

**LEAVING INDIAN CHILDREN  
BEHIND: REVIEWING  
THE STATE OF BIE SCHOOLS**

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**OVERSIGHT HEARING**

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT AND  
INVESTIGATIONS

OF THE

COMMITTEE ON NATURAL RESOURCES  
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

Wednesday, February 12, 2025

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HOUSE COMMITTEE ON  
**NATURAL RESOURCES**  
CHAIRMAN BRUCE WESTERMAN

**To:** House Committee on Natural Resources Republican Members

**From:** Subcommittee on Oversight and Investigations staff, Michelle Lane (Michelle.Lane@mail.house.gov) and Lucas Drill (Lucas.Drill@mail.house.gov)

**Date:** February 10, 2025

**Subject:** Oversight Hearing on “Leaving Indian Children Behind: Reviewing the State of BIE Schools”

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The Subcommittee on Oversight and Investigations will hold an oversight hearing titled “Leaving Indian Children Behind: Reviewing the State of BIE Schools” on **Wednesday, February 12, 2025, at 2 p.m. in 1334 Longworth House Office Building.**

Member offices are requested to notify Cross Thompson (Cross.Thompson@mail.house.gov) by 4:30 p.m. on Tuesday, February 11, 2025, if their member intends to participate in the hearing.

#### **I. KEY MESSAGES**

- The Bureau of Indian Education has long suffered from an absence of oversight and accountability, leading to deteriorating facilities and failing educational experiences for Indian students at Bureau of Indian Education (BIE or the Bureau) and tribally controlled elementary and secondary schools.
- Independent reviews conducted by the Government Accountability Office (GAO) and the Department of the Interior’s (DOI) Office of Inspector General (OIG) found serious deficiencies with the way the BIE tracks and monitors both routine and deferred maintenance, leading to inaccurate and unreliable estimations and ultimately to substandard facilities.
- The Indian students at BIE and tribally controlled elementary and secondary schools deserve a safe and healthy school environment to learn and grow. Unfortunately, BIE and BIA have failed in that mission, leading to lower-quality educational opportunities and resources for Tribal students.
- The Biden administration allowed BIE schools to languish and refused to cooperate with the House Committee on Natural Resources’ BIE-related investigations. The Committee looks forward to working with the Trump administration to tackle deferred maintenance, revitalize BIE schools, and provide safe learning environments for Indian students.

#### **II. WITNESSES**

##### **Panel 1:**

- **Ms. Kathleen Sedney**, Assistant Inspector General for Audits, Inspections, and Evaluations, Office of Inspector General, U.S. Department of the Interior, Washington, D.C.
- **Ms. Melissa Emery-Arras**, Director, Education, Workforce, and Income Security Team, Government Accountability Office, Washington, D.C.

**Panel 2:**

- **Mr. Kasey Valesquez**, Chairman, White Mountain Apache Tribe, Whiteriver, AZ
- **Ms. Cecilia Fire Thunder**, President, Oglala Lakota Nation Education Coalition, Martin, SD
- **Ms. Shawna Becenti**, Head of School, Navajo Preparatory School, Farmington, NM
- **Mr. Jason Dropik**, Executive Director, National Indian Education Association, Washington, D.C. (Minority witness)

**III. INTRODUCTION**

BIE's mission statement clearly states that the Bureau's goal is "to provide quality education opportunities from early childhood through life in accordance with a tribe's needs for cultural and economic well-being."<sup>1</sup> Following numerous reports from whistleblowers, tribal stakeholders, and Congressional offices, the Committee launched an investigation to hold the Bureau accountable for the poor conditions found throughout BIE's elementary and secondary schools. BIE has failed to provide valuable and high-quality educational opportunities and resources for Indian students nationwide. This hearing will examine the significant deferred maintenance backlog for BIE's elementary and secondary schools and the corresponding negative impact on Indian students' educational experiences.

**IV. BACKGROUND**

Although the federal government has provided funding for specific instances of educating Indians and Indian children since the United States' founding, a centralized federal Indian school system was not created until after the Civil War.<sup>2</sup> Initially operated by the Bureau of Indian Affairs (BIA), boarding and day schools were created for Indian children off and near Indian reservations.<sup>3</sup>

Today, DOI's Office of the Assistant Secretary of Indian Affairs (IA), BIE, and BIA manage "183 elementary and secondary schools, dormitories, and off-reservation boarding schools providing educational services to approximately 45,000 elementary and secondary students in 23 States."<sup>4</sup> IA includes the Assistant Secretary, Indian Affairs, as well as the Offices of Facilities, Property and Safety Management.<sup>5</sup> The directors of both BIE and BIA report to IA.<sup>6</sup> BIE directly operates some of these elementary and secondary schools. Tribes and Tribal organizations operate others, supported through grants under the Tribally Controlled Schools Act of 1988<sup>7</sup> or contracts under the Indian Self-Determination and Education Assistance Act of 1975 (ISDEAA).<sup>8</sup> Federal appropriations and programs like the Johnson O'Malley Program and ISDEAA self-determination agreements, reimburse public schools for educating Indian students.<sup>9</sup>

Poor conditions at BIE elementary and secondary schools are a longstanding problem. In 1928, Secretary of the Interior Hubert Work requested a survey on the "conditions of Indian education facilities, 'The Problem of Indian Administration,'"<sup>10</sup> that found 'deplorable' conditions at Indian education facilities."<sup>11</sup> Although the physical infrastructure of the schools has improved in the last century, mismanagement of deferred maintenance and repairs continues to contribute to poor conditions at BIE elementary and secondary schools, particularly compared to their public and independent counterparts.

<sup>1</sup> Dept. of the Interior, Bureau of Indian Education, "Our Mission," <https://www.bie.edu/topic-page/our-mission>.

<sup>2</sup> Cassandra Dortch, "Indian Elementary-Secondary Education: Programs, Background, and Issues," Congressional Research Service, <https://www.crs.gov/reports/pdf/RL34205/RL34205.pdf>.

<sup>3</sup> *Id.*

<sup>4</sup> Report No.: 2022-CR-036, *Indian Affairs Is Unable To Effectively Manage Deferred Maintenance of School Facilities*, DEPT. OF THE INTERIOR OFFICE OF INSPECTOR GENERAL (Mar. 2024). [https://www.doi.gov/sites/default/files/2021-migration/FinalEvaluationReport\\_BIE\\_DeferredMaintenance\\_Public.pdf](https://www.doi.gov/sites/default/files/2021-migration/FinalEvaluationReport_BIE_DeferredMaintenance_Public.pdf).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> 25 U.S.C. § 2501 et seq.

<sup>8</sup> 25 U.S.C. § 5301 et seq.

<sup>9</sup> Dortch, *supra* note 2.

<sup>10</sup> Lewis Meriam, *The Problem of Indian Administration*, INSTITUTE FOR GOVERNMENT RESEARCH (Feb. 21, 1928). This document reported on a survey made at the request of the Honorable Hubert Work, Secretary of the Interior. <https://narf.org/nill/resources/meriam.html>.

<sup>11</sup> Report No.: 2022-CR-036, *supra* note 4.

OIG and GAO have released numerous reports detailing the longstanding problems with the deferred maintenance and repairs backlog for BIE elementary and secondary schools. For example, in March 2024, OIG released “Indian Affairs Is Unable To Effectively Manage Deferred Maintenance of School Facilities,” an evaluation report on BIA and BIE’s mismanagement of deferred maintenance at BIE elementary and secondary schools.<sup>12</sup> The report found that as of September 2022, BIE education facilities had accumulated over \$1 billion in deferred maintenance due to “funding delays, processing work orders based on a monetary threshold, limited project management capacity, and unreliable work order data.”<sup>13</sup>

OIG examined ten BIE elementary and secondary schools and found “many instances in which assets had deteriorated due to delays in completing necessary repairs,” including “examples of deterioration, including foundation issues, corroding pipes, and inoperable boilers during our visits to schools in Arizona and New Mexico.”<sup>14</sup>

### Deteriorating Conditions at BIE-funded Schools



From left to right: A crumbling foundation at Many Farms Community School (work orders submitted July 10, 2008); a corroded water line pipe at To'Hajiilee Community School (work orders submitted September 20, 2021); and an inoperable boiler that failed inspection at Many Farms High School (work order submitted January 9, 2008).<sup>15</sup>

### Great American Outdoors Act Funding for BIE

In August 2020, Congress passed the Great American Outdoors Act (GAOA).<sup>16</sup> GAOA established a new mandatory fund, the “National Parks and Public Land Legacy Restoration Fund” (LRF), to address the land management agencies’ deferred maintenance needs.<sup>17</sup> Unlike routine maintenance, deferred maintenance and repairs are “maintenance and repairs that were not performed when they should have been or were scheduled to be and which are put off or delayed for a future period.”<sup>18</sup>

The LRF is funded through 50 percent of the unobligated or “miscellaneous” revenues deposited into the U.S. Treasury from all forms of energy development (oil, gas, coal, and alternative or renewable energy), up to \$1.9 billion a year for five years (\$9.5 billion total).<sup>19</sup> BIE receives a five percent share of the amounts deposited in the LRF each year (\$95 million).<sup>20</sup> Despite the significant investment in deferred maintenance and repairs from the LRF and a steady increase in BIE’s budget authority for infrastructure management from \$108 million in fiscal year (FY) 2019

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Report No.: 2022-CR-036, *supra* note 4.

<sup>16</sup> Pub. L. No. 116-152, <https://www.congress.gov/116/plaws/publ152/PLAW-116publ152.pdf>.

<sup>17</sup> Carol Hardy Vincent et al., *The Great American Outdoors Act* (P.L. 116-152), CONGRESSIONAL RESEARCH SERVICE (Dec. 15, 2022), <https://www.crs.gov/Reports/IF11636?source=searchId>.

<sup>18</sup> *Deferred Maintenance and Repairs*, Federal Accounting Standards Advisory Board (Apr. 25, 2012), [http://files.fasab.gov/pdf/files/original\\_sffas\\_42.pdf](http://files.fasab.gov/pdf/files/original_sffas_42.pdf).

<sup>19</sup> There are no such things as unobligated energy receipts. Energy revenues deposited into the Treasury before the passage of GAOA were used to pay other obligations of the U.S. government. Therefore, the Congressional Budget Office (CBO) “scored” the bill as increasing the deficit by \$9.54 billion: <https://www.cbo.gov/system/files/2020-07/HR1957directspending.pdf>. The 5 years referenced are FY 2021–FY 2025.

<sup>20</sup> GAO-24-106495, *Deferred Maintenance: Agencies Generally Followed Leading Practices in Selections but Faced Challenges* (Jan. 2024). <https://www.gao.gov/assets/d24106495.pdf>.

to \$123 billion in FY 2022, BIE observed an increase in the total deferred maintenance and repairs from \$980 million in FY 2019 to \$1.08 billion in FY 2022.<sup>21</sup>

As of FY 2022, the states with the most deferred maintenance and repairs under BIE are Arizona (\$502 million), New Mexico (\$165 million), South Dakota (\$162 million), North Dakota (\$63.6 million), and Kansas (\$39.4 million).<sup>22</sup> The deferred maintenance and repairs include \$393.2 million for schools, \$300 million for grounds, \$256.6 million for operations, and \$131.8 million for housing assets.<sup>23</sup>

### **BIE Administration of Schools at High Risk for Fraud, Waste, and Abuse**

Since 1990, GAO has maintained a “High-Risk List” of federal programs to bring attention to federal agencies and program areas that are “especially vulnerable to fraud, waste, abuse, and mismanagement, or [are] in need of transformation.”<sup>24</sup> The purpose of the High-Risk List is to support congressional oversight efforts and improve government efficiency.<sup>25</sup> Since its inception, the High-Risk List has featured 67 different agencies and programs; these agencies are listed until GAO determines appropriate corrective actions have been taken.<sup>26</sup>

BIE’s “administration of schools for American Indian students,” specifically the 183 elementary and secondary schools managed by BIE, has been on the High-Risk List since 2017.<sup>27</sup> GAO has identified “significant management weaknesses in BIE’s support and oversight of schools,” including “poor conditions at school facilities that endangered students and weak oversight of schools’ use of federal funds.”<sup>28</sup> Additionally, GAO found that BIE has limited capacity to “ensure accountability for construction projects.”<sup>29</sup>

Since 2013, GAO has made 32 recommendations related to high-risk areas in BIE’s administration of elementary and secondary schools, such as school safety, fiscal oversight, and school construction.<sup>30</sup> According to GAO, 12 unresolved recommendations are currently keeping BIE on the High-Risk List, including:<sup>31</sup>

- “Update [BIE’s] strategic workforce plan to build its capacity to conduct all annual fiscal reviews of schools that are designated as high risk.”<sup>32</sup>
- “Establish controls to ensure that BIE staff responsible for monitoring purchase card activity at BIE-operated schools consistently use Interior’s required monitoring tool and procedures.”<sup>33</sup>
- “Develop and implement written policies and procedures for collecting timely information on BIE-operated schools’ technology needs.”<sup>34</sup>

### **BIE is Unable to Manage Deferred Maintenance and Repairs**

Numerous GAO reports, including a report entitled “Indian Affairs: Preliminary Results Show Continued Challenges to the Oversight and Support of Education Facilities” issued in February 2015,<sup>35</sup> and another entitled “Indian Affairs: Better Management and Accountability Needed to Improve Indian Education” from September 2013,<sup>36</sup> previously identified how unreliable data and inadequate funding and procedures contribute to the deferred maintenance of BIE education facilities.<sup>37</sup>

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> GAO-22-106104, High-Risk: Bureau of Indian Education Has Addressed Some Management Weaknesses, but Additional Work Is Needed on Others (June 28, 2022). <https://www.gao.gov/assets/gao-22-106104.pdf>.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> GAO-24-105451, Bureau of Indian Education: Improved Oversight of Schools’ COVID-19 Spending is Needed (Mar. 27, 2024), <https://www.gao.gov/assets/gao-24-105451.pdf>.

<sup>33</sup> *Id.*

<sup>34</sup> GAO-21-492T, Indian Education: Schools Need More Assistance to Provide Distance Learning (Apr. 28, 2021), <https://www.gao.gov/assets/gao-21-492t.pdf>.

<sup>35</sup> GAO-15-389T, Indian Affairs: Preliminary Results Show Continued Challenges to the Oversight and Support of Education Facilities (Feb. 2015). <https://www.gao.gov/assets/gao-15-389t.pdf>.

<sup>36</sup> GAO-13-774, Indian Affairs: Better Management and Accountability Needed to Improve Indian Education (Sept. 2013). <https://www.gao.gov/assets/gao-13-774.pdf>.

<sup>37</sup> *Id.*



In January 2024, GAO released a report confirming BIE's inability to address the deferred maintenance backlog, "Deferred Maintenance: Agencies Generally Followed Leading Practices in Selections but Faced Challenges."<sup>38</sup>

The report also describes incomplete and inaccurate data on deferred maintenance, including "underreporting of \$300 million, or 28 percent, of deferred maintenance at BIE."<sup>39</sup> DOI's latest available data on deferred maintenance and repairs from September 2023 reflects a steep reduction of over \$300 million in the backlog from the September 2022 total of over \$1 billion.<sup>40</sup> It is unclear whether the \$300 million reported reduction in the backlog is related to the "underreporting of \$300 million" previously identified by GAO. Given the nearly century-long effort to both investigate and improve tribal schools, the ability to accurately determine the scale and validity of data that measures both ongoing and deferred maintenance needs is of utmost importance.

OIG found that work orders are generally not completed in a timely manner, partly due to the improper categorization of work orders over \$2,500 as deferred maintenance, including operations and maintenance (O&M) projects.<sup>41</sup> O&M projects can be immediately addressed by school facility staff. At the same time, deferred maintenance and repairs require a more "time-intensive funding and approval process that must go through multiple layers of approval."<sup>42</sup> This categorization has significantly affected completion times for deferred maintenance and repairs.<sup>43</sup>

OIG also found that work orders for deferred maintenance and repairs in the facility management system were not up to date or accurate.<sup>44</sup> During school visits, OIG observed that half of the deferred maintenance work orders were listed as "open," though they had already been addressed.<sup>45</sup> This has led to inaccurate data in the facility management system that harms decision-making for project prioritization and funding. OIG emphasized that "without reliable, accurate, and complete deferred maintenance work order data, [B]IA cannot determine the estimated costs of deferred maintenance at BIE-funded schools, which in turn leads to funding delays and further deterioration of schools."<sup>46</sup>

School Visited	Open Work Orders Reviewed	Open Work Orders Completed or Canceled	Open Work Orders Completed or Canceled (%)
Jemez Day School	4	2	50
Santa Fe Indian School	4	3	75
Many Farms Community School	5	2	40
Many Farms High School	3	0	0
Hunter's Point Boarding School	3	3	100
Crystal Boarding School	3	2	67
Wingate Elementary School	2	1	50
Wingate High School	2	1	50
<b>Totals</b>	<b>26</b>	<b>14</b>	<b>54%</b>

**Reviewed Open Deferred Maintenance Work Orders.**<sup>47</sup>

Additionally, OIG found many instances where deferred maintenance projects were delayed years after being submitted, including "1,056 work orders that had not been completed 22 years after they were requested" as of September 2022.<sup>48</sup> For example, "data showed safety work orders to install exit signs at Northern Cheyenne Tribal School and a fire alarm system at Quileute Tribal School were reported in 2000 and approved by DFMC but remained open as of September 2022. Also, a work order was requested in 2000 to replace asbestos floor tiles at Hunters Point Boarding School; inspections confirmed this need in 2015 and 2019.<sup>49</sup> The lengthy delays contribute to the further deterioration of federal assets, and, as a result, Indian

<sup>38</sup> GAO-24-106495, *supra* note 19.

<sup>39</sup> *Id.*

<sup>40</sup> *Deferred Maintenance and Repair*, DEPT. OF THE INTERIOR, <https://www.doi.gov/deferred-maintenance-and-repair>.

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

students can lose access to certain facilities, dormitories, and critical resources at their schools.<sup>50</sup>

The OIG issued nine recommendations for BIA and BIE to improve their management of the deferred maintenance and repairs backlog.<sup>51</sup> At the time OIG issued this report, BIE had resolved six of the nine recommendations, though several critical recommendations remain unresolved:

- “In coordination with Indian Affairs, conduct a workforce study to ensure BIE has the capacity to oversee the transferred facility management responsibilities in its regions.”<sup>52</sup>
- “In coordination with Indian Affairs, develop and implement a continual monitoring process to assess the statuses of and close deferred maintenance work orders in the facility management system that have been addressed.”<sup>53</sup>
- “In coordination with Indian Affairs, ensure that every school has staff trained on managing work orders in the facility management system, including procedures for properly classifying, updating, and closing work orders.”<sup>54</sup>

Though BIE has addressed some recommendations from GAO and OIG, many critical recommendations remain unresolved. Notably, school facility management transitioned from BIA to BIE in October of 2023, with primary responsibility at the local (school) level. However, both IA and BIA remain involved with larger projects and trainings, as well as some oversight and funding consolidation issues.<sup>55</sup> It is unclear to the Committee whether all local BIE staff have been properly trained regarding the facility management systems, funding thresholds, and deferred maintenance project approval processes.

## V. CONCLUSION

BIE’s inability to manage its deferred maintenance and repairs backlog has led to deteriorating facilities at BIE’s elementary and secondary schools. Many Tribes across the nation depend on BIE to act as a reliable partner in educating their members. Without proper oversight to ensure the agency appropriately tracks and estimates its backlog, BIE will be unable to meaningfully address its deferred maintenance backlog. As a result, these assets will continue to deteriorate, and Indian students at BIE and tribally controlled schools will continue to lack access to critical resources to provide a high-quality education.

The Committee is committed to working with the Trump administration to revitalize BIE and ensure that Indian students receive a quality education and can learn in a safe environment.

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<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> Report No.: 2022-CR-036, *Indian Affairs Is Unable To Effectively Manage Deferred Maintenance of School Facilities*, DEPT. OF THE INTERIOR OFFICE OF INSPECTOR GENERAL (Mar. 2024), [https://www.doi.gov/sites/default/files/2021-migration/FinalEvaluationReport\\_BIEDeferredMaintenance\\_Public.pdf](https://www.doi.gov/sites/default/files/2021-migration/FinalEvaluationReport_BIEDeferredMaintenance_Public.pdf).

# **OVERSIGHT HEARING ON LEAVING INDIAN CHILDREN BEHIND: REVIEWING THE STATE OF BIE SCHOOLS**

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**Wednesday, February 12, 2025  
U.S. House of Representatives  
Subcommittee on Oversight and Investigations  
Committee on Natural Resources  
Washington, D.C.**

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The Subcommittee met, pursuant to notice, at 2:02 p.m. in Room 1334, Longworth House Office Building, Hon. Paul Gosar [Chairman of the Subcommittee] presiding.

Present: Representatives Gosar, Boebert, Collins, Westerman, Walberg, Maloy, Biggs, Johnson, Crane, Downing; Dexter, Hernández, and Huffman.

Dr. GOSAR. The Subcommittee on Oversight and Investigations will now come to order.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

The Subcommittee is meeting today to hear testimony on “Leaving Indian Children Behind: Reviewing the State of the BIE Schools.”

Under Committee Rule 4(f), any oral opening statements at the hearing are limited to the Chairman and the Ranking Member. I therefore ask unanimous consent that all other Members’ statements be made part of the hearing record if they are submitted in accordance with Committee Rule 3(o).

Without objection, so ordered.

I now ask unanimous consent that the following members be allowed to sit and participate in today’s hearing: the gentleman from California, Mr. Doug LaMalfa; the gentleman from Michigan, Mr. Tim Walberg; the gentlewoman from Utah, Ms. Celeste Maloy; the gentleman from Arizona, Mr. Andy Biggs; the gentleman from South Dakota, Mr. Dusty Johnson; the gentleman from Arizona, Mr. Eli Crane; and the gentleman from Montana, Mr. Troy Downing.

Without objection, so ordered.

I now recognize the Full Committee Chair, Mr. Westerman, for an opening statement.

Is he here yet? No?

VOICE. He is down the hall.

## **STATEMENT OF THE HON. PAUL GOSAR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA**

Dr. GOSAR. Good afternoon. I would like to take a moment to welcome our witnesses, some of whom traveled across the country to be here. I would especially like to welcome Chairman Velasquez, who represents the White Mountain Apache Tribe, from my home

State of Arizona, as well as Ms. Becenti, who is the Head of School at the Navajo Preparatory School in Farmington, which also welcomes many of the children from Arizona each year.

Thank you for coming before the Committee today to review the current state of the BIE and tribally-controlled elementary and secondary schools, examine their deferred maintenance and repairs backlog, and discuss how deferred maintenance can negatively impact Indian students' education.

During the last Congress, the Committee launched an investigation into the BIE schools including Haskell Indian Nations University. Now, as President Trump seeks to root out fraud, waste, and abuse in the Federal Government, the Committee is committed to expanding our oversight work during the 119th Congress.

BIE schools have long suffered from a lack of oversight and accountability. In 1928 a survey of Indian education facilities found that conditions were deplorable. In the last century these conditions have not improved nearly enough.

For those who have never been to a BIE school, I want to be clear on a few things. Of the 183 schools, they are often not only the only schools in the area, but the only safe places for children in very remote areas. And when I say "remote," I want you to think about the Havasupai Elementary School in Arizona. The only way to access this school, which is located at the floor of the Grand Canyon, is by an eight-mile hike, mule, or a helicopter. I can guarantee you those teachers and students are not taking helicopter rides to that school.

As numerous OIG and GAO reports note, BIE schools have racked up a mountain of deferred maintenance due to mismanagement. Delays mean the BIE schools either close or force children to learn in buildings without heat during frigid winter days. Delays mean an inability to feed children because of spoiled food in the broken refrigerators. Delays mean students struggling to focus as rainwater leaks into their classroom.

This dilapidated infrastructure also presents serious security concerns. Though many schools around the country are equipped with cameras, outdoor lights, and other access control measures, BIE schools largely have open and unprotected campuses. School buses and grounds are repeatedly vandalized. Strangers regularly walk onto campuses, enter the school buildings, and risk the safety of students and staff. These issues extend into BIE schools' housing facilities. BIE schools are sometimes located in remote locations, forcing students and staff to either travel great distances daily or to live in ramshackle dormitories. This lack of acceptable housing significantly increases staff turnover, which strips students of the stability provided by an established caregiver.

These problems are all made worse by BIE's refusal to insulate itself from fraud, waste, and abuse. Since 1990 GAO has kept a high risk list of Federal Government programs that are especially vulnerable to waste, fraud, and abuse, and mismanagement, or in need of transformation. BIE's administration of schools for American Indian students' 183 elementary and secondary schools have been on a high risk list for years.

In addition to poor conditions at the schools' facilities that endanger students, GAO found that the BIE has continuously ignored its

duty to support its schools and to oversee how Federal funds are used. In the last 12 years alone, GAO has delivered BIE 32 recommendations for action items to effectively improve school administration, increase school safety, rigorously account for funds, and to ensure proper tracking of work orders. At least a dozen of these recommendations, including those related to the annual fiscal reviews, monitoring purchase card use, and implementing policies related to school technology needs have been ignored.

OIG has scrutinized BIE schools and handed the Bureau recommendations—has yet to be adequately addressed. These recommendations include developing and implementing processes for tracking deferred maintenance, work orders, and training staff to accurately classify, update, and close work orders. An OIG report published earlier this week highlights some of the consequences of BIE's long-standing negligence.

In the report, OIG identified that BIE hired a contractor to help address its deferred maintenance backlog and resolve inaccuracies in BIE facility management systems. Rather than satisfactorily perform, the contractor proceeded to improperly close 58 percent of the open significant deficiency orders at one school and thousands of work orders across 127 other BIE and tribal schools. Instead of checking the contractor's work and terminating the contract as soon as the contractor's shoddiness became apparent, BIE inappropriately modified the contract and awarded an additional \$535,420. You can't make this stuff up.

This waste, fraud, and abuse must not be allowed to continue. Students at BIE schools nationwide deserve better. I am determined to shine a bright light on BIE's ineptitude, and I look forward to a bipartisan discussion that is robust regarding efficiently addressing BIE schools' deferred maintenance backlog so that Indian students have a healthy environment where they can grow and learn in the American dream.

I now yield to the Ranking Member, Ms. Dexter, for her opening statement.

