



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
March 17, 2026

Summary of Funding Requests

- 1. *Increased funding for BIA roads maintenance***
 - 2. *Funding for Interior's implementation of the Nation's 1982 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 and Background

Chairman Simpson, Ranking Member Pingree, and distinguished Members of the Subcommittee, thank you for this opportunity to testify on behalf of the Tohono O'odham Nation. The Nation is a federally recognized tribe with more than 37,000 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 fulfilling the federal trust responsibility to provide critically needed resources for Indian Country. We ask that you prioritize funding for road maintenance, water rights, public safety, health care, and education.

I. Increased Funding for BIA Roads Maintenance

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. BIA has a deferred road maintenance backlog of over \$400 million.¹ The continued lack of adequate funding will likely result in greater future expenditures for road maintenance. As confirmed by 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

¹ See Written Testimony of President Mark Macarro, National Congress of American Indians, Before the U.S. Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies (Feb. 27, 2025), available at <https://www.congress.gov/119/meeting/house/117918/witnesses/HHRG-119-AP06-Wstate-MacarroM-20250227.pdf>.

further exacerbates funding 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 – all of these are very dangerous for motorists, including emergency response vehicles, school buses, families, and federal entities. Many of these roads have few or no sidewalks, shoulders, or guardrails. Monsoon flooding often completely washes out roads, stranding our tribal citizens and isolating entire communities from essential services. Tribal citizens have been killed by flooding while traveling on these roads. Adding to these significant challenges is the limited access to telecommunications in many areas of the Reservation, which can prevent travelers from communicating emergency situations. The Nation desperately needs additional funding to address these dangerous conditions. Funding levels for the BIA Road Maintenance Program have not kept pace with growing road maintenance requirements. In FY 2026, the BIA Road Maintenance Program was level funded at \$39.1 million. *The Nation respectfully requests that the BIA Road Maintenance Program receive a significant increase in FY 2027 to address the deferred maintenance backlog, and, at a minimum, that the FY 2026 funding level continues in FY 2027.*

Transfer of funds to BLA for Roads Damaged by Customs and Border Protection (CBP). CBP heavily uses approximately 350 miles of the Nation’s roads during its border security duties, and its heavy vehicles damage our roads. 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. *Continued funding for this purpose, and language authorizing BLA to accept funding from CBP must be included in the FY 2027 Interior appropriations bill.* The Nation greatly appreciates the Subcommittee’s leadership and continued support on this issue.

II. Funding for Interior’s implementation of 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). Under SAWRSA, the Nation gave up its significant claims relating to damages to groundwater and surface water in the Tucson Active Management Area in return for reliable, affordable, and long-term access to Central Arizona Project (CAP) water. SAWRSA settled water rights claims relating to a little over 100,000 acres – less than 1/20th of our Reservation. 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 Training Range).

Unfortunately, existing settlements like SAWRSA have never been fully implemented, and suffer from chronic underfunding. Making things worse, ongoing drought conditions, coupled with the overallocation of the Colorado River, 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. It is critical that Interior and other federal agencies implement water settlements and ensure access to entitlements through both the annual appropriation process and drought relief funding. Without this

² GAO-17-423 at 23-24.

commitment from Congress and relevant federal agencies, the Nation and other Tribes will never receive the full measure of their promised water rights.

III. Increased Funding for BIA Law Enforcement and Border Security

The Nation works closely with CBP and other federal law enforcement to secure the southern border. Annually, the Nation spends more than \$3 million of our own funds to help secure the United States' border. These expenditures strain our ability to fund 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 Task Force, which combats drug smuggling on the Reservation. In remote areas, TOPD officers are the first and only responders to criminal activity. TOPD 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.³ Making matters worse, TOPD has difficulty communicating with other federal law enforcement due to a lack of interoperability throughout the Reservation. Upgraded information technology and equipment is desperately needed to improve law enforcement collaboration. 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 was over \$3 billion in 2021.⁴ In FY 2026, BIA public safety and justice programs were funded at \$570 million, an increase of \$14.5 million from FY 2025. *Although the Nation appreciates this increase, it is woefully inadequate. The Nation respectfully requests a significant increase for BIA public safety and justice programs to fully meet the critical public safety and justice needs of Indian Country.*

