

**Written Testimony of  
Lloyd Tortalita, Former Governor  
Presenting on Behalf of  
Randall Vicente, Governor  
Pueblo of Acoma  
Before the  
House Interior Appropriations Subcommittee  
Tuesday, May 3, 2011**

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**Requests for additional funding and/or support:**

- 1. Indian Roads and Bridges**
- 2. Smaller IHS Hospitals**
- 3. Cultural Preservation**
- 4. Water Resources Studies**
- 5. Traditional Irrigation Systems**
- 6. Save America's Treasures**
- 7. Johnson O'Malley Program**
- 8. Carcieri "Fix"**
- 9. 35% Relative Decline in Federal Spending on BIA Programs**

**Introduction.** The Acoma people are an ancient people. We have lived at Acoma Sky City, our mesa-top home, for at least 1000 years, making it the oldest continuously inhabited community in the United States. We are proud to be U.S. citizens and proud that we retain the culture, language and beliefs of our ancestors from a time long before the establishment of the United States. Acoma Sky City is the heart of our community. Acoma religious, cultural and social life revolve around Acoma Sky City, both on a daily basis and during festival times. Acoma Sky City is one of only 28 National Trust for Historic Preservation sites, and has received numerous other designations including National Landmark status and listing as a World Heritage Site. One of the youngest historic buildings at Acoma Sky City is a Spanish mission that is itself over 360 years old. However, far older structures remain, with the oldest integrated into a three-story row of adobe buildings just off Sky City's central plaza. Based on our research, these traditional Acoma homes are likely the oldest continuously inhabited homes in the United States.

For most of the budget areas set forth above, I have set forth a description of a real-life example from Acoma of the need.

**1. Indian Roads and Bridges – addressing crumbling infrastructure and building critical new infrastructure:**

**Mesa Hill Bridge – A Growing Safety Concern.** Acoma is bisected by a major trans-continental rail line. With over 80 large trains passing through the reservation everyday, but no bridge over the tracks, Acoma has experienced significant safety issues as the hospital is on the north-side of the tracks, while the

school, Head Start, government and Acoma housing areas are on the south-side. Acoma seeks inclusion of the Mesa Hill Bridge as a funding priority in the Highway Act reauthorization legislation.

## **2. Smaller IHS Hospitals – Funding Health Care at the Front Line.**

**Turning Around The Indian Health Service Hospital At Acoma.** The Acoma-Cañoncito-Laguna Indian Health Services Facility (ACL hospital) provides critical health care services to the Pueblo of Laguna and the Pueblo of Acoma, as well as services to the I-40 corridor and to surrounding communities. However, the quality and quantity of services offered by the ACL hospital has declined markedly in recent years, resulting in an adverse effect on the health status of the two Pueblos, which already suffer from high rates of diabetes and other serious medical conditions. ACL officials recently informed Acoma that there are over 50 unfilled positions at the hospital. Acoma and Laguna continue to examine the option of taking over management of the hospital. It is Acoma's sense that the IHS has made a calculation that it is more economically efficient to fund a handful of centralized facilities, then to maintain standards at the smaller facilities located in many Indian communities. While there may be an economic efficiency there, it comes at the price of providing quality care right in many Native communities, forcing patients to travel substantial distances and thus creating one more hurdle to assuring adequate care.

## **3. Cultural Preservation – A need to fund this area before irreversible development errors are made.**

**Uranium Mining On Mt. Taylor.** Acoma remains deeply concerned about the potential impact of renewed uranium mining on Mt. Taylor – a mountain sacred to the Acoma people. Our past experience teaches us that uranium mining is dangerous to individuals, to families and to communities. Mining proponents claim that uranium mining can “now” be done safely, but so far they have just asserted that this is so, they have not demonstrated that it is so, much less demonstrating it to the high degree of scientific certainty necessary to allay Acoma concerns. Acoma has engaged in direct discussions with the mining companies and asked them to support additional hydrologic studies, as well as to work with Acoma to prevent damage to cultural sites. Acoma asks that Federal officials assure that no short cuts are taken in examining mining proposals and that they urge the mining companies to work closely with Native communities to fully address their concerns. Acoma believes that the mining companies and the United States have an ongoing obligation to clean up the environmental damage created by past uranium mining. Attempts to link such clean up to the start up of new mining operations are morally faulty. The obligation to clean up is independent of the question of whether renewed mining should be allowed. *It is very important to increase funding to the Tribal Historic Preservation Officer program within the National Park Service to assure cultural preservation issues are fully addressed.*

**4. Water Resources Studies – in the Arid West Water is Gold.**

**Water Resources Development Act Reauthorization – Cost Waivers.** Acoma supports amending WRDA to provide a waiver of up to \$500,000 for the tribal share on watershed studies.

**5. Traditional Irrigation Systems.**

**Rio Grande Pueblos Irrigation Infrastructure Improvement Act Funding.**

Congress enacted the Pueblo Irrigation Infrastructure Act as Section 9106 of the Omnibus Public Land Management Act of 2009. That Act directs the Secretary of the Interior to conduct a study of the irrigation infrastructure of the Rio Grande Pueblos. It also authorized the funding of projects to correct deficiencies identified by that study. The implementation of this Act will favorably affect Pueblo traditional lifestyle and culture, which for hundreds of years has been based on agriculture and irrigated lands. However, minimal funding has been allocated for implementation of this Act. Acoma requests that this Act receive substantial funding.

**6. Save America's Treasures.** SAT has funded and supported literally hundreds of thousands of dollars in restoration work at Acoma Sky City, which is itself a National Trust Historic Site. SAT has also funded scores of other projects across Indian country. SAT itself is an American treasure and its funding should be no less than \$25 million. Additionally, Acoma must note that the President zeroed-out the Save America's Treasures program in his proposed FY 2012 budget. We understand the difficult budgetary issues that motivated the President, but Acoma would argue that no one has ever regretted spending money preserving America's past. The Save America's Treasures program has funded a number of restoration projects in Indian Country and has an extraordinary track record creating many jobs in the restoration area. Acoma strongly supports robust funding for the Save America's Treasures budget, as well as for Acoma's proposed earmark for the project at Acoma Sky City.

**7. Johnson O'Malley Program - \$24.3 Million.** The JOM programs provides supplementary educational service/assistance to meet the unique and specialized educational needs of Indian children attending Public Schools by promoting student achievement and incorporating Native American languages and culturally based educational activities in the learning process. In 1995 the Bureau of Indian Affairs froze the student count, effectively placing a moratorium on the establishment of new JOM programs despite the fact that the Indian student population has increased overall and more school district have been established. The Johnson-O'Malley Program is the only federal program that by law (25 CFR Part 273) gives "**vested authority**" to the parent committees to design and implement their own JOM programs. Based on a need assessment, each plan is tailored to meet the unique and specialized educational needs of Pueblo children to ensure that they reach their educational goals.