**STATEMENT OF THE HON. MAXINE DEXTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON**

Dr. DEXTER. Thank you so much, Chair Gosar. I certainly appreciate you starting off this Congress and the Subcommittee with a topic that we can both agree is a serious problem. I hope we can pursue our oversight responsibility in a constructive way by identifying issues of bipartisan concern, even if our proposed solutions to the problem may differ.

I also hope that while we may have spirited debates, that we can do so in good faith and respectfully. The need for oversight in our jurisdiction far exceeds our capacity, so we must focus our work wisely.

And thank you to our witnesses today for the long distances you have come, and for the commitment that you have to this issue. We all agree that the education and well-being of our tribal students is a paramount priority.

We are here to discuss a crisis that has persisted for far too long: deferred maintenance and structural issues at Bureau of Indian Education schools. These schools, which serve tens of thousands of

tribal students across the country, are not just places of learning. They are the heart of their communities. They represent opportunity, cultural preservation, and the promise of a better future. Yet, too many of these schools are crumbling before our eyes. Decades of under-funding, delays, and inaction have left students and facilities that are unsafe, outdated, and, in some cases, outright hazardous. Leaky roofs, failing HVAC systems, black mold, and structural deficiencies are the daily reality for students and educators in these schools.

Though the Government Accountability Office and the Department of the Interior's Inspector General have repeatedly documented the severity of the crisis, we continue to see unacceptable delays in addressing these issues. The consequences of inaction are dire. The conditions of school facilities have a direct impact on student achievement, attendance, and overall well-being.

Native students already face significant education disparities, including lower graduation rates, higher rates of absenteeism, and higher teacher turnover. When their schools are in disrepair, these disparities only worsen.

As our witnesses will highlight today, resolving deferred maintenance starts with ensuring these schools in the Bureau itself have the funding and staffing necessary to properly track and address maintenance needs. Schools do not have enough personnel to conduct regular inspections, apply for necessary funding, or oversee critical repairs. Without adequate staffing and oversight, problems that should be addressed immediately continue to linger for years, worsening the crisis.

Alongside increased funding, Congress should prioritize mandatory funding for section 105(l) leases, which allow Tribes to be compensated for the use of their facilities for Federal functions; 105 leasing has become increasingly popular to advance tribal control over education and address maintenance issues while the backlog at BIE is addressed. But discretionary funding prevents it from being utilized to its full potential.

Congress has made progress in recent years by securing increased funding for school construction and maintenance through the Great American Outdoors Act. We must ensure these funds are deployed and implemented quickly and efficiently to reduce the backlog of deferred maintenance. However, we are hearing that Senate Republicans want to remove that funding too when the program is reauthorized. We can't fix an under-funding problem by further under-funding.

The Federal Government has a trust and treaty responsibility to provide quality education for tribal students, and that responsibility includes ensuring that their schools are safe and modern. Following this hearing, I will be sending a letter to President Trump emphasizing the concern expressed by many tribal organizations that his executive orders will deprive their communities of critical resources to support tribal education. Tribes are owed assurance that these orders will not undermine our trust and treaty obligations. I invite my colleagues on both sides of the aisle to join me in this request.

Tribal students deserve more than broken promises and temporary fixes. They deserve real and full investment in their futures.

I look forward to hearing from our witnesses today and working together to meet our funding obligations to the Tribes.

Thank you, Mr. Chair. I yield back.

Dr. GOSAR. I thank you, Ms. Dexter. Now I am going to introduce our witnesses for our first panel.

Oh, yes, I will now introduce the Chairman of the Full Committee, Mr. Westerman, for his opening statement.

**STATEMENT OF THE HON. BRUCE WESTERMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS**

Mr. WESTERMAN. Thank you, Chairman Gosar. I thought you were going to leave me out there for a minute.

[Laughter.]

Dr. GOSAR. I didn't see you.

Mr. WESTERMAN. That is OK. And I also want to point out that I think it is unique, especially for our hearing today, that one of our Committee members, Chairman Walberg, is the Chairman of the House Education and Workforce Committee.

And it is great to have you on the Committee and here for the hearing today.

Again, thank you, Chairman Gosar and Ranking Member Dexter and to the witnesses, for being here.

You know, as we speak, the National Indian Education Association is hosting their 2025 Hill Week. And just last week the American Indian Higher Education Consortium celebrated National Tribal College Week. Accordingly, this hearing to review the state of BIE schools and their deferred maintenance backlogs could not come at a better time.

Education is an issue that is probably near and dear to all of our hearts. Before I was elected to Congress, before I was elected to the State legislature, the first office I ever got elected to serve in was on a local school board. I often joked that I ran for the legislature so I could get off of the school board.

[Laughter.]

Mr. WESTERMAN. Anybody that has ever served on one of those knows what it is like.

Many members of my family are teachers. I have an older brother, he is retired. He was a teacher and a principal at one time. My wife is a special education teacher. I have nieces and nephews and even a son that is in college getting ready to go into the teaching profession.

So, unsurprisingly, it is difficult for students to excel when their school facilities are deteriorating. The most recent analysis of BIE student standardized test scores showed that students at BIE schools performed at least two grade levels below the national average. This means that while an average 9-year-old child in the United States learns to solve multiplication and division, a similarly-aged student in a BIE school could be learning the basic addition and subtraction. Even compared to Indian students from the same community enrolled in the nearest public school, BIE students regularly tested behind their peers. Worse yet, BIE's own data evaluating the math and reading proficiency of students with

disabilities does not show a single proficient student in any grade level, regardless of testing accommodations.

These statistics aren't acceptable. But sadly, they are predictable. How can we expect BIE students to excel when their classrooms are crumbling around them? For example, when OIG investigators visited BIE elementary and secondary schools in Arizona and New Mexico, they found corroding pipes, inoperable boilers, and foundation issues. Other inspections noted serious health hazards like an absence of emergency exit signs, non-existent fire alarm systems, and asbestos.

And rather than make necessary repairs plaguing BIE schools so that students can concentrate on algebra instead of their classroom structural integrity, the Bureau consistently postpones maintenance. As of September 2022, BIE education facilities across the country had accumulated more than \$1 billion in deferred maintenance. Numerous GAO and OIG reports have highlighted BIE's inability not only to address the backlog, but also to accurately account for it. One report found that more than 1,000 work orders were not completed more than 20 years after being submitted. In many cases, open work orders were marked as complete and vice versa. Because BIE's deferred maintenance data is inaccurate and incomplete, prioritizing projects and allocating funds is increasingly difficult, which further allows BIE school conditions to decline.

I want to close with this thought. For almost 100 years, poor conditions in tribal schools have been investigated by both Congress and the Department of the Interior. One hundred years. I would like to challenge everyone in this room on a bipartisan basis to begin with this hearing and commit to finding solutions to ending this 100-year-old problem today. We have a unique opportunity to move forward, and I hope that all will accept this challenge.

Thank you, Mr. Chairman, I yield back.

Dr. GOSAR. I thank the Chairman for his kind words.

Before I introduce the Ranking Member for the Full Committee, folks, I know there are a lot of people standing here. There is an overflow room that is down there at 1324, down at the end of the hall. And so if you would like to go down there, you will see us, you will feel us, you will hear us. All the things that you won't do is being present. So that will help you out.

I now introduce the Ranking Member from California, Jared Huffman, for his 5 minutes.

**STATEMENT OF THE HON. JARED HUFFMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. HUFFMAN. Thank you, Mr. Chairman, and good afternoon, everyone. It is great to see all of you, but especially the tribal leaders and educators who are with us today.

And I want to take a moment to congratulate Dr. Dexter on her new role as Ranking Member of this Subcommittee. She has my full confidence both in her commitment to bipartisanship when it serves the public good and her willingness to do something very important right now if we are going to continue to be a separate and equal branch of government, and that is scrutinize the Trump administration and hold it accountable when necessary. Based on



the first chaotic and lawless weeks of this administration, I think we are going to have our hands full in that regard.

Turning to today's hearing, though, we are discussing a crisis that has gone unaddressed for far too long: the unacceptable state of Bureau of Indian Education Schools. This ongoing crisis is not an abstract debate about numbers on a budget sheet. It is about whether tribal students who are owed a quality education by law and by treaty can safely attend school without fear of a roof caving in, of some toxic mold in their classrooms, or drinking water that makes them sick.

For years the GAO and the Interior Department's Inspector General have repeatedly found that BIE's system for tracking maintenance needs is riddled with inaccuracies, mismanagement, and delays. Their report also reveals the primary cause of this problem. And we can beat up on the faceless bureaucrats all we want, but lack of funding has to be part of this conversation.

Schools and BIE itself don't have the resources or the staffing to maintain accurate records, leading to serious gaps in tracking and in addressing urgent maintenance needs. As a result, faculty and students are stuck in dangerously dilapidated buildings with leaking roofs, toxic mold, contaminated drinking water, and electrical hazards. And when issues are resolved, there isn't the manpower to update the system, further distorting the data and masking the true extent of the problem. This is an unmanageable situation, for sure.

Without meaningful support, it is only going to get worse. But let's be clear. The problem is the direct result of Congress failing to fund these schools at the level required to meet even basic safety standards and needs. The numbers tell the story. The Tribal Interior Budget Council estimates the need for school facility replacement and construction Fiscal Year 2025 is about \$6.2 billion. But guess how much we are actually funding? A meager \$260 million annually. Think about that, \$6.2 billion in need and a funding reality of \$260 million. According to BIE, that \$6.2 billion is just what is needed to address schools in poor condition that haven't received funding yet. It doesn't account for schools that have already been assigned funding from that small pot of money, and the true need is therefore going to be much greater and growing every single year.

But instead of addressing this funding crisis, our friends across the aisle have repeatedly proposed cuts. For example, their 2024 appropriations bill, House Republicans proposed cutting \$211.1 million from BIE's funding request. Under the Trump administration, annual funding for BIE school construction was between \$60 million and \$80 million, a fraction of what is needed to keep schools safe and functional.

So we have made some progress in recent years, I am grateful for that, notably through increased funding for school construction and maintenance provided by the Great American Outdoors Act, as the Chair mentioned. But now it sounds like Senate Republicans want to eliminate that funding as part of reauthorizing that law. We need to stand together and oppose that.

Let's be clear. You cannot solve an under-funding crisis by cutting funds even more. That is just common sense. Doing that defies

logic, and we need to oppose it. Stripping these resources would be a major setback for tribal students and communities that have already been waiting too long for the safe, modern schools they deserve.

So I hope colleagues on both sides of the aisle will not be so cynical as to participate in a hearing about this crisis, express our concern about this crisis, one largely created by Congress's refusal to fund BIE properly, and then just turn around and make cuts that make the situation worse. I hope, I hope no one is so cynical as to do that in this Congress.

The Federal Government has a trust and treaty obligation to ensure tribal students receive the education they deserve in safe, well-maintained schools. We have to prioritize investment. There is a lot we can do together. I hope today's conversation is a start on that path.

Thank you, Mr. Chairman, I yield back.

Dr. GOSAR. I thank the gentleman from California. I now will recognize and introduce our witnesses for the first panel.

First, we have Ms. Kathleen Sedney, Assistant Inspector General for Audits, Inspections, and Evaluations, Office of the Inspector General, U.S. Department of the Interior, Washington, D.C.; and then Ms. Melissa Emery-Arras, I think I got that right, Director, Education Workforce and Income Security Team, Government Accountability Office, or the GAO, in Washington, D.C.

Let me remind you, the witnesses, that under Committee Rules, you must limit your statements to 5 minutes, but your entire statement will already be placed in the record.

To start your testimony, you will have to push this "on" button, otherwise I can't hear you.

Then you will see these timing lights. You will see this green, you will know that you are going good. When you start seeing that yellow, you start wrapping it up. And when you hit that red, break, OK? Because we have two panels to go through.

I will now recognize Ms. Sedney for 5 minutes.

**STATEMENT OF KATHLEEN R. SEDNEY, ASSISTANT INSPECTOR GENERAL, AUDITS, INSPECTIONS, AND EVALUATIONS, OFFICE OF INSPECTOR GENERAL, U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, D.C.**

Ms. SEDNEY. Chairman Gosar, Ranking Member Dexter, and members of the Subcommittee, thank you for the opportunity to testify today regarding the Office of Inspector General's recent reports evaluating condition at BIE-funded and BIE-operated schools.

As our offices work over the last two decades has shown, conditions at BIE schools remain a long-standing challenge. Today, I will be discussing our recent work addressing health and safety deficiencies at specific schools, data quality issues in BIE's facility management system, and BIE's overall management of deferred maintenance.

BIE supports and oversees a total of 183 schools. Health and safety deficiencies at these schools pose risks to both students and staff. Over the years our office has identified serious concerns at various schools and made recommendations for improvement. In

the last 10 years we have made 62 recommendations, and approximately half of those have been implemented.

In 2023 the OIG started an initiative to conduct a series of health and safety inspections at Indian schools by selecting and prioritizing review based on risk. Our objective, in part, is to determine whether these schools had addressed these conditions and issues. Since developing our risk-based plan, we have completed three inspections. Two of these reports were recently published and one is in progress. Our inspection reports describe the range of health and safety issues that we observed at Tate Topa Tribal School and Havasupai Elementary School. For example, we identified fire hazards, drainage issues, and roof disrepair. We found that many of the deficiencies were not addressed in a timely manner, with some remaining unaddressed for over 10 years. We also found inaccurate work order data for each school in BIE's facility management system called Maximo.

BIE has agreed with all of our recommendations and has provided target dates for implementation. We will continue to monitor BIE's implementation and keep you apprised of the status.

We have not limited our oversight to individual schools. For example, we recently evaluated whether BIE effectively managed deferred maintenance overall on a global level. Our findings in this report again raise concerns regarding the data quality in Maximo.

DOI defines deferred maintenance as maintenance and repairs that weren't performed when they should have been. At the time of our review, however, BIE did not use this definition. Instead, all repair and maintenance requests estimated to cost more than \$2,500 were automatically processed as deferred maintenance. So for example, BIE was categorizing routine steam cleaning or janitorial services as deferred maintenance, which it is not. These errors delay completion of work and mistakenly add to BIE's backlog of deferred maintenance.

Additionally, during the same review, we found other errors in the work order data. We discovered numerous deferred work orders that remained open, even though the maintenance issues were addressed. We found about 54 percent of the work orders we sampled should have been closed in Maximo, because they were already completed, but they remained open.

Conversely, we found over 1,000 work orders that had not been completed for 22 years after the repairs were requested. So for example, there was a request submitted in 2000 to replace asbestos floor tiles, and this work order was approved, yet the work was still not completed in September 2022.

This unreliable work order data means that Indian Affairs cannot accurately calculate their deferred maintenance backlog. In response to our work, BIE used a contractor to assist in helping resolve these data inaccuracies. However, during one of our recent school inspections, we found that the contractor improperly closed work orders in situations where the deficiencies weren't actually corrected. We reviewed a statistical sample of closed work orders at Tate Topa Tribal School, and found that over half of them should not have been closed. After reviewing additional data, we found that the same contractor closed thousands of work orders at

127 schools. In fact, between September 2022 and July 2024 this contractor closed 89 percent of 85,000 work orders it had reviewed.

So why does this matter? Erroneously closed work orders could change the Facility Condition Index, or the FCI rating. BIE uses an FCI to make funding decisions for repairs and replacement of schools. At Tate Topa, the school's FCI rating reportedly improved from poor to fair after the contractor had closed hundreds of work orders. Without accurate FCI data, we cannot be sure that BIE is making appropriate determinations with regard to funding, repairing, or replacing Indian schools.

In our management advisory in this topic we made three recommendations which BIE agreed with.

This concludes my prepared statement, and I look forward to answering your questions.

[The prepared statement of Ms. Sedney follows:]

PREPARED STATEMENT OF KATHLEEN SEDNEY, ASSISTANT INSPECTOR GENERAL FOR AUDITS, INSPECTIONS, AND EVALUATIONS, U.S. DEPARTMENT OF THE INTERIOR

Chairman Gosar, Ranking Member Dexter, and Members of the Subcommittee:

Thank you for the opportunity to testify today regarding our work addressing conditions at Bureau of Indian Education (BIE)-funded and -operated schools. Conditions at BIE schools have been a longstanding challenge; our office has been reporting on this issue and making recommendations for improvement for at least the last 20 years. Our recent reports address specific schools as well as issues related to overall BIE management. We have also reported recently on Indian Affairs' (IA's) management of its portfolio of school facilities and structures that require ongoing maintenance and repair.

The Inspector General Act of 1978, as amended, established a unique relationship between IGs and Congress, requiring IGs to report both to the head of their respective agencies and to Congress. The U.S. Department of the Interior (DOI) Office of Inspector General (OIG) takes this obligation seriously, and we appreciate your continued interest in and support for our fair, independent, and objective oversight.

### **Background**

#### *DOI OIG's Mission and Operations*

DOI OIG's mission is to provide independent oversight to promote accountability, integrity, economy, efficiency, and effectiveness within DOI. With fewer than 300 employees, DOI OIG oversees the programs and operations of DOI, which currently has more than 70,000 employees and 11 bureaus and offices. DOI also has a wide range of programs, including roughly \$10 billion in grants and contracts; \$20 billion in natural resource revenues; Federal trust responsibilities to more than 570 Federally recognized Indian Tribes and Alaska Native villages; stewardship of 20 percent of the Nation's land; and management of lands, subsurface rights, and offshore areas that produce approximately 17 percent of the Nation's energy.

Our work can be grouped into two general categories: (1) investigations and (2) audits, inspections, and evaluations. Our Office of Investigations investigates allegations of criminal, civil, and administrative misconduct involving DOI employees, contractors, grantees, and programs. These investigations can result in criminal prosecutions, fines, civil monetary penalties, administrative sanctions, and personnel actions. Our Office of Audits, Inspections, and Evaluations (AIE) conducts independent reviews that measure DOI programs and operations against best practices and objective criteria to determine efficiency and effectiveness. AIE employees also audit contracts, examine financial statements, and conduct cybersecurity audits. AIE's work results in actionable recommendations to DOI that promote positive change.

During the last 5 years, DOI OIG has issued 261 audit, inspection, and evaluation reports that made 1,374 recommendations and identified \$78.5 million in questioned costs. DOI OIG's investigations have resulted in \$161.8 million in investigative recoveries, 58 convictions, 55 personnel actions, and 67 procurement remedies.

#### *Overview of BIE*

Part of DOI's mission is honoring its trust responsibilities or special commitments to American Indians, including providing quality education opportunities to

children. The Bureau of Indian Affairs (BIA) and BIE report directly to the Assistant Secretary of Indian Affairs (AS-IA), who assists and supports the Secretary of the Interior in fulfilling this trust responsibility to federally recognized American Indian Tribes.

As part of that responsibility, BIE supports and oversees a total of 183 schools—128 schools are tribally controlled under BIE contracts or grants, and 55 schools are BIE-operated. BIE's stated mission is "to provide quality education opportunities from early childhood through life in accordance with a tribe's needs for cultural and economic well-being, in keeping with the wide diversity of Indian tribes and Alaska Native villages as distinct cultural and governmental entities."<sup>1</sup>

One aspect of a quality education is having school facilities that are safe and conducive to learning. Poor conditions can affect students' health, safety, and ability to learn. IA, in collaboration with BIA and BIE, manages a portfolio of school facilities and structures that requires ongoing maintenance and repair to mitigate risks to the safety and health of staff and students.

BIE's total appropriation for fiscal year (FY) 2024 was \$1.6 billion, of which \$160 million was allocated for facility operations and maintenance, and \$234.7 million was appropriated for education construction to repair and replace school facilities and address deferred maintenance needs. The FY 2025 budget request for BIE was \$1.5 billion, of which \$162.6 million was requested for facility operations and maintenance and \$310.2 million for education construction to repair and replace school facilities and address deferred maintenance needs. The request includes funding to address operational cost increases and support the timely and preventative maintenance and replacement of aging equipment at BIE schools. In FY 2021, the Great American Outdoors Act provided additional funding to BIE to address deferred maintenance at BIE-funded schools. DOI defines deferred maintenance for all bureaus and offices that own real property as "maintenance and repairs that were not performed when they should have been or were scheduled to be and which are put off or delayed for a future period. Maintenance and repairs consist of activities directed toward keeping fixed assets in an acceptable condition."

#### *BIE's Management of Indian School Facilities*

BIE maintains a facility management system to monitor school operations and maintenance, which includes tracking safety and health inspection abatement plans and corresponding work orders to correct identified deficiencies (a work order is generated for each deficiency). Generally, school facility and maintenance staff are responsible for entering work order data in the facility management system—creating new work orders, monitoring and updating status for open work orders, and closing completed work orders. The accuracy of this data is important because it is used to calculate each school's Facility Condition Index (FCI),<sup>2</sup> which BIE then uses to make funding decisions, up to and including replacing a school campus or individual facilities. Generally, schools with a lower FCI receive more funding.

#### *BIE's Annual Safety and Health Inspection Process*

BIE is responsible for performing annual safety and health inspections at all Indian schools to identify deficiencies, and each school is required to correct those deficiencies and develop a comprehensive emergency management program to provide a safe school environment for students and staff.

BIE's Branch of Safety and Occupational Health is responsible for performing the annual safety and health inspection at each Indian school in accordance with established IA procedures. The annual inspection must be conducted by a BIE safety and occupational health specialist who is trained as a hazard recognition and occupational safety and health inspector. The branch also provides technical services related to safety and health (e.g., hazard identification, training, technical support to identify best practices, and accident and incident prevention) for all tribally controlled schools and BIE-operated schools.

<sup>1</sup> BIE's statement of its mission can be found on its website at: <https://www.bie.edu/node>.

<sup>2</sup> The FCI is the calculated ratio of a facility's deficiency cost versus replacement cost and represents a facility's condition as "good," "fair," or "poor."

The BIE specialist uses a standardized checklist to complete each school inspection. The checklist includes items related to accessibility requirements, hazardous materials, environmental conditions, fire protection, and electrical and standby power systems. For each deficiency identified, the specialist selects the appropriate category based on the worst credible consequence that can occur as the result of a hazard:

- I. Catastrophic: Imminent and immediate danger of death or permanent disability.
- II. Critical: Permanent partial disability, temporary total disability.
- III. Significant: Hospitalized minor injury, reversible illness.
- IV. Minor: First aid or minor medical treatment.

School officials are required to create an overall abatement plan to document the planned corrective measures and track the status of each deficiency identified during the inspection. The designated school official must enter the abatement plan into BIE's facility management system to track and document corrections through work order numbers assigned to each deficiency.

Catastrophic deficiencies, such as a gas leak, must be abated within one day. The abatement requirements for critical, significant, and minor deficiencies are specific to the identified type of deficiency. Once a deficiency has been corrected, the designated school staff member updates the facility management system and closes out the work order.

#### *Emergency Management and Security*

To ensure a safe and secure learning and work environment for all students, personnel, and visitors to BIE-operated schools, IA policy requires each school to implement a comprehensive emergency management program and lists seven program components: (1) an emergency management plan, (2) a continuity of operations plan, (3) training, (4) drills and exercises, (5) a memorandum of understanding with local emergency organizations, (6) emergency supplies and equipment, and (7) other safe school measures (as resources permit).

In addition, DOI policy requires that each bureau and office develop, implement, and maintain a security plan at each facility. A security plan is a written document describing the practices, procedures, responsibilities, and equipment that provide for the security of facilities. The bureau security managers/officers or designees are responsible for developing, implementing, and maintaining security plans for facilities under their administrative control in coordination with the facility management staff (in this case, school staff). Additionally, the bureau security manager reviews and revises security plans as necessary to ensure they accurately reflect current conditions.

### **DOI OIG's Oversight of Indian School Facilities Over the Past Decade**

#### *DOI OIG Indian School Oversight From 2015 Through 2021*

The poor conditions of Indian school facilities have been reported for almost 100 years. For example, a 1928 report described "deplorable" conditions at Indian education facilities, some of which—unusable boilers, cracks in walls, and inferior construction—we also found during site visits in connection with our recent inspections and evaluations. Both DOI OIG and the U.S. Government Accountability Office have reviewed BIE schools for decades and found systemic weaknesses in the facilities management program. In the last decade, we have performed two overarching reviews of the conditions of Indian schools; more recently, we developed an Indian school inspection series to closely examine, and report on, conditions at specific schools.

In a comprehensive review that we performed in 2016, we identified several systemic programmatic weaknesses in the bureaus' management of Indian school facilities.<sup>3</sup> Those included problems with the facility management system and the FCI. In addition to the programmatic issues, we also found major facility deficiencies and safety and health concerns such as asbestos and mold. We made 21 recommendations, 2 of which remain open as of February 2025.

One particularly notable example is the case of Pine Hill School, a tribally controlled school in New Mexico funded by grants from IA. In 2016, we conducted an inspection of the school and concluded that the school had an inoperable fire system as well as several major facility deficiencies and safety and health concerns.<sup>4</sup> Two

<sup>3</sup> *Condition of Indian School Facilities* (Report No. C-EV-BIE-0023-2014), September 2016.

<sup>4</sup> *Condition of Bureau of Indian Affairs Facilities at the Pine Hill Boarding School* (Report No. C-IS-BIE-0023-2014-A), January 2016.

years later, in 2018, we conducted an investigation and found that the school's fire alarm and suppression systems were still inoperable.<sup>5</sup> Because of these longstanding issues with facility conditions at the school, we completed a follow-up inspection in 2020 to determine what progress had been made to correct the issues identified in our previous reports and determine whether the facility conditions at Pine Hill School had improved since our previous work.<sup>6</sup> We published the results of our inspection in April 2021.<sup>7</sup>

We found that the school addressed many of the issues identified in our previous reports and that the overall facility conditions had improved, including the inoperable fire alarm system. However, we found that some of the issues identified in our 2016 inspection remained unresolved. Moreover, we identified additional safety, health, and security risks that were not covered in our 2016 inspection. We also found that, although IA conducted annual safety and health inspections at the school as required, neither IA nor the school could confirm that the deficiencies identified during those inspections were addressed. Furthermore, an IA official informed us that it was not tracking deficiencies identified during safety and health inspections to confirm they were being addressed. In our 2021 report, we made 13 new recommendations related to Pine Hill School, 7 of which remain open and are beyond their target implementation dates.

