

HOUSE COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE FOR INDIGENOUS PEOPLES OF THE UNITED STATES
REMOTE OVERSIGHT HEARING - CISCO WEBEX
JUNE 17, 2021

OVERSIGHT HEARING ON “*EXAMINING FEDERAL FACILITIES IN INDIAN COUNTRY*”

Hon. Ned Norris, Jr., Chairman, Tohono O’odham Nation

Questions from Rep. Leger Fernandez

1. *The BIE budget proposal includes \$264.3 million in annual funding for Education Construction to replace and repair BIE facilities, supplemented by an additional \$95.0 million per year from the Great American Outdoors Act.*
 - a. *In your experience, do you think these funding levels are enough to account for all of Indian Country?*

Answer: No, these levels are far below what is necessary to account for all BIE facilities in need of attention in Indian Country. The replacement and renovation costs for the Nation’s Santa Rosa Ranch School, which is a smaller facility (73 students), are estimated to be \$18.6 million. This is only one school out of at least 86 schools that BIE has determined are in poor condition and need to be assessed, repaired and/or replaced. Considering the potential cost to assess, repair and/or replace all the BIE facilities in poor condition across Indian Country, the BIE budget proposal is clearly inadequate -- just a drop in the bucket.

- b. *Can you reiterate why the federal government must prioritize investments in Indian education facilities?*

Answer: The federal government has a legal obligation to provide a quality education and safe facilities to Native American children, *see* Indian Self-Determination and Education Assistance Act, Pub.L. 93-638 §§ 2 and 3, 88 Stat. 2203 (1975) (codified at 25 U.S.C. §§ 5301 and 5302); 25 C.F.R. § 32.3, and it continues to fail to meet those obligations. For many years, federal funding for BIE facilities has been grossly inadequate. BIE is unable to ensure that our children can learn in a safe, secure environment, and as a result, our children continue to fall behind. That is simply not acceptable. Investment in Indian education facilities is vital, and must be included in the American Jobs Plan, or any infrastructure legislation that Congress considers.

2. *You mentioned that the Nation has been on the IHS facilities construction list for over 20 years, and your current IHS hospital is fifty years old, with only 14 beds and minimal resources.*
 - a. *IHS has allocated only \$15 million for maintenance funding, yet \$225 million is needed. How could the allocated \$15 million be used, and what remains missing?*

Answer: The \$15 million that has been allocated to date is for planning costs for the Replacement Hospital. The total estimated amount to complete all the planning, design, architecture and construction of the Sells Replacement facility is \$225 million.

Questions from Rep. Grijalva

1. *After notifying BIE about the Santa Rosa Ranch School's safety concerns in 2018, BIE closed the school for "high priority deficiencies" until 2019, when five modular buildings were provided.*

a. *If the BIE had the funding to promptly address the 2015 safety issues, do you think that the school would have avoided closure?*

Answer: I can't know that for sure, but I would expect that if BIE had enough funding to address safety issues at the school, the school never would have even been in the poor condition found in the 2015 inspection, much less in the condition that led to a finding of "high priority deficiencies" that required BIE to close the school in 2018.

b. *During the time of the school closure, how were students and teachers impacted by the school closure and the modular units?*

Answer: During the three months that the Santa Rosa Ranch School was closed, students and teachers were shuttled to the Santa Rosa Day School to attend classes, while the modular units were set up. This was disruptive for teachers and students in both schools, and it negatively affected the children's education. The temporary modular units provide a safer learning environment, but these temporary units are not a long-term substitute for a permanent, safe, adequately-equipped school facility and campus.

c. *What lessons could be learned from this experience, and how will BIE avoid school closures in the future?*

Answer: The main lesson is that Santa Rosa Ranch school is not unique -- there are at least 86 BIE school facilities (almost half of BIE facilities) that BIE has designated as being in poor condition and in need of repair or replacement, including the Nation's Santa Rosa Day School and Tohono O'odham High School. Additional funding is critical so these facilities can be repaired or replaced in a timely manner, and Native American children can learn in safe, modern, and culturally relevant surroundings, without disruptive school closures or having to rely on temporary facilities.

2. *Are any of the Nation's other BIE-funded schools on the BIE list of facilities in poor condition, in addition to the Santa Rosa Ranch School?*

Answer: Yes, the Nation's Santa Rosa Day School and the Tohono O'odham High School are also on the list of those facilities rated by BIE as being in poor condition. The Santa Rosa Day School has been selected for site assessment as part of the BIE Site Assessment Capital Improvement

Program, which means that BIE will perform a site assessment and develop a plan to address the conditions at the school. The time frame for that is unclear, but based on past experience, we expect that it will take years, not months, to complete the site assessment, prepare a plan, and complete the needed repairs or replacement at the school.

Tohono O’odham High School is not currently under active consideration for renovation or replacement, despite its poor condition. Without additional funding for BIE facilities, needed repairs or replacement of the school will not happen for many years.