that these taxes do not infringe on tribal sovereignty or create an unfair burden on tribes or businesses operating on tribal lands.







## **Education**

### *Language Preservation & Bureau of Indian Education (BIE) Operations*

The issue at hand is the importance of quality education for the Navajo Nation, which is crucial for the community's progress and prosperity. While education is a cornerstone for advancement, it is equally important to maintain the cultural identity and language of the Navajo people during the learning process. However, the persistent problems of inadequate and delayed funding, lack of transparency in resource allocation, the moratorium on new educational programs, and the need for infrastructure improvement in schools are significant challenges that need to be urgently addressed. Furthermore, improvements in testing methodologies and the revision of the Education Ranking Tool are necessary for a more accurate and fair distribution of resources.

#### ***Recommendations:***

- Congress must ensure timely and full funding of programs that support Navajo education, such as the BIE Higher Education Grant programs and the Johnson O'Malley funds. Delays are costly and often result in students dropping out of college due to unaffordability.
- BIE must work with Congress to lift the 1995 moratorium on new educational programs funded by BIA, which currently prohibits the opening of new BIE-operated schools or the expansion of grade levels offered in existing BIE-operated schools. This would allow for the establishment of new schools and better address the unique educational needs of the Navajo communities.
- BIE must establish a working group dedicated to revising and improving the Education Ranking Tool for FY27, involving tribal leaders and education experts in the process. This group would ensure the tool accurately reflects the unique challenges and priorities of the Navajo Nation.
- BIE must provide detailed funding distribution data between BIE Operated and Tribally Controlled Schools for all BIE line items. This transparency is essential for understanding resource distribution and ensuring equitable funding for both types of schools.
- BIE must provide benchmark data on higher education funding to assess progress and identify areas requiring further investment, supporting Navajo students in their academic and career aspirations.
- BIE must establish a working group to examine testing methodologies for students and teachers, particularly concerning ESSA/ESEA student assessments and teacher licensure tests. This would ensure assessments align with the educational values and goals of the Navajo Nation.





## **Health**

### *Advance Appropriations & Mandatory Funding*

The Navajo Nation, along with other Indigenous communities, greatly appreciates the \$5.13 billion advance appropriations allocated to the Indian Health Service (IHS) in the Fiscal Year 2023 Omnibus Spending Bill. This allocation has significantly improved the healthcare landscape for these communities. However, historical inconsistencies in funding cycles have repeatedly challenged the IHS's ability to plan long-term health initiatives and respond effectively to healthcare crises. The existing state of many IHS facilities is suboptimal, with critical equipment and staffing needs unmet. Furthermore, Indigenous communities continue to face healthcare access issues, disproportionately suffering from chronic diseases, mental health problems, substance abuse, and more. These communities are also particularly vulnerable to public health emergencies. Therefore, it is of paramount importance that the U.S. Congress prioritize the continuation of advance appropriations and mandatory funding for the IHS in future budgets.

#### ***Recommendations:***

- Congress must continue the practice of advance appropriations in future spending bills. This will provide the IHS with the funds needed to plan and implement long-term health initiatives.
- Congress must pass legislation making IHS funding mandatory. This will shield the IHS from the uncertainties of the annual appropriations process and ensure consistent, uninterrupted healthcare services for Indigenous communities.
- Congress must authorize IHS a portion of the funds to modernize and expand the IHS's healthcare infrastructure. This will ensure that the facilities can deliver comprehensive and culturally appropriate care.
- The Biden Administration must equip the IHS with the necessary resources to enhance emergency preparedness, improve surveillance systems, and coordinate more effectively with other agencies during public health emergencies.
- By providing ample resources and flexibility to tribal nations, including the Navajo Nation, Congress can bolster tribal self-determination and self-governance. This will enable these communities to design and administer healthcare programs that best meet their unique needs, while ensuring accountability and transparency.



### *Indian Health Service (IHS) Contract Support Cost Amendment Act*

H.R. 409 – IHS Contract Support Cost Amendment Act is a critical piece of legislation that seeks to rectify the financial deficits incurred by Tribal Nations due to inadequate contract support costs provided for services that are typically performed by the Department of the Interior or the Department of Health and Human Services. This shortfall in funding is in clear violation of the Indian Self-Determination and Education Assistance Act of 1975. The Navajo Nation, in particular, has been negatively affected by this issue, with the decision from the *DC Circuit Cook Inlet* leading to a drastic reduction in contract support cost funding for a hospital serving an underserved population of tribal citizens.

The Nation supports H.R. 409 because it directly addresses the negative consequences, we have experienced due to the *DC Circuit Cook Inlet* decision. This ruling led to a drastic reduction in contract support cost funding for a hospital serving the Navajo Nation, an already underserved population. This bill seeks to preserve the status quo, thereby preventing further reductions in funding and ensuring that the Navajo Nation can continue to provide essential services to its citizens.

#### **Recommendations:**

- A comprehensive review of the impact of the DC Circuit Cook Inlet decision and its effect on contract support cost funding is needed. We ask that Congress hold a hearing to provide a forum for tribal leaders to express their concerns and present evidence of the decision's negative impact on their communities.
- Congress should revisit the Indian Self-Determination and Education Assistance Act of 1975 and ensure its full implementation. This would involve a comprehensive review of all programs meant to be funded under this Act and an assessment of whether they are adequately funded.
- Congress should mandate a more transparent calculation method for contract support costs, which would eliminate any ambiguities and ensure that tribes receive the funds they are entitled to.
- Congress must dedicate funds for contract support costs to ensure that these funds are not subject to annual appropriations uncertainties. This would ensure steady funding, enabling tribes to plan and execute their programs more effectively.
- Congress should establish a mechanism for regular monitoring and evaluation of the implementation of the H.R. 409 to ensure its objectives are being met. This would involve regular reporting from relevant departments and agencies, as well as feedback from tribal nations.



### *Special Diabetes Program for Indians*

Diabetes has had a devastating and disproportionate impact on tribal communities across the United States, including the Navajo Nation, with diabetes prevalence rates among tribal populations more than double the national average. The resulting health complications have strained tribal healthcare systems and resources. The Special Diabetes Program for Indians (SDPI), however, has played a crucial role in addressing this epidemic by providing essential funding for prevention, treatment, and management of diabetes among Native Americans. The SDPI has led to significant health improvements and cost savings, but the need for further support and resources is great. The reauthorization of the SDPI is pivotal to ensure the continuity of these life-saving and cost-effective programs.

#### ***Recommendations:***

- SDPI has proven to be a successful program in reducing the incidence of diabetes and improving the health of Native Americans. Congress should ensure its continuation by reauthorizing it, thereby securing funding for future years.
- Recognizing the program's success and the increasing need, Congress should increase the funding for the SDPI to expand its reach and enhance its programs.
- Navajo Nation Wellness Centers, funded by the SDPI, have yielded positive results by providing health screenings and promoting wellness activities. The federal government should work with the Navajo Nation to expand these centers or establishing similar ones in other tribal communities.
- The Federal government should invest more in research and development to better understand diabetes and its impacts on tribal communities. This would enable the development of more effective prevention and treatment strategies.
- The Federal government should ensure that the interventions funded by the SDPI are culturally appropriate and tailored to the needs of each tribal community. This approach increases the likelihood of acceptance and success of these initiatives.





## **Housing**

### *Native American Housing Assistance and Self Determination Act of 1996*

The Native American Housing Assistance and Self-Determination Act (NAHASDA) was last authorized in 2013 and, despite numerous attempts to reauthorize it, the law remains expired. This creates uncertainty in funding and implementation of the program. The lack of reauthorization particularly impacts Native American communities, which face significant housing challenges and economic hardships. In the absence of a renewed NAHASDA, tribes are limited in their ability to efficiently address these issues. The persistent housing and economic disparities among these communities underline an urgent need for a reauthorized NAHASDA.

#### ***Recommendations:***

- Congress must prioritize the reauthorization of NAHASDA as an urgent matter of legislation. The passing of a reauthorization bill would provide much needed certainty for Indian tribes and tribal housing entities.
- Lawmakers should work across party lines to ensure broad bipartisan support for the reauthorization. This includes advocating for the introduction and backing of a reauthorization bill in the House, to mirror the efforts seen in the Senate.
- The reauthorization should maintain and enhance provisions that assist veterans with housing and healthcare services, streamline the process for mortgages to receive Federal guarantees under the Section 184 Indian Home Loan Guarantee Program, and consolidate the number of environmental reviews for tribal housing projects.
- Given the severity of housing and economic challenges faced by Native American communities, Congress should consider not just reauthorizing NAHASDA, but also increasing the funding allocated to it.
- The Department of Housing and Urban Development (HUD) should regularly assess the implementation and impact of NAHASDA, ensuring that program improvements are effectively addressing the housing issues faced by Native American communities.
- The Federal Government should conduct outreach and education efforts to ensure that Native American tribes are fully aware of the resources available to them under NAHASDA and understand how to access them.







## **Infrastructure**

### *Broadband*

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.