*DOI OIG's 2024 Review of Indian Affairs Management of Deferred Maintenance of School Facilities*

In addition to BIE's own role, we have also conducted oversight work with respect to IA's management of Indian school facilities. In March 2024, we issued our evaluation addressing IA's management of deferred maintenance at Indian school facilities.<sup>8</sup> This project examined the same issues that we reviewed in our 2016 evaluation, and again, we found similar concerns. In particular, we found that IA was unable to effectively manage deferred maintenance due, in part, to funding delays, processing work orders based on a monetary threshold, limited project management capacity, and unreliable work order data. Specifically, IA processed all work orders with estimated costs of \$2,500 and greater as deferred maintenance. As a result, some preventive and other non-deferred maintenance work orders were processed as deferred maintenance when they should have been addressed as operations and maintenance, possibly delaying their immediate resolution and leading to an inaccurate backlog of deferred maintenance. In some cases, we found schools have resorted to "workarounds" to avoid triggering the deferred maintenance approval process. At one school, for example, BIE worked with the principal to use other available funds to supplement the cost of the work and keep the work order under the \$2,500 threshold. Our report explained that, to address needed repairs, BIE facilities staff said that many schools rely on emergency projects rather than deferred maintenance work orders because the school can immediately use its own funds for emergencies and request IA reimbursement later.

We also found that BIE's workforce capacity challenges and a high staff vacancy rate (27 percent at the time of an April 2023 Government Accountability Office report) compounded the delays. We reported that, in some regions, BIA did not have enough staff to oversee its facility programs, including school deferred maintenance projects.

We also found work orders in the facility management system that were not current or accurate. Specifically, more than half of the deferred maintenance work orders at schools we visited were listed as open, even though they had been addressed. BIE and schools relied on inaccurate information regarding the amount of reported deferred maintenance and the work that needs to be done at these schools, which may affect project prioritization or funding decisions. Without reliable, accurate, and complete deferred maintenance work order data, IA cannot appropriately prioritize its deferred maintenance projects or accurately estimate costs of deferred maintenance at Indian education facilities.

These issues occurred because work orders were not completed in a timely manner, IA's deferred maintenance work orders contained inaccurate data, and users of IA's facility management system had inadequate guidance and access. Because IA processed all work orders over \$2,500 as deferred maintenance, completing necessary work orders required a more time-intensive funding and approval process

<sup>5</sup> *Report of Investigation: Failure to Maintain Fire Alarms at Pine Hills* (Report No. OI-CO-15-0246-I), June 2018.

<sup>6</sup> We performed our fieldwork prior to the COVID-19 pandemic while students were physically in school.

<sup>7</sup> *Facility Improvements Still Needed at Pine Hill School* (Report No. 2019-CR-062), April 2021.

<sup>8</sup> *Indian Affairs Is Unable To Effectively Manage Deferred Maintenance of School Facilities* (Report No. 2022-CR-036), March 2024.

than if they had been entered as operations and maintenance. The data reliability issues we found occurred in part because of inadequate guidance for the facility management system and lack of access for school-level staff to the facility management system.

Our report included nine recommendations—three to IA and six to BIE. IA and BIE concurred with all of the recommendations. Seven of these recommendations remain open. Most of the open recommendations have target implementation dates later in 2025 or in 2026 because of the level of complexity or resources needed to fully implement them.

*DOI OIG’s Use of a Risk- and Data-Based Approach for the Indian Schools Initiative*

Given our work at Pine Hill School and the longstanding challenges with facility conditions at BIE schools, in 2023, as part of our oversight planning, we developed an initiative to conduct a series of safety and health inspections at Indian schools. Our continuing objectives are to determine whether each school has addressed deficiencies found during BIE’s annual safety and health inspections, developed an emergency action plan or program as required, and, if the school is BIE-operated, developed a security plan, in accordance with applicable requirements.

To prioritize our inspections based on risk, we developed a tool to analyze risk by taking various data into account, including:

- BIE safety and health inspection reports from the last three years.
- Operations and maintenance budget obligations.
- FCI rating.
- Number of students.
- Age of main school building.
- Number of open work orders for safety and health corrections.
- OIG hotline complaints and single audit data, where applicable.

Since developing our risk-based plan, we have completed three inspections (two inspection reports have been published and one is in progress).<sup>9</sup> We have two additional school inspections in our 2025 oversight plan.<sup>10</sup>

*Inspection of Havasupai Elementary School*

The first inspection that we completed pursuant to this 2023 initiative was an inspection of Havasupai Elementary School. We selected this school in part due to increases in critical deficiencies, graduation rates, and staff turnover. The Havasupai people are an American Indian Tribe who have lived in the Grand Canyon for at least the past 800 years. Supai Village is one of the most remote communities in the United States, as it is accessible only by mule, helicopter, or an eight-mile hike. Havasupai Elementary School is a BIE-operated kindergarten through 8th grade school in the Supai Village. At the time of our report, the school had 79 students and 9 staff. In FY 2023, the school had expenditures of \$2.46 million, of which \$248,000 was spent on facilities operations and maintenance.

As a result of our inspection, we found the following:

- Deficiencies identified during safety and health inspections were not resolved timely. Specifically, the school had critical and significant deficiencies, including repeat deficiencies, that remained unaddressed. For those deficiencies we reviewed that were corrected, none were completed within the established abatement plan timelines, with some taking as long as five years to correct. In addition, we found other safety and health concerns that were not identified on the annual safety and health inspections and need attention.
- There was not a comprehensive emergency management program because the school did not fully implement four of the six required components. Specifically, the school did not train staff, conduct required drills, develop a required memorandum of understanding with local emergency organizations, and procure adequate emergency supplies in all cases. In addition, the school did not develop a security plan and implement effective operational security measures.

<sup>9</sup>*The Bureau of Indian Education Must Correct Safety and Health Deficiencies and Improve Emergency Preparedness and Security at Havasupai Elementary School* (Report No. 2023-ISP-040), October 2024; *The Bureau of Indian Education Must Correct Safety and Health Deficiencies and Improve Facility Management System Accuracy at Tate Topa Tribal School* (Report No. 2024-ISP-014), December 2024.

<sup>10</sup>*Oversight Plan:2025*, December 2024.



- BIE’s facility management system did not contain reliable data about the maintenance issues at the school. This is the system the school and other BIE offices use to monitor operations and maintenance. We identified a significant number of inaccurate work orders in the system.

We concluded that these deficiencies occurred in part due to the following:

- The school did not have permanent maintenance staff to monitor and correct deficiencies or a trained Collateral Duty Safety Officer.
- Difficulties hiring and retaining staff had considerable impacts on maintenance and emergency management and safety. The lack of personnel and absence of experienced, long-term staff made it difficult to train new staff on required school operations such as emergency management programs.
- The logistical challenges associated with addressing deficiencies, purchasing adequate equipment, and securing contractor labor were significantly complicated by the remote location of the school.
- Some of the security deficiencies identified at the school may have gone uncorrected because the checklist BIE inspectors used to conduct annual safety and health inspections did not include any security measures.
- At the time of our review, none of the school’s employees had access to the facility management system.
- The school relied on BIE to update the facility management system; however, there is a risk of data errors based on the infrequency of BIE visits and the BIE Facility Operations Specialist’s high workload.

Our report contained 12 recommendations to BIE. BIE concurred with our recommendations and agreed to implement them; 10 of the recommendations remain open as of February 2025.

#### *Inspection of Tate Topa Tribal School*

Tate Topa Tribal School is a tribally controlled school operated by the Spirit Lake Tribe and located in Fort Totten, North Dakota. This kindergarten through 8th grade school has approximately 530 students and 100 staff, which includes the school’s onsite Superintendent, elementary and middle school principals, and teachers, as well as security, kitchen, transportation, facility, and administrative staff. We selected the Spirit Lake Tribe’s Tate Topa Tribal School for inspection because its FY 2023 safety and health inspection included one catastrophic deficiency and a high number of critical and significant deficiencies.

As a result of our inspection, we found the following:

- BIE did not ensure catastrophic, critical, and significant deficiencies identified at Tate Topa Tribal School during safety and health inspections were resolved timely. Most notably, a catastrophic deficiency identified as far back as 2019—a broken regulator for the school’s dry sprinkler system—was promptly fixed but then identified again in 2023. After its second appearance on the annual inspection, it was repaired eight months later, even though catastrophic deficiencies are required to be abated within one day. We also identified numerous critical and significant deficiencies that remained uncorrected well beyond the original abatement period—including some that were initially identified more than 10 years ago. In addition, for those deficiencies that had been corrected, some took as long as seven years to correct, and only one was completed within the established abatement period.
- BIE did not have reliable data in its facility management system, which is the system all schools use to monitor operations and maintenance. We identified a significant number of inaccurate work orders for Tate Topa Tribal School in the system.

These deficiencies occurred in part due to the following:

- BIE employees at Tate Topa Tribal School did not have access to the facility management system; they instead relied on support from either BIE employees external to the school or the tribally employed Superintendent of the school for data entry and adjustments.
- The school did not have adequate facilities and maintenance staff to monitor and correct deficiencies.
- At the time of our inspection, staff did not have a purchase card to acquire supplies needed to correct deficiencies.

Our report contained seven recommendations to BIE, all of which remain open as of February 2025. BIE concurred with all of the recommendations.

*Inaccuracies in BIE's Facility Management System*

During our 2024 inspection of Tate Topa Tribal School, we identified risks associated with a contractor engaged by BIE to provide support services related to its facility maintenance program. Specifically, we found that the contractor improperly closed work orders that were initially opened to address safety and health deficiencies, some of which were significant.<sup>11</sup>

In September 2022, BIE executed a \$2.9 million task order (later increased to \$3.9 million) using a blanket purchase agreement (BPA) to supplement Federal staff by providing facility maintenance program support services for all 183 schools and other BIE facilities for FYs 2022 to 2025. The BPA was created for construction management support services for the Assistant Secretary of Indian Affairs, Office of Facilities, Property and Safety Management, Division of Facilities Management and Construction, and BIE. The purpose of the task order was to manage BIE construction contracts and assure that construction projects are conducted in accordance with approved plans and specifications. Specifically, Task 1 is to "provide day to day oversight to team members to implement the directions of the Branch Chief with specific focus on developing and improving the maintenance program, project oversight, and technical assistance." Task 2 is to "review work done on projects to ensure they meet contractual requirements of repair, renovation, and construction contracts. These services include the oversight on facility projects and on projects that are contracted to outside contractors."

The agreement provided that the contractor's quality assurance activities "shall include, but not be limited to, coordinating, reading plans and specifications, monitoring, documenting, and reporting on construction contractor quality control activities and construction safety, progress, and testing." According to BIE staff, this program support includes reviewing open work orders and closing those that the contractor determines are completed or are duplicative. BIE informed us that before this task order, safety and health deficiency data in the facility management system was generally inaccurate and not truly reflective of each school's condition.

At Tate Topa Tribal School, we found that 58 percent of work orders related to significant deficiencies were closed without the deficiencies being corrected. According to both BIE and school staff, the contractor met with the Facilities Manager and Superintendent once through a video conference interview in which the contractor closed or canceled work orders based on (1) staff recollection of work (dating back years) and (2) if the contractor perceived individual work orders as duplicates. In addition, according to staff, the contractor did not visit the school or ask for photographic evidence to verify the work orders were appropriately closed before changing the status in the facility management system.

After reviewing additional data, we found that the same contractor closed thousands of work orders at another 127 BIE and Tribal schools during 2024. Specifically, since the initiation of the task order, the contractor reported that it has greatly reduced the number of open work orders at the schools. According to a monthly report, between September 2022 and July 2024, the contractor reviewed a total of 85,276 work orders at 127 schools (69 percent of the 183 schools) and closed 76,122 (89 percent) of the reviewed work orders. That is, the contractor closed work orders at a rate of 113 per day.

Given our findings at Tate Topa Tribal School and the volume of the work order closures nationally, we reported concern that the contractor is improperly closing work orders at schools throughout the country. The inaccurate status of work orders prevents issues from being addressed, affects school FCI ratings, and projects a safe environment while risks persist that may jeopardize the well-being of school children and staff.

In addition, we found that BIE inappropriately modified the agreement in the amount of

\$535,420 to provide additional funds for services that were outside the scope of the original statement of work.

On February 10, 2025, we issued a management advisory containing three recommendations regarding these issues so that BIE can take appropriate action to ensure the safety and health of students and staff and safeguard Federal funds. BIE concurred with two of the three recommendations.

<sup>11</sup>*Risks Identified With a Bureau of Indian Education Contractor* (Report No. 2024-ISP-014-A), February 2025.

## Conclusion

Timely maintenance is vital to keep BIE schools in good repair and mitigate risks to safety and health of staff and students, as is managing the extensive number of deferred maintenance work orders. We have found in our work over the years that IA is not effectively managing deferred maintenance at BIE school facilities. Without reliable deferred maintenance data and standardized processes and procedures, IA and BIE cannot appropriately prioritize their deferred maintenance projects or accurately estimate costs of deferred maintenance at Indian education facilities. DOI OIG will continue to monitor IA and BIE's implementation of our recommendations and report to Congress on the status of unimplemented recommendations. We continue to appreciate this Subcommittee's support for our fair, independent, and objective oversight.

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QUESTIONS SUBMITTED FOR THE RECORD TO MS. KATHLEEN SEDNEY,  
ASSISTANT INSPECTOR GENERAL FOR AUDITS, INSPECTIONS, AND EVALUATIONS,  
OFFICE OF INSPECTOR GENERAL

## Questions Submitted by Representative Gosar

*Question 1. Last Congress, this Subcommittee initiated a joint investigation with the Committee on Education and the Workforce, looking into the educational experience at Haskell Indian Nations University. Unfortunately, I have continued to hear reports from campus of alleged misconduct, retaliation, and deteriorating facilities. What can you share with the Committee on progress made since our last hearing in OIG investigations related to Haskell? What is OIG currently working on in this space?*

Answer. In a hearing last Congress, we confirmed that we have an ongoing review related to sexual assault and sexual harassment policies at Haskell Indian Nations University (HINU) and Southwestern Polytechnic Institute (SIPI). We have completed fieldwork for this review and are in the process of drafting the associated report. With regard to investigations related to HINU, however, to protect the integrity of our oversight work, the OIG does not confirm or deny ongoing investigations.

*Question 2. Due to the history of complaints received by OIG related to the mishandling of sexual assaults, in 2022 OIG initiated a review to determine whether BIE-operated postsecondary institutions were following laws and policies related to complaints of sexual harassment and misconduct, with a focus on the Southwestern Indian Polytechnic Institute and Haskell. I appreciate OIG's attention to this important matter. However, we are now in 2025, and students are vulnerable at Haskell—when can the Committee expect to review the sexual assault policy review, initiated in 2022 by OIG?*

Answer. As noted previously, we have completed the fieldwork for this review and are far along in the process of drafting a report documenting the findings. We had in fact initiated the process of report writing soon after the joint subcommittee hearing last year, but, in doing so, we determined that additional fieldwork was necessary to fully address the issues we had identified. This is not uncommon, particularly in complex reviews of this nature, but we are mindful of the importance of completing this work and intend to do so expeditiously.

*Question 3. How much of the funding allocated for deferred maintenance has gone unspent or been redirected, and why?*

Answer. The OIG's work addressing deferred maintenance in this context did not assess unspent or redirected deferred maintenance funding, and we accordingly do not have the information needed to respond to this question. The Bureau of Indian Education (BIE), however, may be in a position to provide this information.

*Question 4. What percentage of the \$95 million annual allocation from the Great American Outdoors Act has actually been spent on priority maintenance projects?*

Answer. As noted, Great American Outdoors Act (GAOA) Legacy Restoration Fund (LRF) funding is specifically targeted toward deferred maintenance and repair needs. Although the OIG has not specifically reviewed BIE's expenditures of GAOA

LRF monies, in our 2024 report,<sup>1</sup> we found that Indian Affairs (IA) was unable to effectively manage its deferred maintenance due to funding delays, processing work orders based on a monetary threshold, limited project management capacity, and unreliable work order data. Without reliable work order data, BIE may not allocate funding to priority projects that strategically address its deferred maintenance backlog. The BIE may be able to provide more detailed information on expenditures and the status of GAOA LRF projects.

*Question 5. What financial controls are in place to ensure that maintenance funding is used appropriately and does not expire before being utilized?*

Answer. The OIG has not conducted a review specifically focused on the internal controls related to maintenance funding or its expiration. However, the Indian Affairs Manual (80 IAM Ch. 9) describes the identification and prioritization of Deferred Maintenance requirements for programs. These procedures state that BIE and IA distribute funds based on need. Specifically, the policy states that “each program must work with their sites to stress how critically important it is that all deferred maintenance work orders and abatement plans are current and accurate” in the facility management system. Again, the findings outlined in our 2024 report and FY 2025 inspections have found that information in the facility management system is not accurate.<sup>2</sup> Additionally, we found in our work that critical health and safety deficiencies were not addressed in a timely manner.<sup>3</sup>

The IA’s Division of Facilities Management and Construction and BIE may be able to provide more detailed information related to specific funding controls.

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Dr. GOSAR. God love you, you gave us 5 seconds back. Thanks, Ms. Sedney.

Now I will recognize Ms. Emery-Arras for 5 minutes.

**STATEMENT OF MELISSA EMERY-ARRAS, DIRECTOR, EDUCATION, WORKFORCE, AND INCOME SECURITY TEAM, U.S. GOVERNMENT ACCOUNTABILITY OFFICE, WASHINGTON, D.C.**

Ms. EMERY-ARRAS. Chairman Gosar, Ranking Member Dexter, and members of the Subcommittee, thank you for the opportunity to discuss BIE’s progress and challenges in supporting and over-seeing schools.

BIE’s mission is to provide a high-quality education to approximately 46,000 students at 183 schools. BIE provides or funds a variety of programs, services, and supports to students. These include native language development and cultural enrichment. BIE also has responsibilities related to supporting schools’ facilities and ensuring that school buildings and student dorms are safe places to live and learn.

Since 2013, we have identified and reported on numerous problems at BIE. During this period we have issued 24 reports and testimonies and made 38 recommendations. My statement today describes, one, problems GAO has identified with BIE’s support and oversight of schools; two, progress BIE has made in recent years; and three, the management weaknesses that remain.

In terms of the earlier problems we identified, in a 2015 report we highlighted concerns with the accuracy and completeness of data on schools’ deferred maintenance needs. We then found in

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<sup>1</sup>Final Evaluation Report—Indian Affairs Is Unable To Effectively Manage Deferred Maintenance of School Facilities, Report No. 2022-CR-036.

<sup>2</sup>Final Inspection Report—The Bureau of Indian Education Must Correct Safety and Health Deficiencies and Improve Emergency Preparedness and Security at Havasupai Elementary School, Report No. 2023-ISP-040, Final Inspection Report—The Bureau of Indian Education Must Correct Safety and Health Deficiencies and Improve Facility Management System Accuracy at Tate Topa Tribal School, Report No. 2024-ISP-014.

<sup>3</sup>*Id.*

2016 that about a third of all BIE schools did not receive annual safety inspections as required. We also reported on hazardous conditions we found at some BIE schools. For example, at one school we found multiple aging boilers in a dormitory and classroom buildings that failed inspection due to elevated levels of carbon monoxide and a natural gas leak that endangered students and staff. As a result of these and other safety findings, we recommended in 2016 that the agency ensure that all BIE school facilities are annually inspected.

Over the years we have also identified a variety of issues with BIE's oversight of school spending. Our repeated findings of problems with school facility safety, oversight of school spending, and other issues indicated a broad pattern of systemic management weaknesses at BIE. As a result, in 2017 we added BIE's support and oversight of schools to GAO's high risk list.

Since 2017 BIE has taken several key steps in addressing its high risk management weaknesses. By 2023 BIE had fully met two criteria for removal from the high risk list and partially met the remaining three criteria. The two areas BIE has fully met are demonstrating leadership and developing action plans to address problems.

Further, BIE and other Interior offices have implemented 28 of the 38 recommendations we made since 2013, including all 16 of our recommendations on school facility safety and construction. However, additional work is needed to address the remaining three criteria for removal from GAO's high risk list. These include building staff capacity for supporting and overseeing schools, monitoring corrective measures, and demonstrating sustained progress in resolving high risk issues.

Building staff capacity has been a challenge for BIE for over a decade. There are steps that BIE could take to help build staff capacity. These include fully implementing a recommendation to update the agency's Strategic Workforce Plan, which expired in 2022.

Similarly, monitoring has been a persistent challenge for BIE. For example, in 2024 we identified several key issues with BIE's oversight of the more than 900 million in Federal COVID funds it provided to schools during the pandemic. We found that for BIE-operated schools, nearly half of COVID spending made with credit cards involved elevated-risk transactions, such as transactions for gift cards. However, BIE did not provide evidence that it had investigated these transactions for fraud or misuse. As a result, we recommended that BIE monitor school credit card transactions for potential fraud and misuse. Further, BIE needs to demonstrate continued progress in resolving high risk problems.

In conclusion, BIE has taken steps in recent years to address problems highlighted in our work. However, challenges continue to reemerge at BIE because of remaining management weaknesses. Focusing on resolving these underlying issues is essential for BIE to fulfill its mission of providing high-quality educational opportunities for American Indian students.

Thank you. This concludes my statement.

[The prepared statement of Ms. Emery-Arras follows:]

PREPARED STATEMENT OF MELISSA EMREY-ARRAS, DIRECTOR, EDUCATION,  
WORKFORCE, AND INCOME SECURITY,  
UNITED STATES GOVERNMENT ACCOUNTABILITY OFFICE

**Greater Progress Needed to Address Remaining Challenges in Supporting  
and Overseeing Schools**

**What GAO Found**

GAO has identified and reported on numerous problems since 2013 at the Bureau of Indian Education (BIE), within the Department of the Interior (Interior). During this period, GAO issued 24 reports and testimonies and made 38 recommendations to BIE related to the agency's support and oversight of schools. Key problem areas with BIE's support and oversight have been school spending, special education, school safety and construction, distance learning, and administrative support for schools. For example, in 2024 GAO found that nearly half of COVID-19 spending made with purchase cards at BIE schools involved transactions at elevated risk for fraud or misuse, but BIE did not provide evidence that it had investigated any of these purchases. GAO's repeated findings of problems in key areas have indicated a pattern of systemic management weaknesses at BIE that limit its support and oversight of schools.

BIE has taken commendable steps in recent years to address many of these problems. BIE and related Interior offices have implemented 28 of the 38 recommendations GAO made since 2013, including all recommendations on school safety and construction. Ten recommendations on support and oversight of special education, distance learning, and school spending remain open. In addition, BIE has fully met two of GAO's five criteria for addressing high-risk management weaknesses. Specifically, it demonstrated strong and sustained leadership commitment to addressing its weaknesses and developed action plans that define sound approaches to following through on corrective measures.

BIE continues to face persistent management weaknesses in three areas: building staff capacity for supporting and overseeing schools, monitoring corrective measures, and demonstrating sustained progress in resolving high-risk issues. Remaining focused on resolving these underlying issues is essential for BIE to effectively fulfill its mission of providing high-quality education opportunities for American Indian students.

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Chairman Gosar, Ranking Member Dexter, and Members of the Subcommittee:

Thank you for the opportunity today to discuss the Bureau of Indian Education's (BIE) progress and challenges in supporting and overseeing schools for American Indian students. BIE's mission is to provide a high-quality education to approximately 46,000 students at 183 elementary and secondary schools on or near reservations in 23 states. About two-thirds of these schools are operated by Tribes through grants or contracts with BIE, while the remaining third are operated by BIE.<sup>1</sup>

BIE provides or funds a variety of programs, services, and supports to students beyond just classroom instruction. These include Native language development and cultural enrichment, behavioral health and wellness services, and educational technology. BIE also has responsibilities related to supporting schools' facilities operations and maintenance and ensuring that school buildings and student dormitories offer safe places in which to live and learn.

Since 2013, we have identified and reported on numerous problems at BIE. During this period, we have issued 24 reports and testimonies and made 38 recommendations to BIE and associated offices within the Department of the Interior (Interior) related to the BIE's support, administration, and oversight of schools.<sup>2</sup>

We have repeatedly found problems in key areas we reviewed at BIE, such as the poor condition of school buildings and BIE's limited oversight of schools' federal spending. Taken together, these problems indicated a broader pattern of systemic management weaknesses at BIE. As a result, in 2017, we added BIE's support and

<sup>1</sup> BIE is under the Office of the Assistant Secretary-Indian Affairs within the Department of the Interior.

<sup>2</sup> A list of our published reports and testimonies related to BIE is provided at the end of this statement.

oversight of schools to GAO's High-Risk List.<sup>3</sup> BIE remains on our High-Risk List as of our most recent report in 2023.<sup>4</sup>

BIE has responded to many of the problems we have highlighted in our reports and testimonies by taking steps to prioritize and address underlying management weaknesses. In addition, the agency, in coordination with other Interior offices, has implemented about 74 percent (28 out of 38) of the recommendations we have made since 2013, including several that we designated urgent priorities to agency leadership, such as recommendations to address school safety issues. BIE has also contended with constraints related to its budget and ability to hire staff, as well as challenges with supporting and overseeing schools in remote parts of the country.<sup>5</sup>

The steps BIE has taken represent important progress toward improving its administration of schools. However, more work is needed to address remaining high-risk weaknesses.

My statement today describes (1) problems GAO has identified with BIE's support and oversight of schools, (2) progress BIE has made in recent years, and (3) the high-risk management weaknesses that remain to be addressed. This statement draws primarily from our work on BIE from 2013 (when we issued our initial report on BIE) to 2024. It also includes new information about BIE's progress toward addressing high-risk management weaknesses since our most recent update in 2023. This new information is based on our review of agency documentation and interviews with agency officials. To conduct our prior work on which this testimony draws, we reviewed relevant federal laws and regulations, analyzed agency data, reviewed agency documentation, interviewed agency officials, and conducted site visits to selected BIE schools, among other methods.<sup>6</sup>

We conducted the work on which this statement is based in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Background

### BIE Schools and the Federal Government's Trust Responsibility

BIE's education programs for American Indian students derive from the federal government's unique and continuing trust relationship with and responsibility to Tribes for the education of those students.<sup>7</sup> According to statute, the federal government should "work in full cooperation with tribes toward the goal of ensuring that [BIE-funded school programs] are of the highest quality and provide for the basic elementary and secondary educational needs of Indian children, including meeting the unique educational and cultural needs of those children."<sup>8</sup>

### Tracking Agencies' Progress in Implementing GAO's Recommendations

As part of GAO's audit responsibilities under generally accepted government auditing standards, we make recommendations to improve the accountability, operations, and services of government agencies. We follow up on recommendations we have made and report to Congress on their status. A recommendation is closed when actions that satisfy the intent of the recommendation have been taken, or when it is no longer valid because circumstances have changed. Experience has shown that it takes time for some recommendations to be implemented. We maintain a publicly available database with information on the current status of all recommendations. The database allows searches by agency, congressional committee, or key words and is available at <http://www.gao.gov/openrecs.html>.

