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Budget and Finance Committee receives report regarding Salazar v. Ramah Navajo Chapter litigation

WINDOW ROCK – On Wednesday, the Budget and Finance Committee received a report regarding the status of Salazar v. Ramah Navajo Chapter, a class-action lawsuit seeking reimbursement for unpaid indirect costs for Public Law 93-638 federal programs on the Navajo Nation from the U.S. Bureau of Indian Affairs.

According to the report provided by the Navajo Nation Department of Justice Deputy Attorney General Dana Bobroff, the lawsuit was originally filed in 1990 by Michael Gross, a former DNA People’s Legal Services attorney, in the U.S. Federal District Court for New Mexico on behalf of Ramah Navajo Chapter.

“Currently, Ramah Chapter is the lead plaintiff in the lawsuit, and the Navajo Nation is a member of the class. The case went up to the U.S. Supreme Court, which upheld the lower courts ruling that that U.S. [BIA] was liable to the tribes for all indirect and contract support costs that are a part of the 638 contracts,” said Bobroff.

Bobroff added that the U.S. Supreme Court ruling was decided purely as contractual matter stating that the U.S. cannot fail to pay indirect and contract support costs due to the lack of federal appropriations to the U.S. BIA, because it was a contractual agreement between both entities, adding that the Navajo Nation could possibly collect 90% of IDC’s from the federal government.

BFC member Council Delegate Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse’ii’ahi, Whiterock) expressed his concern regarding the amount the Nation would receive in IDC’s and contract support costs.

“I think the Navajo Nation is only getting [approximately] 60-70% [back], because it is our fault we are not requesting the whole 100% back. Like Dana [Bobroff] said, the federal government will only pay us back from what we submit,” said Delegate Simpson.

In agreement, BFC vice chair Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin) said the Navajo Nation needs to request 100% of all IDC’s and contract support costs

from this point on, and that the Nation should have been at the forefront in leading the Ramah litigation.

“I am just wondering why the Navajo Nation wasn’t the one who pursued this,” said Delegate Nez. “I appreciate Ramah for taking the bull by the horns, and I bet they are spending a lot on attorneys, and we should be funding those attorneys, because it deals with the Navajo Nation as a whole.”

BFC chair and Speaker Pro Tem, Council Delegate LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland), provided an update from a recent branch chief meeting with President Ben Shelly and Chief Justice Herb Yazzie, stating that the federal government is allowing the Navajo Nation to submit an assessment regarding the final amount of IDC’s owed to the Nation. The deadline to submit the assessment is July 30.

BFC members voted 4-0 to accept the report.

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