Pueblo of Acoma and the National JOM Association request the following actions:

- The Administration and Congress fully fund the JOM program at \$24.3 million for FY2012
- The BIA/BIE reinstate student data collection at the central office in DC to ensure accurate information to support funding levels for an increase student population.
- We urge this committee and the US Congress to work with us to lift the funding freeze to ensure that tribes are receiving funding for their student populations at a level that will provide access to a high quality education.

**8. Support the Carcieri “Fix.”** Although there is no question that Acoma was “under Federal jurisdiction” in 1934, and thus is not subject to the immediate harmful effects of the Supreme Court’s decision in *Carcieri v. Salazar*, it is still important that this holding be overturned by Congressional legislation. The President has included Carcieri “fix” language in his FY 2012 budget, and this Committee strongly supported “fix” language in the last Congress, including it within the FY 2011 appropriations bill. Passing this legislation is the right thing to do, and will help prevent numerous jurisdictional and other uncertainties that would hamper many of our fellow tribes.

**9. 35% Relative Decline in Federal Spending on BIA Programs.** Set forth below is a chart from an article that appeared recently in *Indian Country Today* by Mark Fogarty. As you can readily see, as a percentage of the overall Federal budget, BIA funding has declined from 1995 to 2011 by 35%! Basically, funding for other Federal programs has risen substantially in that period, but the BIA programs have not received a proportionate increase!

**Conclusion.** Thank you for this opportunity to provide testimony before this Subcommittee. Your work is of great importance to America’s Native peoples and it is greatly appreciated.

**Walter Dasheno, Governor  
Santa Clara Pueblo**

**Testimony before the  
House Interior Appropriations Subcommittee  
Tuesday, May 3, 2011**

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**Chairman Simpson, Ranking Member Moran and members of the Subcommittee, my name is Walter Dasheno.** I am the Governor of the Pueblo of Santa Clara. Thank you for this opportunity to present to you on the FY 2012 Budget. The Santa Clara Pueblo is a federally recognized Indian tribe, located about 25 miles north of Santa Fe, New Mexico. We are one of only two tribes in New Mexico that have entered into self-governance compacts with the Bureau of Indian Affairs. I will focus the majority of my testimony on the funding of the Self-Governance tribes, but will also use other budget concerns of Santa Clara to highlight other funding needs in Indian country.

**Self Governance Program.** Santa Clara's experience as a self-governance tribe mirrors that of many other self-governance tribes – overall, the program has been a great success. Self-governance works because it promotes self-sufficiency and accountability; strengthens Tribal planning and management capacities; invests in our local resources to strengthen reservation economies; allows for flexibility; and affirms sovereignty. Approximately 50-60% of all Federally recognized Tribes are Self-Governance Tribes, and the interest shown by other Tribes is continuing to grow.

**Proposed Self-Governance Funding in the President's FY 2012 BIA and IHS Budgets.** The President has proposed increases in FY 2012 for the funding that supports the Self-Governance program. In the IHS budget, the President has proposed an increase of \$263,000 to \$6,329,000 from the FY 2010/2011 CR levels. This is an increase of 4.3%. For the Self-Governance line in the BIA budget, the President has proposed an increase of \$7.322 million for a total of \$155.084 million from the FY 2010/2011 CR level. This is an increase of approximately 5%. Santa Clara is happy to see this continued investment in the Self-Governance program, which returns far more in value to Indian country and America than is spent on it.

**Notwithstanding the increases in the Self Governance program line item, overall funding for Self Governance Tribes does not keep pace with non-Self-Governance Tribes.** While the self-governance regulations require that Self-Governance Tribes share equally in Congressional appropriation increases, in his testimony before this Committee on November 18, 2010 regarding the proposed Self-Governance amendments (H.R. 4347, 111<sup>th</sup> Congress), Ron Allen, Chairman of the Board of the Self-Governance Communication and Education Tribal Consortium (SGCETC) noted that it has been the experience of the Self-Governance Tribes that when Indian Affairs has received funding increases, oftentimes Self-Governance Tribes did not consistently receive their relative

fair share. Many Tribes have compact language stating that the Tribe “shall be eligible for increases and new programs on the same basis as other tribes”. If Self-Governance Tribes have not been eligible on the same basis as 638 tribes, this is in non-compliance with these Agreements. Further, it is difficult--if not impossible--for a Tribe to determine if it has been treated equitably when the Department has not been transparent on what “basis” funds have been allocated. Santa Clara would ask this Subcommittee to inquire of the BIA regarding how it is allocating funds and to explain which increases have not been shared equally with Self-governance tribes (one example of this is in law enforcement).

**Santa Clara Budget Matters Illustrative of National Concerns.** The following budget issues are specific to Santa Clara Pueblo, but are representative of budget issues that are faced by many other tribes.

- **Investing in Indian Country Energy Development - Energy and Transmission Development at Santa Clara.** Santa Clara has been approached by a number of companies with regard to proposed transmission and energy development projects. Santa Clara is now submitting grant applications to fund various feasibility studies for these projects, which include possible expansion of an existing transmission corridor, as well as such energy generation projects as geothermal, waste to energy, solar and biomass. Santa Clara has recently met with both the Department of Energy Office of Tribal Affairs and the BIA Office of Indian Energy and Economic Development. Santa Clara found both offices to be very helpful and encourages increased funding for these programs.
- **Investing in Health Facilities - Planning for a new Santa Clara Health Clinic.** Santa Clara desperately needs a new and expanded health clinic. The health care crisis that afflicts many Native populations throughout the United States is particularly severe in New Mexico. Of 20 indicators of health disparities among racial and ethnic groups in the state, American Indians in New Mexico have the highest (worst) disparities in many areas, including rates of death two or more times higher than other groups related to alcohol, diabetes, late or no prenatal care, motor vehicles, youth obesity, and youth suicide. Ironically, overall funding for the Albuquerque Area is 1/3 less than the national IHS average. Severe overcrowding is further compromising care at the Santa Clara Health Center. Santa Clara does not believe that the Indian Health Service has the funding to pay the cost for constructing a new facility and so it plans to finance its own facility if necessary. However, Santa Clara needs development funding for planning and design. Congress should support funding for more hospital construction and also continue to support and provide favorable grants and loan and loan guarantees for tribes that seek to construct their own facilities.
- **Investing in Irrigation Infrastructure - Rio Grande Pueblos Irrigation Infrastructure Improvement Act Funding.** Congress enacted the Pueblo Irrigation Infrastructure Act as Section 9106 of the Omnibus Public Land Management Act of 2009, Pub. L. 111-11. That Act directs the Secretary of the Interior to conduct a study of the irrigation infrastructure of the Rio Grande Pueblos. It also authorized the funding of projects to correct deficiencies identified by that study. Notably, the Bureau of Reclamation and Bureau of Indian Affairs already compiled a Year 2000 Report entitled, “Pueblo Irrigation Facilities Rehabilitation Report” on the desperate deterioration of the

ancient systems of the Rio Grande Pueblos. Santa Clara Pueblo's Irrigation System consists of 14 miles of earthen and concrete-lined canals that have continued to be in operation since the early 1300's. The implementation of this Act will favorably affect Pueblo traditional lifestyle and culture, which for hundreds of years has been based on agriculture and irrigated lands. Santa Clara is currently looking at the redesign of the first four (4) miles of our main canal that supplies irrigation water to the majority of our farm lands. The design is complete; however, we lack the resources to complete the project in its entirety until Congress funds this Act.

