



THE TOHONO O'ODHAM NATION OF ARIZONA
TESTIMONY OF THE HONORABLE VERLON JOSE, CHAIRMAN
U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

February 26, 2025

Summary of Funding Requests

- 1. *Increased funding for BIA Roads Maintenance***
 - 2. *Funding for Interior's implementation of SAWRSA/AWSA water rights settlement***
 - 3. *Increased funding for BIA Law Enforcement and Border Security***
 - 4. *Increased funding for IHS Facilities Construction***
 - 5. *Increased funding for BIE and tribally controlled schools***
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Introduction & Background

Thank you Chairman Simpson, Ranking Member Pingree, and distinguished Members of the Subcommittee for this opportunity to provide testimony on behalf of the Tohono O'odham Nation. The Nation is a federally recognized tribe with more than 35,000 members. Our Reservation in southern Arizona is one of the largest in the United States – approximately 2.8 million acres. We share a 62-mile border with Mexico, the second-longest international border of any Indian tribe in the United States. The Nation appreciates the Subcommittee's commitment to providing critically needed resources for Indian Country. We ask that you prioritize funding for road maintenance, the Nation's water rights settlement, public safety, health care, and education.

I. Roads Funding

The Bureau of Indian Affairs (BIA) has maintenance responsibility for 29,330 miles of BIA roads – 16,900 miles of which are unimproved and earth surface roads. Road conditions make it difficult to connect tribal citizens to education, employment, health care, and other essential services. BIA's Fiscal Year (FY) 2025 budget justification acknowledges the "rising deferred maintenance backlog" and *only 13 percent* of BIA roads are in acceptable condition.¹ The lack of adequate funding may result in greater future expenditures. According to the U.S. Government Accountability Office (GAO), "[t]he remoteness, rugged environment, and unavailability of materials on some tribal lands leads to comparatively higher costs for road maintenance, which further exacerbates funding

¹ BIA FY 2025 Budget Justifications and Performance Information at IA-TG-3 and IA-TG-7, available at https://www.bia.gov/sites/default/files/media_document/fy2025-508-bia-greenbook.pdf.

constraints ... as roads fall into disrepair through the delay of or inability to fund road maintenance, the more expensive roads become to maintain.”²

The Nation’s Roads are in Very Poor Condition. There are 734.8 miles of BIA roads on our Reservation. These roads have large pot holes, sink holes, broken and cracked pavement, and washed-out bridges, making them dangerous for motorists. Many of these roads have few or no sidewalks, shoulders, or guardrails, or other safety features. During monsoon season, flooding completely washes out roads, isolating people within their communities and away from essential services. Tribal members have been killed by flooding while traveling on these roads. Compounding this challenge is the limited access to telecommunications in many areas of the Reservation, which can prevent public users from sharing routine and emergency maintenance situations. The Nation desperately needs additional funding to address these hazardous conditions. Funding levels for the BIA Road Maintenance Program have not kept pace with the growing road maintenance requirements “due to the addition of new roads, the need to address existing roads’ maintenance backlogs, and emergency operational requirements.”³ The Program received only \$39.1 million in the FY 2024 Consolidated Appropriations Act – *at least \$50.1 million is needed for the program in FY 2026.*⁴

Transfer of funds to BIA for Roads Damaged by Customs and Border Protection (CBP). CBP heavily uses and damages many of the Nation’s roads as part of its border security duties. Since FY 2018, the Department of Homeland Security (DHS) appropriations legislation has authorized CBP to transfer funding to BIA for repair of reservation roads damaged by CBP (because BIA lacks adequate roads funding). Continued funding for this purpose, and *language allowing BIA to accept funding from CBP must be included in the FY 2026 Interior appropriations bill.* The Nation appreciates the Subcommittee’s leadership and continued support on this issue, which is critical for public safety.

II. Funding to Implement the Nation’s 1982 Water Rights Settlement

The Nation has one of the earliest federally-approved water rights settlements in the country, the Southern Arizona Water Rights Settlement Act, Pub. L. 97-293 (1982) (SAWRSA), as amended, Pub. L. 108-451 (2004). SAWRSA settled the Nation’s water rights claims relating to a little over 100,000 acres – less than 1/20th of our Reservation. The federal government promised to provide the Nation with reliable, affordable, and long-term access to Central Arizona Project (CAP) water. Water rights claims associated with most of our remaining ±2.6 million acres of land are the subject of ongoing settlement negotiations. Separately, the Nation also holds a valuable entitlement to CAP water for use in the northern portion of its Reservation, but has never been able to put this water to beneficial use due to the presence of unexploded ordnance deposited by the federal government during World War II (Williams Field bomb range).

