

**Testimony of Chairman Timothy Nuvangyaoma
Hopi Tribe
Before the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, & Related Agencies
February 12, 2020**

Summary of Budget Requests:

- I. Hopi Arsenic Mitigation Program – Provide funding to complete the Program
- II. Hopi Detention Center – Ensure timely completion of the permanent detention center
- III. Hopi Unified School District – Funding to implement the Hopi Education Code

Introduction & Background

Good morning Chairwoman McCollum, Ranking Member Joyce, and Honorable Members of the Subcommittee on Interior, Environment, and Related Agencies. My name is Timothy Nuvangyaoma and I have the honor of serving as Chairman of the Hopi Tribe.

The Hopi Reservation, located in the northeast corner of Arizona, is approximately 2.5 million square miles. The Tribe has over 14,000 enrolled tribal citizens, over half of whom reside in the Reservation's 12 villages. Unfortunately, the residents of the Reservation suffer from a 60% unemployment rate due, in part, to the lack of economic development opportunities caused by the remote and landlocked nature of the Reservation.

Thank you for the opportunity to testify regarding the Tribe's funding priorities within the Subcommittee's jurisdiction. My testimony today will focus on the continued needs related to the Hopi Arsenic Mitigation Project, and the Hopi Detention Center, and the Hopi Unified School District.

I. Hopi Arsenic Mitigation Program (HAMP)

During my testimony before this Subcommittee last year, I discussed the issue of arsenic contamination in the Hopi Tribe's water supply. As you may recall, the Hopi Tribe has been suffering with arsenic contamination in its water supply since the 1960s when the BIA first installed its drinking water system. The water for eight of the Tribe's villages is contaminated with high levels of naturally occurring arsenic. These levels exceed the Environmental Protection Agency's (EPA) safe drinking water standards by as much as three times the allowable contaminants.

This troubling situation led the Hopi Tribe to create the Hopi Arsenic Mitigation Project (HAMP) whose mission is to find a solution to the arsenic contamination. The HAMP proposal has two phases. The first phase of HAMP only delivers water to Hopi villages, and the second would increase the system capacity of the initial phase through the construction of water main extensions and pressure upgrades to increase the range of pumped water.

Since I appeared before the Subcommittee last year, there have been some positive developments on this project. First, I would like to thank Chairwoman McCollum and other members of the Subcommittee for realizing the severity of this issue. In addition, the Tribe greatly appreciates Subcommittee staff, along with Indian Health Service representatives, coming to Hopi for a tour of HAMP.

We are pleased to report that HAMP is now ranked as a priority project by the Indian Health Service and the Environmental Protection Agency. This designation provides full funding for Fiscal Year 2020 and Fiscal Year 2021 through Safe Drinking Water Act program allocations. The Tribe understands that the HAMP funds are fully committed by the agency programs. However, those funds are contingent upon receiving their respective annual congressional budget appropriations. Therefore, the Hopi Tribe urges the Subcommittee to ensure such funds are made available.

In addition to HAMP, Hopi Utilities Corporation is working with the BIA on the Hopi Regional Water System Expansion Project. This project would extend the proposed HAMP water system to schools, residences and institutional facilities between Polacca and Keams Canyon. The estimated project construction cost is approximately \$7.5 Million. The Tribe is also working with the Bureau of Reclamation on a regional water master planning project. These critical water safety and reliability development projects are not funded beyond the planning phase and are dependent on future congressional support for design and construction funding.

II. Hopi Detention Center (HDC)

I would also like to provide an update to the Subcommittee on the Hopi Detention Center. In December 2016, the Hopi Tribe declared a state of emergency following the abrupt condemnation and closure of the Hopi Detention Center (“HDC”) by the Bureau of Indian Affairs (“BIA”). The closure left the Tribe with no place to process or hold suspects, let alone to incarcerate prisoners. The police department was forced to transport suspects and prisoners over 80 miles to the closest detention facility. This required valuable public safety resources to be redeployed for transportation purposes, leaving the Tribe, its citizens, and reservation residents vulnerable.

In response, the BIA worked, along with this Subcommittee, to identify and approve funding for the construction of a permanent detention facility. Ultimately, the Subcommittee approved the Department of the Interior’s request to reprogram \$5 million within Indian Affairs’ Public Safety & Justice Construction appropriation to address the emergency situation by allowing for the construction of a detention facility to replace the condemned building. “Once initiated, project completion could be accomplished within seven to nine months,” stated a July 2017 letter from the Interior Department to this Subcommittee.