- **Investing in Elder Care - Completion of the Santa Clara Pueblo Adult Day Care Center.** There is a rapidly growing elder Indian population. In late 2009, the Santa Clara Pueblo completed construction of a 10,800 sq. foot regional adult day care center that will be able to serve a growing population of tribal seniors from the Eight Northern Pueblos, as well as local residents who may be afflicted with anything from dementia, Alzheimer's, mental illnesses or other frailties. For Pueblo residents and local community members, the center holds out the promise that they will not have to leave the reservation (or local community) for treatment, experiencing separation from their families and friends and sometimes culturally inappropriate care. To get the program operational, the Santa Clara Pueblo would need the following multi-year funding (all inclusive of salaries, utilities, furnishings, supplies, training, travel, etc.): Year One: \$305,033; Year Two: \$331,158; Year Three: \$360,750.
- **Investing in Wastewater and Water Infrastructure Improvements - The Pueblo of Santa Clara Wastewater Systems are in an Advanced State of Decay and threaten community health and the water quality of the Rio Grande.** The majority of the Santa Clara Pueblo is served by a wastewater collection system comprised of old 4" terra-cotta sewer pipes, which convey wastewater to a series of lagoons located south of the Main and South Villages, north of the Rio Grande. This system was largely constructed in the 1960s and 1970s. Additionally, some residents are only served by aging septic systems. Notably, the lagoon "treatment system" has been a long-time source of problems. Liners are frequently damaged and are costly to replace. Sampling and analysis of ground water from monitoring wells has revealed contamination due to leaching of wastewater through the lagoons. Groundwater impacts in this area will likely also impact the surface water quality of the Rio Grande. Secondary and advanced treatment of wastewater via a modern wastewater treatment facility is needed for the health of both the Pueblo and the surrounding environment. The Pueblo is seeking resources for the design and subsequent construction of the Wastewater Collection System and Treatment Facility Improvements. These improvements would incorporate removal and replacement of existing vitrified clay sewer pipe with PVC pipe, removal and replacement of existing manholes, installation of new collection sewer lines, manholes, lift stations and force mains, and installation of a new state-of-the-art wastewater treatment facility. The collection system improvements can be divided into two phases: Phase I for the Main, East, West and Guachupangue Areas and Phase II for system extensions and interconnection of the South Areas. *With regard to* water systems, the Pueblo is in Phase II of a three-phase project to replace our antiquated water systems. The Pueblo has received over \$2.2 million from the State of New Mexico and has contributed tribal matching funds. The Pueblo is seeking Federal resources for this project, and is approaching the USDA Rural Development program.

- Espanola Valley Watershed Feasibility Study Funding and WRDA Cost-Share Waiver.** The purpose of the Espanola Valley Feasibility Study is to address ecosystem restoration and critical health and human safety concerns specifically flood protection and flood reduction measures along all of Espanola River Valley from southern border of San Ildefonso Pueblo to northern border of Ohkay Owingeh including Santa Cruz River up to Santa Clara Boundary and Santa Clara Creek up to irrigation inlet (7 miles Santa Clara Creek). The project includes Santa Clara, Ohkay Owingeh, & San Ildefonso Pueblo. The partnership for this study is unique as it is the first time in the history of the United States that three Tribal Governments have joined together. The sponsors are not only working to accomplish their own shared health and human safety concerns (flood protection/flood reduction) and environmental restoration goals, but are addressing the health and safety and environmental restoration for all communities in the project area. To date the Pueblo sponsors and US Army Corps of Engineers have completed work on an existing conditions report that includes: Comprehensive hydrologic, hydraulic, and geomorphic modeling, detailed mapping of the project area, analysis existing conditions for: flood hazards, soils, geology, channel stability/instability, sediment generation/deposition, infrastructure/property, habitat, wetlands, land use, and environmental studies to characterize the project area and develop the baseline data for any potential ecosystem restoration. The estimate project cost of the Espanola Valley GI Feasibility Study is approximately \$4.3 million with 50 percent federal and 50 percent non-federal. To date the Pueblos have met their cost share obligations with in-kind and cash contributions. The Project has been well received by the US Army Corps of Engineers and US Congressional Delegation and has been identified as a priority project for funding.
- BIA Real Estate Services.** It has become evident to Santa Clara that the Real Estate Services of the BIA are inadequately funded. These services address cadastral surveys, lease compliance and energy and mineral development issues. For Santa Clara, which is engaged in a boundary dispute and is working on important easement issues, the cadastral survey issue is particularly important. The funding available is probably one quarter of what is needed. Interior has insufficient funds to meet the need for administrative and technical functions that support pending projects associated with critical transactions for many Tribes. In the Southwest Region, there are something like 138 pending requests from 24 Tribe & 1 Chapter.
- Passing the Carcieri “Fix.”** The problems caused by the Supreme Court’s decision in *Carcieri v. Salazar* do not directly affect Santa Clara, which was clearly “under Federal jurisdiction” in 1934 for the purposes of that decision. However, it is still important that this holding be overturned by Congressional legislation. The President has included Carcieri “fix” language in his FY 2012 budget, and this Committee strongly supported “fix” language in the last Congress, including it within the FY 2011 appropriations bill. Passing this legislation will prevent numerous jurisdictional and other uncertainties that would hamper many of our fellow tribes.

**Conclusion.** Thank you for this opportunity to present the Budget perspective of the Santa Clara Pueblo. Please do not hesitate to contact me if the Subcommittee should require any further information.

**DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL (DCGS)**  
**Navajo Nation, Bloomfield, N.M.**

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Testimony of Faye BlueEyes, Program Director  
Regarding  
Bureau of Indian Education Fiscal Year 2012 Budget  
Before the House Interior, Environment and Related Agencies Appropriations Subcommittee

**May 3, 2011**

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Mr. Chairman and Members of the Subcommittee:

**Request Summary:** My name is Faye BlueEyes, and I serve as the Program Director for the Dzilth-Na-O-Dith-Hle Community School ("DCGS") on the Navajo Reservation in Bloomfield, New Mexico. My testimony is submitted on behalf of the DCGS School Board and Mr. Ervin Chavez, its President, and will focus on three areas of particular concern to our School in the Fiscal Year ("FY") 2012 funding requests for the Bureau of Indian Education ("BIE"). Specifically DCGS is requesting the following:

1. For the BIE, funding for Tribal Grant Support Costs in the amount of \$72.3 million to fully meet the indirect costs incurred by all tribally operated schools.
2. For the BIE, to restore \$60.9 million in reductions to the Facilities Construction and Repair Account.
3. For the BIE, provide \$109.8 million in facilities operations and \$76 million in facilities maintenance as recommended by the National Congress of American Indians in its Budget Requests.