Unfortunately, existing settlements like SAWRSA have never been fully implemented, and suffer from chronic underfunding. On top of this, overallocation of the Colorado River, ongoing drought conditions, and historical federal mismanagement of tribal water rights, have made it both more challenging and more expensive for the federal government to secure CAP and alternative supplies to fulfill SAWRSA and future settlements. Interior has addressed a portion of SAWRSA’s underfunding, but this is only one part of the solution. Given the substantial funding backlogs, it is critical that Interior and other federal agencies implement water settlements and access to entitlements by using discretionary funding through the annual appropriation process. Without this

² GAO-17-423 at 23-24.

³ GAO-17-423 at 22-23.

⁴ See BIA FY 2025 Budget Justifications and Performance Information at IA-ES-3.

commitment from Congress and relevant federal agencies, water settlement funding and implementation will remain incomplete and inadequate.

III. Law Enforcement and Border Security

The Nation works closely with CBP and other federal law enforcement agencies to secure the southern border. Annually, the Nation spends more than \$3 million of our own tribal revenue to help meet the United States' border security responsibilities, which contributes to the resource strain on other basic government functions. The Nation's Police Department (TOPD) spends more than a third of its time each year on border security. TOPD also leads the Nation's High Intensity Drug Trafficking Area (HIDTA) Task Force, which combats and interdicts drug smuggling on the Reservation. In many isolated areas, TOPD are the first and only responders to criminal activity. TOPD already faces a severe lack of resources and staffing; added border security responsibilities significantly exacerbate these deficits.

TOPD currently is housed in a converted 1950s-era BIA jail that is not equipped to handle modern law enforcement responsibilities. Further, the Nation's BIA-funded detention center is in extremely poor condition. An April 2023 report from Interior's Office of the Inspector General (OIG) highlighted immediate health and safety concerns at the facility, including problems with water and sewer, electrical outlets and fire suppression systems that do not work, and a leaking roof (leaking near computer servers).⁵ These issues have not been addressed. Making matters worse, TOPD has difficulty communicating with other federal law enforcement because of a lack of interoperability throughout the Reservation. Upgraded information technology and equipment is desperately needed to improve collaboration among TOPD and other law enforcement agencies. According to a 2024 report from BIA's Office of Justice Services, the estimated unmet need for public safety and justice programs in Indian Country is over \$3 billion (programs are funded at under 13% of total need).⁶ *The Nation requests that the Subcommittee provide at least \$651.2 million for Public Safety and Justice operations to help address this shortfall.*⁷

IV. Health Care Facilities

Chronic underfunding of Indian Health Service (IHS) facilities contributes to the poor quality of care across Indian Country. The median age of IHS medical buildings is 39 years, compared to U.S. private sector hospitals which have a median age of 8.5 years.⁸ As these buildings increase in age, the cost of the maintenance and repair backlog continues to grow. From FY 2018 to 2022, IHS estimates of its backlog of deferred maintenance more than doubled from \$366 million to \$737 million,⁹ and the current backlog is now \$1 billion (an increase of \$233 million from FY 2024).¹⁰ The Nation's Hospital in Sells, Arizona opened in the early 1960's and is one of the oldest IHS facilities. Due to its aging equipment and facilities, Sells Hospital can only handle minor medical issues. It is entirely inadequate to serve the healthcare needs of the Nation's members. *The Sells Replacement Hospital has been on the IHS facilities construction priority list for over thirty years, since 1993.* The cost to construct

⁵ Interior OIG Report No. 2022-WR-040-A, *Detention Facility Health and Safety Concerns*, available at https://www.doioig.gov/sites/default/files/2021-migration/Final%20Management%20Advisory_BIA%20Detention%20Facility%20Health%20and%20Safety.pdf.

⁶ BIA, Office of Justice Services, *Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2021* at 1, available at https://www.bia.gov/sites/default/files/media_document/2021_tloa_report_final_508_compliant.pdf.

⁷ See BIA FY 2025 Budget Justifications and Performance Information at IA-ES-4.