<sup>3</sup> GAO, *High-Risk Series: Progress on Many High-Risk Areas, While Substantial Efforts Needed on Others*, GAO-17-317 (Washington, D.C.: Feb. 15, 2017).

<sup>4</sup> GAO, *High-Risk Series: Efforts Made to Achieve Progress Need to Be Maintained and Expanded to Fully Address All Areas*, GAO-23-106203 (Washington, D.C.: Apr. 20, 2023).

<sup>5</sup> We previously found that budget uncertainty—which can arise during continuing resolutions, for example—and other constraints can limit agencies' effective delivery of some federal programs and activities serving Tribes. For more information, see GAO, *Tribal Programs: Resource Constraints and Management Weaknesses Can Limit Federal Program Delivery to Tribes*, GAO-20-270T (Washington, D.C.: Nov. 19, 2019).

<sup>6</sup> More detailed information about the objectives, scope, and methodology for that work can be found in issued reports and testimonies listed in Related GAO Products at the conclusion of this statement.

<sup>7</sup> See 25 U.S.C. § 2000.

<sup>8</sup> 25 U.S.C. § 2000. Although the statute refers to the Bureau of Indian Affairs, these programs are now run by the Bureau of Indian Education.

### High-Risk List

In addition to making recommendations to specific agencies or programs, since 1990, generally every 2 years at the start of a new Congress, we issue an update of our High-Risk List. The High-Risk List calls attention to agencies and program areas that are high-risk due to their vulnerability to fraud, waste, abuse, and mismanagement or that are most in need of transformation. Our high-risk program is intended to help inform the congressional oversight agenda and to improve government performance. Key elements needed to make progress in high-risk areas are top-level attention by administration and agency leaders grounded in five criteria: leadership commitment, capacity, an action plan, monitoring, and demonstrated progress (see fig. 1).<sup>9</sup>



These five criteria form a road map for agency efforts to improve and ultimately address high-risk issues. Addressing some of the criteria leads to progress, and satisfying all of the criteria is central to removal from the list. However, fully implementing our recommendations alone does not result in removal from the list because the condition that led to the recommendations is symptomatic of systemic management weaknesses. When an agency has met all five of the criteria, we can remove the agency from the High-Risk List.<sup>10</sup> Our 2025 High-Risk Report is scheduled to be issued in the next few weeks.

### School Safety and Construction and Oversight of School Spending Have Been Among the Key Problems at BIE

The findings and recommendations in our work since 2013 have highlighted BIE's problems in five key areas of its support and oversight of schools: school spending, special education, school safety and construction, distance learning, and administrative support for schools (see fig. 2).<sup>11</sup>

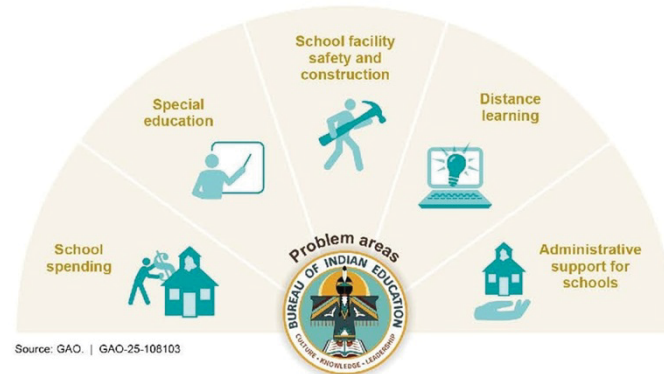
<sup>9</sup> GAO, *High-Risk Series: Key Practices to Successfully Address High-Risk Areas and Remove Them from the List*, GAO-22-105184 (Washington, D.C.: Mar. 3, 2022).

<sup>10</sup> In cases in which we remove the high-risk designation, we continue to closely monitor the areas. If significant problems again arise, we will consider reapplying the high-risk designation.

<sup>11</sup> The recommendations we discuss below include recommendations that BIE has fully implemented and we have closed, and recommendations that remain open.



Figure 2: Key Problem Areas in the Bureau of Indian Education's School Support and Oversight Identified in GAO Reports and Testimonies Since 2013



Note: In some areas, such as school safety and construction and administrative support for schools, BIE has coordinated with other offices within the Department of the Interior.

**School Facility Safety and Construction.** In 2016, we found that on average about a third of all BIE schools did not receive annual safety inspections in the prior 4 years as required by agency policy.<sup>12</sup> We also reported on hazardous conditions we found at some BIE schools. For example, at one school we found multiple aging boilers in a dormitory and classroom buildings that failed inspection due to elevated levels of carbon monoxide and a natural gas leak that endangered students and staff. Although the boilers failed inspection, the school continued to use the dormitory for another 6 months.<sup>13</sup> Officials we interviewed at another school told us that a regional safety inspector visited the school only once in several years and conducted the inspection from his car. The inspection did not include the interior of any of the school's 34 buildings. As a result of these and other safety findings, we recommended in 2016 that the agency ensure all BIE school facilities are annually inspected, among several other recommendations.

We also found problems with school construction and facility maintenance. For example, in 2017 we identified significant delays and cost overruns with the agency's management of major school construction projects.<sup>14</sup> For example, of the 49 projects we reviewed, about a third (16) were 3 or more years behind schedule, and one project was nearly 10 years behind schedule. In addition, about a fifth (10) were 20 percent or more over budget. To address these delays and cost overruns, we recommended that the agency develop and implement guidelines to ensure better accountability and oversight of school construction. In a 2015 report, we also highlighted concerns with the accuracy and completeness of data on schools' deferred maintenance needs.<sup>15</sup>

**School Spending.** We have identified a variety of issues with BIE's oversight of school spending. For example, in 2014 we reported on serious financial problems in some schools that were identified through external audits.<sup>16</sup> This included \$13.8

<sup>12</sup> GAO, *Indian Affairs: Key Actions Needed to Ensure Safety and Health at Indian School Facilities*, GAO-16-313 (Washington, D.C.: Mar. 10, 2016).

<sup>13</sup> It took 8 months after the original inspection for BIE to complete the repairs to the boilers.

<sup>14</sup> GAO, *Indian Affairs: Actions Needed to Better Manage Indian School Construction Projects*, GAO-17-447 (Washington, D.C.: May 24, 2017).

<sup>15</sup> GAO, *Indian Affairs: Preliminary Results Show Continued Challenges to the Oversight and Support of Education Facilities*, GAO-15-389T (Washington, D.C.: Feb. 27, 2015). GAO has more recently examined deferred maintenance at BIE schools, including work related to the asset categories the agency uses to collect data on deferred maintenance costs. In particular, GAO found that BIE did not include school grounds in the deferred maintenance figures it provided to the Department of the Interior. For more information, see GAO, *Deferred Maintenance: Agencies Generally Followed Leading Practices in Selections but Faced Challenges*, GAO-24-106495 (Washington, D.C.: Jan. 8, 2024). After the report was issued, BIE reported it had incorporated school grounds into its deferred maintenance calculations.

<sup>16</sup> GAO, *Indian Affairs: Bureau of Indian Education Needs to Improve Oversight of School Spending*, GAO-15-121 (Washington, D.C.: Nov. 13, 2014).

million in unallowable spending at 24 schools and \$1.2 million of federal funds at one school that were improperly transferred to an offshore account.

We also found that BIE did not have fiscal monitoring procedures, or sufficient staff with the requisite skills to effectively oversee schools' spending. As a result, we recommended that BIE develop written procedures to oversee school expenditures and build staff capacity for fiscal monitoring. Similarly, in 2024 we identified several key issues with BIE's oversight of the more than \$900 million in federal COVID-19 funds it provided to schools during the pandemic.<sup>17</sup> For example, we found that over a quarter of required fiscal year 2021 financial audit reports for schools and Tribes that were granted BIE funds were late or had not been submitted as of November 2023. However, BIE did not hold about two-thirds of these grantees accountable, contrary to agency procedures.

In addition, we found that for BIE-operated schools, nearly half of COVID-19 spending made with purchase cards between March 2020 and August 2022 involved elevated-risk transactions. Examples included the purchase of gift cards or multiple purchases at the same merchant within a certain number of days that total more than the single purchase limit. However, BIE did not provide evidence that it had investigated these transactions for fraud or misuse.

As a result of these findings, we recommended that BIE ensure its staff follow agency procedures when schools do not submit timely financial audit reports. We also recommended that BIE staff consistently use required procedures to monitor school purchase card transactions, among other recommendations.

**Administrative Support for Schools, Special Education, and Distance Learning.** We have also reported on a variety of issues in other areas, including BIE's administrative supports for schools, special education services, and distance learning.<sup>18</sup> For example, in 2020 we reported that BIE schools did not provide or could not account for more than a third of special education service time required for students with disabilities.<sup>19</sup> We also found that BIE provided limited monitoring and technical assistance to schools to help them comply with federal special education requirements. As a result, we recommended that BIE conduct all required monitoring and ensure staff are trained to provide schools with the assistance necessary for their special education programs.

Our repeated findings of problems with school facility safety, oversight of school spending, and other issues identified in our earlier work indicated a broad pattern of systemic management weaknesses at BIE. As a result, in 2017, we added BIE's support and oversight of schools as a component of a new area, *Improving Federal Management of Programs that Serve Tribes and Their Members*, on GAO's High-Risk List.<sup>20</sup>

### **BIE Has Addressed Some Management Weaknesses Underlying Key Problems**

BIE has taken several key steps in prioritizing and addressing the high-risk management weaknesses that contribute to the problems we identified in our prior work. By 2019, BIE had made progress and partially met all five of GAO's high-risk criteria for removal from the High-Risk List. BIE made further improvements by 2023. Specifically, it demonstrated strong and sustained leadership commitment to address management weaknesses and developed action plans that defined sound approaches to following through on corrective measures. These steps fully met GAO's leadership commitment and action plan high-risk criteria (see fig. 3).

<sup>17</sup> GAO, *Bureau of Indian Education: Improved Oversight of Schools' COVID-19 Spending Is Needed*, GAO-24-105451 (Washington, D.C.: Mar. 27, 2024).

<sup>18</sup> GAO, *Indian Affairs: Better Management and Accountability Needed to Improve Indian Education*, GAO-13-774 (Washington, D.C.: Sept. 24, 2013); GAO, *Indian Education: Actions Needed to Ensure Students with Disabilities Receive Special Education Services*, GAO-20-358 (Washington, D.C.: May 22, 2020); GAO, *Indian Education: Schools Need More Assistance to Provide Distance Learning*, GAO-21-492T (Washington, D.C.: Apr. 28, 2021).

<sup>19</sup> This information was based on our analysis of school documentation for a 4-month review period in school year 2017–2018.

<sup>20</sup> BIE's support and oversight of schools is one of three components of a broader area, *Improving Federal Management of Programs that Serve Tribes and Their Members*, that we designated as high risk in 2017. In addition to education, this area also includes two other components—health care and energy development—involving the BIE within the Department of the Interior and the Indian Health Service within the Department of Health and Human Services. For more information, see GAO-17-317.

**Figure 3: Status of the Bureau of Indian Education's Progress in Addressing High-Risk Management Weaknesses, as of April 2023**



BIE has demonstrated leadership commitment in several ways. For example, in 2019 it established a leadership position and supporting office to guide the agency toward meeting its strategic goals and to address the management weaknesses identified in our reports. BIE leadership has also prioritized implementing recommendations we designated as urgent, such as those related to school safety.<sup>21</sup> In addition, BIE developed action plans to address the root causes of a variety of problems we previously identified. For example, it developed a plan to support schools in addressing facility safety issues through comprehensive technical training for school staff. Training areas ranged from maintaining fire alarm and sprinkler systems to monthly safety check procedures.

Further, BIE and other Interior offices have implemented 28 of the 38 recommendations we made since 2013, including all 16 of our recommendations on school facility safety and construction.<sup>22</sup> Ten recommendations related to BIE's support and oversight of schools from our three most recent products on special education, distance learning, and school spending remain open.<sup>23</sup> However, BIE is near completion with implementing 2 of these recommendations on special education and distance learning.<sup>24</sup>

BIE's actions in response to our recommendations have resulted in a variety of benefits for schools and students. For example, BIE conducted annual safety inspections at all schools in response to our recommendation. BIE also took steps to routinely monitor its safety inspection process for schools. Its monitoring includes assessing the performance of inspectors and holding them accountable for the agency's required standards for producing high-quality, timely inspection reports. Such reports provide schools with critical information to identify and promptly abate high-risk hazards in buildings that may endanger the lives of students and staff. BIE also made progress toward addressing some problems related to overseeing school spending. For example, it developed written procedures for monitoring school spending in response to our 2014 recommendation.

#### **More Work Is Needed to Address Remaining Management Weaknesses**

BIE has made important progress in implementing our recommendations and addressing some key underlying management weaknesses identified in our High-Risk reports, but additional work remains to address several other persistent management challenges. These include building staff capacity for supporting and overseeing schools, monitoring corrective measures, and demonstrating sustained progress in resolving high-risk issues.

Building staff capacity has been a challenge for BIE for over a decade. We have found that BIE's insufficient staff capacity has limited its ability to monitor schools' federal spending and assist schools with their special education programs. BIE has taken steps to address this issue. For example, it developed a strategic workforce plan in 2019 to address staffing shortages across the agency, in response to our recommendations from 2013 and 2015. However, BIE's capacity issues have persisted. For example, in 2020 we found it did not have sufficient staff to monitor special education services at all schools to ensure students with disabilities receive these services as required by law. Also, in 2024 we found that BIE did not have sufficient staff to complete all required monitoring of schools it designated as at a high risk of

<sup>21</sup>We designate some recommendations as warranting urgent attention from heads of key departments or agencies. They are highlighted because, upon implementation, they may significantly improve government operations, for example, by realizing large dollar savings, eliminating mismanagement, fraud, and abuse, or making progress toward addressing a high-risk issue.

<sup>22</sup>Currently, BIE has addressed all the recommendations in our reports issued prior to 2020.

<sup>23</sup>GAO-24-105451; GAO-21-492T; GAO-20-358.

<sup>24</sup>We expect to soon receive additional documentation from BIE that provides evidence of further actions taken to address these recommendations.

financial mismanagement over the last year. BIE officials have told us that the agency's ability to hire staff is affected by its budget and what officials described as a lengthy and complex hiring process. However, there are steps that BIE could take to help build staff capacity, including fully implementing our 2024 recommendation to update the agency's strategic workforce plan, which expired in 2022.<sup>25</sup> In addition, BIE could assess its staffing resources to ensure they are aligned with current and future needs.

Further, BIE continues to face management weaknesses related to two other high-risk criteria: monitoring and demonstrated progress. Monitoring requires that agencies establish processes to monitor and validate the effectiveness of their corrective measures. For example, BIE has not yet developed adequate controls to monitor purchase card transactions at BIE-operated schools to identify potential fraud and misuse of federal funds, which we initially reported on in 2024.

In addition, BIE needs to demonstrate continued progress in resolving high-risk problems related to supporting and overseeing schools. These problems include inadequate training of agency staff responsible for assisting schools with their special education programs. Further, we found in our 2024 report that agency staff did not consistently follow standard procedures when schools do not submit required financial audit reports.<sup>26</sup> Significant work remains for the agency in resolving these high-risk issues. Demonstrating progress in addressing problems, building capacity, and institutionalizing monitoring will require the sustained support of senior agency leaders.

In conclusion, BIE has taken commendable steps in recent years to address many of the problems highlighted in our work, most notably BIE leadership's strong and sustained commitment to address management weaknesses. However, challenges continue to reemerge at BIE because of the three remaining management weaknesses the agency has yet to fully address. Remaining focused on resolving these underlying issues is essential for BIE to effectively fulfill its mission of providing high-quality education opportunities for American Indian students.

Chairman Gosar, Ranking Member Dexter, and Members of the Subcommittee, this completes my prepared statement. I would be pleased to respond to any questions that you may have.

### Related GAO Products

*Bureau of Indian Education: Improved Oversight of Schools' COVID-19 Spending Is Needed.* GAO-24-105451. Washington, D.C.: Mar. 27, 2024.

*High-Risk Series: Efforts Made to Achieve Progress Need to Be Maintained and Expanded to Fully Address All Areas.* GAO-23-106203. Washington, D.C.: Apr. 20, 2023.

*High-Risk: Bureau of Indian Education Has Addressed Some Management Weaknesses, but Additional Work Is Needed on Others.* GAO-22-106104. Washington, D.C.: June 28, 2022.

*Indian Education: Schools Need More Assistance to Provide Distance Learning.* GAO-21-492T. Washington, D.C.: Apr. 28, 2021.

*High-Risk Series: Dedicated Leadership Needed to Address Limited Progress in Most High-Risk Areas.* GAO-21-119SP. Washington, D.C.: Mar. 2, 2021.

*Indian Education: Actions Needed to Ensure Students with Disabilities Receive Special Education Services.* GAO-20-358. Washington, D.C.: May 22, 2020.

*Tribal Programs: Resource Constraints and Management Weaknesses Can Limit Federal Program Delivery to Tribes.* GAO-20-270T. Washington, D.C.: Nov. 19, 2019.

*High Risk: Progress Made but Continued Attention Needed to Address Management Weaknesses at Federal Agencies Serving Indian Tribes.* GAO-19-445T. Washington, D.C.: Mar. 12, 2019.

*High-Risk Series: Substantial Efforts Needed to Achieve Greater Progress on High-Risk Areas.* GAO-19-157SP. Washington D.C., Mar. 6, 2019.

*High Risk: Agencies Need to Continue Efforts to Address Management Weaknesses of Federal Programs Serving Indian Tribes.* GAO-18-616T. Washington, D.C.: June 13, 2018.

<sup>25</sup> BIE has taken preliminary steps to update its strategic workforce plan, based on information the agency provided.

<sup>26</sup> GAO-24-105451.

*High Risk: Status of Prior Recommendations on Federal Management of Programs Serving Indian Tribes.* GAO-17-790T. Washington, D.C.: Sept. 13, 2017.

*High Risk: Actions Needed to Address Serious Weaknesses in Federal Management of Programs Serving Indian Tribes.* GAO-17-589T. Washington, D.C.: May 24, 2017.

*Indian Affairs: Actions Needed to Better Manage Indian School Construction Projects.* GAO-17-447. Washington, D.C.: May 24, 2017.

*Indian Affairs: Further Actions Needed to Improve Oversight and Accountability for School Safety Inspections.* GAO-17-421. Washington, D.C.: May 24, 2017.

*High Risk: Actions Needed to Address Serious Weaknesses in Federal Management of Programs Serving Indian Tribes.* GAO-17-587T. Washington, D.C.: May 17, 2017.

*High-Risk Series: Progress on Many High-Risk Areas, While Substantial Efforts Needed on Others.* GAO-17-317. Washington, D.C.: Feb. 15, 2017.

*Indian Affairs: Key Actions Needed to Ensure Safety and Health at Indian School Facilities.* GAO-16-391T. Washington, D.C.: Mar. 16, 2016.

*Indian Affairs: Key Actions Needed to Ensure Safety and Health at Indian School Facilities.* GAO-16-313. Washington, D.C.: Mar. 10, 2016.

*Indian Affairs: Further Actions on GAO Recommendations Needed to Address Systemic Management Challenges with Indian Education.* GAO-15-597T. Washington, D.C.: May 13, 2015.

*Indian Affairs: Further Actions on GAO Recommendations Needed to Address Systemic Management Challenges with Indian Education.* GAO-15-539T. Washington, D.C.: Apr. 22, 2015.

*Indian Affairs: Preliminary Results Show Continued Challenges to the Oversight and Support of Education Facilities.* GAO-15-389T. Washington, D.C.: Feb. 27, 2015.

*Indian Affairs: Bureau of Indian Education Needs to Improve Oversight of School Spending.* GAO-15-121. Washington, D.C.: Nov. 13, 2014.

*Indian Affairs: Better Management and Accountability Needed to Improve Indian Education.* GAO-13-774. Washington, D.C.: Sept. 24, 2013.

*Indian Affairs: Management Challenges Continue to Hinder Efforts to Improve Indian Education.* GAO-13-342T. Washington, D.C., Feb. 27, 2013.

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QUESTIONS SUBMITTED FOR THE RECORD TO MS. MELISSA EMREY-ARRAS, DIRECTOR,  
EDUCATION, WORKFORCE, AND INCOME SECURITY, U.S. GOVERNMENT  
ACCOUNTABILITY OFFICE

### Questions Submitted by Representative Gosar

*Question 1. GAO's High-Risk List calls attention to agencies and program areas that are high-risk due to their vulnerability to fraud, waste, abuse, and mismanagement or that are most in need of transformation. What were the vulnerabilities and management weaknesses at BIE that led GAO to place it on the High-Risk List in 2017?*

Answer. Our finding of repeated problems in BIE's oversight of school safety and spending, among other areas, led us to add the agency's administration of schools to GAO's High-Risk List in 2017. For example, in 2016 we found that on average about a third of all BIE schools did not receive annual safety inspections in the prior 4 years as required by agency policy. In 2014, we also found a variety of problems with BIE's oversight of school spending, including serious financial problems in some schools that we identified through external audits, as well as limited fiscal monitoring of schools by BIE. Taken together, these problems indicated a broader pattern of systemic management weaknesses at BIE.

*Question 2. Your statement describes five key problem areas with BIE's oversight of schools that GAO has identified in your previous reports. In which of these areas does BIE still have a significant amount of work to do in order to address your recommendations?*

Answer. BIE has significant work remaining to address our recommendations in the areas of school spending and special education. All 4 recommendations in our 2024 report on oversight of school spending have not yet been addressed. These relate to the need for BIE to establish controls to ensure staff follow agency

procedures when schools do not submit timely single audit reports, document and report on COVID fund monitoring of high-risk schools, build capacity for fiscal monitoring of high-risk schools, and consistently use the required tool and procedures for monitoring school purchase card transactions. Similarly, 5 of the 7 recommendations we made in our 2020 report related to special education remain unaddressed. These include the need for BIE to disseminate promising practices to schools on recruiting special education providers, ensure BIE staff receive needed training, and conduct outreach with schools about their role in overseeing and supporting schools' special education programs. We continue to actively monitor BIE's efforts to implement these and our other outstanding recommendations.

*Question 3. In what areas has BIE made the most progress in the requirements for the High-Risk List, related to the education component?*

Answer. While BIE has made some progress on all five of GAO's high-risk criteria, it has made the most progress on leadership commitment and development of action plans. For example, in 2019 BIE established a leadership position and supporting office to guide the agency toward meeting its strategic goals and to address the management weaknesses identified in our reports. BIE leadership has also prioritized implementing recommendations we designated as urgent, such as those related to school safety. In addition, BIE developed action plans to address the root causes of a variety of problems we previously identified. For example, it developed a plan to support schools in addressing facility safety issues through comprehensive technical training for school staff. Training areas ranged from maintaining fire alarm and sprinkler systems to monthly safety check procedures. As a result of these efforts, in 2022 we determined that BIE had fully met these two high-risk criteria. However, more work is needed to address remaining management weaknesses related to building staff capacity for supporting and overseeing schools, monitoring corrective measures, and demonstrating sustained progress in resolving high-risk issues.

*Question 4. What can Congress request of GAO to help you further your oversight efforts in this space?*

Answer. We would be glad to meet with your staff to discuss potential further work in this space.

*Question 5. The lack of BIE oversight of school spending seems to be a reoccurring problem that you first reported on in 2014 and again 10 years later in 2024. Can you please describe the problems you found in these previous reports and the steps that BIE still needs to take to implement your recommendations for providing spending oversight?*

Answer. In 2014 we reported on a variety of serious financial problems at some schools. This included \$13.8 million in unallowable spending at 24 schools and \$1.2 million of federal funds at another school that were improperly transferred to an offshore account. We also found that BIE did not have fiscal monitoring procedures, or sufficient staff with the requisite skills to effectively oversee schools' spending.

BIE took some steps to address these earlier issues with overseeing school spending, however, problems in this area have continued. For example, in 2024 we identified several key issues with BIE's oversight of the more than \$900 million in federal COVID-19 funds it provided to schools during the pandemic. For example, we found that for BIE-operated schools, nearly half of COVID-19 spending made with purchase cards between March 2020 and August 2022 involved transactions at elevated risk for fraud or misuse. Examples included the purchase of gift cards or multiple purchases at the same merchant within a certain number of days that total more than the single purchase limit. However, BIE did not provide evidence that it had investigated these transactions for fraud or misuse.

To address our outstanding recommendations from this report, BIE needs to establish controls to ensure that staff consistently use the required tools and procedures for monitoring school purchase card transactions, follow agency procedures when schools do not submit timely single audit reports, document and report on COVID fund monitoring of high-risk schools, and build capacity for monitoring of schools at a high risk of financial mismanagement.

*Question 6. Is this a systemic problem at BIE, that could potentially affect their ability to track and monitor funding for deferred maintenance?*

Answer. We have found that BIE faces systemic management weaknesses—such as insufficient staff capacity and limited monitoring of corrective measures—that underlie many of the problems we have identified with the agency's support and oversight of schools. For example, in 2024 we found BIE did not have sufficient staff

to fully monitor schools' federal spending and that its strategic workforce plan expired in 2022. Without an updated workforce plan, BIE may continue to struggle with building staff capacity to address challenges in other areas, which may include deferred maintenance at schools.

*Question 7. Your statement includes a shocking finding from your previous work back in 2016 where you found aging boilers at one BIE school that had failed inspections and were leaking natural gas into a student dormitory. Did BIE take quick action to rectify problems with these boilers and what steps did the bureau take more broadly to identify and address safety issues at school facilities?*

Answer. BIE's response to this situation was not timely. In 2016, we found that most of the boiler repairs took 8 months to complete. During this time, the school continued to run the boilers and use the dormitory, which prolonged the safety and health risks to students and staff.

