

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Testimony of Stephen Roe Lewis, Governor of the Gila River Indian Community
May 10, 2018

Chairman Calvert, Ranking Member McCollum and distinguished Members of the Subcommittee, I want to thank you for providing us with an opportunity to present testimony to you regarding the budget for Fiscal Year 2019. I am Stephen Roe Lewis, the Governor of the Gila River Indian Community (“Community”), which is a federally recognized Indian Tribe of over 22,000 tribal members, located near Phoenix, Arizona. The Community utilizes many programs within the Department of the Interior, Environmental Protection Agency, and Indian Health Service to provide essential services to our citizens and others who live and work on our tribal lands. All of these federal programs are critical to our ability to protect the health, safety and general welfare of our citizens. We oppose any funding cuts to these essential tribal programs and believe that steady increases are warranted given the clear need in Indian Country. I am here today to testify on the specific problem of Bureau of Indian Education (“BIE”) schools and the need for the BIE to work with tribal governments and this Subcommittee to develop innovative approaches to funding the construction of replacement schools within the BIE system, and the need for this Subcommittee to provide some direction to the BIE on this matter.

I. BIE School Construction Issues are Pervasive Across Indian Country

It is well-known that BIE-funded schools are marked by remoteness, extreme poverty and a lack of construction dollars. This translates to poor and failing school conditions that are not conducive to a 21st Century education for tribal students. In an era when educators across the United States emphasize science, technology, engineering and mathematics as keys to students’ future success, BIE-funded schools lack the basic supplies necessary for the most basic lessons. Rather, tribal students attend dilapidated schools that are rundown, with poor circulation and pose serious safety concerns.

The Department of the Interior is responsible for providing safe and healthy environments for students who attend BIE schools, and the federal government is failing to meet its trust responsibility. Recently, before the Senate Committee on Indian Affairs, Secretary Zinke recognized that “[w]hile economic development and infrastructure investments will play an important role in revitalizing Native communities, the immediate issues facing the Bureau of Indian Education must be addressed to ensure long-term stability in Indian country.”¹

Secretary Zinke further acknowledged that the Government Accountability Office (GAO) High Risk Report for 2017² determinations regarding Indian education “were disheartening and

¹ Testimony of Ryan K. Zinke Secretary United States Department of the Interior Before the United States Senate Committee on Indian Affairs March 8, 2017.

² In its 2017 High Risk Report, the GAO added three new areas to the High-Risk List, one of which was named “Improving Federal Management of Programs that Serve Tribes and Their Members.” *See* <https://www.gao.gov/assets/690/682765.pdf>. The High Risk Report specifically noted “we, along with inspectors general, special commissions, and others, have reported that federal agencies have ineffectively administered Indian education.... In particular, we have found numerous challenges facing the Department of the Interior's (Interior) Bureau of Indian Education (BIE) and Bureau of Indian Affairs (BIA... in administering education and health care

devastating” and that “[w]ords cannot capture how terrible it is that children in schools overseen by Bureau of Indian Education are so poorly served. Each of them deserves a high-quality education that prepares them for the future. It is unacceptable that some of our students are attending schools that lack the most basic necessities, like insulation and clean water.” Secretary Zinke further stated he was personally invested in “making real changes that will last.”

Despite the widespread recognition that there is a significant need for BIE school construction replacement funding, there simply are not enough funds allocated in the budget to meet the needs for BIE school construction across Indian Country. The Community has one BIE school that is on the school construction priority list, however, it is still projected to take years before that school construction will be completed. While that process continues, two other BIE-funded schools in the Community, Gila Crossing Community School (Gila Crossing) and Casa Blanca Community School (Casa Blanca), remain in disrepair with no plan to address the construction deficiencies of these schools. As discussed more fully below, the Community is extremely concerned that continued delays to the replacement of structurally-deficient BIE schools has created a dangerous environment that threatens the ability of our students to receive the 21st century education that they deserve. The long-term prosperity of the Community depends on the education and retention of our citizens. We need our students adequately educated on or near their homes located on tribal lands so that they can become a part of the Community workforce and be productive Community citizens and leaders. A key component of this is to ensure that our students are educated in safe learning spaces in up-to-date facilities that achieve measurable academic progress. Otherwise, our citizens are forced to leave our Community to receive a sufficient education. This often results in these students not returning to the Community and effectively reducing our membership and economic progress.

Recognizing the reality that the Community faces, much like the rest of Indian Country, the Community has vowed to make education a priority. We are committed to finding a solution to this pervasive problem of lack of school construction dollars and propose in this testimony a path forward for our Community that can also serve as a model for other tribes to replicate.

II. The Three BIE Schools within the Community are in Dire Need of Replacement

The Community is home to three schools that are funded by the BIE: Blackwater, Casa Blanca and Gila Crossing. Casa Blanca was built in 1935 and has a current enrollment of 284 students that span grades K-4. Gila Crossing opened in 1871 and currently enrolls 510 students in grades K-8. Finally, Blackwater opened in 1939 and currently enrolls 217 BIE-funded students in grades K-2. In addition, the Community is home to three independent state-chartered schools, two state public schools and two parochial schools. Other students attend off-reservation public schools and boarding schools. The Community regularly supplements federal funding for on-Reservation education activities but woefully deficient learning conditions remain a significant obstacle to student success at each of the Community’s three BIE-funded schools.

