

**HOUSE APPROPRIATIONS COMMITTEE**  
**TESTIMONY OF GOVERNOR STEPHEN ROE LEWIS**  
**GILA RIVER INDIAN COMMUNITY**

**February 26, 2025**

Chairman Simpson, Ranking Member Pingree, and distinguished members of the Subcommittee, thank you for the opportunity to submit testimony on behalf of the Gila River Indian Community (“Community”). The Community’s testimony includes three requests: 1) \$5 million in BIA Trust—Real Estate Services to implement Public Law 115-350, the Community’s trust accounting legislation; 2) legislative language under Indian Affairs, Administrative Provisions, allowing the Secretary of the Interior to support the sixth-grade expansion at Casa Blanca Community School; and 3) legislative language under Title IV, General Provisions, reclassifying 105(l) Payments for Tribal Leases as mandatory funding through the Bureau of Indian Affairs and the Indian Health Service.

**\$5 Million to Implement Public Law 115-350, the “Gila River Indian Community Federal Rights-of-Way, Easements and Boundary Clarification Act”**

On December 21, 2018, the Gila River Indian Community Federal Rights-of-Way, Easements and Boundary Clarification Act (“Act”) was signed into law. The Act enabled the Community to obtain the full benefits of a settlement the Community reached with the United States resolving Federal litigation that originated in 2006 and was resolved in 2017. Part of the 2006 settlement included, among other things, a reconciliation of the Community’s non-monetary trust assets for the alleged mismanagement of these resources by the United States. The Settlement acknowledged, among other things, that the lack of clearly documented and delineated Federal rights-of-way for Bureau of Indian Affairs roads, irrigation canals and transmission lines were detrimental to the provision of Tribal government services and the development of lands throughout the Reservation.

The Act mandated that the Bureau of Indian Affairs survey, document and publish all Federal rights-of-way on the Community’s Reservation by December 21, 2024, six years after the date of enactment. The Act also authorized the Bureau of Indian Affairs to contract for such surveys with the Community or a third party. The Community has contracted for the survey work and has utilized the funding appropriated to date—\$500,000 in fiscal year 2020 and \$500,000 in fiscal year 2023—to begin surveying these roads, irrigation canals and transmission lines.

Unfortunately, the six-year deadline has passed due to inadequate funding. The Community estimates that \$5 million in additional appropriations are needed to complete the surveys for the rights-of-way of the remaining 223 miles of roads and 338 miles of electrical corridors.

The Community has the capacity to continue to contract for these surveys in a timely and efficient manner and to accomplish the work within the fiscal year 2026 appropriations cycle. With \$5 million of additional appropriations the Community could complete the survey work required under the Act.

If this funding is not appropriated, or another minimal amount is appropriated, it could take another ten years to finish the survey work and fulfill the Act.

Request: \$5 million in fiscal year 2026 appropriations through the Bureau of Indian Affairs Trust-Real Estate Services program to implement the rights-of-way requirements in the “Gila River Indian Community Federal Rights-of-Way, Easements, and Boundary Clarification Act”, Public Law 115-350.

### **Legislative Language to Support the Sixth-Grade Expansion at Casa Blanca Community School**

In 2021, the Community completed construction on the Casa Blanca Community School utilizing section 105(l) of the Indian Self-Determination and Education Assistance Act. Under the program the Community designed and constructed the school in coordination with the Department of the Interior, and then entered into a lease with the Department for the cost of construction. This project was the second construction project completed under the innovative 105(l) pilot program developed by the Department—with the help of the Community and the support of this Subcommittee—to improve infrastructure in Indian Country.

Prior to construction, the Community relied on the Department’s documentation designating Casa Blanca as a K-5 school and planned for construction of a K-6 school in accordance with Interior Appropriations bill language that allows funds to be made available for up to one additional grade if approved by the Secretary of the Interior. The existing school, which was nearly 100 years old, was too overcrowded to house a fifth grade, which only highlighted the need for a new school that would accommodate the space, academic and cultural needs of the Community’s students. Nonetheless, the Department was aware of the Community’s plans to construct a K-6 facility due to reliance on the school’s prior identification as a K-5 school.

Near the end of lease negotiations, the Community was informed from the Albuquerque Bureau of Indian Affairs office that the school was misidentified previously and was only considered a K-4 school which would limit the expansion of a grade to a K-5 school. The Casa Blanca Community School was completed in August of 2021. Since that time the Community has worked with the Department to address lack of funding for a sixth grade at the school which is critically needed for all of the Community member students in the area, and especially the special needs students who struggle to obtain the same level of educational accommodations provided by the Community. Without the sixth grade, students face the prospect of attending up to three or four schools prior to graduation which is disruptive to their academic studies and success.

Although the Community consistently requested BIE address the issue, the Department indicated that legislative action is needed. The Department provided confirmation to Appropriations staff and the Community that the budgetary impact to make this change would be minimal (under \$370,000). Language to address the issue was included in the FY2025 President’s budget to address limitations on expansion of grades for any school beyond the grade structure in place or approve by the Secretary of the Interior at each school as of October 1, 1995 – nearly 30 years ago. The language would be revised as follows:

“No funds available to the Bureau of Indian Education shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau of Indian Education school systems as of October, 1 1995, except that the Secretary of the Interior may waive this prohibition to support expansion of up to

one additional grade when the Secretary determines such waiver is needed to support accomplishment of the mission of the Bureau of Indian Education, or more than one grade to expand the elementary grade structure for Bureau-funded schools with a K-2 or K-4 grade structure on October 1, 1996.”