Since our 2016 report, however, BIE has addressed all of our recommendations on school safety, including a recommendation that it conduct annual safety inspections at all schools. BIE also took steps to routinely monitor its safety inspection process for schools. This process includes assessing the performance of inspectors and holding them accountable for the agency's required standards for producing high-quality, timely inspection reports. Such reports provide schools with critical information to identify and promptly abate high-risk hazards in buildings that may endanger the lives of students and staff.

*Question 8. As we've heard today, over the past 12 years GAO has issued multiple reports and testimonies highlighting a variety of recurring problems at BIE. Why do problems keep reoccurring at BIE, and what can the bureau's leadership do to right the ship?*

Answer. Problems at BIE keep reoccurring because the agency has not fully addressed persistent, underlying management weaknesses. While BIE has taken commendable steps in recent years to address many of the problems that we have identified since 2013, it continues to face weaknesses in three areas: building staff capacity for supporting and overseeing schools, monitoring corrective measures, and demonstrating sustained progress in resolving high-risk issues. Remaining focused on resolving these underlying issues is essential for BIE to effectively fulfill its mission of providing high-quality education opportunities for American Indian students.

*Question 9. In your written testimony you say that BIE has implemented 28 of the 38 recommendations provided to them. What recommendations are still outstanding? Why haven't they been implemented yet?*

Answer. Ten recommendations related to BIE's support and oversight of schools from our three most recent products on special education, distance learning, and school spending remain open. BIE is near completion with implementing two of these recommendations on special education and distance learning, but significant action is still needed to address the other eight.

BIE's implementation of certain recommendations may be hindered by underlying management weaknesses. For example, an open recommendation from our 2024 report calls for BIE to build its capacity to conduct all annual fiscal reviews of schools that are designated as high risk, as required by its policy. However, building staff capacity has been a broader challenge at BIE for over a decade. For instance, BIE's workforce plan expired in 2022. In order for BIE to build its staff capacity, it must update its workforce plan and assess its staffing resources to ensure they are aligned with current and future needs.

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Dr. GOSAR. I thank the witnesses for their testimony. The Chair will now acknowledge Members for 5 minutes for their questions. I will start with the Chairman for the Full Committee, Mr. Westerman, for his 5 minutes.

Mr. WESTERMAN. Thank you, Chairman Gosar, and thank you again to the witnesses.

Ms. Sedney, in the March 2024 report OIG noted the significant risk for BIE schools associated with ignoring deferred maintenance for extended periods of time. How does the lack of regular maintenance and repairs for BIE education facilities contribute to growth

of the deferred maintenance backlog over time and the further deterioration of Federal assets? Is this a linear deterioration or does it kind of deteriorate exponentially?

Ms. SEDNEY. Well, I think the answer is both. You know, as regular repairs aren't done, then those repairs get worse, and then they are more expensive, and the backlog grows. So if things are not addressed in a timely manner, they could exponentially increase.

Mr. WESTERMAN. Can you go into detail about any maintenance-related hazards that pose immediate safety risk to students and staff that you may have found during your investigation?

Ms. SEDNEY. We have identified serious health and safety risks. So when we go out to schools, we check to see the types of health and safety deficiencies that are currently identified there, and whether or not they are outstanding. The deficiencies are categorized in a manner where the worst is catastrophic. So that means that, you know, it could basically cause death of somebody. And then it is critical and significant. So we have identified those types of deficiencies during our work for BIE schools.

Mr. WESTERMAN. So what would be an example in those different categories, like where would structural deficiencies, or mold—

Ms. SEDNEY. Right.

Mr. WESTERMAN [continuing]. Or HVAC—

Ms. SEDNEY. I know one item that we have seen several times is issues with the fire system, or a lack of an operable fire system or sprinkler system, basically fire hazards that exist—

Mr. WESTERMAN. Oh, would—

Ms. SEDNEY [continuing]. At some schools.

Mr. WESTERMAN [continuing]. That be the highest level of—

Ms. SEDNEY. Yes, that could be the highest level. So an example of that is we did a series of inspections of Pine Hill School first, I believe, in 2016, and then we did follow up. And over the years that school did have fire issues where they did not have an operable fire alarm system.

Mr. WESTERMAN. Do emergency protocols exist for handling maintenance issues that impact student safety?

Ms. SEDNEY. We also look at that issue when we do our school inspections, and some schools have them and some schools do not.

Mr. WESTERMAN. Do you know if there are any schools that are in risk of closure due to safety or maintenance issues?

Ms. SEDNEY. I don't know that right now, but I can certainly get back to you with that information.

Mr. WESTERMAN. So does BIE currently have the ability to ensure that its facility management system accurately reflects the status of maintenance work orders?

Ms. SEDNEY. Unfortunately, during the course of all of the work we have done over the past 10 years, we have found that the Maximo system, which is the deferred maintenance and repair, it is not accurate. We find work orders that are open that should be closed, and ones that are closed that should be open. So at this point I think it would be tough to accurately estimate.

Mr. WESTERMAN. Did you observe any programs or systems that are being used to more accurately track work orders?



Ms. SEDNEY. We have not done that analysis, but that would be something that we could talk to your staff about conducting in the future.

Mr. WESTERMAN. All right. Thank you again.  
I yield back.

Dr. GOSAR. I thank the gentleman. Do you want to go?

OK, we are going to go a little out of order here, Mr. Walberg, the gentleman from Michigan, is recognized for his 5 minutes. He has to go to the next committee meeting.

Mr. WALBERG. Thank you for your deference there, Mr. Chair, and thank you for allowing me to waive on. And I want to also thank the panel for being here today.

As Chairman of the Education and Workforce Committee, I am concerned about the health and safety-related problems associated with BIE facilities. And as we know, BIE school facility problems have been around for years, as has been mentioned over and over again.

Ms. Sedney, have you seen any meaningful progress by BIE in implementing solutions to unusable boilers, asbestos, and mold problems, and weakness in structures of school buildings?

Ms. SEDNEY. I would say we have seen some improvements. As I mentioned in my opening statement, we have made 62 recommendations in the last 10 years and about half of them have been implemented. So there is some progress.

So a notable example is during our recent school inspections where we are really focusing on specific schools, and we have noticed that BIE is taking our findings seriously at those schools and making concerted efforts to remedy the solutions. My team went to Havasupai Elementary School and identified a tree that was dangerously hanging over a kindergarten building in a playground, so much so that those facilities couldn't be used by the children. Within 6 weeks of our review, the tree was removed and I am happy to report that, as of today, the children occupy that building and can play on that playground.

Mr. WALBERG. We will take them as we get them, right, the victories?

Ms. SEDNEY. Exactly.

Mr. WALBERG. In your opinion, what is the best solution to systemic weaknesses in BIE's management of school facilities?

Ms. SEDNEY. As I just mentioned, we have lots of open recommendations. I would put them into two buckets. You know, I think, you know, implementing those recommendations would make the data more accurate. So the first bucket would be, you know, addressing those outstanding health and safety issues. Obviously, we want to keep our children and our staff safe at the schools. And the second bucket is cleaning up Maximo, and making sure that the, you know, the information in it is consistent.

One issue that we have noticed that a lot of the schools is that the BIE maintenance staff at the school doesn't actually have access to the Maximo system. And since they don't have access to the system, they are not able to put in information or keep it up to date. So that is certainly something that I think would improve the data.

Mr. WALBERG. OK. Out of sight, out of mind. Thank you.

We keep hearing over and over that the same BIE problems repeat themselves year after year. For example, problems with BIE's oversight of deferred maintenance and BIE's lack of meaningful oversight of school spending keeps recurring. Ms. Emery-Arras, would you talk about the specific management weaknesses that are causing these problems to persist?

Ms. EMERY-ARRAS. I am happy to. BIE is on GAO's high risk list because of those systemic management weaknesses, and there are three key ones that remain.

They need to address capacity. Do they have the right people with the right skills in the right place to do the work? They need to make sure that they are effectively monitoring programs, and they need to demonstrate progress. And until they do that, they will continue to have issues appear time and time again.

Mr. WALBERG. OK, thank you. Your testimony notes that back in 2020 GAO reported that BIE schools did not provide or could not account for more than one-third of special education service time required for students with disabilities. GAO also found BIE provided limited monitoring and limited technical assistance to help schools comply with special education requirements. Would you discuss in a little more detail GAO's findings?

Ms. EMERY-ARRAS. Certainly. We found, looking at service logs, that 38 percent of special education time that was owed to students was either not provided or could not be accounted for. So this was time that was required on their IEPs, and it just disappeared.

And there was instances at schools where some students didn't receive any special education services at all. This was very concerning for us. And what we found was that the BIE field staff didn't have the training and knowledge to effectively oversee the provision of special education services at schools.

Mr. WALBERG. I see my time will expire before I finish my next question. So if I can submit that and have the answer given in writing, I would appreciate that.

Dr. GOSAR. We appreciate you, Chairman.

The gentleman yields. The gentlewoman from Colorado, Ms. Boebert, is recognized for her 5 minutes.

Ms. BOEBERT. Thank you, Mr. Chairman, and I want to just give a special welcome to all of our tribal members who have traveled here to be with us today.

Your voices are so valuable, and I have been able to spend a lot of times with the Southern Utes and the Ute Mountain Utes in Colorado, and now we have Congressman Jeff Hurd, who is Chairman of the Indian and Insular Affairs Subcommittee, and hopefully we will be welcoming you all for many hearings. We certainly cherish your rich heritage, and want to uphold your sovereignty and work with you at every level. It is always such an honor to have conversations where we are working as a unit to solve problems for your communities who are certainly a big, big part of this Nation's history.

So with our witnesses here, I am certainly excited also to delve into the challenges faced by BIE schools and push for more accountability and better resource allocation to ensure safe learning environments for our Native American students. Ms. Emery-Arras, Arras? I want to say that correctly.

Ms. EMERY-ARRAS. Arras.

Ms. BOEBERT. Arras. Yes, ma'am. Thank you. In your testimony you mentioned that the Government Accountability Office found nearly half of COVID spending that was made with purchase of cards at the Bureau involved transactions at elevated risk for fraud and misuse, and I believe you mentioned also the \$13.8 million in unallowable spending at 24 schools and one school that transferred \$1.2 million of Federal funds to an offshore account.

What recommendations would you make for GAO, or what recommendations have been made to the Bureau?

Ms. EMERY-ARRAS. We have made multiple recommendations over the years to tighten controls over school spending. And you are right, we are very concerned about the credit card purchases that were flagged for risk but then never investigated. There were purchases involving PayPal, Venmo, \$2,000 in gift cards at an electronic store, you name it. And those were flagged as risky, but no one checked to see what was going on. We have recommendations to BIE to actually use existing software that it has to investigate those charges and determine whether they are, in fact, fraudulent.

Ms. BOEBERT. Yes. So, I mean, obviously, with this improper use of Federal funds, we want to make sure that that doesn't happen again. And I think that you would agree that that money could have been better spent on outdated facilities, teacher shortages, safety concerns, and inadequate infrastructure impacting tribal-controlled schools. Is that correct?

Ms. EMERY-ARRAS. We believe that the Federal funds need to be safeguarded from fraud and misuse.

Ms. BOEBERT. Yes, ma'am. And does GAO plan to work with the Department of Government Efficiency to ensure taxpayer dollars are spent properly at BIE?

Ms. EMERY-ARRAS. We work with every new administration to share information on the programs and operations of the Federal Government, and we will do the same this time.

Ms. BOEBERT. Thank you so much.

And Ms. Sedney, BIE's mission statement clearly states that the Bureau's goal is to provide quality education opportunities from early childhood through life, in accordance with the Tribe's needs for cultural and economic well-being. However, several schools are in extreme states of despair, as you are probably going to hear and speak of a lot during your panel time, due to leaking roofs and walls, mold, and signs of asbestos. How are students able to receive a quality education in these conditions?

Ms. SEDNEY. So we have not looked specifically about how education has been impacted, you know, on the students as a result of these conditions, but I think it is fair to say that we all recognize that the students aren't going to have a good education if they are in these facilities, and that is exactly why we prioritized this work for the last 10 years.

Ms. BOEBERT. Yes, and I think test scores would show that there is some sort of impact, and maybe there is a correlation there. I certainly would be distracted if there were leaky roofs in a room. I get distracted when our Committee rooms are too cold.

But do you think that this is providing an opportunity for our tribal members to explore school choice and have funding go

directly towards the parents so they have those resources and are able to choose where their child goes to school and receives their education?

Ms. SEDNEY. We haven't done an analysis of that issue yet, but we would be happy to talk to your staff about how we could help or provide any, you know, additional information about that.

Ms. BOEBERT. Yes. Just with some of our members here that I have spoke with, I think school choice would be valuable to them, and certainly having those resources follow the student. Thank you.

Dr. GOSAR. The gentlewoman yields.

Dr. DEXTER. Yes.

Dr. GOSAR. You want to go?

Dr. DEXTER. No, I think—

Dr. GOSAR. OK, yes. The gentleman from Georgia is recognized.

Mr. COLLINS. Thank you, Mr. Chairman.

Before I get started into my question I just want to recognize the Eastern Band of Cherokee Indians here. That is probably the closest tribal group that I have to my district. I don't have any tribal land in my district. But in talking with them, I know they are in a different tier from a lot of the BIE that we are talking about today. They are in the 638 section. And I would encourage you, anybody, I go through Cherokee all the time. You want to see a model of a school system that works, and works well? They are it.

They have a lot more control over their school system, though, and they are very proud to implement their culture and their language and get kids energized into learning. And it is because they have a lot of local control over their school system.

But as far as questioning, Ms. Sedney, I want to follow up on some things that—Chairman Westerman's line of questioning that he was going through. I mean, you were answering about fire hazards and sprinkler systems not in there, and not even having fire alarms if I understood that right. Has BIE implemented a monitoring process to assess the status of these so-called closed deferred maintenance orders in the facilities management system that have been addressed? Any monitoring system?

Ms. SEDNEY. We actually have an outstanding recommendation that speaks just to that, that they should have a monitoring system to keep an eye on that.

Mr. COLLINS. So is that one that they have not addressed either?

Ms. SEDNEY. That one is unimplemented at this time.

Mr. COLLINS. So you—

Ms. SEDNEY. Yes.

Mr. COLLINS. Now, wait a minute. Let's get this right. So you asked them to put in a monitoring system to check the deferred maintenance that was not being maintained, and they haven't even set up a monitoring system yet?

Ms. SEDNEY. We actually work with them. I have a team that does recommendation follow-up, and they meet with BIA and BIE on a monthly basis to talk through all of the open recommendations, and that is one that is still open.

Mr. COLLINS. So, in your view, has BIE's ability to manage deferred maintenance and repairs improved since the OIG review?

Ms. SEDNEY. I would say they still face challenges, I mean, because of the data issues that we see.

Mr. COLLINS. I think you are being extremely generously nice, but OK.

Could you describe your working relationship with BIE when you have been conducting these oversight activities?

Ms. SEDNEY. Sure. I think that is actually a positive story.

So we issued our first condition of Indian schools report in 2000. So, like, 24, 25 years ago. And at that time BIE didn't even respond to our report. We had 21 recommendations, got 0 response. Now we have a very good relationship, especially in the last 2 years. They are extremely responsive. As I just mentioned, my team meets with their team on a monthly basis to go through all of the recommendations, and we do see that they are making efforts to implement many of them.

Mr. COLLINS. Well, what can we do as a Committee here to help even further that oversight and that relationship?

Ms. SEDNEY. I keep saying recommendations, but I think it comes back to those. We have many outstanding ones, as does, I am sure, my counterpart here that I think would really help BIE to manage this issue if they implemented those recommendations.

Mr. COLLINS. You know, Mr. Chairman, I am through questioning, but I want to just say, you know, the other side of the aisle, the only thing they can say was throw more money and more money and more money at it. And I think it is evident just by President Trump and DOGE and what you are seeing, this is nothing other than just the same old Federal bureaucracies out there that are out of control, that don't answer to anybody, that are wasting our money because you have recommendations that weren't even addressed, recommendations that were claimed to address, fixed, but really weren't. People buying gift cards and wasting money. You have a management problem over there. You have a lot of fraud, waste, and abuse going on with BIE that needs to be addressed.

With that I yield back.

Dr. GOSAR. I thank the gentleman, Mr. Collins from Georgia. I now recognize the gentleman from Arizona, Mr. Andy Biggs for 5 minutes.

Mr. BIGGS. Thank you, Mr. Chairman, and thank you, first of all, to the tribal leaders and tribal members who are here today. We appreciate you being here. I am informing you I wanted to be here for the second panel, but I have to be on the floor in about 15 or 20 minutes so I will miss the second panel and I have regrets about that. But thank you to our witnesses on this panel.

So first of all, Ms. Sedney, this is for you. When you have so many repair orders and other orders that are open, closed, falsified, how do you tell what the exact amount of the actual backlog really would require? Because we don't know. I mean, do we?

Ms. SEDNEY. Yes, I would probably question the backlog estimates that are there now, just because of the work that my team has performed in terms of digging into the details of the work order system and finding so many that were either open that should be closed, or closed that should be open.

As I mentioned earlier, we issued a management advisory just this week that discusses a contractor that BIE hired who closed thousands of work orders that shouldn't have been closed, and they closed them based on——

Mr. BIGGS. And I hope that that particular contractor loses their ability to contract, right? I mean, that would be a normal remedy, right?

I didn't mean to cut you off, but I want to ask you a couple of other questions before we go to Ms. Emery-Arras. When I was reading your report, in the last 5 years you have made over 1,300, almost 1,400 recommendations to BIE, right? Am I wrong?

Ms. SEDNEY. We have made lots of recommendations to BIE, yes, about this topic. Yes.

Mr. BIGGS. Yes, and your report says 1,374. Does that sound right?

Ms. SEDNEY. It sounds a little high, but——

Mr. BIGGS. That is a heck of a lot of recommendations for 5 years.

Ms. SEDNEY. Yes.

Mr. BIGGS. That is what I would just say. So it speaks to this notion that there is so much that has to be repaired within the echelons of the system itself that leaves me aghast, quite frankly.

And if I also understand both of you, looking through the reports, the allocation per student is about \$6,900 per pupil. Is that right? Federal dollars?

Ms. SEDNEY. I don't have that estimate. I am sorry.

Mr. BIGGS. OK.

Ms. SEDNEY. We can get back to you on that.

Mr. BIGGS. Yes. I believe it is in your report, so please double check on that. I would like to know if that is the case.

Ms. SEDNEY. Absolutely.

Mr. BIGGS. And then I would like to know if folded into that \$6,900-per-pupil, how is that allocated for construction, construction maintenance, those types of things.

Then I want to go to you, Ms. Emery-Arras. Studies are pretty clear that bad facilities, leaky, dangerous facilities that impair health and safety actually are inclined to actually promote the need for special education and IEPs. Are you familiar with those?

Ms. EMERY-ARRAS. I am not, sir.

Mr. BIGGS. Well, they are there. And you mentioned that roughly 38 percent of time for special ed services just disappeared.

Ms. EMERY-ARRAS. Yes.

Mr. BIGGS. And while we are talking a physical plant backlog that needs to be repaired, we need to find out what is going on with those students, especially those who have an IEP or something like that.

Ms. EMERY-ARRAS. Correct, correct. We were very concerned that these are students that had recommended special education time that they were not receiving, and in some cases it was clear it was just never provided. In other cases nobody knew. There was no documentation whatsoever, and it just disappeared, and that is just not acceptable. These are students that are vulnerable, that need assistance in order to learn, and they were not getting the help that they needed.

Mr. BIGGS. And so who has charge to actually follow up and assess whether these students are receiving—

Ms. EMERY-ARRAS. Yes.

Mr. BIGGS [continuing]. The services they are supposed to receive?

Ms. EMERY-ARRAS. That is a great question. The BIE field office staff were responsible for annually checking on the provision of special ed services. However, senior BIE officials told us that the very staff that were responsible for checking didn't have the training to do that. So you had people who didn't necessarily have the expertise being charged with doing those annual inspections.

Mr. BIGGS. Yes, that is problematic, for sure.

And then I am just going to ask you one last question real fast. You said roughly half of the COVID-19 spending was used, misused, disappeared.

Ms. EMERY-ARRAS. Right.

Mr. BIGGS. Have we found those, the people who have misused and abused that money?

How much was that in dollar amounts? Because you said half, and I wondered what the actual dollar amount was.

Ms. EMERY-ARRAS. Right.

Mr. BIGGS. Thank you. And I will yield back and let her, if possible, answer the question, Mr. Chairman.

Ms. EMERY-ARRAS. Sure. The quick answer is that \$7.1 million was flagged as risky. We don't know what happened to it, and we don't know if it was in fact fraudulent because we never BIE checked.

Mr. BIGGS. Thank you, Mr. Chairman.

Dr. GOSAR. Wow. I thank the gentleman from Arizona. The gentleman from South Dakota, Mr. Dusty, is going to ask his 5 minutes.

Mr. JOHNSON. Mr. Chairman, I want to start with a thank you, thank you, thank you. I have been asking for this hearing. I am sure I am not the only one. I think you all get the sense of how engaged members are on this. This really matters. I have three BIE-operated schools in South Dakota, 19 tribally controlled. And part of the reason I am so passionate about this is because I have been to these schools, I have talked to the tribal educators, and every single time the message, the passionate message from them, is the same. These schools are under-funded, they are mismanaged, there are problems from one end of the situation to the other. And you can tell they care about these kids, and we are failing these kids, and so I want to thank you for elevating this issue so we can figure out a way to do better.

And Ms. Sedney, in response to questioning from Mr. Biggs you indicated that, yes, we should maybe not have the highest level of confidence on the deferred backlog amount because there are work orders that we don't have a lot of confidence in. What about the Facilities Condition Index? Should we have confidence in that?

Ms. SEDNEY. The facilities condition index is derived from the information in Maximo. So that is one concern that we noted in our reports, that the Facility Condition Index may be incorrect. We first talked about this issue back in 2016, where we actually visited schools in the three different categories. So they are categorized,

you know, as good, fair, or poor. And we found that they were not categorized correctly.

So, you know, a school that was purportedly rated good was not, in fact, in good condition. We are continuing to see those types of problems with the FCI index.

Mr. JOHNSON. And of course, poor data in means poor data out. And there is an incredibly scarce pot of dollars we have for schools in South Dakota that are on the replacement list, and we want to make sure that they are properly prioritized. I have been there. They are absolutely in need of replacement. So we want a data system that we can count on.

You mentioned 2016. I have been touched by the number of times in your testimony you have talked about the consistent engagement, multi-year engagement in this broader BIE system recommendations that were provided 5 years ago, 10 years ago. In general, how do you assess the responsiveness, the urgency of BIE to your recommendations?

Ms. SEDNEY. I would say they are responsive. They are responding to our reports. They are making some progress in implementing our recommendations. However, as I mentioned, half of them remain unimplemented, some of them from 10 years ago.

Mr. JOHNSON. Do we have a sense of what proportion are as of yet not addressed?

Ms. SEDNEY. Half of them are unaddressed.

Mr. JOHNSON. Oh, half, yes.

Ms. SEDNEY. Half, right. And some of those were new. Some of those we just issued a report on Monday where we had three recommendations. So very brand new. But then, you know, we have ones that are outstanding for 10 years. Not very many, but we are again working with BIE on a monthly basis to make sure that they are making progress.

Mr. JOHNSON. So ma'am, Ms. Emery-Arras, again, Mr. Biggs asked about the one-half of COVID dollars that may have been misspent at risk of fraud, waste, abuse. What is Congress to do with that information?

Ms. EMERY-ARRAS. I think having a hearing like you are today is helpful in terms of putting pressure on the department to implement our recommendation. They have the software to use to actually investigate those transactions, they just haven't done so. And so I think paying attention to this issue and highlighting it today is critical.

Mr. JOHNSON. I mean, honestly, it boggles the mind. I mean, I am not blind to the realities of the world. I understand how many COVID-era dollars were misspent, and yet I will still acknowledge to being blown away by the estimate of half in this instance. What would cause those dollars to be flagged as a problem?

Ms. EMERY-ARRAS. The software system would flag things that seem suspicious. For example, there is a maximum purchase limit of, traditionally, \$10,000. So the idea is you are not supposed to have a more than \$10,000 purchase, but sometimes people will get around that by having, you know, two \$6,000 purchases or what have you. So having, like, smaller amounts to go over the threshold within a short period of time is a flag because it looks like you are trying to get around it.



Mr. JOHNSON. So that is game-playing. I mean, some of those may indeed be legitimate purchases, some may actually be fraudulent, and so deeper investigation is necessary to figure it out.

Ms. EMERY-ARRAS. Correct.

Mr. JOHNSON. Well, Mr. Chair, before I would yield I would just mention we got to do better by these kids. And Mr. Biggs talked about accountability. The contractors that insanely closed these work orders without doing the work, yes, they should be held accountable. And then those who used these COVID-era funds fraudulently also need to be held accountable. That gives us the best opportunity of making sure that the men and women in the system in the future understand that they have to follow the rules, and we have to do right by these students.

Thank you sir, I yield back.

Dr. GOSAR. I thank the gentleman, Mr. Johnson, from South Dakota. I got to tell you, I love the idea about those COVID funds. I wonder where they came from.

I now recognize the gentleman from Arizona, Mr. Eli Crane.

Mr. CRANE. Thank you, Mr. Chairman, for holding this hearing, and thank you to the panelists for coming today, and thank you to all the guests for coming out today.

I represent 14 Tribes in Arizona, and I hear countless stories of schools feeling completely left behind and getting zero help from BIE. I have seen the pictures of dilapidated school buildings and deeply concerning health and safety hazards. I think it is fair to say they are sick and tired of BIE making promises they will not keep, and they want accountability.

Ms. Sedney, your office released a report a few months ago on Havasupai Elementary School in my district as part of a new initiative to conduct safety and health inspections at tribal schools. Your findings were troubling: unreliable heating, ventilation, and air conditioning systems, a roof in poor condition, and no comprehensive emergency management program, security plan, or emergency drills.

Ms. Sedney, what is BIE's role supposed to be in making sure that problems you have identified are addressed?

Ms. SEDNEY. BIE should be implementing the recommendations that we have. And at Havasupai, I will say that they are working towards implementing some of those recommendations. At that school, I believe we made 12 recommendations, and they have implemented 2 and 10 are still outstanding.

Mr. CRANE. Thank you. Are the problems you have identified new, or has Havasupai struggled with those issues for a long time?

Ms. SEDNEY. This was the first time we have, you know, inspected Havasupai in recent history. So I can't speak to how long some of those issues have occurred. But, you know, from what they told us, they have been issues for a while.