**Background:** DCGS is located in Bloomfield, New Mexico, approximately 170 miles northwest of Albuquerque within the boundaries of the Navajo Indian Reservation. Bloomfield has an estimated population of 7210, with a per capita income of \$14,420, and a median family income of \$34,760. DCGS is a tribally controlled grant school primarily funded through appropriations received from the BIE, and pass-through funding from the Department of Education. Our school, which has been in continuous service since 1968, operates a K-8 educational program, and a dormitory program for students in grades 1-12. Residential students in grades 9-12 attend the local public school. Currently, 200 students are enrolled in our academic program, and 51 students are housed in campus dormitories. Our all-Navajo Board operates the DCGS through a Grant issued by the BIE under the Tribally Controlled Schools Act. Our mission at DCGS is to make a difference in the educational progress of our students and we believe that all of our students are capable of achieving academic success. DCGS, however, has struggled with chronic underfunding of virtually each and every one of its educational and related programs: in the Indian School Equalization Formula ("ISEF") which is the key budget account for the academic program; in our student transportation funding; in the administrative grants given to fund the expenses needed to operate our program, now known as "Tribal Grant Support Costs" or "TGSC"; and in our facilities operation and maintenance accounts. In

addition, our school facilities' conditions have consistently been rated as "poor" by the BIE. Though we operate with authorization from the Navajo Nation, we are a separate "tribal organization." Thus, when we do not receive adequate funding, we have nowhere to turn to make up the difference and our academic mission is jeopardized.

Quite illogically, spending for Indian education programs is considered a "discretionary" part of the federal budget. To the contrary, adequate funding for these programs is absolutely critical, and must be considered a bipartisan priority. While we all recognize that the FY12 budget is being considered in a time of great economic and fiscal challenges, please do not forget that the Indian school system has been historically underfunded, the facilities within which it operates have long been neglected, and we simply cannot continue to absorb more and more draconian budget cuts. With all of these factors in mind, we address our funding priorities below.

**Request No. 1: Funding for Tribal Grant Support Costs in the Amount of \$72.3 million**, in contrast to the \$46.3 million in the FY12 Budget Requests. This is the amount calculated by NCAI and others as necessary to fully fund the indirect cost requirements of current tribally-controlled schools plus provide \$2 million in start-up funds for newly converting schools. The FY12 budget requests no funding dedicated to costs incurred by new schools.

"Tribal Grant Support Costs" or "TGSC", formerly known as Administrative Costs Grants, are funds provided to tribally-operated Schools by the Federal Government to cover the administrative or indirect costs associated with the operation of a School. This funding is applied to the costs of payroll, accounting, insurance, background checks, and other legal, reporting and record-keeping requirements, including the preparation of required annual audits. TGSC are appropriated in a lump sum and then awarded to individual schools after application of a complex statutory formula that divides the available funding among eligible recipients. Currently, 124 of the 183 BIE funded schools are operated by tribes or tribal school boards. In FY10, the funding available for TGSC met only 61% of the need of the schools, the lowest rate to date. The BIE estimates that the \$3 million increase requested for TGSC for FY12 will fund 65 % of need, but with the ever increasing number of reporting and other requirements placed on tribally operated schools, the ever rising costs of personnel, and the likelihood that the pool of schools among which the funding is divided will increase in FY12 by several schools, we believe that the 65% projection is highly optimistic.

The consequence of insufficient TGSC means that we constantly absorb more and more administrative expenses and scale back on prudent management activities. We have had to reduce our management staff to the point that our ability to maintain prudent internal controls and checks and balances is compromised, and money has to be diverted from important academic programs. In contrast to the grossly inadequate funding for the administrative costs incurred by school contractors, non-school BIA and IHS contractors have been the recipients of significant increases in contract support funding. Tribally controlled schools have received *no* increases in funding since FY04, yet the FY12 budget requests an increase of \$25.5 million to fund CSC for BIA non-school contractors (with an additional \$2 million for new contractors) and a \$50 million increase for IHS contractors, in addition to generous increases received in the FY10 enacted budget. This disparity in funding is unexplained and indefensible.

**Request No. 2: Restore \$60.9 million dollars to the Education Construction account.**

The FY12 Budget Request would place a freeze on "new construction" and would defer replacement facilities construction to place more emphasis on repairing critical building deficiencies. This reduction in funding has been justified by the Department in light of the "substantial investment" made in Indian Schools and detention centers under the Recovery Act, funding for which will be phased out in FY12. Despite this so-called "substantial investment, the reality remains that 66 of the 181 schools for which BIE is responsible are rated in "poor" condition on the Bureau's "Education Facility Condition Index for Fiscal Year 2011", an increase of two schools from December 2009, when the last listing was published. NCAI, in its FY12 budget requests estimated that it would take \$263.4 million just to keep pace with the growing need for facility construction and repair, and yet the budget requests *no* funds for construction, and only \$13.8 million to address critical repair needs. DCGS's facilities are rated as "poor" by BIE with an estimated \$19,141,580 in estimated replacement cost, with a deferred maintenance backlog of \$7.7 million dollars. Our buildings are more than 40 years old, with serious deficiencies in our aging electrical, heating and cooling and plumbing systems. We have to continually cope with major problems such as leaking sewer lines under the school; and in November 2009 we discovered a major leak in an underground gas line which threatened to cause an explosion at the school, which then had to be closed for two weeks so the gas company could perform the extensive excavation work needed to do repairs. Just recently, the electrical panel in our gymnasium caught fire and had to be disconnected. Because the gymnasium does not have a sprinkler system, we were fortunate to catch the fire as early as we did and avoid serious damage to the building.

The Bureau has a process for evaluating school construction projects and placing them on a priority list for funding. No new projects, however, have been added to the list since 2004, and DCGS has not had the opportunity to make its case for a replacement school. For these reasons, we urge Congress to direct BIE to reopen the process by which BIE-funded schools can submit applications for replacement school construction projects. We also urge Congress to restore the \$60.9 million to the school Construction account. While this is a far cry from the amount needed to fully address the needs of tribally-operated schools, it will permit some progress in addressing the often dire conditions in which our students attend school. To be frank, no other parents across America would accept the conditions under which Indian children attend school every day.

**Request No. 3: Funding for Facilities Maintenance in the amount of \$76 million and Facilities Operations in the amount of \$109.8 million.** As reported by the Government Accountability Office, more than 50 per cent of BIE school buildings are more than 30 years old, and 20 per cent are more than 50 years old. It stands to reason that in order to extend the useful life of BIE's education buildings adequate funding for ongoing and effective maintenance must be provided. This funding is needed to provide preventative, routine, and unscheduled maintenance for all school buildings, equipment, utility systems, and ground structures. The deferred maintenance backlog for BIE's school buildings, as reported by BIE for Fiscal Year 2011, however, is well over \$250 million; yet BIE has requested only \$50.7 million for facilities maintenance in the FY12 budget, a mere fraction of what is required to make a significant dent in the maintenance backlog.