Broadband access has become a modern-day necessity. The spread of COVID-19 and the ensuing closure of schools and workplaces. Broadband is a fundamental human right, essential in times like now, “if it wasn’t clear before this crisis, it is crystal clear now that broadband is a necessity for every aspect of modern civic and commercial life”. Policymakers need to treat it that way.

Most Chapters Rural Community Residential do not have physical access to broadband, and even more cannot afford it or are reliant on mobile plans with data limits. This makes remote schooling and work prohibitively expensive at best and simply not an option at worst.

The digital divide is prevalent on the Navajo Nation, disproportionately affecting rural communities. The lack of access to basic internet services exacerbates the disparities in educational opportunities, healthcare access, and economic development. Limited competition among internet service providers (ISPs) contributes to the challenges, as consumers have few options and ISPs face less incentive to expand their services.

Funding and regulatory barriers also hinder broadband development. Limited financial resources and complex regulatory frameworks make it difficult for tribal authorities to secure funding for infrastructure projects and navigate the necessary processes.

Efforts are underway to address these issues and bridge the digital divide. The Navajo Nation Telecommunications Regulatory Commission (NNTRC) plays a crucial role in overseeing and coordinating telecommunications efforts, while the Navajo Tribal Utility Authority (NTUA) is involved in expanding broadband infrastructure and providing internet services. Additionally, the Federal Communications Commission (FCC) has implemented programs like the Connect America Fund and the Rural Digital Opportunity Fund to support broadband deployment in underserved areas, including tribal lands.

Other initiatives also include the Tribal Broadband Connectivity Program made available under the Bi-partisan Infrastructure Law (BIL) to support Tribal governments bringing high-speed Internet to Tribal lands, including telehealth, distance learning, affordability, and digital inclusion initiatives. The program seeks to improve quality of life, spur economic development, and create opportunities for remote employment, online entrepreneurship, remote learning, and telehealth by expanding broadband access and by providing digital training and inclusion programs to Native American communities. The Navajo Nation through NTUA and the Dilkon Chapter was awarded \$84,077,750.19 (NTUA received \$50,830,943.87; Dilkon Chapter received \$33,246,806.32).



A Reliable, high-speed internet has become a staple of twenty-first century life for Americans across the country. Healthcare, education, entertainment, public safety, entrepreneurship, agriculture and many other industries are all increasingly dependent on broadband. And while over 99 percent of the population in urban areas has access to broadband service meeting a 25/3 Mbps speed threshold, only approximately 65 percent of the population on rural Tribal lands has that same access as of the end of 2019. Insufficient service on Tribal lands not only inhibits individuals' access to education, healthcare, and economic resources, but, also, impedes Tribes' efforts to achieve self-governance and self-determination.

Over the last 25 years, communications have evolved from predominantly a provider of voice services into a diverse, competitive, and interconnected industry using terrestrial, satellite, and wireless transmission systems. The transmission of these services has become interconnected; satellite, wireless, and wireline providers depend on each other to carry and terminate their traffic and companies routinely share facilities and technology to ensure interoperability.

### ***Recommendations:***

To address broadband connectivity challenges on the Navajo Nation and similar tribal lands, here are some recommendations that Congress must consider:

- **Increased Funding:** Allocate additional funding specifically designated for broadband infrastructure development in tribal areas. This could include grants, subsidies, or tax incentives to encourage private investment in underserved regions.
- **Streamlined Regulatory Processes:** Simplify and expedite the regulatory processes involved in obtaining right of way clearances and environmental clearances for broadband infrastructure projects on tribal lands. This could involve establishing streamlined procedures or dedicated offices within regulatory agencies to handle tribal broadband initiatives efficiently.
  - The current land use system and general leasing regulations impede the expansion of network to increase coverage and capacity. The current general leasing regulation restricts the ability to build on existing business site leasing.
  - Each Land status type (homesite lease, state lands, PLO land, BIA land, BLM land, private land, allotted land) has multiple layers of processes to permit ROW.
  - Service providers must understand and abide by relevant rights-of-way regulations and permitting and review processes that include chapter resolutions, address environmental, historic-preservation, and culturally sensitive areas on Navajo lands.
  - Establishing a utility corridor would streamline the ROW approval.



- **Tribal Consultation:** Ensure meaningful consultation with tribal governments and leaders in the decision-making processes related to broadband deployment. This would help address the unique needs and challenges faced by tribal communities and ensure that their voices are heard in regulatory and legislative discussions.
- **Partnerships and Collaboration:** Encourage partnerships between tribal governments, federal agencies, and private entities to leverage resources, expertise, and infrastructure for broadband deployment. Public-private partnerships can enhance the efficiency and effectiveness of broadband initiatives on tribal lands.
- **Data Collection and Reporting:** Improve data collection and reporting mechanisms to accurately assess the broadband needs and gaps on tribal lands. This would involve working with tribal authorities to gather comprehensive data on broadband availability, speeds, and adoption rates. This data can inform policy decisions, funding allocations, and targeted interventions. Additionally, Congress should consider easing the reporting requirements of funds under the program as tribes lack the capacity to report on the same level as states adding additional administrative burdens to tribes.
- **Capacity Building:** Support capacity-building initiatives that empower tribal communities to actively participate in broadband planning, deployment, and maintenance. This could include training programs, technical assistance, and knowledge-sharing platforms to enhance local expertise and promote sustainable broadband solutions.
- **Flexibility in Funding Usage:** Provide flexibility in how funding is used to accommodate the unique circumstances of tribal lands. This includes allowing funds to be used for right of way acquisition, environmental assessments, and other necessary processes to expedite broadband deployment.



### *Tribal Transportation Program (TTP) Funding Formula*

The Navajo Nation, extending across approximately 27,000 square miles in the southwestern United States, struggles with significant transportation challenges, particularly in terms of roads and access to services. The Nation's Road infrastructure is inadequate, with many areas lacking paved roads and relying on poorly maintained dirt roads. Additionally, the Navajo Nation's rugged terrain, characterized by canyons and mountains, poses formidable barriers to road construction and maintenance. Harsh weather conditions, including heavy snowfall and flash floods, further hinder transportation efforts. The remote and isolated nature of many Navajo communities exacerbates the issue, making it difficult for residents to access essential services such as healthcare, education, employment, and markets. Insufficient transportation options contribute to this isolation.

The high poverty levels prevalent in the Navajo Nation are also impacted by poor transportation infrastructure, hindering economic development and restricting access to jobs and markets. Public transportation services are scarce, and residents face challenges when traveling within or beyond the reservation. This lack of reliable public transportation exacerbates the isolation of communities and limits access to necessary services.

Furthermore, inadequate transportation infrastructure has significant health implications, delaying medical treatment and emergency response times, particularly in remote areas. Education is also affected, as students often face long commutes to reach schools, resulting in increased transportation costs and reduced attendance rates. Statistics reveal the extent of these challenges, such as the fact that only 30% of reservation roads were paved, while the remaining 70% were unpaved or in poor condition, according to a report by the Navajo Nation Division of Transportation.

The funding formula for the Tribal Transportation Program (TTP) is an inequitable political instrument that has been inserted into the last three federal highway legislation. Today, all tribes must compete for annual bridge grants, which constitute 4% of the annual TTP budget. The current TTP funding formula includes proposed road miles for non-roads and subsidizes state and local roads that are not on tribal trust land. Prior to the adoption of the SAFETEA-LU Federal transportation bill in 2002, the Navajo Nation received \$79.91 million in Indian Reservation Road funds.

Two years after the adoption of SAFETEA-LU, the Navajo Nation received only \$38 million in transportation funding, a decrease of 52.45%. Since then, our annual funding for transportation has increased in small increments but has remained stagnant at \$53 million for the past decade. Today, we get the same amount of funding that we did in 1995, with the exception that our allocation of the national annual tribal transportation fund has decreased from 27.7% to 10.6%.

#### ***Recommendations:***

- **Revise the Tribal Transportation Program (TTP) Funding Formula:** The current TTP funding formula should be reassessed to ensure it equitably serves the unique needs and challenges of all tribes, including the Navajo Nation. Factors such as geographical size, population, existing infrastructure, and specific transportation challenges should be taken into account when distributing funds. The Formula should also increase with the cost of goods and services to maintain existing roads.