⁸ GAO-24-105723, *Indian Health Service: Many Federal Facilities Are in Fair or Poor Condition and Better Data Are Needed on Medical Equipment*, at 18, available at <https://www.gao.gov/assets/870/863620.pdf>.

⁹ GAO-24-105723 at 24.

¹⁰ See IHS FY 2025 Budget Justification at CJ-147, available at https://www.ihs.gov/sites/budgetformulation/themes/responsive2017/display_objects/documents/FY-2025-IHS-CJ030824.pdf.

replacement facilities has and will continue to increase over time, delaying their completion. In March 2022, IHS officials said that at current appropriations levels, it would take approximately 10 years to fully fund and replace the remaining facilities on the priority list.¹¹ Additional funding for construction would reduce the backlog of maintenance and repair, and would allow the Nation and IHS to complete replacement of the Nation’s outdated Sells Facility.

In August 2020, the Phoenix Indian Medical Center (PIMC) was forced to closed its labor and delivery services due to aging infrastructure and inadequate equipment. They have not resumed. This closure affects the ability of many Native American women to receive care. The Nation’s Sells Hospital and PIMC are just two examples of aging IHS facilities. Multiple IHS officials have described infection control and public safety risks related to facility or equipment deficiencies at other facilities across Indian Country.¹² *Congress must do better, and provide adequate funding¹³ to address these failing IHS facilities that are putting the health and welfare of Native Americans at risk.*

V. Education Facilities

More funding is desperately needed for BIE school facilities. Two of the five BIE-funded schools on the Nation’s Reservation are listed in poor condition in BIE’s Facility Condition Index (Santa Rosa Ranch School and the Tohono O’odham High School). In 2018, BIE was forced to close the Santa Rosa Ranch School due to significant safety issues (no working fire suppression system; electrical, heating and cooling issues; asbestos in two buildings; structural cracks; and extensive leaks and water damage). In 2019, BIE reopened the school with five temporary modular units, which are still in use. The Santa Rosa Day School, another BIE school on the Reservation, is listed first on BIE’s replacement list, but will not be fully funded until 2028 – because funding only supports one school replacement per year.

The poor condition of BIE school facilities has been documented for decades. In a recent OIG evaluation of BIE deferred maintenance, issues like unusable boilers, cracks in walls, and inferior construction are commonplace.¹⁴ In its report, OIG identified approved deferred maintenance work orders that, *22 years after approval*, were still not funded. Interior noted that it would cost more than \$1 billion to address the deferred maintenance at education facilities. Just two weeks ago, another OIG report found that work orders opened to address safety and health deficiencies at a BIE school were closed without the deficiencies being corrected.¹⁵ According to OIG, “the inaccurate status of work orders prevents issues from being fixed” and “projects a safe environment while dangers persist that may jeopardize the well-being of school children and staff.” Now, more than ever, Congress must act to ensure that BIE schools can be repaired, renovated and replaced sooner, and that any existing hazards are properly addressed. *The Nation requests that the Subcommittee provide at least \$310.2 million in FY 2026 for BIE facilities to ensure a safe learning and working environment for children and staff.*¹⁶

¹¹ GAO-24-105723 at 20.

¹² GAO-24-105723 at 48.

¹³ See National Indian Health Board FY 2026 Budget Request at 6, requesting \$2.3 billion for Maintenance and Improvement, and \$1.57 billion for Health Facilities Construction and Other Authorities, available at <https://www.nihb.org/wp-content/uploads/2025/01/NIHB-FY26-Budget.pdf>

¹⁴ Interior OIG Report No. 2022-CR-036, *Indian Affairs Is Unable To Effectively Manage Deferred Maintenance of School Facilities*, at 1, available at https://www.doiig.gov/sites/default/files/2021-migration/FinalEvaluationReport_BIEDeferredMaintenance_Public.pdf.

¹⁵ Interior OIG Report No. 2024-ISP-014-A, *Risks Identified With a Bureau of Indian Education Contractor*, available at https://www.doiig.gov/sites/default/files/2021-migration/FinalManagementAdvisory_BIEIndianSchoolInspections.pdf.

¹⁶ See BIE FY 2025 Budget Justifications and Performance Information at BIE-ES-5, available at: https://www.bia.gov/sites/default/files/media_document/fy2025-508-bie-greenbook.pdf.