The BIE recognizes that the three BIE-funded schools within the Community are in need of replacement but competing funding priorities at Interior have allowed these schools to fall into

services, which put the health and safety of American Indians served by these programs at risk. These challenges included poor conditions at BIE school facilities that endangered students.”

even greater disrepair. Two of the schools, Casa Blanca and Gila Crossing, are considered by Interior to be in “poor” physical condition. The third BIE-funded school, Blackwater, is also in a deficient physical condition and is undersized but is unable to make improvements without jeopardizing its ability to receive BIE construction funding. In 2016, the BIE announced that Blackwater would be one of ten BIE schools on a “priority list” that will be considered for replacement by the BIE in the coming years. However, Blackwater’s listing on the BIE priority list provided no solace to Community leaders, parents, and teachers who must continue to watch their students be educated at the Community’s other BIE-funded schools.

Gila Crossing and Casa Blanca were not on the BIE construction priority list despite their poor condition and the fact that both schools have buildings with expired life expectancies. School replacement funding levels have lagged far behind needs and have left Community leadership and the parents of BIE-educated students wondering when or if their children will have an opportunity to learn in a productive and safe educational environment. The prolonged timeframe for school replacement coupled with the unsafe and inadequate quality of BIE schools within the Community has forced the Community’s leadership to explore innovative ways to solve this problem.

III. BIE School Construction Innovative Funding Solution

In January of 2017, the Community wrote to BIE leadership to request the exploration of a partnership to develop alternative funding mechanisms to replace BIE-funded schools that are not on the BIE construction priority list. In November of 2017 the Acting Assistant Secretary of Indian Affairs responded that the Indian Affairs Office of Facilities, Property and Safety Management (Facilities), in conjunction with BIE, were willing to discuss alternative school construction funding options under existing statutory authority. Since that time, the Community has been working with Facilities and BIE staff to explore an innovative approach to fund school construction.

We have made significant progress in these efforts to craft a funding solution such that the Community has proposed fronting the costs of construction to replace Gila Crossing and leasing back the facilities to the BIE through a commercial lease. The Community, BIE and Facilities staff worked together to calculate the total square footage, based on appropriate school enrollment numbers and programming, and to calculate the total cost of construction and applicable costs of the facility. Interior leasing staff then prepared an estimate of the commercial lease based on those numbers which resulted in an annual lease amount of \$5.8 million. While the Community would initially front the construction costs, it would seek to subsequently finance the project costs using existing programs, such as New Markets Tax Credits or a USDA program.

The Community and Interior would enter into a commercial lease for the newly constructed Gila Crossing while keeping Blackwater on the BIE priority list. Because this is the first BIE school construction replacement project of its kind, assuming the venture was satisfactory to both the Community and Interior, the Community would envision this model being a model for a leasing-construction program at the BIE.

The Community wants to have the school operational by the 2019-2020 school year. Given this short timeframe, the Community has already dedicated its own funds to retain a

design build contractor, architect and project manager for the new Gila Crossing school in order to provide momentum and significance to the discussions with the United States and make progress on the project.

As noted above, although the Community is launching this critical initiative with its own capital funding, the Community plans to use existing federal programs to finance the endeavor. If successful, utilizing these existing federal programs to finance this innovative approach to solving the crisis in school construction in Indian Country will carve a path that that other tribes may be able to follow in the future, to build much needed schools across Indian Country. While access to capital may vary across Indian Country, the proposed innovative funding approach will result in replacement of more schools than the current system would permit. Our Indian students deserve nothing less.

IV. Conclusion

In conclusion, BIE school construction is absolutely critical for the Community and the future of our children. The Gila Crossing school campus is overcrowded, lacks sufficient classroom space and consists mainly of modular structures that date back to the 1970's or have been acquired from other tribes in the 1990's. The Community's goal is to work with the BIE to construct a new school where our children will be able to walk through the halls of new, safe and clean schools that they can be proud of as we provide them with an appropriate education to equip them for careers and higher education. And the new Gila Crossing facility will provide the best investment of the Community's funds, with the greatest return for students, parents, staff and community members.

This is a unique opportunity to create a state-of-the-art learning environment for our students and one that offers exceptional educational programming. If the Community hopes to experience a dramatic improvement in the state of the education system, it starts with the "house" the students are educated in, and requires that our students have access to the types of classes that are offered to other students across the country. We believe that this innovative approach, where the Community is willing to cover the costs of construction and have the BIE lease back the facilities, will enable the United States to fulfill its trust responsibility to the Community while solving the lack of funding for school construction that is prevalent across Indian Country. This funding solution creates a model for other tribes to pursue should this endeavor prove successful, which we strongly believe is probable. In order to be successful, however, this innovative approach requires a commitment from Congress and the Administration to provide funding for BIE to lease back the facilities from the Community in the amount of the annual commercial lease, which is \$5.8 million, beginning with a prorated amount in fiscal year 2019 once the school construction is completed. The Community appreciates Interior's efforts to work cooperatively with the Community to explore this innovative approach to solving the BIE school construction problem. We hope that this Subcommittee and the full Committee will also see this venture as an opportunity to solve this pervasive problem and support an allocation of additional funding for this project and other schools in the future.

Thank you for considering this request and providing the Community an opportunity to share our views with the Subcommittee on this matter.