- **Increase Overall TTP Funding:** The overall funding for the TTP should be increased to better address the significant infrastructure needs facing the Navajo Nation and other tribes.
- **Special Funding for Infrastructure Development:** Congress should allocate special funds for the development and maintenance of road infrastructure in the Navajo Nation, particularly to pave and improve the quality of dirt roads. This would make travel safer and more efficient for residents. Allow TTP funds to be used for bridge inspections and match grants.
- **Invest in Public Transportation:** Given the scarcity of public transportation in the Navajo Nation, dedicated funding should be provided to improve and expand public transport services. This would improve mobility and access to essential services for residents.
- **Weather Resilient Infrastructure:** Given the harsh weather conditions that often affect the Navajo Nation, funding should be allocated for the development of weather-resilient infrastructure. This could include the construction of roads that can withstand heavy snowfall and flash floods.
- **Emergency Transportation Funding:** Congress should provide targeted funding to improve emergency medical response times. This could involve funding for emergency medical transportation services, such as air ambulances, particularly for remote areas. Also, non-reimbursable direct funding for emergency aviation assistance/services; including the need for All-Weather Operating Systems (AWOS).
- **Discretionary Funding for Airport Improvements:** Needed for maintenance of Navajo Nation Airports.
- **Education Transportation Solutions:** Congress should consider funding solutions to the long commutes students often face. This could involve funding for school buses or incentivizing the construction of schools closer to remote areas. Also, investments are needed for a workforce development program for the transportation sector.
- **Economic Incentives for Vehicle Ownership:** Given the high percentage of households without access to a working vehicle, Congress could explore providing economic incentives or subsidies to increase vehicle ownership. This would improve mobility and access to essential services for these households.
- **Investment in Alternative Transportation Solutions:** Given the Navajo Nation's unique geographical and weather-related challenges, Congress could fund research and development into alternative transportation solutions. This could include exploring the feasibility of solutions such as ropeways/cable cars in mountainous areas, or hovercrafts for areas prone to flooding.



## *Gravel Pits*

The Navajo Nation currently faces significant challenges related to the development and maintenance of paved roads across their territory due to regulatory obstacles in utilizing local sand and gravel resources for these projects. The federal regulations classify sand and gravel as minerals, making their extraction subject to an approval process by the Bureau of Indian Affairs (BIA) for mining leases, which includes comprehensive environmental and cultural assessments and a Bureau of Land Management (BLM) approved mining and reclamation plan.

This process, often duplicated by the Navajo Nation's own due diligence, is highly time-consuming and often delays or even cancels projects, directly impacting the basic needs and safety of Navajo families. Additionally, the development of the Navajo Nation's own mineral leasing regulations under the Indian Tribal Energy Development and Self-Determination Act Amendments of 2017 (Tribal Energy Act) has been impeded by concerns over resource allocation, particularly data and information resources.

When tribes pursue their own mineral leasing regulations, they are denied access to vital federal databases and online tools previously available through federal grants or cooperative agreements, creating potential issues around efficiency, data security, accuracy, accessibility, redundancy, and consistency of data between the federal government and tribal governments.

### ***Recommendations:***

- The Department of the Interior should guarantee full, continued access to all federal databases and compliance systems for tribes that decide to develop their own mineral leasing regulations. This would enable tribes, including the Navajo Nation, to consider pursuing their own mineral leasing regulations, starting with sand and gravel.
- The BIA and BLM need to expedite their approval processes for mining leases to alleviate project delays and cancellations. This could include streamlining environmental and cultural assessments and developing a more efficient system for approving mining and reclamation plans.
- The BIA and BLM should familiarize themselves with the functions that individual tribes perform, recognizing that not all tribes conduct the same reviews or assessments. This could help avoid unnecessary duplication of efforts and processes.
- Improved interagency communication is crucial to ensure a more seamless and efficient process. The BIA and BLM need to coordinate their responsibilities better and eliminate duplicative processes to expedite the approval of projects.



## **Natural Resources & Energy**

### *Water Rights Settlements & Navajo Gallup Water Supply Project*

Access to water is a fundamental human right and an essential component for the development and sustenance of any community. For the Navajo Nation, securing water rights is of paramount importance and necessary for ensuring the human right to water on the Nation. The Navajo Nation has successfully negotiated water rights settlements with the states of Utah and New Mexico for the San Juan River basin in each state, reflecting significant progress. Congress has ratified these settlements and the Nation is actively implementing these two settlements with Utah, New Mexico, the Department of the Interior, and other settlement stakeholders.

Negotiations are ongoing for the Nation's water rights in the State of Arizona, the Rio San Jose Basin in New Mexico, and the Zuni River Basin in New Mexico. My Administration together with the Navajo Nation Council has prioritized these negotiations.

As such, the Navajo Nation aims to present to this Congress three new settlement agreements. The ratification of these settlements by Congress is critical to ensuring that the Nation secures water rights in these communities and the necessary funding to put these secured water rights to use. Funding is required to build the necessary infrastructure to deliver clean drinking water to the Navajo People, and to continue to effectively manage and conserve our water for current and future generations.

Additionally, the Navajo-Gallup Water Supply Project (NGWSP), established under the Omnibus Public Land Management Act of 2009, is of immense importance to the Navajo Nation. This project aims to provide water to 43 Navajo Nation chapters, the City of Gallup, and the Southern portion of the Jicarilla Apache Nation. However, the project is currently facing significant challenges due to cost overruns and delays. It is apparent that the project will not be completed by the authorized deadline, and there is insufficient funding to complete it due to inflation and unexpected costs.

The funding and deadline for the NGWSP are legislatively mandated, meaning that only corrective legislation can address these issues. Legislation has been introduced in both the Senate and the House to provide over \$1.3 billion in additional funding and to extend the completion deadline to 2029. The successful completion of the NGWSP is of paramount importance to the Navajo Nation. The project is not only designed to expand water access to certain Navajo chapters but also to replenish water supplies to existing chapters. This is especially critical given that existing groundwater supplies are dwindling and deteriorating in quality, with most of the water becoming brackish and requiring treatment before use.

Without the successful completion of the NGWSP, many Navajo chapters risk facing serious water shortages, threatening their way of life and hindering their development. The proposed legislative solutions in the Senate and the House are crucial for the continuation and successful completion of this critical project. The favorable report by the Senate Committee on Indian Affairs on the Senate version of the bill is a positive step forward, but further advocacy and support are required to ensure the passage of this legislation and the fulfillment of the Navajo Nation's water needs.



***Recommendations:***

- Congress must support the Nation's future settlements and provide associated funding.
- Congress must continue to fund existing Indian Water Right Settlements.
- Congress must pass the NGWSP amendments.





### *Bears Ears/Grand Staircase Escalante/Grand Canyon Monuments*

The Bears Ears National Monument, the Grand Staircase-Escalante National Monument in southern Utah, and the Baaj Nwaavjo I'tah Kukveni—Ancestral Footprints of the Grand Canyon National Monument in northern Arizona, are of significant importance to the Navajo people. These locations have a deep-rooted history connecting the Navajo people to the land and are home to many sacred sites. Moreover, they have provided resources crucial to the well-being of the Navajo people for countless generations. The Navajo Nation strongly supports the protection of these monuments. However, it is imperative that the Navajo government is included in any discussions or decisions related to these lands to ensure the interests and rights of the Navajo people are upheld.

One of the foremost threats facing these monuments is the potential expansion of uranium mining in the area. Uranium mining has historically had severe environmental, health, and social impacts on the Navajo people and their lands. The presence of uranium mines poses a direct threat to the health and well-being of the Navajo people and the integrity of their lands. Uranium mining has been linked to serious environmental degradation, including contamination of water sources, soil, and air. Such contamination can lead to a range of health problems, including cancer, kidney disease, and birth defects.

Moreover, these monuments are not just lands; they are integral to the Navajo people's spiritual, cultural, and social identity. The expansion of uranium mining threatens these sacred sites, jeopardizing the Navajo people's ability to practice their traditions and maintain their cultural heritage.

Furthermore, the Navajo Nation has a sovereign right to participate in decisions that affect their lands and resources, a right that should be respected and upheld. Any actions that undermine this right, such as decisions made without the Navajo government's input or against their interests, are a violation of their sovereignty.

Therefore, it is of utmost importance that the Navajo Nation is included in all discussions and decisions related to these monuments, and that all necessary measures are taken to prevent the expansion of uranium mining in these areas to protect the health, cultural integrity, and rights of the Navajo people.

#### ***Recommendations:***

- Congress must pass permanent protection for the monuments, to insulate the designations from future changes in administration and potential lawsuits.
- Congress must provide funding for the monument commission.
- The federal government must ensure that tribes are given true co-management of the lands and not just an advisory role.



## *Chaco Canyon*

The recent decision by the Secretary of the Interior to issue a mineral withdrawal banning new mineral leases in a 10-mile buffer zone around Chaco Canyon for the next 20 years has raised serious concerns for the Navajo Nation. Despite the area's location and the fact that Chaco Canyon is surrounded by Navajo allotments, the Secretary of the Interior disregarded the official opposition of the Navajo Nation government in making this decision.

The Nation's opposition stems from fears that withdrawing federal lands from mineral development will hinder Navajo allottees from developing their lands. Many Navajo allottees rely on royalties from oil and gas drilling on their lands, which often require horizontal drilling and accessing pooled resources below adjacent properties, including federal lands.

This issue is of significant importance to the Nation as it raises questions of sovereignty and the right to self-determination. The decision made by the Secretary of the Interior without appropriate consultation or consideration of the Navajo Nation's position undermines the Nation's sovereignty and disregards the potential economic impacts on Navajo allottees.