Facilities operation funding covers ongoing operational expenses such as payment for electricity, heating fuels, communications, ground maintenance, vehicle rental, refuse collection,

water and sewer service, fire and intrusion monitoring, among other functions. NCAI has calculated that facilities operation expenses are currently funded at only 46% of need. Yet, BIE has requested only \$58.7 million for FY12, a decrease of \$751,000 from the FY10 enacted amount, despite the fact, as we are all aware, the cost of these essential services, particularly the cost of electricity and heating costs continues to escalate.

The decision to eliminate all funding for new or replacement school construction, while failing to otherwise address the very real health and safety risks that can be reduced by adequate facilities maintenance funding seems shortsighted to say the least. Further, Congress must recognize that when the BIE fails to fund facilities operation costs at a realistic level, small, preventable problems become bigger and more expensive to address, and in emergency situations, school funding must be diverted from other programs to meet these needs. In light of these realities, NCAI's proposal of \$76 million for facilities maintenance and \$109.8 million in facilities operation funding, is but a modest first step in addressing these long-neglected needs.

### Conclusion

Lawmakers on both sides of the aisle have endorsed the education of our children as one of our highest national priorities, through the provision of better teachers, better instructional materials, appropriate facilities, and more innovative opportunities. Good education costs money, and it is our hope and expectation that Congress will recognize the tremendous needs that exist in our BIE-funded schools, the potentially disastrous impact of budget reductions, and the need to address the historic underfunding of our school system. Please join us in supporting a quality educational program for all our students. We are grateful for any assistance you can provide.

Respectfully submitted,

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**Ben Shelly, President -Navajo Nation**

**Before the House Appropriations Committee:  
Subcommittee on Interior, Environment and Related Agencies**

Washington, DC – May 3, 2011 (Rescheduled from April 12, 2011)

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Mr. Chairman and Members of the Subcommittee:

Ya'at'eeh Abini'. Good morning everyone, Ashini' shi ke' doo shi dine', I am Ben Shelly, President of the Navajo Nation, I am 3 ½ months into my administration and we have been in the process of making drastic changes to improve services to our Navajo people. Our priorities include economic/infrastructure development, energy, health, public safety, and education, in which we request to receive adequate funding from the Bureau of Indian Affairs (BIA), Abandoned Mine Lands program (AML), Water Development programs, and Pell Grants and Carl Perkins funds.

**Navajo Nation Background**

It is a new beginning for our Navajo Nation and people, and we have started to restructure and streamline a solid foundation for our future generations. The Navajo Nation has about 275,000 tribal members living on about 27,000 square miles of land within the boundaries of Arizona, New Mexico, and Utah. The Navajo Nation has existed since time immemorial. Our Nation maintains a government-to-government relationship with the United States, which has been recognized since the *Navajo Treaty of 1868*. Some of the compromises in the Treaty required the Navajo people to settle within the boundaries of the Navajo reservation, and to quit warring with the military and western explorers. In exchange the federal government agreed to provide health services, educational services, protection, and farmlands to benefit the Navajo people.

**Supporting Infrastructure, Energy Development, and Job Creation**

Economic and Infrastructure Development will help support job creation. This development will include improving roads, connecting water and sewer lines, and electricity to homes. Community development includes health services, emergency and homeland security services, which needs continued funded to provide these basic services. Many Navajo people struggle with the ills of poverty that place the reservation among the lowest brackets of socio-economic indicators for any region in the United States. Data indicates that 48% of the Navajo people are unemployed and 40% have incomes below federal poverty levels.

With continued funding, Navajo Agricultural Products Industry (NAPI) will continue as a viable agronomical farm and feedlot operation. The 2012 budget reduced funding for the Navajo Indian Irrigation Project (NIIP). NIIP still needs \$500 million to complete the project and cover other expenses. Funding this project was part of the promise the federal government made through P.L. 87-483 to fund NIIP.

The Navajo-Gallup water pipeline will support Navajos to becoming self-sufficient again through farming. We will take a multi-level approach to begin infrastructure development and capitalize on our energy resources to meet Navajo people's needs, and supplement the United States' energy needs. Several energy options are at our disposal, and they include renewable and non-renewable natural resources like large reserves of coal, oil and natural gas.

### **Support the Hospital Facilities Construction Priority List**

Basic health care services are critical in our remote and populated areas. An urgent, long-term necessity is in Hospital Facility Construction. The Navajo Nation has five projects on the existing priority list that exceed, in total, one billion dollars. Funding shortfalls will delay the building of these needed projects. The Navajo Nation has a large hospital facility, Gallup Indian Medical Center, which was cited by the U.S. Commission on Civil Rights as an "utter disaster," because it requires \$600 million to build the facility. Other hospitals and clinics need an additional \$500 million in appropriations to build facilities. These priority sites include Winslow-Dilkon, Kayenta, Pueblo Pintado, and Bodaway-Gap.

### **Public Safety and Justice Services**

Our Courts and Law Enforcement programs need to be funded at adequate levels to make our communities safe and prosperous. We require to be funded at 100%, which is approximately \$55 million, from the Bureau of Indian Affairs to fully staff our police force. The reservation is nearly 27,000 square miles with only 290 officers to cover this large area on 24 hours on 7day shifts. Right now, there is one law enforcement officer that provides safety services for every 1,000 residents and covers up to 5,000 square miles. We need additional highly trained officers to support our cross-deputization efforts with partners like the state police and county sheriffs. The President's 2012 budget includes major construction cuts to facility replacements and employee housing. There is still substantial need to replace old, dilapidated jails and employee housing.

### **Education**

The President's 2012 replacement facility and school construction programs were eliminated. The Navajo Nation has many run down schools that demand replacement. These facility construction line items should get funding restored to the 2010 levels.

Annually, the Navajo Nation Scholarship Office receives 11,000-14,000 applicants, and only half are awarded to assist with higher education costs. Currently the Navajo Nation Scholarship Office is requesting for an additional \$25 million from BIA. The restoration of Pell Grant, Carl Perkins grants and other educational grants will ensure the Navajo Nation contributes educated, tax-paying citizens to the American workforce.

### **Conclusion**

The world and the United States are in a financial crisis, and this trend is likely to continue for several years to come. The Navajo Nation is thinking bigger to meet the demands of social, economic, and environmental issues for our people. Our Nation is one of the largest, and we do big things to assist our homeland, just as our Navajo Code Talkers contributed to the security of military operations by using the Navajo language in the 1940's and 1950's. We will continue to collaborate with our partners and neighbors to accomplish our goals to benefit the Navajo people.