Mr. CRANE. Why does it take the DOI Inspector General writing a long report on BIE's failures in order for BIE to be alerted to long-standing issues at tribal schools?

Ms. SEDNEY. I can't speak to why or why not they have, you know, whether they have known about these issues. So—

Mr. CRANE. Ms. Sedney, do you think BIE can be trusted to implement the recommendations your office made back in October to help Havasupai Elementary?

Ms. SEDNEY. I will say that they are working with my staff on a monthly basis to make progress on implementing those recommendations.

Mr. CRANE. What about you, Ms. Emery-Arras? Considering BIE has had programs on GAO's high risk list for years, do you think they can be trusted to properly help these schools?

Ms. EMERY-ARRAS. They have definitely shown leadership commitment, and have done a lot to implement GAO's recommendations. That said, what has been discussed here is very concerning.

Mr. CRANE. Ms. Emery-Arras, did you say that you had an investigation into school spending?

Ms. EMERY-ARRAS. Yes, sir.

Mr. CRANE. What did you find?

Ms. EMERY-ARRAS. We found a variety of things. And actually, we have been looking at school spending for a number of years at BIE, and have had repeated findings ranging from staff who are responsible for overseeing school spending not knowing how to do that work to, more recently, concerns with them not doing appropriate controls to ensure against fraud and abuse.

We think that more needs to be done with school spending, and we have multiple recommendations to address that.

Mr. CRANE. Ma'am, did you say in your testimony that, of the \$900 billion given to BIE during COVID, you found that close to half of it could have been used for fraud, waste, and abuse?

Ms. EMERY-ARRAS. Close to half of the money that was spent on credit card transactions, which is a lower amount than that.

Mr. CRANE. OK. How much money did you find was spent on gift cards and credit cards?

Ms. EMERY-ARRAS. I don't know the exact number for that piece, but I would say that \$7.1 million was flagged as risky, which would be for gift cards, PayPal, Venmo, multiple purchases, et cetera, and those risky transactions were just never investigated.

Mr. CRANE. Did you say that you found one instance where \$1.2 million in Federal funds was transferred to an offshore account?

Ms. EMERY-ARRAS. That is true from our earlier work. It went away and it never came back.

Mr. CRANE. So was anybody ever arrested or held accountable for that?

Ms. EMERY-ARRAS. Not to our knowledge.

Mr. CRANE. One of my colleagues on the other side of the aisle, I believe it was Mr. Huffman, said that these schools are underfunded. That may be very well true, but given some of the testimony that we have heard in this hearing today, many taxpayers are concerned that if we were to give BIE more money there would be more fraud, waste, and abuse, and nobody held accountable. Would you agree with that assessment, ma'am?

Ms. EMERY-ARRAS. Although I can't comment on appropriation levels, I can say that more needs to be done to guard against fraud and abuse, and safeguard taxpayer dollars.

Mr. CRANE. Thank you, Mr. Chairman, I yield back.

Dr. GOSAR. I thank the gentleman, Mr. Crane, for his testimony. Now I am going to go to the Ranking Member of the Subcommittee, Ms. Dexter, for her 5 minutes.

Dr. DEXTER. Thank you so much, Mr. Chair. I just want to really underline what I am hearing is the chronic under-funding is absolutely preventing us from being able to address deferred maintenance, whether it is for the Maximo system or other things. It sounds like that is pretty clear.

But I want to underscore that this undermines our overall obligations to our Tribes. And I think that that is something that we all here are agreeing on. So Ms. Emery-Arras, to what extent is BIE's ability to fulfill its mission constrained by limited funding and staff capacity?

Ms. EMERY-ARRAS. We have heard from BIE officials that funding constraints are certainly an issue for them. They have also mentioned challenges with Federal hiring in terms of a long and complex bureaucratic process.

That said, those factors are outside of BIE's direct control. There are factors within its control that it can do to improve its capacity. We have recommended that they update their strategic plan, which expired in 2022, to make sure that they have people aligned with their highest priority needs, and they have yet to do that.

Dr. DEXTER. Yes, having run strategic plans, it takes a lot of people and a lot of time to do that. So that makes sense to me. And not excusing it, but I understand the time investment.

And to follow up on that, to what extent is BIE's ability to accurately track the maintenance backlog affected by limited funding and staff capacity, Ms. Emery-Arras?

Ms. EMERY-ARRAS. I wouldn't be able to speak to that. I just know that for quite some time they have had issues with monitoring the accuracy and completeness of their deferred maintenance data.

I was looking back in our earlier work, and it sounds almost identical to the IG's recent work back in 2015, mind you, with the previous system, right, this is before the current facility system, it was the same thing. The agency was not routinely monitoring the data to make sure it was accurate and complete. School officials didn't always have access to the system, nor do they have the training and expertise to enter information.

Dr. DEXTER. OK. And I am going to turn to Ms. Sedney.

The same questions to you. I think you have addressed this to a large degree, so just high-level points that you would want us to really understand from your perspective to these investments.

Ms. SEDNEY. Sure. We haven't done a high-level, independent analysis of BIE staffing. But I would say, in all of our work over the past few years, BIE officials, like, on the ground at the schools have said that staffing, you know, creates a problem for them to be able to handle the deferred maintenance.

We have also noted that there are vacancies. We can see, you know, for example, at Havasupai there is a 53 percent vacancy rate at that school, or at least there was at the time of our review. So that would certainly impact their ability to fix things.

Dr. DEXTER. Sure. OK. And I just want to switch now to recommendations that the GAO and IG have been making and

effectively, to some degree, implementing, and that the BIE, it sounds like, has made some progress in that regard, despite ongoing resource and capacity issues. So I think understanding that they are working with short staff, they are still making progress, which is laudable.

So Ms. Sedney, can you point to cases where your recommendations that you have made, and we understand that only half have been implemented or so, where they have led to measurable improvements?

Ms. SEDNEY. Sure. So as I mentioned, you know, I think just having our teams on the ground highlight issues, causes action by BIE. I mentioned the tree over the kindergarten at Havasupai. So, of course, we were very happy to see that, but also smaller adjustments that were made by giving people access to the facility management system.

As I mentioned, if people don't have access at the school, then they are going to have to rely on somebody from BIE that might be, you know, hours away or States away. So then that causes these problems. So we have seen at some of the schools that we have went to that they have given access to people that need it.

Dr. DEXTER. OK, great. And Ms. Emery-Arras, knowing that I have 40 seconds left, there are currently 10 recommendations from prior GAO reports that BIE has not yet implemented. How do you believe implementing these recommendations will help BIE better support and monitor schools?

Ms. EMERY-ARRAS. Implementing the recommendations will help safeguard funds in terms of taxpayer dollars. It will also help ensure that students receive special education services, and that is critical for this population.

Dr. DEXTER. Very good. With my last few seconds, Mr. Chair, I just want to acknowledge that we are spending, I am told, \$6,900, on average, per student annually in the BIE programs versus the average in U.S. public schools is about \$15,000–\$16,000 per student. And this is despite higher socio-economic needs. So I think we are disproportionately under-investing in these students. Thank you, Mr. Chair.

Dr. GOSAR. I thank the Ranking Member. Now, I am going to be a little bit different with my line of questions, OK?

So who usually with the Tribes does a better job of dialoging with the Tribes, State Government, local government, or the Federal Government, Ms. Sedney?

Ms. SEDNEY. We haven't looked at that issue. We haven't done an analysis there. But I would be happy to talk to you or your staff about looking into that.

Dr. GOSAR. Yes. How about you, Ms. Emery-Arras?

Ms. EMERY-ARRAS. We would also be happy to talk with your staff about that issue.

Dr. GOSAR. Yes, so I tell all about politics are always best local, OK? And so I would be looking at probably the State or local governments.

Now, I have lived with Tribes my whole life, and so I have seen a lot of opportunities where we could do something better, and we got to do something better. So now I am going to move to the funding part, OK?

So if you have a budget and you have to cut something, let's just say it is waste and fraud. Let's say you find out that there is some money actually being paid to a subscription or let's just say it is an entity out there. You can also make that cut, but you can also move it to a different area, can you not? Wouldn't that be smart to do, Ms. Sedney, redirect that money?

Ms. SEDNEY. It sounds like that is something that could be done, yes.

Dr. GOSAR. How about you, Ms. Emery-Arras?

Ms. EMERY-ARRAS. I hear where you are going.

Dr. GOSAR. OK. See, I am not restricting myself. I know, there is semantics here about cutting, but I want cutting the bad stuff out and redirect it.

You know, there is something about America first, and that is tribal first. That is what I see. Because it is all about us. You can't help anybody else if you can't help ourselves. And these are the original Americans. So why can't we take some of this stuff we see and redirect it?

And then why don't we, if we are the problem, why don't we be the solution? So take it and divvy it out, and then we go out there for our field hearing and say, OK, here is what we want to do, we are coming back. And we help get people that are qualified to build. We OK the building, and we can do this pretty fast. OK? And go back out the second year, we could do this this year, pick some projects, you know, a smaller program, a middle school and even Haskell University, and put them out there and say, OK, let's drive this. What time can we have this done? And go out there and see it because the light of accountability really makes this thing work. It really does. And I think that the tribal members have been put off so much that they don't know who to trust.

I will give you an example, OK? Indian water settlements. Very, very important, OK? But States have the water. So it is a Federal interaction with the Tribes to take some of the State's water. OK? It is a lot of complications in this thing. So I actually had a Tribe that was told by an attorney that we can do this by administrative law. I don't know where this attorney got their information, but the last thing I looked at is it has to go through Congress. OK? And I had to be the bad guy saying, listen, we are not going to do this because you threw it at me at the last moment. We didn't have a chance to look at all this stuff. But then I came back and I said, OK, I am happy to help you. I am going to be hard on you because we are going to get these numbers to where we can make this work, OK?

I am the first of 10 kids. I know what hand-me-ups are all about. If you have seen my brothers, you will understand. They are big, OK? So it was about hand-me-ups. But I know where a dollar goes.

I am also in construction. And you can't tell me that there are not enough contractors out there who are Native American who don't do a great job. In fact, they all did my house outside of Flagstaff.

So I think there is a way around this. I just look at it in a different lens, a different, you know, continuity. And so I would challenge you both and everybody else in the audience, if you got an idea, why not share it? Because we might just get it done.

I want to thank the witnesses for coming today, and we look forward to your comments.

We will excuse that group, and then we are going to take a couple of minutes while the second tier will come back up. Thank you.

Ms. SEDNEY. Thank you.

[Pause.]

Dr. GOSAR. Welcome.

Mr. CRANE. Thank you, Mr. Chairman. I want to introduce Chairman Velasquez from my district. We just got a chance to meet in my office, and he has several schools on his reservation that fall under BIE. And so I think he is a great witness.

I thank you, sir, for traveling out here, and I look forward to your testimony.

Dr. GOSAR. Thank you, Mr. Crane. Now I am going to go to Representative Dusty Johnson from South Dakota to introduce the second witness, Ms. Cecilia Fire Thunder.

Mr. JOHNSON. Well, Mr. Chairman, when you think about legendary home run hitters, you can't help but think about Babe Ruth. And when you think about legendary scorers, you can't help but think about Michael Jordan. And when you think about legendary tribal education leaders, you cannot help but think about Cecilia Fire Thunder.

[Applause.]

Mr. JOHNSON. I have known this woman a long time. She is a force of nature. Do not get on her bad side, Mr. Chairman, because she is a fierce advocate for what has to be done for these children. It is about the future. And she has been a leader on tribal council as the president of the Oglala. She has just been a remarkable person who has taught me so much.

And she is indefatigable, Mr. Chairman. For 9 years she came to Congress and told us that these tribal school employees need to have access to the Federal employee health benefits program, and she was told, no, no, no, no, no, no, no, no. And then she got a yes, because nobody tells the legend, Cecilia Fire Thunder, no for very long.

[Laughter.]

Mr. JOHNSON. Ma'am, it is an honor to have you here.

Mr. Chairman, I yield back.

Dr. GOSAR. I would also like to do the rest of the panel.

Mr. Jason Dropik, the Executive Director of National Indian Education Association, Washington, D.C.; and Ms. Shawna Becenti, who sees some of my people over there in Farmington. She is the Head of School of Navajo Preparatory School of Farmington, New Mexico.

Now let's go through the rules real quick. Just to remind you, all of your statements are going to be in the record.

You have 5 minutes. As soon as you see that little green light go on, start talking. And when you start seeing that yellow, start slowing down, maybe you can catch up. And red, stop. And then we will start a bunch of rounds of questions.

So we are going to start with Mr. Velasquez for his 5 minutes.

**STATEMENT OF KASEY VELASQUEZ, CHAIRMAN, WHITE  
MOUNTAIN APACHE TRIBE, WHITERIVER, ARIZONA**

Mr. VELASQUEZ. Good afternoon, Chairman Gosar and Ranking Member Dexter, and also several of the U.S. Congress colleagues that are in here. Thank you for inviting me to testify on behalf of the White Mountain Apache Tribe located on the Fort Apache Indian Reservation in the State of Arizona.

I am Kasey Velasquez, Tribal Chairman, a former teacher, school counselor, acting principal, ardent supporter of education, dean of students for the White Mountain Apache Youth and all Apache Native Americans in terms of a strong supporter. I am here to address the critical need for additional funding to support the Bureau of Indian Education schools on the Fort Apache Indian Reservation.

Funding is needed, as I heard earlier, to address the dilapidated state of BIE schools, including for maintenance and repairs, teacher housing, school security measures, critical technology updates, and desperately-needed improvements to student dormitories. Our schools continue to do what they can do with what they have, but outdated infrastructures and technology, coupled with inadequate housing and resources for staff, have resulted in high turnover and disrupted operations. Our students need and deserve better, and I hope you will help us deliver on the tremendous promise these young people possesses.

The BIE schools on the Fort Apache Reservation are operating in buildings with failing infrastructure which poses safety hazards and disrupts student learning. We face regular outages due to the load on our outdated electrical systems, which results in spoiled food, lack of computers, limited access to broadband, forcing the schools to occasionally close. During these power outages we often use kerosene and take other drastic measures to stay warm during the winter. When carbon monoxide levels are exceeded, our children must be sent home.

In addition, staff housing on the reservation is very limited and suffers the same deferred maintenance issues on the school buildings. This lack of adequate and affordable housing for staff has made it difficult to attract and retain qualified teachers. Due to our remote locations, teachers often have to travel great distance from towns outside the reservation, where house costs far exceeds what BIE can pay them.

Most public schools in the United States are equipped with school resource officers and have locked doors. Our schools have open campuses, meaning anyone can walk onto school grounds and enter the buildings. Insufficient security systems and a lack of available police officers that could readily respond and staff volunteers are insufficient at this time. God forbid if an active shooter threat were to occur, officers might have to travel from many miles away to respond due to lack of law enforcement services.

To address these issues impacting our BIE schools, White Mountain Apache Tribe is requesting additional funding. Specifically, the Tribe requests immediate fundings to address critical maintenance and repair issues in the BIE schools on the Fort Apache Reservation. Secure quality teacher housing on our reservation to attract and retain qualified teachers. Implement adequate security measures, including outside lighting, security cameras,

trained personnel to protect student safety. Acquire modern technology, infrastructure, and devices to provide students with access to digital learning opportunities and the ability to compete with their peers. Re-renovate and expand residential services dormitories provide safe, comfortable living spaces for at-risk students.

In conclusion, BIE schools play a vital role in the education of children on the Fort Apache Reservation. But their current condition does not foster academic or personal services or success. By providing this necessary funding we can ensure that our students have access to quality education and can grow up to lead successful, independent lives.

Thank you for your time and consideration and I look forward to any questions you may have.

[The prepared statement of Mr. Velasquez follows:]

PREPARED STATEMENT OF KASEY VELASQUEZ, CHAIRMAN OF THE WHITE MOUNTAIN APACHE TRIBE

Good afternoon, Chairman Gosar and Ranking Member Dexter. Thank you for inviting me to testify on behalf of the White Mountain Apache Tribe in Eastern Arizona. I am Chairman Kasey Velasquez, a former teacher, school counselor, principal, a dean of students, and the former executive director of early childhood development, and an ardent supporter of education for White Mountain Apache youth and all Native American students. I am here today to address the critical need for additional funding to support the Bureau of Indian Education (BIE) schools on the Fort Apache Indian Reservation. Funding is needed to address the dilapidated state of BIE schools, including for maintenance and repairs, teacher housing, school security measures, critical technology upgrades to comport with today's standards, and desperately needed improvements to student dormitories.

Our schools continue to do what they can with what they have, but outdated infrastructure and technology, coupled with inadequate housing and resources for staff, have resulted in high turnover and a lack of continuity in operations at our schools. Our students need and deserve better. These youth represent the future of the United States of America, and I hope you will help us deliver on the tremendous promise these young people possess.

#### THE CURRENT SITUATION

**Dilapidated Infrastructure:** The BIE schools on the Fort Apache Reservation are operating in buildings with failing infrastructure, including leaky roofs, broken heating systems, and outdated electrical wiring, which pose safety hazards and disrupt the learning environment. We have regular outages due to the load on our outdated electrical systems, which results in spoiled food, lack of computers, limited use and access to broadband, and days without heating in the winter, forcing the schools to occasionally close. One of our schools is located within a historic building, which requires special approvals to implement infrastructure upgrades and even to install ADA-compliant doors and ramps. Historic structures are costly to maintain, and our buildings are failing.

**Inadequate Housing Supply:** Staff housing on the Fort Apache Indian Reservation is very limited, and suffers the same issues with deferred maintenance as the school buildings. Lack of adequate and affordable housing for teachers has made it difficult to attract and retain qualified teachers. Due to our remote location, teachers often have to travel great distances from towns outside the Reservation, with housing costs that far exceed what BIE is able to pay them. Lack of housing and resources for teachers has resulted in very high attrition and lack of continuity in the educational environment at our BIE schools.

**Security Concerns:** Unlike most public schools in the United States, our schools have open campuses, meaning anyone can walk onto school grounds and enter the buildings. Insufficient security systems, inadequate lighting, and a lack of trained personnel leave students and staff vulnerable to safety threats. Our school buses and grounds have been vandalized repeatedly, requiring costly repairs, because we do not have security personnel or cameras to catch and deter offenders.

**Technology Gap:** In tandem with our ancient and overloaded electrical systems, outdated technology infrastructure prevent BIE students on Fort Apache from



accessing modern educational tools, which are necessary to succeed in today's world. Students must learn to use technology efficiently to perform on par with other students, and without those tools we are failing them.

**Outdated Dormitories:** White Mountain Apache Tribe hosts many residential students at BIE schools. Often these students have nowhere else to go, and the dorms offer safety and security they might not have at home. Yet, student dormitories are at capacity despite being understaffed and lacking essential amenities, impacting student well-being and academic performance.

These issues impact the educational achievement of students in our BIE schools, hindering their ability to reach their full academic potential. Old and dilapidated facilities, inadequate teacher and student housing, lack of access to modern technology, and security concerns have fostered a learning environment that is not conducive to academic success. We need to do better collectively for our youth, and ensure that they know the United States cares about their success.

#### FUNDING PRIORITIES

**Maintenance and Repairs:** Immediate funding is needed to address critical maintenance and repair issues in the BIE schools on the Fort Apache Reservation.

**Teacher Housing:** We request that the United States invest in quality teacher housing on our Reservation to attract and retain qualified teachers.

**School Security:** We request funding to provide adequate security measures, including outside lighting, security cameras, and trained personnel, to protect student safety.

**Technology:** We request funding for modern technology infrastructure and devices to provide students with access to digital learning opportunities and the ability to compete with their peers.

**Dormitory Improvements:** We request funding to renovate and expand residential dormitories to provide safe, comfortable living spaces for at-risk students.

#### CONCLUSION

The BIE schools play a vital role in the education of children on the Fort Apache Reservation, but their current condition does not foster academic or personal success. By providing necessary funding for maintenance, teacher housing, security, technology, and student dormitories, we can ensure that our students have access to a quality education and can grow up to lead successful, independent lives.

Thank you for your time and consideration.

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QUESTIONS SUBMITTED FOR THE RECORD TO MR. KASEY VALESQUEZ, CHAIRMAN,  
WHITE MOUNTAIN APACHE TRIBE

**Mr. Valesquez did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.**

#### Questions Submitted by Representative Gosar

*Question 1. What processes are necessary to help improve your working relationship with the Bureau of Indian Education?*

*Question 2. What systems are needed to improve the operations of the Bureau of Indian Education?*

*Question 3. What systems are needed to improve the processes by which the Bureau of Indian Education to fulfill the deferred maintenance requests?*

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Dr. GOSAR. Thank you, Mr. Velasquez. The Chair now recognizes Ms. Fire Thunder, I can hardly wait, for 5 minutes.

**STATEMENT OF CECILIA FIRE THUNDER, PRESIDENT, OGLALA  
LAKOTA NATION EDUCATION COALITION, MARTIN, SOUTH  
DAKOTA**

Ms. FIRE THUNDER. Chairman Gosar, Ranking Member Dexter, and members of the Subcommittee, [speaking Native language]. Let me thank you for the opportunity to testify today on the state of Bureau of Indian Education schools. My name is Cecilia Fire Thunder, and I serve as the President of the Oglala Lakota Nation Education Coalition on the Pine Ridge Reservation. I am also the President of the Little Wound School Board in Kyle, South Dakota, and I am a recent member of the Board of Directors for Oglala Lakota College, which I helped build. I will highlight key points of my testimony and a written testimony, you have it.

Oglala Lakota Nation Education Coalition represents the Oglala Sioux Tribe, six tribally-controlled schools. But today we stand in solidarity with the other 131 tribal-controlled schools that are locally controlled in our fight for quality Indian education. It is an honor for me to have with me today five of those schools from the Pine Ridge Reservation accompanying me and one school from the Rosebud Sioux Tribe.

Stand up, ladies.

And so these I want this Committee to know, yes.

[Applause.]

Ms. FIRE THUNDER. In this Committee education is working.

Six of our tribal schools on the Pine Ridge Reservation are all tribal members, superintendents, and principals. All of our business managers are tribal members. So in other words, education has worked. So our leadership in our schools and our superintendents and teachers are all tribal members.

I urge Congress to uphold the legal and moral obligations that sustain the Federal Government's treaty and trust responsibility. The relationship between tribal nations and the Federal Government is based on sovereignty and political status, not race. Programs for tribal nations are distinct from diversity, equity, and inclusion initiatives. When Congress acts, whether through funding or legislation, it also under its unique obligation toward tribal nations and their citizens. This duty is firmly established under Article I, section 8, clause 3 of the United States Constitution, the 1868 Treaty of Fort Laramie with the Great Sioux Nation, and there are 300 other ratified treaties which are the supreme law of the land.

In exchange for millions of acres of tribal land and resources, including gold, timber, oil, and natural gas, these treaties promised protection, recognition of tribal sovereignty, and essential services, including education for Indian children. We ask Congress to meet these commitments by fulfilling the Federal trust responsibility to tribal education.

Today, we come here with a tremendous need to repair and replace our facilities. The Bureau of Indian Education faces a \$1 billion deferred maintenance backlog and a \$6.7 billion backlog in school replacement and construction. However, Congress only appropriates \$116 million annually.

Today, we also want your Committee to really take a hard look at what other issues that need to be addressed. And gentlemen,

one of the areas is the Department of the Interior is the one that handles and manages school construction. Today we have, over time, learned that the place that the problem is within the DFMC, under the Department of the Interior. We could raise money, but then it takes time, forever, it seems like, and perhaps never, to get our schools repaired and replaced. Operation and maintenance funding has never been fully provided.

And then I also want to respectfully request, and in listening to the two ladies before us, that the Bureau, the Department of the Interior has to have a really good work group to take a hard look at the process, the process that it takes to begin to plan and repair and replace our tribal schools.

So in conclusion, I would like to say [speaking Native language], thank you so much. We have everything in writing, and this 5 minutes goes by very fast.

[Laughter.]

Ms. FIRE THUNDER. Thank you for introducing me, and thank you for all your work in helping our schools on the Pine Ridge Reservation.

[Speaking native language.] Thank you.

[The prepared statement of Ms. Fire Thunder follows:]

#### PREPARED STATEMENT OF CECILIA FIRE THUNDER

Chairman Gosar, Ranking Member Dexter, and members of the House Subcommittee on Oversight and Investigations, thank you for the opportunity to testify today on the State of Bureau of Indian Education Schools. My name is Cecilia Firethunder, and I am the President of the Oglala Lakota Nation Education Coalition (OLNEC), President of the Little Wound School (LWS) Board, and a member of the Board of Directors for the Oglala Lakota College (OLC).

OLNEC represents the Oglala Sioux Tribe's six tribally controlled grant schools, thus expressing a unique voice within the Bureau of Indian Education (BIE) system of schools.<sup>1</sup> The schools operate pursuant to the Tribally Controlled Schools Act of 1988 (Public Law 100-297) and the Indian Self Determination and Education Assistance Act of 1975 (ISDEAA), as amended. We are located on the Pine Ridge Reservation in southwestern South Dakota.

#### The Unique Status of Tribal Nations

As the 119th Congress begins with a new Administration under President Trump, we urge Congress to protect the legal and moral obligations that uphold the federal government's Treaty and Trust responsibilities to Indian Country. We remind Congress that this unique federal trust relationship between our sovereign Tribal Nations and the Federal government is based on the political status of Tribal Nations.

For example, Articles IV, VII, and XIII of the U.S. Treaty of Fort Laramie with the Great Sioux Nation, signed on Apr. 29, 1868, guaranteed education to the Oceti Sakowin, also known as the Seven Council Fires, which represents seven divisions of the Sioux Nation now covering North Dakota, South Dakota, Montana, Minnesota, Nebraska, and Wyoming. In fact, between 1778 and 1871, the United States signed approximately 374 treaties with Native American tribes. These legally binding agreements formalized the cession of millions of acres of tribal lands in exchange for the protection of tribal rights, the recognition of tribal sovereignty, and promises of resources and services.

These treaties are recognized as the "supreme law of the land" under the U.S. Constitution (Article VI), and the Supreme Court decision in *Worcester v. Georgia* (1832) reaffirmed that these obligations must be honored. Without tribes agreeing to cede vast swaths of land and natural resources through these treaties—lands that provided gold, coal, timber, oil, natural gas, steel, and iron—the United States could not have achieved its strength or provided refuge for millions seeking freedom of

<sup>1</sup> Little Wound School, American Horse School, Wounded Knee District School, Loneman Day School, Porcupine Day School, and Crazy Horse School.

religion and opportunity. In exchange, one of the core promises of these treaties and trust responsibilities is the education of Indian children.