Furthermore, this decision could have significant economic implications for many Navajo allottees who depend on royalties from oil and gas drilling on their lands. The imposed restrictions on mineral development could potentially limit their income and undermine their economic stability.

The Navajo Council has passed resolutions opposing the 10-mile buffer around Chaco Canyon and has called on members of Congress to reverse the secretarial order. It is crucial that the federal government recognizes and respects the Navajo Nation's sovereignty and consults appropriately with the Navajo government on decisions that directly impact their lands and people. The Navajo Nation's voice must be heard and considered in all such discussions to ensure that their rights, economic interests, and cultural heritage are protected.

### ***Recommendations:***

- Support Representative Crane's Energy Opportunities for All Act (H.R. 4374) to nullify the public land withdrawal order.
- In the absence of a full reversal of the secretarial order, we ask Congress to mitigate the economic and social impact of the withdrawal order on the Navajo Nation and affected communities within the withdrawal area.



## **Environmental Protection**

### *Uranium Clean Up*

The legacy of uranium mining from 1944 to 1986 on the Navajo Nation lands presents a critical and urgent issue that demands immediate attention and action. Over the course of four decades, thirty million tons of uranium ore were extracted, leaving a devastating trail of at least 524 un-sealed uranium mines that continue to contaminate the environment and threaten the health and livelihood of the Navajo people.

The unaddressed environmental impacts of these mines are far-reaching and severe. The soils in the vicinity of these mines are heavily contaminated, and the effects on surface water and groundwater sources are alarming. It is estimated that over 85% of Navajo homes are exposed to uranium contamination, with Navajo residents living near the mines bearing higher levels of uranium in their bones than 95% of the broader American population. These mines are perilously close to surface water sources, livestock and human water sources, residences, and other structures, some even as close as 200 feet.

Despite federal acknowledgement of the issue, remediation efforts have been painfully slow and inadequate. The Bureau of Land Management (BLM) has not yet responded to EPA Region 9's request to provide land for the disposal of contaminated waste. The lack of prompt and adequate response to this environmental and public health crisis is exacerbating the suffering of the Navajo people and the ecological damage to their lands.

The issue at hand is a matter of environmental justice, public health, and the preservation of the Navajo Nation's way of life. Immediate, comprehensive, and sustained actions are needed to remediate the contaminated sites, protect the health of the Navajo people, and restore the environmental integrity of the Navajo Nation lands. This is not just an issue for the Navajo Nation - it is a national concern that reflects on our collective responsibility to address the consequences of past actions and ensure a safe and sustainable future for all.

### ***Recommendations:***

- BLM must work with the U.S. EPA in remediation of the mines and clean-up of the mines.
- Congress should host a joint hearing from the House and Senate to review the health impacts of the abandoned mines.
- Congress should provide funding for a comprehensive health study to assess the impact of radiation contamination to the Navajo people.





## **Public Safety**

### *Police Shortages*

The Navajo Police Department is facing a severe personnel shortage, which is impacting their ability to effectively provide law enforcement services over an extensive geographical area. This law enforcement agency, responsible for servicing a massive expanse of 27,000 square miles, is struggling with a distressing ratio of 0.85 officers for every 1,000 Navajo residents. This is far below the FBI's recommended ratio of 3.4 to 3.5 officers per 1,000 residents, indicating a concerning deficit in law enforcement capacity.

The perilous gap in the police force presents several challenges. The Navajo Nation Division of Public Safety receives an overwhelming number of approximately 200,000 calls for service. However, due to the significant shortage of officers and the vast distances between communities and law enforcement stations, response times are unavoidably delayed. This delay could potentially escalate situations, endangering the lives of the residents and the officers themselves. Furthermore, each officer is often burdened with the responsibility of monitoring hundreds or even thousands of square miles, which is a task of enormous proportions.

The resulting challenges extend beyond delayed response times. The quality of law enforcement services is likely to be compromised due to the overburdened workforce. This can result in increased criminal activity, decreased public safety, and a potential escalatory cycle of crime. The lack of sufficient personnel also hinders the thorough collection and reporting of crime data, which is essential for strategic planning and securing further funding.

### ***Recommendations:***

- Congress must increase funding to block grants and Public Law 638 contracts. These instruments are designed specifically to address funding shortfalls and will enhance the capacity of the Navajo Police Department to hire and retain more personnel.
- The Biden Administration should direct the U.S. Department of Justice Bureau of Justice Statistics (BJS) to establish a robust reporting system that captures crime data. Accurate and comprehensive data collection can not only enhance the effectiveness of public safety services but also substantiate funding requests, basis the demonstrated needs.
- The federal government should support initiatives for recruitment and training programs to attract more individuals from the age 18 and older. This would not only address the staffing issue but also provide employment opportunities within the community.



## *Missing and Murdered Indigenous People*

For many decades, Native American and Alaska Native communities have been grappling with distressingly high rates of assault, abduction, and homicide perpetrated against women. This crisis, often overlooked or minimized by broader national discourse, represents a profound violation of human rights and a significant barrier to these communities' health, safety, and overall well-being. The roots of this issue are deeply embedded in the historical and ongoing systemic marginalization of these communities, characterized by harmful government policies such as forced relocation, land dispossession, the dissolution of Native families, and wide-ranging acts of brutality against Native peoples.

The resulting intergenerational trauma has not only fostered a cycle of violence but also instigated a range of detrimental social and psychological effects, including addiction, depression, and unresolved grief. According to a study conducted by the National Institute of Justice (NIJ) in 2016, an alarming 56.1 percent of American Indian and Alaska Native women have been victims of sexual violence, and over 80 percent have experienced some form of physical or sexual violence in their lifetimes. Moreover, these figures only represent what is reported or known, and the actual numbers could be significantly higher.

The victims of these heinous crimes are often ignored, inadequately represented in the justice system, or even unjustly blamed for the atrocities inflicted upon them. This not only exacerbates their trauma but also reinforces a culture of impunity and silence around these issues. The ongoing deaths and disappearances of Native American and Alaska Native women, which have been lamented by their communities for generations, underpin a grave and urgent crisis that necessitates immediate, comprehensive, and sustained action.

### ***Recommendations:***

- Congress should provide funding for specialized task forces within law enforcement agencies at the federal, state, and tribal levels to investigate and prosecute cases of violence against Native American and Alaska Native women.
- Congress should hold a hearing within the House and Senate to review and amend current legal and policy frameworks to ensure they provide robust protection for Native American and Alaska Native women and hold perpetrators accountable.
- The Biden Administration should mandate law enforcement and judicial officials to undergo cultural sensitivity training to better understand and respect the unique cultural contexts and historical traumas of Native American and Alaska Native communities.
- The federal government must extend victim support services to families of missing persons.



## *Underfunding Tribal Justice*

The chronic underfunding of the tribal justice system, encompassing law enforcement, judicial services, and prisons, poses a significant and escalating threat to the safety, justice, and overall well-being of the Navajo Nation. This issue directly violates the federal trust and treaty obligations to the Navajo Nation, resulting in severe consequences including increased fatalities, high rates of criminal victimization, and the perpetuation of unresolved trauma across generations.

A 2018 report to Congress by the Bureau of Indian Affairs (BIA) starkly highlighted the financial deficit, indicating that \$1 billion is needed for tribal law enforcement, another \$1 billion for tribal courts, and \$222.8 million for prisons. These figures are to provide a basic, adequate level of service to all federally recognized tribes. However, the actual funding provided falls woefully short of these requirements; tribal law enforcement receives only about 20% of the projected demand, tribal prisons receive approximately 40%, and tribal courts receive a shockingly low 3% of the anticipated need.

The persistent underfunding of the tribal justice system undermines its ability to serve and protect the community effectively. It not only hampers the ability of law enforcement to investigate crimes and maintain public safety but also impedes judicial services' ability to deliver justice and prisons' capacity to rehabilitate offenders. This situation also hinders the development and implementation of traditional victim services programs, whose funding needs have not been adequately assessed.

***The Nation needs funding to address public safety shortfalls.*** The Nation currently has four (4) 638 contracts that underfunds manpower, operations and maintenance of public safety facility buildings, facility replacement, and equipment, just to name a few.

Law Enforcement currently receives \$21,906,759 in 638 contract funds. However, the need is currently at \$39,609,031 for Law Enforcement and additionally funding is also needed for Criminal Investigations. As a result, the Nation supplements the shortfall using revenue generated through natural resources, taxes, and other ventures. The recent FY2023 Navajo Nation Comprehensive Budget shows law enforcement receiving \$10,771,843 in Navajo Nation revenue with an unmet need of \$17,702,272 to fulfill the duty of serving and protecting Navajo citizens.

### ***Recommendations:***

- Congress should conduct hearings from the House and Senate Judiciary Committees, the House Natural Resource Committee Subcommittee on Indian and Insular Affairs, and the Senate Committee on Indian Affairs. These sessions should include field hearings to review the current state of court and police services within the Navajo Nation and Indian Country.
- Congress should undertake a thorough investigation into the allocation of funds within BIA to understand why the current appropriations fall so far short of the identified needs.
- Congress, in collaboration with tribes, must develop and implement an improved funding model that ensures the consistent and adequate financing of tribal justice systems, securing the resources necessary for these systems to function effectively and equitably.