The needs are great for the Navajo Nation, but the development of our Nation will be a support to the global and United States economies. Since the federal budget for FY 2011 is being drastically cut in various areas, most likely with discretionary funds, I request that this sub-committee and other members of Congress, hold the Navajo Nation and other Native Nations harmless from additional budget cuts for FY 2012. Aheehé', Thank you.

**Testimony of Rodger Martinez, President  
Ramah Navajo Chapter-Ramah Band of Navajos  
Given by Martha Garcia**

**CONGRESSIONAL TESTIMONY**

**Submitted to the US Congress:**

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENTAL  
AND RELATED AGENCIES  
FY 2011 FEDERAL BUDGET REQUEST FOR:  
BUREAU OF INDIAN AFFAIRS (BIA)**

**May 3, 2011**

Mr. Chairman and Members of the Subcommittee:

My name is Rodger Martinez, President of the Ramah Band of Navajos; Martha Garcia will be presenting on my behalf due to my prior commitment that conflicted with the reschedule hearing date. We are pleased to present this testimony on the Department of the Interior-Bureau of the Indian Affairs FY 2012 Budget. Our testimony today focuses on the need for additional appropriation of \$2,670,061.00 for FY 2012 to address the unmet needs of the Ramah Navajo Community as follow:

- 1) **REQUEST: BIA-OJS Funding for the Operation and Maintenance of the Detention Facility. \$1,815,610.00 .**
  - a) FY-2012 funding to increase detention staff and Start Up costs based on projected needs of Ramah Navajo Chapter's operation and maintenance of a new Detentions Facility.
  - b) That it be made part of the recurring funds under the Ramah Navajo Chapter's Correction Department annual funding agreement (AFA) with the Bureau of Indian Affairs.
  
- 2) **REQUEST: BIA Funding for Natural Resource Training Facilities. \$600,000.00**
  - a) Funding to complete the Agricultural complex in the amount of \$400,000; and
  - b) Increase staffing and operation in the amount of \$200,000 and to become part of recurring fund with the Bureau of Indian Affairs.
  
- 3) **REQUEST: BIA Funding for Real Estate Unmet Infrastructure needs: \$255,000.00,  
*This request is in process and if all goes well it will be in place by July, 2011.***

- a) Four (4) Fire Proof Filing Cabinets: \$5,000.00; and
- b) Real Estate Services Building; 4-5 office space, meeting & filing room: \$250,00.00

**Introduction:**

The Ramah Band of Navajos is located in west central New Mexico, geographically separated from the Navajo reservation with a population of approximately 3,500 members. The community consists of approximately 18 X 30 miles of "checker board" land status that includes trust land, state land and private fee land. The Ramah Navajo community is surrounded with approximately 1200 non-Indian residents throughout the community. The Ramah Navajo Chapter is one of the 110 chapters that make up the larger Navajo Nation. Due to its geographical location, in 1984 the Ramah Navajo Chapter with the authorization of the Navajo Nation successfully contracted and operates a number of programs under P.L. 93-638 Indian Self Determination and Education Assistance Act including; Natural Resources/Agriculture, Forestry, Law Enforcement/Detention, Real Estate Services, Transportation, Facilities Management, and Water Rights and Community Planning programs. The Ramah Band of Navajos has been successfully contracting these and other educational and health programs for over 30 years in which time a government to government relationship has evolved and is recognized by the Federal government as such.

**1. Detention Facility:**

*History:* The current detention facility was constructed in 1975 with State of New Mexico LEA funds, as a temporary holding facility. It is a tribally owned building so no operations and maintenance dollars are received from the Bureau of Indian Affairs. The facility is comprised of approximately 2,384 sq. feet, which includes male and female cell, dispatch room, kitchen, booking room and three administrative offices. Due to a Consent Decree issued against the Navajo Nation jail facilities, inmates from our community are no longer being accepted by the Navajo Nation detention facilities, which forced us to house long term inmates only on short term basis. The current detention facility does not meet the BIA Standards for Adult Detention facility, but we have no choice but to continue to utilize the holding facility, which was design to holds four (4) male inmates and two (2) female inmates. Due to no other choice, it's been holding over that limit endangering inmates and staff. There are no secured cells for segregations, detoxification, visitation or recreation.

*Current:* Over the years, the Ramah Navajo Chapter has submitted proposal requesting for construction funds to build a detention facility that will meet the needs of the community. We submitted the TARP Recovery Act Correctional Facilities proposal to the Department of Justice and were awarded a grant of \$3.8 million on September 21, 2009. A new detention facility will be built by 2012. We are working to staff the detention facility with certified corrections personnel as required by law. The FY 2012 Appropriations Request for Indian Affairs, Public Safety and Justice under Detention/Corrections has proposed 10.4 Million to address staffing shortages at detention facilities which includes tribally funded P.L. 93-638 positions.

**FUNDING REQUEST FOR BIA Funding for the operation and maintenance the Detention facility in the amount of \$1,815,610.00 which will cover the following:**

- a) **Increase detention staff based on projected staffing, operation and maintenance needs of new Detention Facility:**

- **Fifteen (15 FTE) Corrections officer,**
- **1.7 cooks, One**
- **(1 FTE) full time Detention Director Position**
- **(1) Assistant Administrator,**
- **(3) Sergeants and**
- **(1) Custodian**
- **Training, equipments, supplies, Uniforms, Insurance, Annual Operation O&M.**
- **Food for inmates.**

c) **Start up cost including Furniture FF&E and Transition Cost.**

d) **That it be made part of the recurring funds under the Ramah Navajo Chapter's annual funding agreement (AFA) with the Bureau of Indian Affairs.**

## **2. Funding for Natural Resource Training Facilities.**

The Ramah Navajo Chapter has initiated a plan to establish a Ramah Navajo Chapter Agriculture Center within the Ramah Navajo community. There are over 3000 Ramah Navajos, and another 2000 Navajo and other tribes and up to 1000 non-natives that will benefit from this project. The purpose of the facility is to centralize education through trainings and workshops by bringing together various instructional resources on livestock and agriculture. The Ramah Navajo Chapter will re-assess production goals factoring in cultural and economic values and opportunities, develop quality and uniformity in livestock, re-assess our land uses and develop plans to accommodate our future plans. Intangibly, this facility will add value to livestock and agriculture production. This emphasizes the fact that raising livestock and living off the land are just as important to the Ramah Navajo people today, and in the future, just as it was in the past.

The Navajo traditional lifestyle has always promoted "Green"; incorporating its agriculture and livestock best practice measures that will protect and conserve "Mother Earth." With better education through training and workshops, the community members will benefit by relearning to live a healthy lifestyle through raising and producing a majority of their own food and meat for their families and others. The staff will be able to incorporate a better tracking system for all the groups they work with, including the 4H Club, the Pine Hill Schools FFA, the Healthy Gardening Program and the elders who have worked alongside youth in teaching traditional practices.