IV. Increased Funding for IHS Facilities Construction

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.⁵ From FY 2018 to 2022, IHS estimates its backlog of deferred maintenance more than doubled from \$366 million to \$737 million,⁶ and the current backlog is now \$1.45 billion (an increase of approximately 450 million from FY 2025).⁷ 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 currently has only 14 beds, and it is entirely inadequate to serve the health care needs of the Nation's citizens. *The Sells Replacement Hospital has been on the IHS facilities construction priority list for over thirty years, since 1993, and the current IHS FY 2026 Facilities Construction Priority List shows no funding allocated for the Sells Replacement Hospital in FY 2026 and FY 2027. In*

³ Interior OIG Report No. 2022-WR-040-A, *Detention Facility Health and Safety Concerns*, available at <https://www.doi.gov/sites/default/files/2021-migration/Final%20Management%20Advisory%20BIA%20Detention%20Facility%20Health%20and%20Safety.pdf>.

⁴ 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.

⁵ 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>.

⁶ GAO-24-105723 at 24.

⁷ See IHS FY 2026 Budget Justification at CJ-125, available at https://www.ihs.gov/sites/ofa/themes/responsive2017/display_objects/documents/FY_2026_IHS_Congressional_Justification_Plan.pdf.

March 2022, IHS officials stated that at current appropriations levels, it would take approximately 10 years to fully fund and replace the remaining facilities on the priority list.⁸ 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 Hospital.

In August 2020, the Phoenix Indian Medical Center (PIMC) was forced to close its labor and delivery services due to aging infrastructure and inadequate equipment. Nearly six years later PIMC still has not resumed these services. This closure affects the ability of many Native American women, including some of our members, to receive care. The Nation's Sells Hospital and PIMC are just two examples of aging IHS facilities. The Nation appreciates that Secretary Kennedy recently announced \$1 billion in new funding to support IHS facilities, but it is not clear where this funding is coming from – we are concerned about whether the money is being reprogrammed from other IHS programs that in turn will suffer from insufficient funding. What Indian Country really needs is consistent, adequate yearly appropriations to support IHS facilities needs in Indian Country. In FY 2026, IHS received \$184.6 million for health care facilities construction, a \$2 million increase from FY 2025. *Congress must do better, and the Nation respectfully requests that Congress provide adequate funding, including \$1.9 billion for maintenance and improvement and \$2.5 billion for health care facilities construction,⁹ to address failing IHS facilities that are putting the health and welfare of Native Americans at risk.*

V. Increased Funding for BIE and Tribally Controlled Schools

More funding is desperately needed for Bureau of Indian Education (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 using five temporary modular units, and these continue to be in use today. The Santa Rosa Day School is listed first on BIE's replacement list, but it will not be fully funded until 2028 because current funding levels only support one school replacement per year. The Nation also has raised concerns about the San Simon Elementary School, including the absence of a lease.

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.¹⁰ Interior noted that it would cost more than \$1 billion to address the deferred maintenance at BIE facilities. Another recent OIG report found that work orders opened to address safety and health deficiencies at a BIE school were closed without the deficiencies being corrected.¹¹ Congress must act to ensure that BIE schools can be repaired, renovated and replaced sooner. In FY 2026, Congress provided level funding for BIE facilities construction at \$234.7 million. *The Nation respectfully requests that Congress provide \$1 billion for BIE facilities construction so more BIE schools can be renovated and replaced sooner, to provide a safe, modern, and supportive learning environment for Native American students.*

⁸ GAO-24-105723 at 20.

⁹ See National Indian Health Board FY 2027 Budget Request at 48,50 requesting \$1.9 billion for Maintenance and Improvement and \$2.5 billion for Health Facilities Construction and Other Authorities, available at <https://www.nihb.org/resource/fy-2027-ntbfwg-budget-book-2/>.

¹⁰ 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.doi.gov/sites/default/files/2021-migration/FinalEvaluationReport_BIEDeferredMaintenance_Public.pdf.

¹¹ Interior OIG Report No. 2024-ISP-014-A, *Risks Identified With a Bureau of Indian Education Contractor*, available at https://www.doi.gov/sites/default/files/2021-migration/FinalManagementAdvisory_BIEIndianSchoolInspections.pdf.