## *Federal Declination of Cases*

The Navajo Nation is concerned with the significant number of major crimes cases being declined for federal prosecution for crimes committed within our lands, as revealed in a Final Report on Federal Declinations for 2019-2022 conducted by the Navajo Nation Office of the Chief Prosecutor. The data shows that the most common federally declined crimes involve child sexual assault or abuse allegations, followed by homicide and assault allegations. This situation is concerning as it suggests potential gaps in the enforcement of federal law, particularly in crimes that carry significant societal impact. Furthermore, the issue is complicated by the fact that many declination letters lack sufficient information to determine the type of offense investigated. This issue extends beyond the major crimes mentioned, as the report does not account for unreported crimes, crimes closed administratively by the FBI without referral for federal prosecution, or those that were never detected by federal law enforcement agencies.

### ***Recommendations:***

- **Improve Transparency and Accountability:** Ensure that declination letters explicitly include the name of the alleged offense for which the subject was investigated. This will aid in the analysis of trends and the identification of systemic problems in federal prosecution declinations.
- **Strengthen Investigative Capacity:** Increase federal resources dedicated to investigating major crimes within the Navajo Nation. This could involve bolstering the FBI's presence or creating special investigative units focusing on crimes that are most frequently declined for prosecution.
- **Review Prosecutorial Guidelines:** Conduct a comprehensive review of the decision-making process for federal prosecutions in these districts. This should include an examination of the criteria used to determine whether a case is pursued, with an emphasis on understanding why such a high number of cases, particularly those involving child sexual assault or abuse and homicides, are being declined.
- **Collaboration with Navajo Justice Systems:** Foster a closer working relationship with the Navajo Office of the Prosecutor and other local law enforcement agencies. This could involve joint trainings, case reviews, and shared investigative efforts to ensure major crimes do not go unpunished.





### *Challenges with Corrections & Facilities*

The Navajo Nation continues to find itself in the midst of a profound public safety crisis, one that threatens the safety, stability, and future of its people. At the heart of this crisis is a severely understaffed Department of Corrections and two public safety facilities in dire need of replacement. This is a grave concern, as the lack of adequate staff compromises both the safety of the personnel and the effectiveness of the detention facilities. This dearth of correctional officers not only hampers the regular functioning of the system but also, in the long term, could fail to deter future criminal activities. The need for the federal government to prioritize annual funding to meet this pressing demand cannot be overstated. Such funding would catalyze the hiring of additional correctional officers, thereby enhancing the safety and efficiency of the facilities, and potentially fostering a more secure and law-abiding community.

The urgency of this issue is further underscored by the dire state of the Nation's two key public safety facilities: the Window Rock Police Department and Detention, and the Shiprock Police Department and Detention. These facilities, once the bulwark of the Nation's public safety operations, have been closed due to environmental concerns, a consequence of the Bureau of Indian Affairs' (BIA) neglect of operations and maintenance. An estimated \$180 million is needed to replace these two facilities, a vital step towards restoring the public safety infrastructure in the most populated communities on the Navajo Nation.

The Window Rock Police Department (WRPD), located in Window Rock, Arizona, operates under severely compromised conditions. Its officers are scattered across several makeshift locations, including a local school, a converted office space, and a modular building. The absence of a dedicated detention center means officers must undertake lengthy transports to Crownpoint, New Mexico, or Chinle, Arizona, with each trip taking an officer off patrol duty for three hours.

The Shiprock Police Department (SRPD), on the other hand, operates out of a renovated post office in Shiprock, New Mexico. The limited space of the renovated building has resulted in the dispatch unit being housed separately, further hampering operations. The lack of a detention center has similar implications as with the WRPD, with officers having to transport detainees across long distances, meaning a patrol officer is off duty for up to five hours.

#### ***Recommendations:***

- Prioritize and increase annual funding for the tribal correctional facilities that would enable the hiring of additional correctional officers to enhance the safety and operation of the facilities.
- Congress must allocate the necessary resources to the BIA for operations and maintenance of public safety facilities within tribal lands or provide the necessary funding for PL-638 contracts for tribes to administer services on their own with adequate operation and maintenance funding, thereby preventing future closures due to neglect.
- Enhance access to capital for tribes so they can invest in the replacement of the public safety facilities and build new, environmentally sound, and adequately equipped facilities.



### *Emergency Medical Services (EMS)*

The Navajo Nation Department of Emergency Medical Services (“**NNDEMS**”) is a dedicated progressive service focused on providing quality and emergent care. Expanded advanced life support capabilities and transport services are pre-eminent and NNDEMS is dedicated to ensuring that members of the Navajo Nation have access to such services.

Ambulance services on the Navajo reservation were non-existent until 1965 when the Navajo Nation Police Department assumed the responsibility although they were met with significant challenges such as limited resources, geographical barriers, and lack of equipment. Over the last 22 years, NNDEMS has evolved thanks to the joint efforts of the Navajo Tribe, IHS Navajo Area Office, and the Navajo Health Authority. It was not until September of 1980 where the Navajo Nation EMS program was created and received special appropriation for IHS – EMS systems. However, in 1982 the EMS program suffered a 17% decrease in funding resulting in crippled projects and a fleet reduction of 118 positions to 84 positions. Since then, the Navajo Nation EMS program has had difficulty meeting the needs of the nation due to staffing shortages, lack of equipment, and lack of funding.

NNDEMS is an integral component of a rural community’s prehospital medical emergency infrastructure. The NNDEMS provides direct services to an estimated population of 314,600. The estimated total EMS calls for 2021 was 31,500. A total of 9,100 claims were submitted to third party payers in 2021 but the revenue generated did not fully meet the budgetary needs to improve and expand EMS services and acquire additional qualified personnel. Support is needed from the Biden – Harris administration, HHS, and the Indian Health Service to expand EMS services.

#### ***Recommendations:***

- The Biden Administration, in partnership with the IHS and HHS, must increase or establish funding to meet the growing emergency medical services of Native Americans.
- There is a need to increase funding under the IHS Hospitals & Clinics budget line-item account or establish a specific budget line-item authority/account for Tribal Emergency Medical Service Programs to meet the growing medical emergency needs of American Indians and Alaska Natives.
- Inadequate funding has prevented upgrading and purchasing of new equipment, including the latest emergency medical technology and software programs to keep current with advancing technology. Funding must be provided to update technology.



## **Social Services**

### *Indian Child Welfare Act*

The Navajo Nation's 1849 Treaty with the United States provides that "the Government of the United States shall so legislate and act to secure the permanent prosperity and happiness of said Indians." The permanent prosperity and happiness of the Diné people starts with ensuring the safety and well-being of our children and families, and the Indian Child Welfare Act (ICWA) plays a key role in that effort. On June 15, 2023, the United States Supreme Court upheld the constitutionality of ICWA in *Brackeen v. Haaland*. In his concurrence to the decision, Justice Brett Kavanaugh noted, however, that the Court's decision did not resolve the question of whether ICWA's placement preferences for Indian children constituted race-based preferences, as opposed to political-based classifications, and therefore violated the U.S. Constitution's Equal Protection Clause.

As of September of 2023, there are over 640 Navajo-eligible children who were subject to ICWA placement proceedings. For the Navajo Nation, it is imperative that the federal government provide its full support to the strengthening and protection of ICWA from any and all attacks.

### ***Recommendations:***

- The federal government should collect data in ICWA cases to review and assess the placement and wellbeing of children. For example, data on the diversity of available foster parents and adoptive homes would help ensure that states are complying with their requirements under the Multiethnic Placement Act to provide an adequate number of Indian foster and adoptive homes and therefore their requirements under ICWA's placement preferences.
- The federal government must reinstate the 2016 Adoption and Foster Care Analysis and Reporting System (AFCARS) data elements. The Nation is aware that Administration for Children and Families (ACF) is working on this and urges the Biden Administration to fully support ACF's efforts to complete this as soon as possible.
- The Nation also supports the ACF's proposed rule to permit relative/kin placements to receive the same compensation and lower the licensing requirements under Title IV-E foster care maintenance payments. Our children do best when raised by their kin, and kin should be able to receive the same support as "stranger" families.
- The current levels of funding make it difficult and sometimes impossible for Tribes to effectively participate in ICWA proceedings. The federal government must increase funding levels to ensure that it is meeting its obligations to protect our children and their families.
- Many states child welfare agencies and courts lack training on the history of Tribal governments, the history and spirit of ICWA, and the importance of Tribal sovereignty. Training in all of these areas is necessary and the federal government must consistently work with Tribes nationally and regionally to develop training.