When Congress legislates, appropriates funds, and takes action concerning Tribal Nations, it does so under its unique obligations toward Tribal Nations and their citizens. Congress acknowledges the distinct political status of Tribal Nations rather than categorizing them as a racial class under constitutional legal analysis. We must be clear: programs for Tribal Nations are separate and distinct from Diversity, Equity, and Inclusion (DEIA) initiatives, contrary to how this Administration has recently misclassified them. This misclassification has resulted in the freezing of multiple programs vital to Tribes, including Indian Education initiatives such as Title I programs.

Mislabeling Tribal programs as DEIA initiatives severely undermines the treaty and trust relationship between Tribal Nations and the federal government.

In recognition of the trust responsibility and the sovereign status of Tribal Nations, we request that Congress take action to ensure that funding for Tribal programs and services remains uninterrupted. National education standards show that Indian Country continues to lag behind the rest of the nation. The federal government's trust responsibility to Indian tribes is a legal and moral obligation that we ask Congress to meet. Education is the foundation for any thriving community, and Indian children deserve equitable opportunities to learn in safe and supportive environments. Prioritizing the Bureau of Indian Education and Indian education initiatives will honor treaty obligations, uphold tribal sovereignty, and provide Native students with the resources necessary to succeed.

#### **100-297 Tribally Controlled Grant Schools**

While the vast majority of Indian students attend public institutions, thousands of students still attend one of the 183 federally funded Bureau of Indian Education (BIE) schools. The BIE serves as a mechanism to fulfill the federal government's treaty and trust responsibility for Indian education. It is also a capacity builder and service provider that supports tribes in delivering culturally appropriate education across Indian Country. However, the BIE urgently needs your support. Today, the federal government operates two separate education systems with drastically different outcomes and funding levels.

The Department of Defense Education Activity (DoDEA) has been described as one of the best education systems in the United States.<sup>2</sup> DoDEA serves approximately 65,000 students across 161 schools in the U.S. and abroad, receives approximately \$25,000 per student annually, and consistently ranks among the top-performing school systems in terms of teacher recruitment, retention, and student performance in reading and math.<sup>3</sup>

In contrast, the Bureau of Indian Education (BIE) operates 183 schools across 23 states, serving approximately 48,000 students with an average of just \$6,900 per student annually. BIE schools face persistent challenges, including chronic underfunding, outdated and unsafe infrastructure, and teacher shortages. BIE schools face persistent challenges, including chronic underfunding, outdated and unsafe infrastructure, and a 2024 school replacement backlog estimated at \$6.7 billion, with deferred maintenance costs exceeding \$1 billion. These funding disparities have resulted in unsafe and dilapidated buildings, teacher shortages, and a lack of resources that hinder educational opportunities and outcomes for Indian students.

Please remember that while small, BIE direct-operated schools and Tribally Controlled Schools (TCS)—that is, locally controlled schools, are the primary providers of education for on-reservation Indian students. Since more than 90% of tribally controlled school funding comes from Congress to meet the federal government's treaty and trust obligations for Indian education, only Congress can solve our funding problem.

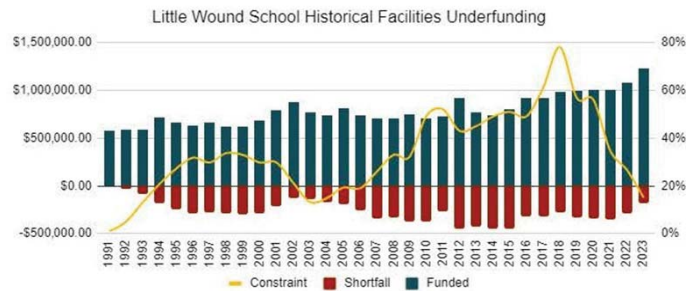
#### **BIE Facilities, Operation, and Maintenance Funding**

According to the BIE, facilities operations and facilities maintenance (O&M), funding is intended for (1) operations, including utilities, water, sewage, basic safety, and cleanliness; (2) basic school maintenance, including upkeep of outdoor lighting, fixing broken windows, and replacing deteriorated floors and surfaces; and (3) unscheduled maintenance, including the correction of unforeseen costs up to \$2,500, such as the fixing of a leaky furnace or storm damage to the school's roof. These are not luxuries that a school can go without. Unfortunately, funding for O&M facilities is consistently inadequate for these basic needs.

<sup>2</sup> <https://www.nytimes.com/2023/10/10/us/schools-pandemic-defense-department.html>

<sup>3</sup> <https://www.brookings.edu/articles/public-school-systems-can-learn-a-lot-from-the-department-of-defense-education-activity/>

Each O&M category is a necessary and fundamental element of school operation. Unfortunately, for the last 40 years, O&M funding has been consistently inadequate. To make matters worse, the Department of the Interior (Interior) has not requested it, and Congress has not appropriated full funding to cover essential operational needs. As our school facilities continue to age, costs will inevitably continue to increase. We note that federal regulations state: *"The Assistant Secretary [of Indian Affairs] shall arrange for full funding for operation and maintenance of contract schools by fiscal year 1981."* 25 C.F.R. §39.1203 (emphasis added). Yet, since 1981, we have received 100% of funding only once; funding streams do not meet annual needs.



Since 1990, Little Wound School has had a \$10 million (34%) shortfall in O&M funding compared to our identified need. As a result of the lack of funds to perform the basic upkeep of our facilities, they fall into disrepair. Our elementary school building is over 80 years old, and our middle school is a 45-year-old, poorly insulated metal building designed for temporary use. These buildings are heated by an outdated oil-burning furnace that would cost more than \$5 million to replace. In 2021, this outdated furnace cost the school over \$100,000 for heating.

On its own, this is a significant problem. However, it is compounded by the fact that we must use other revenue sources to cover this 34% shortfall in O&M funding. We cannot educate a second-grade student in a cold school, allow a middle schooler to use broken toilets in a building that is not insulated, or tolerate having high school math classes take place in a classroom that consistently leaks throughout winter. To make these basic repairs, we must cannibalize another source of federal revenue that is intended for educating our students: the Indian Student Equalization Program (ISEP), which itself is already underfunded. Annually, we use hundreds of thousands of dollars to fill this gap in federal funding for facility operations and maintenance.

This illustrates a pattern: consistently underfunded programs at the BIA and BIE force tribal grant schools to fill shortfalls with ISEP money. As a result, money that was intended to hire great teachers, pay them a living wage, provide them with adequate healthcare and retirement benefits, equip classrooms with technology and books and materials, and enrich student education through gifted and talented programming and extracurriculars is siphoned away to compensate for underfunding of other Bureau programs. Last year alone, more than half of our ISEP income was used to subsidize underfunding for food service, transportation, and facilities operation and maintenance, and special education.

Let us not forget another critically important point. The federal government built and owns these buildings that tribally controlled schools administered on behalf of the Federal government's trust responsibility to tribes. In simple terms, Congress is not appropriating adequate funds to pay their building's utility bills. In no other scenario would Congress not appropriate enough funds to pay their bills, not in the military or federal agencies, but for over 40 years, Congress has let Native students take the fall for under-appropriating their utilities and operations bills. We simply ask that Congress appropriate the necessary funds to pay the actual operating cost of BIE schools so that Indian students' education funds are not unnecessarily reduced to pay for Congress's appropriation shortfalls.

### **Little Wound School Replacement and Construction Costs**

Our school's facilities date from the 1930s through the 1980s and include several portable classrooms. These facilities are outdated, inefficient to operate, contain asbestos and mold, are not ADA-compliant, and are dangerous.<sup>4</sup>

In addition to the four schools in South Dakota on the BIE school replacement, other schools on the immediate replacement include schools in Washington, Maine, and Montana. However, with the average annual school replacement funding appropriated amounting to just \$116 million, it would take decades to fix the over \$1 billion dollar deferred maintenance backlog, let alone replace the current priority list totaling over \$6.7 billion.

For one of our schools, the Little Wound School (LWS), we have advocated for new school construction funds since the early 2000s, specifically through placement on the Bureau of Indian Affairs' construction priority list. In 2016, the LWS School Board applied for a new school under the BIE's selection process. In 2018, The LWS School Board participated in the BIE Pilot Program, where a government contractor reassessed the school replacement list based on FCI scores, deferred maintenance, and safety issues. In 2019, the LWS was selected and placed on the BIE School Replacement list. In FY22, Little Wound School received a \$500,000 planning and feasibility grant from the BIA for the initial work associated with new school construction, including site determination. The total cost of new school construction in FY2022 was \$120 million.

Today, LWS is currently ranked as the #2 school to be replaced on the 2026 school replacement list, but funding for this project remains uncertain. In addition, as a result of inflation, the once estimated \$120 million dollar school is now estimated to cost \$200 million, despite current BIE construction funding, which is capped at \$130 million, which is insufficient for multiple projects. These values are based on known construction costs for other tribal schools constructed in our region in the past five years.

Little Wound School is grateful for federal funding for this needed school replacement. It demonstrates our students' worth and that their education is important. However, we also recognize the inflationary pressures in the United States economy, especially in the construction sector. The current inflation rate is 8.5% for the 12 months ending July 2022; the Construction Financial Management Association (CFMA) noted that in 2021 alone, the rate of inflation for construction was 19.1%. Each day that goes forward, our ability to construct a new school adequate to our needs is diminished by inflation.

### **Accurately Calculating Construction Funding**

The chronic underfunding of tribally operated schools—as demonstrated by the above chart—is further complicated by the BIE's use of the Indian Affairs-Facility Management System (Maximo) to track the facility's needs. Because of the way Maximo operates, we are no longer able to determine the shortfall percentage. As a result, we rely on the annual BIE budget justification for such information. MAXIMO does not present a measurable way for schools to understand how or why construction services are funded.

Regardless of the source, the outcome is clear: tribally operated schools need increased support. While we recognize that appropriations do not fall under this Committee's jurisdiction, we want to share that we believe an increase of 31.5% in BIE funding and a 100% increase in Facilities Operation and Maintenance are urgently needed to address facility safety concerns. We ask this Committee to support these funding levels in your discussions with the appropriators.

### **Government Inefficiency and Its Ramifications**

The delays, budget overruns, and lack of accountability within BIA (up to \$5 million construction authority) and the Department of Interior's Division of Facilities Maintenance and Construction (DFMC), responsible for all other managed construction projects, continue to undermine tribal sovereignty, hinder educational development, and waste federal resources. This inefficiency is rooted in bureaucratic red tape, restrictive federal regulations, and mismanagement of funding streams such as Operations and Maintenance (O&M), which historically have been funded at merely fifty cents on the dollar.

Tribes are consistently restricted from investing federal funds effectively due to BIE and federal regulations. The result is a systemic failure to prioritize the health,

<sup>4</sup> Safety of Native American schoolchildren repeatedly compromised under government watch. [https://richmond.com/news/nation-world/education/native-american-boarding-schools-indian-education/article\\_5136f166-5903-593c-b628-9813884e041d.html](https://richmond.com/news/nation-world/education/native-american-boarding-schools-indian-education/article_5136f166-5903-593c-b628-9813884e041d.html) 4/10/2024.

safety, and educational environment of Native students, despite repeated findings in Government Accountability Office (GAO) reports.

**Key Concerns:**

1. **Chronic Delays in Construction Projects.** DFMC-managed projects routinely experience delays that double or triple original timelines and budgets. Projects intended for 12–18 months have dragged on for 36–48 months, with costs escalating beyond initial estimates as a result of delays. This inefficiency leads to students consenting to learn in unsafe and outdated facilities that are already listed as safety concerns.
2. **Lack of Accountability.** There is no systematic accountability within DFMC or BIE when projects face delays or cost overruns. Critical design errors, poor project management, and inadequate oversight often go unchecked, leaving tribes to bear the consequences without recourse.
3. **Funding Inequities.** The O&M funding for Tribal Grant Schools has historically been underfunded, limiting tribes' ability to maintain safe, functional educational facilities. The inability to invest in federal funds due to restrictive BIE and federal regulations further exacerbates these issues, perpetuating cycles of neglect.
4. **Bureaucratic Burden.** Tribes are consistently burdened by the BIA's bureaucratic processes, where significant portions of funding are absorbed by administrative positions rather than being directed toward improving school facilities. This misallocation leaves students in hazardous environments, despite the clear need for infrastructure improvements highlighted in numerous Government Accountability Office (GAO) reports, most recently the March 2024 report titled: Indian Affairs Is Unable To Effectively Manage Deferred Maintenance of School Facilities.
5. **Missed Cost-Saving Opportunities.** Tribal-led projects under 638 and 100-297 laws, which are operated under local control, consistently demonstrate cost-saving efficiencies. For example, Little Wound School successfully completed an American Disability Act compliance renovation on time and under budget, saving federal dollars. In contrast, DFMC's mismanagement has led to multi-million dollar overruns on similar projects.

**Real-World Examples of Impact**

- **Mobile Classroom Installation (2020-Present).** During COVID-19, the BIE allocated mobile classrooms to LWS as part of a multi-tribe contract managed by DFMC. What was projected to be a 12-month project completion timeline, even now, in February 2025, LWS still hasn't received a Certificate of Occupancy. The mobile classrooms have been unused for over two years, and DFMC continues to approve additional funding for a project that has now been four years delayed and over budget.
- **Sports Complex Delays.** Once a tribal school receives notice of an award for a project, DFMC regulations require the federal government to provide the option for the project to be completed under local control. On this specific project, DFMC refused and continues to refuse to allow LWS to exercise the local control option to proceed with a \$2.2 million softball/baseball field project in 2021. As a result of DFMC's delay in approving the project, the project was later reapproved at \$6.2 million. This inefficiency cost the federal government an additional \$4 million, which could have been saved if LWS had been allowed to manage the project from the start.

**Congressional Recommendations**

1. **Increase Tribal Autonomy.** Empower tribes to manage their construction projects under 638 and 100-297 laws, reducing reliance on DFMC's inefficient processes.
2. **Reform O&M Funding.** Ensure O&M funding is allocated at full, adequate levels to maintain safe learning environments.
3. **Accountability Measures.** Implement strict oversight and accountability for DFMC and BIE project managers, with clear consequences for delays and budget overruns.

4. **Streamline Bureaucratic Processes.** Reduce the bureaucratic burden that diverts funds from critical educational infrastructure to administrative overhead.
5. **Utilize GAO Findings.** Address the systemic issues highlighted in GAO reports, focusing on improving facility safety and functionality for Tribal Grant Schools.
6. **Authorize Tribal Binding and Access to Capital.** Current Federal laws and regulation do not authorize tribes or tribal school to use bonding that would allow the tribes access to non-federal capital. Thus, we ask you to support the Bipartisan Tribal Tax Investment and Reform Act (ACT). Within this ACT, tribal school would benefit from 1. Treatment of Tribes as States with Respect to Bond Issuances and Excise Taxes. 2. Treatment of Pension and Employee Benefit Plans Maintained by Tribal Governments. 3. Treatment of Tribal Foundations and Charities like Charities Funded and Controlled by Other Governmental Funders and Sponsors.

### Conclusion

The inefficiencies within the Bureau of Indian Affairs (BIA), Bureau of Indian Education (BIE), and Division of Facilities Maintenance and Construction (DFMC) are not just bureaucratic failures—they are barriers to educational equity, tribal sovereignty, and responsible federal stewardship. Immediate congressional action is necessary to reform these systems, prioritize student safety, and support the success of Tribal Grant Schools. Adequate funding and accountability are crucial to ensuring that Indian students have access to quality education in safe and supportive learning environments.

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QUESTIONS SUBMITTED FOR THE RECORD TO MS. CECILIA FIRE THUNDER, PRESIDENT,  
OGLALA LAKOTA NATION EDUCATION COALITION

### Questions Submitted by Representative Gosar

*Question 1. What processes are necessary to help improve your working relationship with the Bureau of Indian Education?*

Answer. First, it is important to acknowledge that our tribally controlled school maintains a strong working relationship with the BIE. Under Director Dearman's leadership, BIE has made progress by addressing 16 out of the 32 recommendations from the Inspector General (IG) and Government Accountability Office (GAO). However, a significant number of issues remain unresolved. Many of these cannot be effectively addressed unless the BIE receives consistent, sustainable funding and modernized systems. Only with a fully staffed and well-funded BIE can we begin to correct the systematic failures that have persisted for over 150 years and work toward meaningful improvements for Native students.

#### A. Increase Funding for Critical BIE Positions

The Bureau of Indian Education remains critically understaffed. The recent termination of civil service employees dedicated to improving Indian education was not only unnecessary but also detrimental to BIE's mission. These terminations burden BIE's ability to function effectively and prevent it from fulfilling its core purpose: providing high-quality, culturally relevant education to Native students.

By the end of the last administration, BIE was nearing full staffing levels—an achievement that tribal schools, including ours, strongly advocated for to increase the bureau's efficiency. However, these recent staffing reductions have reversed much of that progress. Without adequate staffing, BIE cannot efficiently administer programs, oversee school operations, or implement long-overdue reforms.

#### B. Grant BIE Schools Exemptions from Layoffs and Sequestration

For over two decades, shifting federal priorities have resulted in inconsistent funding and support for Indian education. While these fluctuations are not solely BIE's fault, recent government-wide transitions have disproportionately impacted BIE, making it harder for tribal schools to maintain educational quality and continuity.

Unlike many other federally funded education programs, BIE schools are uniquely vulnerable to government cuts, layoffs, and sequestration. Given that the federal government has a trust responsibility to Native students, BIE schools should be



exempt from indiscriminate budget cuts that hinder their ability to serve students effectively. These schools cannot improve their educational outcomes if they are constantly forced to fight for stable funding.

Move tribal school construction and deferred maintenance funding to forward funding.

### **C. Strengthen Tribal School Consultations with DFMC and BIE**

Although federal consultation processes can be slow and bureaucratic, they have proven to be a valuable tool for improving collaboration between BIE, the Division of Facilities Management and Construction (DFMC), and tribal schools.

However, DFMC currently operates in a silo, leading to delays, miscommunications, and inefficiencies. A more integrated approach—one where DFMC communicates directly and consistently with other BIE programs—would significantly improve the speed and quality of decision-making. Increased coordination between these agencies would help ensure that tribal schools receive timely support for facility repairs, construction, and operational needs.

*Question 2. What systems are needed to improve the operations of the Bureau of Indian Education?*

Answer:

#### **A. Fix the Maximo System**

Repeated IG and GAO reports have identified systemic problems in BIE's facilities management, yet little progress has been made to resolve them.

Eight years ago, the BIE transitioned from the FIMIS system to Maximo without advance notice or consultation with tribal schools. Since then, the system has been plagued by persistent issues, including:

- Frequent closures of the work order submission system
- Malfunctions that prevent completed projects from being logged correctly
- A fixed-cost funding model that does not account for the actual maintenance needs of tribal schools

Even the Bureau of Indian Affairs (BIA) acknowledges that Maximo is underfunded and inefficient. Further compounding the problem, the Indian Affairs (IA) regional system lacks the staff needed to oversee renovation projects effectively. As a result, projects are frequently outsourced to contractors who have no expertise in Indian Affairs. This leads to delays, budget overruns, and excessive change orders—ultimately wasting federal resources and failing to meet the needs of Native students.

#### **Recommended Fixes:**

- Hire permanent federal employees dedicated exclusively to Indian Affairs projects instead of relying on external contractors who lack experience with tribal education infrastructure.
- Require DFMC to provide annual, mandatory training for BIE-funded schools on how to use the Maximo system properly.
- Implement a real-time tracking system that provides both schools and BIE personnel with up-to-date information on work order statuses and funding allocations.

#### **B. The Removing Barriers to Local Control Allow Tribal Schools to Access Infrastructure Financing**

Unlike public school districts that can issue bonds or take out loans for school improvements, tribal schools are prohibited from leveraging federal funds for infrastructure projects. This restriction forces tribal schools to rely entirely on unpredictable congressional appropriations, preventing them from making timely improvements.

The Native American Tax Parity and Relief Act of 2022 introduced several provisions that could help address this issue, including:

- SEC. 3: Treating Indian Tribes as states for bond issuance purposes (vital for school construction and community development).
- SEC. 4: Allowing tribal foundations and charities to receive the same tax treatment as those funded by other government sponsors (tribal schools, although government operated are not granted the same charity status)

- SEC. 7: Designating Indian areas as “Difficult Development Areas” to qualify for additional funding
- SEC. 9: Extending the New Markets Tax Credit to tribal statistical areas (vital for teacher housing)

Additionally, while Impact Aid-funded schools are allowed to use federal funding as leverage for financing, BIE-funded schools are prohibited from doing the same—even though both funding sources originate from Congress. Fixing this disparity would allow tribal schools to modernize facilities and infrastructure without constantly waiting on congressional action.

*Question 3. What systems are needed to improve the processes by which the Bureau of Indian Education to fulfill the deferred maintenance requests?*

Answer:

#### **A. Grant BIE More Autonomy Over Projects Exceeding \$5 Million**

Currently, BIE is only authorized to manage construction and deferred maintenance projects up to \$5 million. Any projects exceeding this threshold must be managed by DFMC, which often leads to bureaucratic delays and mismanagement. This \$5 million cap is not a regulation in the Code of Federal Regulations (CFR), but rather an internal policy within DFMC that should be changed.

Allowing BIE to oversee larger projects—especially those that directly impact tribal schools—would improve efficiency and accountability. These projects should be managed by permanent BIE civil servants who understand the unique needs of Native students, rather than by external federal contractors.

#### **B. Increase Transparency in Deferred Maintenance Funding**

The current deferred maintenance system lacks clear accountability and tracking mechanisms. Schools have no way of monitoring the status of their requests, leading to confusion and delays.

##### **Recommended Fixes:**

- Implement a **centralized digital tracking system** with automated notifications for work orders, outstanding requests, and pending approvals.
- Require a **workforce capacity review** to address staff shortages in BIE facilities management.
- **Freeze all staff firings within BIE** to prevent further disruption to school construction and maintenance programs.

#### **C. Address the Facility Condition Index (FCI) Scoring Flaws**

A school’s FCI score determines its ranking on the school replacement list. However, many Tribal Grant Schools lack the technical assistance needed to navigate the federal construction work order system. Since DFMC and BIE do not provide adequate training on this process, many backlogged projects remain unaddressed which leads to further delays.

Tribes have the capability to manage their own school construction projects, but existing federal regulations and funding barriers make it nearly impossible for them to do so efficiently.

##### **Additional Recommendations**

1. **Establish a Mandatory, Recurring Operations & Maintenance (O&M) Fund**
  - Current O&M funding is discretionary and covers only 60% of actual needs. A mandatory funding model—similar to the one used by the Indian Health Service (IHS)—would provide stability.
2. **Reform BIE’s School Construction Funding Model**
  - The current school replacement program is failing. A multi-year, mandatory construction appropriation model would prevent funding gaps and delays.
3. **Decentralize DFMC and Increase Tribal Oversight**
  - DFMC’s regional structure has proven ineffective. Establishing Tribal Infrastructure Boards to oversee school projects would improve efficiency and reduce costs.

#### 4. **Modernize BIE's Facilities Management System**

- The Maximo system has failed to meet the needs of tribal schools. A modern, AI-driven facilities management system should be implemented to improve tracking and accountability.

#### **Conclusion**

For decades, BIE schools have suffered from inadequate funding, bureaucratic inefficiencies, and lack of control over their own infrastructure. Without urgent policy changes, these problems will persist, continuing to deprive Native students of the educational environment they deserve. Immediate legislative and administrative reforms are necessary to fulfill the federal government's trust responsibility and secure a sustainable future for tribal education.

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Dr. GOSAR. I thank you, Ms. Fire Thunder. That is a fabulous conversation. The next I am going to recognize is Mr. Dropik for his 5 minutes.

#### **STATEMENT OF JASON DROPIK, EXECUTIVE DIRECTOR, NATIONAL INDIAN EDUCATION ASSOCIATION, WASHINGTON, D.C.**

Mr. DROPIK. Chairman, Ranking Member, and esteemed members of the Committee, [speaking Native language].

Good afternoon. My name is Jason Dropik, and I am the Executive Director of the National Indian Education Association. Prior to serving in this role, I did serve in public, private, and choice education for over 20 years, and I am very thankful and honored to be able to be here with all of you. On behalf of the students, educators, and tribal nations that NIA serves, I appreciate the opportunity to testify today on the severe maintenance, repair, and modernization challenges facing the Bureau of Indian Education, with an emphasis on deferred maintenance backlogs, funding constraints, and systemic inefficiencies.

For far too long Native students have attended schools in unsafe, deteriorating facilities, despite the Federal Government's responsibility to native education as guaranteed by treaties, the U.S. Constitution, and legal precedents. Currently, about 45,000 Native students across 23 States attend BIE-funded schools. While some of these schools are directly operated by the BIE, 131 out of the 183 are tribally controlled. Many of these schools are located in rural or remote communities, further complicating the task of maintaining safe and functional facilities.

The Department of the Interior has reported a deferred maintenance backlog of over \$800 million, with estimates suggested that \$6.7 billion, with a B, is needed to address these needs. While recent funding from the Great American Outdoors Act and annual appropriations are appreciated, they fall far short of the required amount. At the current rate, at least 66 schools remain in such poor conditions that immediate action is necessary to prevent further deterioration. We strongly urge Congress to increase funding for BIE school maintenance, and ensure that BIE schools receive a dedicated portion of any reauthorization of GAOA.

However, the funding issue is only part of the challenge. The Division of Facilities Management and Construction is the office in charge of construction, repair, and replacement for both the BIA and the BIE. DFMC's system for managing work orders and

maintenance requests is currently very insufficient and outdated. The approval process involves around 15 steps, and does not include clear definitions of deferred maintenance or emergency. This results in delays and depletes schools' already limited resources.

Additionally, inadequate staffing, inconsistent training, and lack of transparency further impedes progress. Streamlining approval processes, ensuring consistent staffing and training, offering proactive transparency to the schools, and implementing a centralized digital tracking system are crucial steps to improve these operations.

We ask that Congress also direct a study on DFMC and BIE's maintenance workforce and mandate increased transparency.