We received \$150,000 from the State of New Mexico towards this project. The FY 2012 Appropriations Request for Indian Affairs, Trust-Natural Resources; Management *Rights Protection Implementation* – \$1 million increase is requested, for total funding of \$29.6 million to increase support to Indian organizations and programs in developing conservation management plans and codes. We request support for the requested increases.

**Ramah Navajo Chapter funding request is in two folds totaling \$600,000.00.**

a) **A onetime request to complete the Natural Resource Training facilities in the amount of \$400,000.**

**b) Recurring funding to increase staffing and operation for the Natural Resource Program in the amount of \$200,000.**

**3. Real Estate Unmet Infrastructure Needs;**

The Ramah Navajo Chapter, Office of Grants and Contracts and Real Estate Services Program worked to meet the demands and mandates of the Trust Management Reform initiative within the Bureau of Indian Affairs and Office of Special Trust. The request includes additional funding for a new building that shall be secured to prevent fire and theft of new and original trust records. We are sharing this building with another program and we are very overcrowded leaving no room for confidential meetings, no filing or meeting room. Our current building is rodent infested, due to shifting and cracking foundation which also allows reptiles to crawl into the walls of the building. This request has been presented numerous times to the BIA to assist with funding to cover the much needed infrastructure and equipment. *Note: The Ramah Navajo Agency is moving forward to address the need for the Real Estate Building. A portable Classroom type building will be relocated to Ramah Navajo Chapter site by mid July, 2011.*

**Funding Request for Real Estate Unmet Infrastructure needs in the amount of \$255,000:**

**a) Four (4) Fire Proof Filing Cabinets: \$5,000.00**

**b) Real Estate Services Building; 4-5 office space, meeting room & filing room: \$250,00.00**

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In closing, the Ramah Navajo Chapter has been very successful in operating programs under the P.L. 93-638 and has been meeting the needs of the Band of Ramah Navajos. We value the funds that are appropriated by Congress that has made a difference in the lives of our people. The Ramah Navajo Chapter appreciates the continued support of Congress as it strives to make funding and laws available for Indian Nations and their organization to provide services to their people. We would be happy to provide you with further information on any of the foregoing projects.

Respectfully Submitted:

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**Nancy R. Martine-Alonzo, President  
Board of Trustees, Ramah Navajo School Board, Inc.  
Ramah Navajo Reservation, Cibola County, Pine Hill, New Mexico**

**CONGRESSIONAL TESTIMONY**

**Submitted to the United States Congress:  
HOUSE APPROPRIATIONS SUBCOMMITTEE ON  
INTERIOR, ENVIRONMENT AND RELATED AGENCIES**

**FY 2012 Federal Budget Request for:  
BUREAU OF INDIAN AFFAIRS (BIA) / BUREAU OF INDIAN EDUCATION (BIE) &  
INDIAN HEALTH SERVICE (IHS)**

**MAY 3, 2011**

Mr. Chairman and Members of the Subcommittee:

**Request Summary:** On behalf of the Board of Trustees of the Ramah Navajo School Board, Inc., we are requesting funding to address the education needs of American Indians and Alaska Natives on the national level, and also the more specific education and health needs of the Ramah Navajo Reservation in Cibola County, at Pine Hill, New Mexico. Specifically, we are requesting Congress to: (1) Direct the Bureau of Indian Education (BIE) to reopen the Replacement School Construction Priority process to solicit new applications, or – in the alternative – appropriate \$5.6 million for replacement of Ramah Navajo Elementary School building. (2) For the Indian Health Services (IHS), \$3.45 million for a Ramah Navajo Elder Community Center. (3) For IHS, \$2.55 million for the Ramah Navajo School's water well and sewer system. (4) For BIE, continue the funding to support American Indian tribal colleges. (5) For the BIE, funding for "Tribal Grant Support Costs" in the amount of \$72.3 million to meet the indirect cost needs of all tribally-controlled schools. (6) For BIE, funding for the Indian School Equalization Formula (ISEF), the core academic budget, in the amount of \$431 million.

**Background.** The Ramah Navajo School Board, Inc., established in 1970, governs the K-12 Pine Hill School (a federally funded BIA/BIE school), the Pine Hill Health Center and over 30 other school and community programs on the Ramah Navajo Reservation in Cibola County, at Pine Hill, New Mexico. We have the distinction of operating the first Indian-controlled health clinic and the first Indian-controlled high school in the country. The Ramah Navajo School Board serves the 4,000-plus members of the Ramah Band of Navajo Indians, and on their behalf, I want to thank you for the commitment and support you have provided to our community over the past 40 years. The Ramah Navajo people are well aware of the current fiscal climate in our country and the many difficult decisions that must be made to restore economic prosperity for all Americans. That being said, the Federal Government, through the BIE and IHS, has an historic and long-standing trust responsibility to the health and well-being of American Indian communities such as Ramah Navajo, who, long before the current economic downturn, struggled to provide to their members basic services, such as education and health care. The BIE school system, for example, has long been underfunded, and the FY12 proposed budget falls far short of remedying this state of affairs. Given the importance of education to the future viability of our community, we hope that the Congress will recognize and address the very real funding needs of

our tribally-operated school. Ramah Navajo, one of the most remote communities in the country, faces unique challenges and must receive continued funding to operate its facilities and provide essential community-based programs. With all these factors in mind, we unequivocally support the FY12 budget requests prepared by the National Congress of American Indians (NCAI) for BIE-funded school programs, and in particular, the request for realistic funding for Tribal Grant Support Costs and the ISEF program. Ramah Navajo also has three community requests for which it seeks your support.

**Request No. 1. Direct BIE to Reopen the “Replacement School Priority List” and/or Appropriate \$5.6 Million Needed to Replace the Ramah Navajo Elementary School Building.** The Federal government, through the BIE, is responsible for facility operations and maintenance for all buildings on Ramah Navajo's K-12 Pine Hill School campus. The Elementary School (building #803), which opened in 1975, has served our community for the past 35 years. In August 2010, however, it was discovered that this building has sustained serious water damage, mold growth and insect infestation. The consulting engineers have recommended the replacement of all exterior walls, the roof, and interior finishes. In replacing the exterior walls, it would be also be necessary to remove and replace plumbing and electrical equipment. Given the extent of the major renovation needed to bring the building up to a safe and usable condition, it has been recommended that the building be demolished, and a new Elementary School building be constructed in its place. In the meantime, the Elementary School Building has been sealed closed due to the structural defects (e.g., the roof is on the verge of collapse in some locations), and also the high concentrations of mold in the building. As a result, our 300 Elementary School students are housed in other school buildings. In addition to the concerns about the physical plant, the current situation adversely impacts our entire education environment; raises concerns about overcrowding and student health and safety; and limits our ability to expand our student enrollment. We have an *emergency need* for a new Elementary School building, and the BIE has a process for evaluating school construction applications and ranking them on a priority list for funding. However, six years have passed since the BIE has added any new schools to the Replacement School Construction Priority List. And since Ramah Navajo does not have any other way to make its case for a replacement Elementary School building, we are left with an uninhabitable Elementary School building. The FY12 proposed budget includes *no funding* for replacement school or facility construction. This would inflict severe hardship on schools, such as Ramah Navajo, who now face a critical need for replacement facilities. **Therefore, we urge Congress to direct the BIE to reopen the competitive process by which Indian schools can submit applications to justify their requests for replacement school construction. Alternatively, and given the Administration's proposed freeze on "new construction," we urge Congress to direct BIE to identify funding from the Facilities Improvement & Repair account to immediately redress our critical building deficiencies so that our school can be fully utilized once more.**