As of today—two and a half years after the BIA informed the Tribe that it would take seven to nine months to complete the detention center—there is still no shovel in the ground. To make matters worse, we still have a long way to go before ground is broken on this project. Currently, an architect firm is designing the facility, which is expected to take a few more months. Once the design is 100 percent complete, then there will be a process to select a contractor to construct the

facility. Finally, the completion of the Hopi Detention Center will depend on how quickly the selected contractor can finish the job.

To say that the Tribal Council, the Hopi citizens, and myself are all frustrated is an understatement. We cannot wrap our heads around the fact that this Subcommittee approved the \$5 million reprogramming request two and a half years ago and we have no broken ground, only a broken promise. Until the permanent detention center is completed, public safety concerns on the Hopi Reservation will remain. We urge the Subcommittee to exercise its authority to ensure that the BIA completes the Hopi Detention Center as quickly as possible.

III. Hopi Unified School District

The Hopi Tribe is asking for the Subcommittee's support as we work to unify our seven Tribally Controlled Schools under a single school district on the Hopi Reservation. Our seven schools were originally operated by the Bureau of Indian Education (BIE) and the Bureau of Indian Affairs. One by one from 1991 to 2014, the Hopi Tribe exercised its sovereignty over the education of our youth and took over management of these schools under the Tribally Controlled Schools Act, 25 U.S.C. §§ 2501-2511. Even with this progress, the schools were all individually operated by local school boards with little communication between the schools and students struggled to achieve academic success.

To address these issues and better support education of our youth, in August 2019, the Hopi Tribal Council enacted a new Hopi Education Code (Code). The Code creates a new unified Hopi School System that will improve collaboration, consistency, and educational services within our schools. We are the first tribe to undertake such a significant effort to create a unified school district from seven individual Tribally Controlled Schools.

The Tribe believes that these changes will finally provide the school system that our Hopi youth and other tribal youth deserve. However, we acknowledge that change does not happen overnight and that we will need significant funding to carry out this mission. As we transition to a new unified Hopi School System, we will need funding for a central administration office building, funding to manage the transition, flexibility in current appropriations laws, and funding for school re-construction.

Funding is needed to provide a Central Administration Office that will be home to most of the administrative staff for the new Hopi School System and our seven Tribally Controlled Schools. The Hopi Tribe currently has a shortage of office buildings and no office space which can accommodate the new Central Administration Office. Having a technologically equipped and well-designed facility would help ensure the success of the Hopi School System and provide the administrative support necessary for the schools, teachers, staff, and most importantly, our students. We have already identified the site for the building and estimate total construction costs at \$2,000,000 for a 6,500 square foot building and site work.

In addition, the Tribe will need funding to manage the transition to our new unified Hopi School System, which will take three years. For each of these three years, we will need to fund all aspects of the transition, including but not limited to: the transition teams who are leading the transition work; election of our new Hopi Board of Education; and hiring of critical staff positions, for

example, the Chief School Administrator, human resources director, business manager, and facilities director.

The Hopi Tribe will also need more flexibility in appropriations laws so that we can effectively make the transition. The Tribally Controlled Schools Act provides administrative funds to tribes to cover administrative costs of operating their schools. 25 U.S.C. § 2008. To determine these amounts, the Act requires calculation of an administrative cost formula. Once the Hopi Tribe is under a unified school system, this formula will apply a consolidated rate and reduce our administrative costs grant by 25%. This will result in the loss of over \$1 million dollars to Hopi schools every year. Therefore, we ask the Subcommittee to provide an exception from this consolidated rate calculation and continue to calculate the administrative cost grant for the schools as individual schools.

Finally, we are in significant need of new school construction. Currently, four of our schools are in very poor condition: Hopi Day School (nearly 100 years old), Hotevilla Bacavi Community School, Keams Canyon Elementary School, and the Moencopi Day School. We ask the Subcommittee to fully fund the BIE school re-construction program.

By enacting the Hopi Education Code, we are making changes to restore our self-determination over the education of our youth. The actions we are taking are a major transformation for our schools and will provide improved educational opportunities for our youth, better administrative efficiency and management of school resources, increased accountability and support for our educators and staff, and allow greater focus on Hopi culture and language. We would appreciate the Subcommittee's support in this vast undertaking.

Thank you for the opportunity to testify to the Subcommittee today. I am available to answer any questions that the Subcommittee may have regarding my testimony.