## *Older Americans Act*

Title VI of the Older Americans Act (OAA) acknowledges the authority of Tribes to set our own age definition for the term “Elder” in order for an individual to be eligible for elder services. The Navajo Nation has set this age at 55 in order to combat the earlier loss of life that our members face as a result of State and Federal actions. The current federal funding formula, however, only provides funding to Tribal grantees based on the number of Elders aged 60 and over. This is an oversight of the Administration and creates an unfunded mandate for Tribal aging programs serving Elders aged 59 and under. Similar problems exist at the State level under the OAA, where the overall funding formula is based on State population totals, which count Tribal populations of Elders as those being aged 60 and older. As a result, Title VI grantees receive only 2% of aging program funding – the lowest of any population – despite our greater needs.

The Navajo Nation and other Tribes are sovereign nations and therefore we ought to be able to honor and provide for our Elders as we—as a sovereign nation—define them.

### ***Recommendations:***

- The Administration for Community Living must revisit and revise the funding formula and distribution process through consultation with Tribes.
- The funding formulas used throughout all Titles of the OAA must account for the Elder age set by Tribes.
- Tribes should receive their own Title III allocation so we can provide the needed funding and services to our Elders.



## **Veteran Affairs**

### *Workforce Force Capacity & Veteran Unemployment*

Native Americans serve five times the national average in the Armed Forces and have distinguished themselves in every major fight for over two centuries. Native people have the highest per -capita involvement of any population to serve in the U.S. military, given that the population of the United States is around 1.4 percent Native American, and the military is 1.7 percent Native (excluding those who did not disclose their identity). Native Americans also have a greater proportion of female military personnel than all other ethnicities. Nearly 20% of American Indian and Alaska Native servicemembers were female, compared to 15.6% of all other non-native servicemembers. The military is a very attractive option to Indian Country as a pathway off the reservation which often impacts tribal operations as there are more people joining the military or seeking to get off the nation than there are who return home. Additionally, it comes to no surprise that educational disparities often limit the opportunities available to Native Americans especially in the STEM field, even in the military. To qualify for “good jobs” that have transferrable skills outside of Infantry, applicants must have a specific score on the Armed Services Vocational Aptitude Battery Test (ASVAB). Granted there are waivers that can be provided, the DoD is only able to issue a small number of waivers every year.

#### ***Recommendations:***

- Engage in a roundtable discussion with federal agencies, Members of Congress, and the White House to discuss possibilities or expanded opportunities for Native American Veterans.
- Meet with military recruiting commanders and Manpower Reserve Affairs to review recruiting and retention metrics and develop an understanding of the transitional phase once military service is complete.
- The VA Tribal Advisory Council should take this issue as an agenda item.
- BIE, boarder town schools, and tribally controlled school should meet to review curriculum and make recommendations to improve ASVAB scores.



### *VA Housing Program & Veteran Affairs Tribal Direct Loan Program*

The Native American Direct Loan (NADL) program makes home loans available to eligible Native American Veterans who wish to purchase, construct, or improve a home on Federal Trust land or to reduce the interest rate. Veterans who are not Native American, but who are married to a Native American non-Veteran, may be eligible for a direct loan under this program. The Navajo Nation currently has a Memorandum of Understanding with the VA and can participate in the program. The Department of Veterans Affairs (VA) has made relatively few loans under its NADL program. This program provides loans to eligible Native American veterans to purchase, construct, or improve homes on certain types of land. In October 2021, VA reorganized NADL operations and formed a NADL-dedicated team to strengthen the program. However, GAO identified weaknesses with the NADL program and opportunities for VA to improve management and operations, including data collection and performance measurement, planning, leveraging expertise. In response, the GAO issued 10 recommendations to address the program weaknesses.

#### ***Recommendations:***

- The VA should consult with the Navajo Nation to review recommendations provided by the GAO and provide recommendations to improve eligibility on tribal trust land.



### *Veteran Benefit Outreach Center*

The Navajo Nation Veterans Administration is proposing the construction of a regional Veterans Administration Center / Veterans Benefits Administration Center, a one-of-a-kind Community Based Outreach Center of sorts, that is available to all veterans but focuses services on Native American veterans. The purpose of this facility is to provide much needed services in a geographical area that are not currently being delivered by the Department of Veterans Affairs. This facility would serve as a hub for a variety of services that include non-emergency / non-urgent care services typically found outside of a VAMC, such as physical or occupational therapy, mental health services, vocational training and education, temporary / transitional housing, and transportation services, as well as serving as an administrative facility for Navajo Nation, State, and federal VA staff to administer program services. Land withdrawal for development is one of the most challenging tasks to complete on the Navajo Nation.

The Navajo Nation has already chosen and withdrawn a location for this facility. It is situated on New Mexico's Highway 264, less than two miles from the Arizona state line, and adjacent to the Navajo Nation capital in Window Rock, Arizona. It is located adjacent to the future Navajo Code Talkers Museum site. This site has easy access to public roads with heavy traffic, as well as existing power, water, and sewer. It has been determined through surveys that the site is appropriate for the construction of a project of this magnitude. This facility is also consistent with the master plan for this area's development, which will boost the Navajo Nation's economic development efforts.

#### ***Recommendations:***

- Congress must provide adequate funding for facility construction.



### *VA Hospital on the Navajo Nation*

The absence of a Veterans Affairs (VA) medical center within the Navajo Nation significantly undermines the healthcare accessibility for Navajo veterans who have dutifully served the United States. Currently, Navajo veterans face prohibitive travel times, often exceeding four hours, to the nearest VA medical center. Such excessive travel not only imposes logistical hurdles but also obstructs timely access to necessary medical services. Consequently, it is crucial to establish a VA medical center in Chinle, Arizona, within the Navajo Nation, to promote healthcare equity for these deserving veterans.

#### ***Recommendations:***

- **Execute an Exhaustive Needs Analysis:** The Department of Veterans Affairs should conduct a comprehensive needs analysis, incorporating key factors such as population demographics, healthcare consumption trends, and the incidence of specific health conditions among Navajo veterans. This data-driven approach will provide an accurate understanding of the healthcare needs of Navajo veterans and pave the way for targeted interventions.
- **Foster Collaboration:** Active engagement and collaboration with Navajo Nation leaders and tribal health authorities will be instrumental in gaining a nuanced understanding of the existing healthcare infrastructure, identifying synergistic partnership opportunities, and ensuring the proposed VA medical center aligns with the cultural values and healthcare expectations of Navajo veterans.
- **Commit Resources for Infrastructure Development:** Allocate sufficient funds and resources for constructing and operationalizing a VA medical center in Chinle, Arizona. It is imperative to ensure that the center is appropriately staffed with healthcare professionals who are adept at managing the unique healthcare needs of Navajo veterans.
- **Integrate Telehealth Services:** Incorporate and expand telehealth services to provide remote healthcare access, especially for those veterans residing in distant areas where travel to a VA medical center is difficult. This digital platform can enhance healthcare accessibility while reducing travel-related barriers.
- **Adopt a Culturally Competent Care Model:** The healthcare services at the VA medical center should be culturally competent, integrating traditional healing practices and respecting the cultural and linguistic diversity of the Navajo Nation. Such an approach will foster a sense of belonging and trust among Navajo veterans, thereby encouraging them to seek and adhere to necessary healthcare services.





## **Human, Civil, International, and Treaty Rights**

### *Tribal Consultation & Government-to-Government Relationships*

Despite expanded consultation under this Administration, more is needed to ensure that consultation is meaningful and occurring earlier in the decision-making processes. The quality of consultation and partnership across agencies and within agencies is highly variable. In too many instances—whether at formal consultations, Tribal advisory committees, or Tribal advisory group meetings, Tribal Interior Budget Council meetings, and so on—Tribes are treated as an afterthought instead of as sovereign nations and true partners.

Executive Order 13175, as reaffirmed by President Biden in his January 26, 2021 Memorandum, “charges all executive departments and agencies with engaging in regular, meaningful, and robust consultation with Tribal officials in the development of Federal policies that have Tribal implications.” Instead, the engagement Tribes receive is irregular, last-minute, and often meaningless. There have been too many instances of Tribes receiving one week’s notice to attend a consultation, or of Tribes not receiving consultation materials until during or even after the consultation has ended. And when we show up to comment, we often are met with a deluge of presentations with little to no time being set aside for us to actually be consulted on the shape of these policies. At nearly every consultation, you will find a Tribal leader speaking up and making these points but very few agencies respond or follow up.

Even in instances where there is ample time for Tribes to be consulted, the government officials attending the meetings either state that they are disallowed from responding to our comments or lack authority to respond. In either instance, such actions prevent meaningful consultation on a government-to-government basis from occurring. These types of actions by agencies fail to live up to the mandate of E.O. 13175 and disrespect our status as sovereign nations and the unique nation-to-nation fiduciary relationship we have with the federal government. Respect for Tribal sovereignty must be consistent, even when it is not convenient.