**Request No. 2. Appropriate \$3.45 Million for a Ramah Navajo Elder Community Center.** There is a great need in the Ramah Navajo community for an Elder Community Center to be located near the Pine Hill Health Center on our school campus so elders can have a center dedicated to their needs. Our community is spread out over 625 square miles with only one paved road. Family hogans and houses are geographically remote, raising concerns about the well-being of our elders. Approximately 480 residents over 65 and another 905 between the ages of 50 and 64 are seen at the Pine Hill Health Center. Although some of our elders qualify for

part-time care takers through Medicaid to help with the functions of daily living, most of our elders do not, leaving them vulnerable to many unmet needs, such as accidental falls, taking care of personal finances, bathing, cooking and hot meals, and other elderly needs.

The Pine Hill Health Center has received an IHS Elder Initiative grant to conduct a comprehensive survey of our elder community covering everything from personal needs assessments, home safety and environmental assessments, thorough physical exams and a community evaluation and survey of elder needs. This study shows that the community is very much in need of an Elder Community Center that will address the needs of our elders, including, but not limited to, health care, nutrition, education, intergenerational social activities in conjunction with the school, and space to train local caregivers. As the median age of our population rises, as our IHS-funded survey confirms, this community will increasingly require a facility where services to this growing and vulnerable population can be provided. The Ramah School Board officials have met with the IHS Area office to discuss this need. We are beginning the process to get this project on the IHS priority list, but have been told that it is probably a 20-year waiting period. This is unacceptable to us and to our elders.

**Request No. 3. Appropriate \$2.55 Million for the Pine Hill School Water Well & Sewer System.** The Pine Hill School Water Well & Sewer System, constructed in the early 1970s, was originally intended to serve only the new Pine Hill School and housing units for the school staff. Over the past 37 years, the Board of Trustees has added numerous other buildings and facilities for school and community programs. The Water & Sewer System also serves non-Ramah facilities, such as the Pine Hill Market, and provides clean water to nearby community housing projects (70-plus units). We seek funding for a new water and sewer system through the IHS Sanitation Facilities program. The funds requested are essential for the health and safety of our students, teachers, and housing residents. At this time, our west sewer lagoon does not comply with applicable U.S. Environmental Protection Agency laws and regulations, so we urgently need to bring the lagoon into compliance. The funds sought for this Project will also be used for the design and construction of a new 8-to-10-inch sewer line main from the school campus to the sewer lagoon, and for the upgrade of the well, which is the principal source of water for our school campus.

**Request No. 4. Continue funding to support American Indian tribal colleges throughout the country.** Since the threatened cuts to the BIE budget to support American Indian tribal colleges throughout the country will end the hopes of thousands of American Indians for a college education and skilled, living wage jobs, especially for their own tribes, we urge Congress to continue the critical funding for these colleges at least at the same level as it did in the budget for the last fiscal year.

**Request No. 5. Increase Tribal Grant Support Costs (TGSC) for Tribally-Operated Schools to \$72.3 Million.** TGSC, formerly known as administrative cost grants, cover those indirect/administrative costs incurred by tribes that have elected to take over operation of BIE-funded schools on their reservations. This funding covers such expenses as payroll, accounting, insurance, background checks, and other legal, reporting and record-keeping requirements. Almost all these costs are legally mandated and/or conditions for the receipt of program funding. Yet, appropriations for TGSC have consistently lagged behind the needs of tribally-controlled schools. In FY10, for example, the amount appropriated by Congress funded only 62% of the

administrative costs incurred by schools. For FY12, the proposed budget requests a \$3 million increase over the FY10 enacted levels, which the BIE estimates would meet 65% of need. Given the ever rising costs of fiscal management, insurance and other "contract support" expenses, and the possibility that three additional schools may be converting to tribally-controlled status in FY12, it is altogether likely that this additional \$3 million will not be sufficient to raise the cost rate above the current 62% of need. For 19 of the last 20 years, our Pine Hill School, as well as all other tribally-operated schools, has not received its full TGSC amount. On the other hand, significant efforts have been made in the budget to address contract support costs for BIA and IHS non-school contractors. For example, the proposed budget requests an increase of \$25.5 million to fund CSC for non-school contractors (with an additional \$2 million to pay for the costs of new contractors). For IHS, the Administration seeks a \$50 million increase. In FY10, BIA and IHS non-school contractors also received significant increases, while tribally-operated schools received *no* increases since FY04. While we are grateful that Congress have recognized the need to address the shortfalls in funding for our non-school programs, these efforts do not remedy the very real impacts associated with inadequate funding of our School's TGSC, and we request that the comparable needs of our schools be recognized and fully funded. NCAI has calculated that \$70.3 million is needed to fully fund TGSC for current grant schools with an additional \$2 million for schools newly converting to tribally-controlled status. We fully endorse this request.

**Request No.6. Fund the Indian School Equalization Formula (ISEF) Account at \$431 Million In Order to Fulfill the Federal Government's Obligation to Indian Children In the BIE School System.** These funds support Indian education programs, which is, of course, the core function of our schools. Without an increase to ISEF, our own school will not be able to continue to recruit and retain the high quality personnel needed for our education program to succeed. Key support services also require subsidies. For example, our food service budget, transportation, and facilities and maintenance funding falls far short of the amounts realistically needed, and these shortages must be supplemented by our ISEF funds. We must also provide school security, a school nursing staff, and after-school programs. All of these costs should be the responsibility of the BIE, but its budget for ISEF chronically fails to supply the level of support needed and does not take into account the enhanced costs of operating a small school such as ours in a sparsely-populated reservation community. Over the past seven years, the ISEF budget has increased by only 13%, less than 2% per year. The proposed FY12 budget requests \$392.3 million. This translates into a "weighted student unit" amount of \$5,320.62, an increase of less than \$9 over the FY10 enacted amount. Instead, we urge that the ISEF appropriation be set at \$431 million as recommended by NCAI, the amount realistically required to begin to rectify the historic underfunding of the BIE school system. Our children deserve as much.

The Board of Trustees for the Ramah Navajo School Board, Inc., appreciates your support. We hope that this information will help Congress, especially new members, better understand the needs of and unique challenges faced by American Indian and Alaska Native communities generally, and the Ramah Navajo Reservation community, in particular. Thank you for this opportunity to present our testimony.

Respectfully Submitted, Nancy R. Martine-Alonzo, President  
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