This language would alleviate the specific issue at the Casa Blanca Community School which has already been constructed as a K-6 school, while also allowing the Bureau of Indian Education to determine expansion needs across the school and dormitory system. It is important to note, that the Community is the only pending request for a one-grade expansion, so any estimates about what the future potential funding might be are not before the Committee in this appropriations cycle.

In addition, the need for this restriction was in place long before alternative construction mechanisms, like the 105(l) program became available which provides a vehicle for construction of new school and infrastructure facilities, with an indefinite appropriations payback mechanism.

Request: Include waiver language in the fiscal year 2026 Interior Appropriations bill to allow expansion of more than one grade for a school that was K-2 or K-4 as of October 1, 1995.

**Mandatory Funding for the Indian Self-Determination and Education Assistance Act.**  
**Section 105(l) Lease Program**

The Indian Self-Determination Education and Assistance Act (ISDEAA), at 25 U.S.C. § 5324(l) mandates that the Secretary of the Interior or Health and Human Services enter into a lease, commonly referred to as a “105(l) lease”, with a Tribe or Tribal organization for a facility used for the administration and delivery of ISDEAA services and further mandates that the Secretary reasonably compensate the Tribe for the use of the facility.

The Indian Health Service (“IHS”) has been entering into 105(l) leases with Tribes for several years while Interior only recently began receiving requests to enter into 105(l) leases with Tribes. In partnership with this Committee and the Department of the Interior, the Gila River Indian Community was the first Tribe to enter into a lease with the Department of the Interior through a pilot program to construct the Gila Crossing Community School in 2019.

Since that time, the Community has continued its construction program to update Tribal governmental buildings that faced decades of overcrowding and inadequate facilities to carry out our basic governmental functions for education, law enforcement and public safety. And, like many other Tribes across Indian Country, we have entered into leases on our existing facilities. The program has grown significantly since its inception with a large number of Tribes entering into leases with the Department of the Interior.

This Committee has continued to support the program by recognizing the mandatory nature of the program and providing for indefinite funding for the program. However, as demand for the program continues to grow, and as this Subcommittee has publicly acknowledged, the Subcommittee’s ability to provide adequate funding for other programs at the Department of the Interior that carry out the treaty and trust obligations of the Federal Government has become severely limited. Moreover, Congress has not provided the requested increases for the staffing needed to administer 105(l) agreements at a reasonable rate, which has delayed 105(l) obligations and impeded program growth.

The 105(l) program has enormous potential for all Tribes that are in need of infrastructure to carry out self-governance programs. The Community appreciates the efforts and support of Congress in funding the pilot program in the BIA to show how the 105(l) program can benefit not only the Community but all of Indian Country. And we appreciate the continued leadership of the Committee to reclassify the program as indefinite appropriations which ended painful midyear reprogrammings from other Tribal programs to cover unanticipated 105(l) costs. For fiscal year 2025, the President's budget included an estimated \$5,000,000 increase in the BIA alone. The Community supports this increase but continues to feel strongly that the next step is to make funding for 105(l) mandatory, which was also included in the President's budget. Our recommendation also includes a request that Federal salaries, administration and oversight costs be included in indefinite appropriations to ensure the program can continue to be staffed at the levels necessary to process and negotiate leases with Tribal nations.

In addition to the Community's request for mandatory funding and adequate staffing for the 105(l) program, in July of 2023, twenty-one Tribal organizations sent a letter to Senate and House Appropriations Chairs to express support for mandatory funding for the 105(l) program for both Indian Health Service and the Department of the Interior, along with staff funding increases. Those organizations included the National Congress of American Indians, National Indian Health Board, United South and Eastern Tribes, Inter Tribal Association of Arizona, Rocky Mountain Tribal Leaders Council, Northwest Portland Area Indian Health Board, among others.

The 105(l) program has been a very successful program that is just beginning to realize its potential. The program encompasses the intent of the Indian Self-Determination and Education Assistance Act and provides much needed Tribal infrastructure funding in a way that doesn't require appropriators to choose one Tribe over another for much needed construction and maintenance funding. The program will continue to grow and benefit all self-governance Tribes, so bringing the appropriations funding in line with the mandatory language in the statute is the next stage in development for this successful partnership between Indian Country and this Committee.

Request: Include legislative language under Title IV, General Provisions, reclassifying 105(l) Payments for Tribal Leases as mandatory funding through the Bureau of Indian Affairs and the Indian Health Service.

Conclusion: The Community would also like to take this opportunity to note for the Committee the substantial turmoil that the recently announced and unannounced freezes on federal funding have had on our Community and Indian Country as a whole. Funding for tribal programs is statutorily authorized and appropriated and upholds the federal trust responsibility for tribes. Our relationship with the federal government is a political one, government-to-government, and we hope that the Committee can take such steps as are appropriate to ensure that the turmoil and confusion that has resulted from the freezes that were announced or implied, is ended and funding that you appropriate is delivered timely to the tribes for which it is intended.

The Community looks forward to working with this Committee on the priorities set forth in this written testimony and respectfully requests each of these priorities be included in the fiscal year 2026 House Interior Appropriations bill.