Consultation should be a back-and-forth exchange that leads to an actual resolution that is respectful of Tribal sovereignty and concerns, and that seeks to fulfill the United States’ trust responsibilities. Federal officials who are authorized to speak and act must participate for consultations to be meaningful, unlike “listening sessions” where tribal comments are just mutely accepted, filed away, and all too often ignored. Likewise, when we submit comments, they must be accepted and treated with due respect as intended and required, and not be unreasonably ignored, recast, or dismissed to avoid upsetting the cart of preordained federal interests or outcomes. In addition, if the highest level of Tribal government is reaching out to the agency, the response should come from the equivalent level of agency leadership, and the most knowledgeable federal staff should be engaged and involved in the agency’s meetings and other communications with the Tribe.

As things stand, too many agencies treat consultation with Tribes as an inconvenient check box, and this Administration must crack down on that type of attitude. To address that, we encourage the Administration to provide across-the-board training on the history of Indigenous Nations in this country, Tribal sovereignty, and the trust responsibility held by every federal agency. This is especially important given the erasure of Indigenous history, governance, and knowledge that continues to occur in this country’s educational system at all levels.



### **Recommendations:**

The Nation proposes the following recommendations to the federal government, aimed at enhancing the tribal consultation processes, ensuring respect for tribal sovereignty, and improving adherence to Executive Order 13175 and the FPIC standard from the United Nations Declaration on the Rights of Indigenous Peoples:

- **Proactive Engagement:** Federal agencies should be mandated to proactively and regularly engage with Tribal leaders and advisory groups in the early stages of decision-making processes. This should go beyond the existing consultation mechanisms to include genuine partnerships and collaborative policy development.
- **Improved Notice Periods:** Agencies should be required to provide Tribes with significant advance notice of consultations, along with complete materials and briefings to enable them to fully participate in the discussion and decision-making processes. Additionally, it is recommended that a quarterly consultation period be implemented. During this period, agencies present their consultations for the quarter, and tribes have until the following quarter to submit their comments. This cycle will provide tribes with adequate time to respond and will prevent last-minute scrambling.
- **Clear Authority for Feedback:** Federal officials attending consultations should have clear authority to respond to Tribal comments and concerns. If they lack such authority, the presence of decision-makers who possess the needed authority should be mandatory.
- **Accountability Measures:** Congress should consider legislative measures to hold agency leadership accountable for failures in tribal consultation processes. This could include a system for logging and investigating complaints from Tribal nations regarding inadequate or disrespectful consultation practices. It is also recommended that the White House develop a centralized website that has all ongoing consultations with features that allow us to review the Dear Tribal Leader Letter, Framing Questions, and an upload mechanism that provides a tracking tool that tells us our comments have been received and reviewed.
- **Training and Education:** Implement mandatory training for all federal officials and agency staff on the history of Indigenous Nations, the concept of Tribal sovereignty, and the federal government's trust responsibilities. This will help to combat ignorance and foster greater respect for Tribal nations.
- **Consultation Protocols:** Develop and implement standardized consultation protocols across all federal agencies to ensure consistency in the treatment of Tribes. These protocols should emphasize the importance of two-way communication and the need for a resolution that respects Tribal sovereignty and concerns.
- **Multi-Tribal Interests:** In situations where the interests of multiple Tribes are at stake, federal agencies should take extra care to ensure all Tribal interests are addressed. This might necessitate additional meetings and efforts to reach a consensus that minimizes harm to all involved Tribes.



## **Radiation Exposure Compensation Act (RECA)**

The Radiation Exposure Compensation Act (“RECA”) was enacted in 1990 to provide one-time compensation to the veterans of and communities impacted by America's uranium industry and nuclear development program. An untold number of people were exposed to radiation through employment in the uranium industry, weapons testing, and contaminants unwittingly brought into the home. RECA provides tiered compensation as restitution for serious illnesses, including certain cancers and kidney disease, suffered by these Americans who sacrificed their health for their country.

The current program is limited to those who were exposed during the period of January 1, 1942, to December 31, 1971. Administered by the Department of Justice, RECA has awarded over \$2.4 billion in benefits to more than 37,000 claimants since its inception. The compensation program is currently set to expire in July 2024. Expansion is now needed to advance justice for additional individuals who were adversely impacted but are not currently eligible for benefits under the existing RECA framework. Amendments have been introduced in the last several congressional terms and including the current 118<sup>th</sup> Congress.

### ***Recommendations:***

#### **Inclusion of Post '71 Uranium Workers**

- *Proposed Change:* Extend compensation to uranium workers employed between December 31, 1971 and December 31, 1990 (year of original RECA enactment).
- *Bill Sections:* Sections 5(a)(2) and 5(e)
- *Why Needed:* Existing law limits claims to those incurred before 1971, when the federal government stopped its procurement of uranium for the atomic weapons program. Yet, the industry continued atomic energy production through the 1980s and the mines remained a national security asset of the highest importance, meaning that individuals and communities continued to be exposed through the workplace and environmental contamination after 1971.

#### **Inclusion of Core Drillers**

- *Proposed Change:* Add core drillers to the list of compensable workers.
- *Bill Section:* Section 5(a)(3)
- *Why Needed:* RECA currently accounts for only miners, millers, and ore transporters under the eligible employment categories. Core drillers identify uranium deposits and obtain samples which are key to assess the quality of the heavy metal. These workers were exposed to dust and radiation and suffered serious disease and death as a result.

#### **Extension of Sunset to 2040**

- *Proposed Change:* Extend the life of RECA Trust Fund for an additional 19 years.
- *Bill Section:* Section 3
- *Why Needed:* To accommodate processing the claims of post-1971 workers and other newly eligible employee categories, and to ensure pre-1971 claims are fully redressed.



### **Addition of Renal Cancer and Diseases as Compensable Illnesses**

- *Proposed Change:* Include renal cancer, nephritis, kidney tubal tissue injury, and any other chronic renal disease to the list of covered diseases for miners, core drillers, millers, transporters, and remediation workers.
- *Bill Sections:* Sections 5(b) and 5(c)
- *Why Needed:* Exposure to even low dose radiation—which individuals in all these positions encountered—is associated with kidney disease and increased morbidity. Yet, under existing law, only millers and transporters may submit claims based on kidney disease, no other employment categories may do so.

### **Allowance for Combined Work Histories**

- *Proposed Change:* Allow an individual to combine time spent working in one or more covered positions to meet the qualifying one-year employment period or 40 or more working level months of radiation exposure while employed in a uranium mine.
- *Bill Sections:* Sections 5(d) and 5(f)
- *Why Needed:* Standard movement between covered positions should not result in a higher standard of time for an individual to qualify for RECA benefits. Department of Justice policy allows for certain combined work history exceptions, but the policy is not codified. This change would make the policy a consistent standard.

### **Expansion of Downwind Eligibility Areas**

- *Proposed Change:* Expand covered downwind areas to include for the (1) Nevada test site: Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, and Utah; (2) Trinity test site: New Mexico; and (3) Pacific test sites: Guam.
- *Bill Sections:* Section 4(g) and 9(a)
- *Why Needed:* Currently compensation is only granted to those downwind of the Nevada test site in several specified counties in Utah, Arizona, and Nevada. Yet, tests were conducted in New Mexico (Trinity) and in the Pacific. This change appropriately recognizes those downwind communities so they may access RECA support.

### **Provide Medical Benefits and Increase Compensation for Atmospheric Testing Claimants, Including Downwinders**

- *Proposed Changes:* Increase the maximum amount of downwind and onsite atmospheric testing claims to \$150,000 from \$50,000 and \$75,000, respectively. The bills would also make these claimants eligible for medical benefits under the Energy Employees Occupational Illness Compensation Program administered by the Department of Labor to compensate energy employees and their survivors.
- *Bill Sections:* Sections 4(e) and 4(f)
- *Why Needed:* Currently, RECA only allows medical benefit claims for miners, millers, and ore transporters. RECA also caps compensation for atmospheric testing claimants at \$50,000 for downwinders and \$75,000 for onsite participants. Raising the cap to a \$150,000 and extending medical benefit claims recognizes the indiscriminately high toll of radiation exposure on all impacted groups.



### **Accept Affidavits for Work History, Physical Presence, and Onsite Participation**

- *Proposed Change:* Permit the use of affidavits to substantiate employment history, presence in an affected area (downwind state), and work at a test site. Critically, such affidavits must take into account tribal law and custom. This means that evidence such as tribal records and tribal correspondence must be accepted.
- *Bill Section:* Section 6
- *Why Needed:* Current law only allows miners to use affidavits. The passage of time, changes in uranium industry company operations (including dissolutions), and other factors beyond the control of former employees can make obtaining the requisite documentation to verify employment history, physical presence, and onsite participation difficult, if not impossible. All eligible individuals under RECA would benefit from the proposed extension of affidavit usage.

### **Epidemiological Impacts Study on Uranium Miner and Miller Families and Others Exposed Outside of Work Settings**

- *Proposed Change:* Authorize a three-year, \$9 million epidemiological impacts grant program administered by the National Institute of Environmental Health Sciences to assess the effects of uranium mining and milling among non-occupationally exposed individuals.
- *Bill Section:* Section 8
- *Why Needed:* While there has been research demonstrating the impacts on the health of families of uranium workers and residents of uranium development communities, there has been no comprehensive look at the epidemiological impact of uranium development on these and other groups. The proposed study would help fill this gap.





## **Office of Navajo Hopi Indian Relocation**

### *Navajo-Hopi Settlement Act of 1974 Technical Amendments*

In 1882, President Chester Arthur signed an executive order establishing a reservation “for the use and occupancy of Moqui [Hopi], and other such Indians [Navajo] as the Secretary of the Interior may see fit to settle thereon,” thereby creating conflicting land interests between our Tribes. In 1974, Congress enacted the Navajo-Hopi Settlement Act (Relocation Act), which partitioned the disputed land, known as the Joint Use Area, into “Navajo Partitioned Lands” and “Hopi Partitioned Lands” and mandated the relocation of members of each Tribe residing on land partitioned to the other Tribe. Over 16,000 Navajos were forced to relocate through the Act and approximately 100 Hopis. The forced relocation of Navajos was the largest forced relocation of American citizens since the internment of Japanese-Americans during World War II. The relocation was carried out in an inhumane and unjust manner and its harmful impacts are affecting not just the original relocatees but their children, grandchildren, and now great grandchildren.

In 1934, the Congress passed legislation to clarify the western boundary of the Navajo Nation, including by defining an area for the use of Navajo and “such other Indians as may already be located there[.]” The “other such Indians” were determined to be the Hopi and this legislation created additional conflicting land interests. In an attempt to resolve this conflict, the Federal government instituted a 1.5 million acres development freeze over the disputed area, which was known as the “Bennett Freeze.” The Bennett Freeze was in place from 1966 to 2009. Since lifting the Bennett Freeze, Congress has not provided any direct funding to the area to rehabilitate and repair the damages created to the families, the infrastructure, or the land.

The Technical Amendments are designed to be the first step in the final phase of bring closure and humanity to the Navajo Nation and its people by calling on the Federal government to fully take responsibility and honor its obligations to the Navajo people for the hardships created by the imposition of development freezes and the trauma created by the forced relocation.

### ***Recommendations:***

- Congress should pass the Technical Amendments and fully commit to working with the Navajo Nation to bring closure and humanity to this horrendous period in our history.
- The Technical Amendments must reflect the taking of responsibility by the Federal government for creating the land disputes and myriad of harmful actions it has taken in response to those disputes.
- Restore the Navajo Nation’s original authority under the Relocation Act to make land selections. Currently, this authority resides with the Office of Navajo and Hopi Indian Relocation, an independent Federal agency.
- Acknowledge the surveying error made by the Bureau of Land Management and authorize the Navajo Nation to select an additional 757 acres of land to compensate for that error.



- Expand the beneficiaries of land selected under the Act.
- Authorize the Navajo Nation to designate up to 150,000 acres of land selected under the Relocation Act as an economic empowerment zone or zones, which would allow the Nation to waive certain Federal laws, while keeping in place Navajo equivalents, in order to encourage development and spur economic growth.
- Authorize and mandate studies, plans, and reports on how the relocation and development freezes have impacted the Navajo Nation generally, the Navajo Partitioned Lands, the Former Bennett Freeze Area, and the descendants of Navajo Relocatees.
- Authorize the voluntary relinquishments of Accommodation Agreements signed by Navajo families residing on Hopi Partitioned Lands in exchange for relocation benefits.





### *ONHIR Commissioner*

Congress tasked the Office of Navajo and Hopi Indian Relocation (ONHIR) to oversee the forced relocation of Navajo and Hopi members under the Relocation Act. The Relocation Act mandates that the ONHIR Commissioner plan the relocation strategy, administer relocation lands, enter into negotiations between the Navajo and Hopi Tribes, report on the status of the relocation effort to Congress, and generally be responsible and accountable for all the duties in the Relocation Act. Because ONHIR has been left without a Commissioner for nearly 30 years, the position's duties have gone unfulfilled and ONHIR has operated without the necessary political clout, oversight, and—most importantly—accountability that it requires, and the results of have been disastrous.

According to a 2018 Government Accountability Office Report on ONHIR's activities the average time for ONHIR to relocate an eligible household is 8 years; the average time to relocate a household that must undergo administrative appeals is 13.5 years; the average cost for ONHIR to relocate a household is \$515,000, with approximately \$300,000 of that amount going towards ONHIR's administrative costs.

The appointment of an ONHIR Commissioner must be done by the President of the United States and does not require Senate approval.

#### ***Recommendations:***

- President Biden must exercise his authority and appoint an ONHIR Commissioner tasked with working with the Navajo Nation to restore the integrity to the agency and fulfill its original mission that “takes into account the adverse social, economic, cultural and other impacts of relocation[.]”





## **American Rescue Plan Act Funding**

### *State and Local Fiscal Recovery Funds*

The SLFRF Program was created with the passage of the American Rescue Plan Act in 2021. It provides federal funding for state, local, and Tribal governments to address various community needs, such as pandemic response efforts, maintain public services, and construct infrastructure. The statutory deadline for incurring SLFRF is December 31, 2024. However, Treasury has previously advised that the statutory deadline refers to the date by which SLFRF must be “obligated,” and SLFRF recipients have until December 31, 2026 to “expend” SLFRF.

In previous letters, comments, and consultations, Tribal governments including the Nation requested supplemental guidance from Treasury on the December 31, 2024 obligation deadline. More specifically, the Nation requested clarification and flexibility for various situations involving subrecipients and obligations of personnel and project costs. For example, the Nation requested confirmation that its subrecipient agreements with the Navajo Tribal Utility Authority would be considered obligations for purposes of the December 31, 2024 deadline. The Nation also requested guidance on its obligations of SLFRF that encounter problems, such as supply chain issues, vendor delays, and cost overruns – all of which could impact the amount and timing of SLFRF obligations.

The Obligation IFR clarifies the application of the statutory obligation deadline of December 31, 2024, to subrecipients and contractors, and provides guidance on the circumstances under which contracts and subawards entered into prior to the obligation deadline may be amended or replaced. Specifically, Treasury’s Obligation IFR clarified that a cost is considered to have been incurred once a recipient enters into a subaward that obligates the recipient to cover that cost. The Obligation IFR does not alter the existing obligation and expenditure deadlines or eligible use categories, including under the government services/revenue loss category. Recipients must continue to obligate funds by December 31, 2024, and expend funds by December 31, 2026.

Treasury also clarified that recipients generally may not re-obligate funds or obligate additional funds after the obligation deadline. However, recipients are permitted to replace a contract or subaward entered into prior to December 31, 2024, under certain circumstances, including if either the recipient terminates the contract or subaward due to a contractor default or is unable to perform work, or if the recipient and contractor mutually agree to terminate the contract. If one of these criteria are met and the recipient pursues a new contract, the recipient will be considered to have used its funds to cover an obligation incurred prior to the obligation deadline if the original contract or subaward being replaced was entered into by December 31, 2024.

SLFRF funding is important to the Navajo Nation. The effects of COVID-19 and economic turmoil are still being felt across Indian Country. The funding we receive is invested in meeting our critical infrastructure needs and, when correctly allocated in a timely manner, greatly benefits the well-being of our communities and those near us. To date the Navajo Nation has expended over 51% of its SLFRF allocation however, there continues to be barriers that need to be addressed.



### ***Recommendations:***

- **Easing Reporting Requirements:** Provide technical assistance and capacity-building resources to help Tribal governments meet the reporting requirements. Consider simplifying the reporting process or reducing the frequency of reports to accommodate the capacity constraints of Tribal governments.
- **Extension on Expenditure Deadline:** Considering the infrastructure needs in the Navajo Nation and the challenges of the pandemic, an extension on the expenditure deadline would ensure the funds are utilized effectively and efficiently.
- **Administrative Cost:** While we appreciate that Treasury has issued guidance on SLFRF-related compliance, administrative, and personnel costs, we question why the additional flexibility is limited to those working on SLFRF compliance and closeout tasks. The Nation believes the more flexible guidance should apply to *any* personnel whose salary and benefits are SLFRF-eligible, including those individuals who work on government services – whether or not those services relate to SLFRF closeout or SLFRF programs generally.
- **Reporting of Anticipated Expenditures:** The Obligation IFR states that, in order to utilize this additional flexibility, SLFRF recipients must document a reasonable justification and report the anticipated amount by *April 30, 2024*. Given that the obligation deadline is not until December 31, 2024, this deadline seems artificially early. The Nation requests that the estimate be considered timely if it is made by the obligation deadline of December 31, 2024.
- **Return of Excess Funds:** The Obligation IFR also states that if the estimate is too high, excess funds must be returned to Treasury. Given the difficulty of providing a perfect estimate 2+ years in advance of expending SLFRF, and the requirement that the estimate must only be “reasonable,” not exact, this consequence seems unnecessarily severe. The Nation requests Treasury modify this guidance to provide that excess fund can be reallocated to another SLFRF-eligible expenditure if expended by the expenditure deadline of December 31, 2026.



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