To make matters worse, the BIE receives construction funding based on annual appropriations, but that process is frequently interrupted or delayed. This instability leaves schools vulnerable to funding shortfalls, especially when the need for repairs is urgent. A potential solution is ensuring funding for section 105(l) leases under the Indian Self-Determination and Education Assistance Act. These leases, or funding agreements, allow Tribes to take control of their school facilities and perform repairs and maintenance themselves, with payments based on fair market value of the facilities Tribes build. This model promotes self-governance, reduces bureaucratic inefficiencies, and enhances accountability.

However, this approach cannot reach its full potential unless Congress moves 105(l) lease payments to mandatory spending. By empowering tribal nations to take a more active role in the maintenance and modernization of their schools, we can allow for quicker, more effective responses to local needs.

The Federal Government must respect tribal sovereignty, and I love the comment, "America first should be tribal first," and I am going to steal that, just so you know. That is that is amazing.

[Laughter.]

Mr. DROPIK. And so, [speaking Native language], thank you so much for that.

But we have to continue to ensure that our educational facilities are tailored to the unique needs of native students. By doing so you also create the opportunity to promote economic self-sufficiency by creating local jobs and keeping resources within tribal communities.

Additionally, providing non-discretionary funding for 105(l) leases for school facilities would reduce dependency on unreliable Federal funding cycles and increase long-term sustainability. By supporting self-governance in the BIE and adequately funding maintenance improvements, Congress can help provide native students with safe, modern schools while reducing unnecessary government bureaucracy and ensuring taxpayer dollars are spent more efficiently.

Improving the learning environments for BIE schools is not just a matter of policy. It is a fiduciary obligation under Federal trust and treaty responsibilities. With the right investment, better management, and support for self-governance, we can ensure that native students have access to the education they deserve. Thank you so very much.

[The prepared statement of Mr. Dropik follows:]

PREPARED STATEMENT OF JASON DROPIK, EXECUTIVE DIRECTOR OF THE NATIONAL  
INDIAN EDUCATION ASSOCIATION

On behalf of the National Indian Education Association (NIEA), and the students, educators, and Tribal Nations we serve, thank you for this opportunity to provide testimony regarding the challenges and solutions related to the maintenance, repair, and modernization of Bureau of Indian Education (BIE)-funded facilities and “the State of BIE Schools.” NIEA’s testimony will address key issues surrounding deferred maintenance backlogs, funding constraints, and structural inefficiencies within BIE operations. I will also outline potential solutions, including increased funding, streamlined processes, enhanced staffing, and the expansion of 105(l) leases as an alternative model.

Safe and healthy classrooms are essential to positive educational outcomes for our students across the Nation. Unfortunately, due to the rural, remote, and under-invested nature of Tribal communities, Native students often do not have access to the high-quality education facilities guaranteed to them by the federal trust and treaty obligations. Rooted in treaties between Tribal Nations and the federal government, the US Constitution, and decades of legal precedent, Congress has a direct fiduciary responsibility to provide federal funding for Indian education, ensuring the economic futures of our communities.

Approximately 45,000 Native students across 23 states attend BIE-funded schools. While some of these schools are directly operated by the BIE, 128 out of 183 are tribally controlled under the Tribally Controlled Schools Act of 1988, 25 U.S.C. § 2501, or the Indian Self-Determination and Education Assistance Act (ISDEAA) of 1975, 25 U.S.C. § 5301. These include day schools, boarding schools, dormitories, and off-reservation residential facilities. Many of these schools serve students in rural or remote locations, making their maintenance and modernization more difficult, but still essential for student safety, well-being, and academic success. Many of these facilities also include administrative buildings, athletic facilities, and teacher housing, all of which require sustained investment in infrastructure to ensure safe and effective learning environments.

As of September 2022, the Department of the Interior (DOI)’s Indian Affairs (IA) reported that addressing deferred maintenance at BIE-funded school facilities would require more than \$1 billion. For the BIE Fiscal Year (FY) 2025 Budget Justification, BIE estimated that deferred maintenance backlogs currently exceed \$804 million.<sup>1</sup> However, a March 2024 report from the Office of the Inspector General (OIG) for DOI highlighted BIE’s inability to accurately determine and manage deferred maintenance costs.<sup>2</sup> Even with recent funding from the Great American Outdoors Act (GAOA) and annual appropriations these funds have been insufficient to address the scale of maintenance needs. Recent school repairs and replacements funded under the GAOA Legacy Restoration Fund (LRF) have cost an average of \$101.4 million dollars as of October 2024. With 66 schools remaining on the FY 2020 list of BIE schools in “poor” condition, it is not difficult to estimate that appropriations for BIE Construction should be closer to \$6.7 billion. This is in-line with the Tribal Interior Budget Council’s recommendation of \$6.2 billion dollars for FY 2026.<sup>3</sup> With the reauthorization of the GAOA expected in 2025, there is an opportunity to expand its impact by ensuring that BIE schools continue receive a dedicated portion of these funds. The reauthorization should continue to prioritize targeted investments for deferred maintenance backlogs, streamlined access to funding for school infrastructure projects, and long-term strategies to sustain these improvements. Without a firm commitment in the reauthorization process, BIE schools will continue to struggle with deteriorating facilities and an overwhelming maintenance deficit.

However, the BIE maintenance backlog is not just a matter of funding—it is compounded by inefficiencies in work order processing and categorization. Historically, the Indian Affairs (IA) system has classified maintenance requests based on an arbitrary monetary threshold rather than the nature of the repair. Previously set at \$2,500, BIE announced in 2023 that this threshold would increase to \$10,000 to

<sup>1</sup> Budget Justifications and Performance Information Fiscal Year 2025: Bureau of Indian Education, DEP’T OF INTERIOR 96 (last visited Oct. 28, 2024), [https://www.bia.gov/sites/default/files/media\\_document/fy2025-508-bie-greenbook.pdf](https://www.bia.gov/sites/default/files/media_document/fy2025-508-bie-greenbook.pdf)

<sup>2</sup> Indian Affairs is Unable to Effectively Manage Deferred Maintenance of School Facilities, DEP’T OF INTERIOR OFFICE OF INSPECTOR GENERAL 17 (Mar. 2024), [https://www.doi.gov/sites/default/files/2021-migration/FinalEvaluationReport\\_BIEDeferredMaintenance\\_Public.pdf](https://www.doi.gov/sites/default/files/2021-migration/FinalEvaluationReport_BIEDeferredMaintenance_Public.pdf).

<sup>3</sup> Tribal Interior Budget Council FY 2026 Tribal Budget Submission for the President’s FY 2026 Budget Request to Congress (Apr. 9, 2024), <https://cdn.sanity.io/files/raa5sn1v/production/9c4e1e12d80bfcd11d349b24dd86ecf1a89ee23.pdf>.

expedite funding approvals for repairs. While this change aims to improve efficiency, it also shifts the financial burden to schools. Operations and Maintenance (O&M) funds, allocated directly to schools through a formula, are already scarce. In contrast, Deferred Maintenance (DM) projects are funded through the Education Construction account at BIE's central office and require a lengthy approval process. Schools appreciate the potential for faster repairs but worry that the increased threshold will deplete their O&M funds more quickly, forcing them to divert resources from other critical operations. Beyond adjusting monetary thresholds, BIE must prioritize accurate work order processing, streamlined approvals, adequate staffing, and reliable data to ensure that maintenance requests are properly managed and addressed in a timely manner.

The March 2024 report from the Inspector General of the Department of Interior noted that the BIE "cannot determine an accurate calculation of estimated costs of deferred maintenance at BIE schools or effectively manage deferred maintenance." Faced with a vast number of aged maintenance requests in its system, the BIE deleted the over 14,000 work orders that had been pending for over three years, which IA claimed drastically improved its confidence in data quality. However, it seems these work orders may have been deleted simply based on their age, and some school officials report these projects that remained in the system were there as schools were still awaiting reimbursement for emergency repairs.

To address these systemic challenges, several solutions must be considered. First, increasing and stabilizing funding for BIE schools is essential. Ensuring Advanced Appropriations for O&M, facilities maintenance, and education construction accounts would eliminate disruptions caused by continuing resolutions and potential government shutdowns. Additionally, annual appropriations must be increased to address the growing deferred maintenance backlog, with greater transparency in tracking the effectiveness of these investments. The Fiscal Year (FY) 2024 not only represented a mere 3.5% of the estimated need to repair and replace the backlog but was also a reduction in funding from FY 2023. We applaud the House appropriations package for including \$271 million for FY 2025, increased over FY 2024 and FY 2023. However, I would encourage this Committee to do what it can toward continuing to cut away at the \$6.694 billion in estimated backlog costs.

Unlike most other BIE line items, Facilities Operations, Facilities Maintenance, and Education Construction accounts are not forward-funded, leading to frustration and confusion around federal funding cycles as continuing resolutions become more frequent and the threat of government shutdowns remains constant. Just two weeks ago, these accounts were labeled to be frozen under OMB memo M-25-13 before the directive was rescinded. Such unpredictability threatens the stability of BIE school maintenance and construction efforts. Ensuring the entirety of BIE line items are at minimum forward funded, if not provided Advance Appropriations, similar to Indian Health Service (IHS). One such avenue would be the reintroduction and passage of the Indian Programs Advance Appropriations Act, which was bipartisan legislation we saw in the 118th Congress which would implement Advance Appropriations across BIE accounts. This would protect BIE schools, especially Tribally Controlled Schools, from funding unpredictability which threatens the stability of BIE school maintenance and construction efforts.

Streamlining BIE operations and work order processes is another critical solution. Implementing clearer definitions for deferred maintenance and O&M would ensure accurate processing of maintenance requests. Eliminating unnecessary layers of approval and empowering school facility staff to address maintenance issues more efficiently would significantly reduce delays. Streamlining the work order process is crucial to improving efficiency and reducing delays in addressing critical maintenance needs. One key improvement would be implementing a standardized digital tracking system that allows real-time updates on the status of maintenance requests. This system should integrate automated notifications for pending approvals and ensure that work orders are categorized based on urgency rather than arbitrary monetary thresholds. Additionally, BIE should consistently train school staff on inputting and monitoring needed maintenance requests, coordinating directly with central and regional BIE staff, reducing redundant oversight layers and ensuring faster response times.

Moreover, inadequate staffing and oversight have further hindered the process. The OIG report recommended that IA conduct a workforce study and develop a system for ongoing monitoring of DM work orders. Neither of these recommendations have been implemented. Staffing shortages and inconsistent training for personnel handling work order submissions continue to impede the effective tracking and completion of projects. We strongly encourage Congress to direct a GAO study on the BIE maintenance workforce and provide enhanced training on work order submissions for school personnel.

Increasing funding for and mandatorily appropriating 105(l) leases provides an alternative model for Tribal Nations and their schools to opt-in to. Section 105(l) of ISDEAA allows Tribes to lease their school facilities to the federal government as a part of their self-governance compacts or contracts. In the same vein as returning broken school systems to the Tribes and ensuring Tribal self-determination over education systems, the federal government can and should enable Tribes to build, replace, and repair schools on their own while ensuring the Federal government continues to fulfil its fiduciary duty. Section 105(l) Leases are not traditional leases but function as payment agreements for facility use with the BIA, BIE, or IHS compensating Indian Tribes or Tribal organizations for their use of facilities during the execution of federal programs. This compensation is based on “fair market value” and can be used for scheduled and unscheduled maintenance, operations and maintenance expenses, principal and interest, savings for future construction, among much else. The Gila River Indian Community successfully implemented this approach in 2019 with the construction and leasing of Gila Crossing Day School, since then Tribal interest in 105(l) leasing has grown exponentially, not just for BIE, but also for IHS and BIA facilities. However, because these payments are legally obligated but currently provided for under discretionary funding, they increasingly result in the offsetting of other Tribal programs by cutting funding *after* a budget has been enacted. We want to encourage Tribes to take advantage of 105(l) leasing, and to put control of maintenance, repair, and replacement of school facilities back into their own hands, foregoing the significant backlog and administrative failures of the BIE. However, we cannot currently do so responsibly, unless 105(l) lease payments are designated as mandatory spending. This model represents a meaningful alternative to the current bureaucratic bottlenecks within BIE and would prove to decrease the need for bureaucratic involvement in the maintenance process, while also advancing Tribal self-determination over education infrastructure. NIEA strongly encourages Congress to increase its viability by securing mandatory appropriations for 105(l) Lease Payments.

Ensuring the safety, modernization, and long-term viability of BIE-funded schools is not just a policy decision—it is a fundamental obligation of the federal government under its trust and treaty responsibilities. The chronic underfunding, bureaucratic inefficiencies, and staffing shortages that have plagued BIE facilities for decades have resulted in learning environments that fail to meet the basic standards our students deserve. Without immediate and sustained intervention, these conditions will continue to hinder the educational outcomes and well-being of Native students.

Congress has a clear opportunity to take decisive action. By increasing funding, implementing Advance Appropriations, streamlining maintenance processes, and moving 105(l) Lease Payments to mandatory funding, we can create lasting improvements that empower Native communities to take greater control over their educational infrastructure. These are not just investments in buildings and facilities; they are investments in the future of Native students and the sovereignty of Tribal Nations. We urge this Committee and Congress to uphold their commitment to Indian education and ensure that every Native child has access to a safe, modern, and fully functional school. Thank you for your time and attention to this critical issue.

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QUESTIONS SUBMITTED FOR THE RECORD TO MR. JASON DROPIK, EXECUTIVE DIRECTOR, NATIONAL INDIAN EDUCATION ASSOCIATION, WASHINGTON, D.C.

**Mr. Dropik did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.**

#### **Questions Submitted by Representative Gosar**

*Question 1. What processes are necessary to help improve your working relationship with the Bureau of Indian Education?*

*Question 2. What systems are needed to improve the operations of the Bureau of Indian Education?*

*Question 3. What systems are needed to improve the processes by which the Bureau of Indian Education to fulfill the deferred maintenance requests?*

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Dr. GOSAR. I thank the gentleman. Now we are going to go to Ms. Becenti for her 5 minutes.

Good seeing you.

**STATEMENT OF SHAWNA BECENTI, HEAD OF SCHOOL,  
NAVAJO PREPARATORY SCHOOL, FARMINGTON, NEW MEXICO**

Ms. BECENTI. [Speaking native language], Chairman of the full Committee, Bruce Westerman, Chairman Gosar, Ranking Member Dexter, and members of the House Subcommittee. Thank you for this opportunity to provide oral testimony regarding under-funded deferred maintenance of Bureau of Indian Education school facilities.

My name is Shawna Allison Becenti, and I am a proud alumna and Head of School of Navajo Preparatory School in Farmington, New Mexico. I am Zuni Red Streak Running into Water, and born for Salt Clan. With me is Dr. Bernadette Goodluck Todacheene, who is the President of our board. She is in the back. And as Head of School, it is my responsibility to ensure the long-term sustainability and growth of our institution.

Navajo Prep is a tribally-controlled school funded by the Bureau of Indian Education. We were founded to be the Navajo Nation's college preparatory school, and we are an example of Indian self-determination. We serve 291 students in grades 9th through 12th who have an opportunity to earn an International Baccalaureate World Diploma. Our students represent different tribal nations from across the United States, and 65 percent of our students live on campus in residential homes.

Navajo Prep's alumni represent the mission and vision of our school [speaking Native language] leaders now into the future. Our alumni's success speaks for itself. Navajo Prep has sustained a high school graduation rate of 94 percent, 100 percent of our students are accepted into 4-year college or universities, and it is reported 60 percent of our students graduate from college within 6 years. This significantly surpasses the national and State graduation rates for American Indian students.

Our critical priority is sustaining the Dine, or Navajo language, and it is vital our facilities support this priority. By 2040 it is estimated that 5 percent of Navajo people will speak our language. Schools have an obligation to address this language loss crisis.

Navajo Prep's campus is over 100 years old. In 2007 and 2008 BIE funded and the Department of Facility Management and Construction at BIE completed select renovations. In 2014, we submitted a work order to install HVAC systems in four of our residential homes. The HVAC project is crucial to the safety of our students, as temperatures inside the building can often exceed 95 to 100 degrees Fahrenheit. This work order was appropriated in Fiscal Year 2021 Green Book, and budgeted \$3 million.

In 2020, DFMC started the project and completed 20 percent designs which lacked architectural finishing, but they did not conduct tribal consultation, nor did they notify the Navajo Nation about the option to elect to complete the project through a 297 contract. By 2024 the project has remained incomplete, and the budget has now reduced to \$2.5 million. In June 2024, the Navajo Nation formally requested that Navajo Prep take over the project through



Public Law 100-297. As of today, the project is stalled at 5 steps of 15 steps, while construction keeps inflating. We are still negotiating grant terms with BIE, and have not received a release of funds.

We recommend that the deferred maintenance approval and funding process be more streamlined. For example, the State of New Mexico Capital Outlay Grant award system has a two-step process which allowed Navajo Prep to construct a residential home in 1 year. Tribally-controlled schools should always know where they are in the approval process and when they might expect next steps. We encourage BIE and DFMC to develop a task force with tribally-controlled schools and tribal leaders to rework this process.

The final evaluation report of the Office of the Inspector General highlights the presence of outdated and inaccurately-maintained work orders, which interferes with data and budget forecasting. However, it is important to note that schools must keep work orders open in Maximo until funding has been received or reimbursed.

Over 14,000 work orders were canceled, simply based on the amount of time they have been in the system. This impacts our projects, as some of the deleted work orders have not been completed, funded, or reimbursed. We are reviewing which work orders were deleted to ensure ongoing operation of our institution.

We recommend that, rather than solely focusing on closing work orders, BIE should address funding disbursements and communication with schools. We are asking for what it was promised for our students within our Federal treaties. These treaties and trust responsibilities are to adequately fund construction and maintenance of appropriate, safe educational facilities so that our students are not left trying to meet 21st century expectations in 19th century buildings.

Thank you, [speaking Native language].

[The prepared statement of Ms. Becenti follows:]

#### PREPARED STATEMENT OF SHAWNA ALLISON BECENTI

Yá'át'ééh Chairman of the Full Committee Bruce Westerman, Chairman Gosar, Ranking Member Dexter, and Members of the House Subcommittee,

Thank you for the opportunity to submit testimony regarding deferred maintenance of Bureau of Indian Education School Facilities. My name is Shawna Allison Becenti, and I am the Head of School for Navajo Preparatory School (Navajo Prep) and a proud alumna of Navajo Prep. My clans are Zuni Red Streak Running into Water, and Salt. With me is Dr. Bernadette Goodluck Todacheene, who is the President of Navajo Prep's Governing Board of Trustees. As Head of School, it is my responsibility to ensure the long-term sustainability and growth of our institution. This includes overseeing academic programs, student support, campus operations and development, and advocating for state, federal, and tribal funding to support our students, faculty, and the future of Navajo Prep.

Navajo Prep is a Tribally Controlled School funded by the Bureau of Indian Education (BIE) as per the Tribally Controlled Schools Act, P.L. 100-297. Navajo Prep is located in Farmington, New Mexico. Navajo Prep is an example of Indian self-determination based on the Indian Self-Determination and Education Assistance Act (ISDEAA), P.L. 93-638. As an International Baccalaureate World School, Navajo Prep serves 291 students in grades 9-12 and allows students to compete for a competitive international diploma. Students attend Navajo Prep from across the United States including Arizona, Colorado, Idaho, Montana, and Utah and represent different Tribal Nations. Sixty-five percent of our students live on campus in our residential facilities.

College education of our Navajo Youth is an expectation for Navajo parents and our Navajo leaders.<sup>1</sup> Since 2020, Navajo Prep has sustained a high school graduation rate of 94% or higher. 100% of our 2024 graduates were accepted into four-year colleges or universities, and a remarkable 60% of our alumni from the Class of 2018 who pursued college graduated within six years, significantly surpassing both the national and state levels for American Indian students.

One of our school's priorities is to address the critical loss of Diné language and culture within the Navajo Nation. It is estimated that only 51% of Navajo people spoke our Diné language in 2010. By 2040, it is estimated that less than 5% of Diné people will speak our language.<sup>2</sup> Schools serving American Indian communities have an obligation to address this language loss crisis. Navajo Prep roots our students in language and culture and supports the development of their identity and status as Indigenous peoples and global citizens.

In December 2024, the International Baccalaureate, in collaboration with Navajo Prep, launched its first Indigenous language subject within the Diploma Programme. This milestone marks a significant step toward furthering linguistic diversity and supporting Indigenous language revitalization. It is also evidence of the important work that BIE-funded schools are doing to enhance educational opportunities for all students across Tribal Nations and beyond.

Navajo Prep is located on a campus that is over one hundred years old. BIE funded and completed selected renovations in 2007 and 2008. We strive to complete all deferred maintenance in a timely manner to ensure our campus is safe and operational. Since Navajo Prep and other Tribally Controlled Schools cannot issue bonds nor leverage local tax revenue, we rely on the Bureau of Indian Education and Bureau of Indian Affairs to designate funding toward deferred maintenance projects.

The Final Evaluation Report by the Office of the Inspector General (OIG) (Report No. 2022-CR-036) found that BIE has failed to effectively manage deferred maintenance, contributing to significant delays in school facility improvements. The report highlighted that,

- There is over \$1 billion outstanding in deferred maintenance expenses at BIE-funded schools.
- Work orders have been delayed for decades—some dating back 22 years.
- There is a lack of transparency and accountability in facility management systems like Maximo.
- Staff shortages have prevented timely repairs and maintenance.

Navajo Prep affirms that the current BIE process for deferred maintenance would be improved through the following actions:

- Ensuring sufficient staffing and training at both the regional and school levels to efficiently input, review, and approve work orders.
- A clear and timely implementation of all approved work orders to ensure that work orders move efficiently from submission to funding.
- Streamlined funding for projects.
- Mandatory appropriations for the 105(l) Lease program.
- Establish financing pathways for Tribally Controlled Schools similar to public school bond programs.

### **Ensuring Sufficient Staffing:**

Regional maintenance supervisors, like our regional facilities specialist, Sandra Ahasteen, play a vital role in supporting schools, providing training, and ensuring responsiveness. However, with multiple schools to oversee—some over one hundred miles apart—the demands on regional staff are significant. Additional staffing and process improvements would help ensure schools receive timely facility support.

Navajo Prep recommends increasing the frequency of training opportunities for the Maximo platform, where BIE work orders are housed. At Navajo Prep, a newly hired facilities manager was unable to receive Maximo training for four months. Without training, our school was limited in our ability to submit and track projects. Delays like this could be addressed through increased regional and national staffing.

<sup>1</sup>Pedro Vallejo and Vincent Werito, *Transforming Diné Education: Innovations in Pedagogy and Practice* (University of Arizona Press, 2022); Wendy S. Greyeyes, *Disentangling Our Sovereign Body: A History of Navajo Education* (University of Arizona Press, 2022).

<sup>2</sup>Denetclaw, P. (2017, November 16). Data shows huge reduction in Diné Speakers. Navajo Times. <https://navajotimes.com/reznews/data-shows-huge-reduction-in-dine-speakers/>

### **Timely Implementation of All Approved Work Orders**

Navajo Prep has directly experienced delays in project completion through the BIE. We submitted a work order to install HVAC systems in four of our residential facilities in October 2014. This work order was included in the FY 2021 Greenbook budget at \$3 million. In 2022 the BIE took over the project without conducting Tribal consultation. They did not notify the Navajo Nation about the 297-contract option. In December 2022, the BIE completed 20% designs, however Navajo Prep found that the designs lacked architectural finishing.

By 2024, the project remained incomplete, and the budget was reduced to \$2,589,233. In June 2024, Navajo Prep, with support from the Navajo Nation, formally requested to take over the project through Public Law 100–297, which allows the Tribe or Tribally Controlled School to elect to complete the project.

By electing to perform the project, Navajo Prep will be responsible for overall project management, status reporting, review coordination with DFMC and DSRM and completing all procurement actions, including the scope of work in accordance with applicable federal, state, and local building codes and standards, as well as IA adopted codes and policy, and mandatory standards.

Yet as of today, the project is stalled at step 5 of a 15-step process. The BIE is still negotiating grant terms with Navajo Prep. Navajo Prep has not received a release of funds and has been unable to move forward with the project due to this delay. Navajo Prep recommends that the DM approval and funding process is more streamlined. We would refer you to the State of New Mexico's Capital Outlay grant awarding for additional guidance regarding their two-step process that promotes transparency and supports project completion. Tribally Controlled Schools should always know where they are in the approval process and when they might expect next steps. We encourage BIE to work directly with Tribally Controlled Schools, such as Navajo Prep, and Tribal leaders to rework this process so that we can more efficiently repair our schools.

### **Streamlined Funding for Projects**

The Final Evaluation Report by the Office of the Inspector General (OIG) (Report No. 2022-CR-036) highlights the presence of outdated and inaccurately maintained work orders, which interferes with data quality and budget forecasting. However, it is important to note that schools must keep work orders open in Maximo until funding has been received. In some cases, schools that have completed projects keep the status of the work order open until reimbursement is processed. However, during the investigation and compilation of the OIG report, it became evident that BIE canceled over 14,000 work orders, simply based on the amount of time they had been in the system.

Indian Affairs says that this drastically improves its confidence in data quality, however we feel the opposite. Navajo Prep has noticed that this directly impacts our own projects and submitted work orders. We are now reviewing historical data to determine which work orders were deleted out of the system. We are certain that other schools have experienced similar frustrations and are now re-entering work orders for their required projects.

Part of the reason some completed work orders remained in the system for such an extended period, was due to lack of reimbursement to schools in a timely manner after the work is completed. Rather than solely focusing on closing work orders, BIE should work toward faster funding disbursement and improve communication with schools to ensure that project status is accurate and that there are no delays in financial processing.

### **Expanding the 105(l) Lease Program**

The origins of Tribally Controlled School are in cutting bureaucratic red tape and returning local control back to the Tribes. The 105(l) Lease Program is a useful tool that can ensure Tribally Controlled Schools are in charge of their own facility replacement and repair on their own terms, while also ensuring that the Federal government fulfills its fiduciary responsibility.

Section 105(l) of the ISDEAA, P.L. 93–638, allows Tribes to enter into lease agreements with the federal government to build and maintain their own schools without being restricted by federal funding cycles. Congress should reinforce funding for the 105(l) lease program by moving the program into mandatory appropriations. Further, Congress should establish financing pathways similar to public school bond programs to ensure equitable access to capital for school infrastructure. Such an initiative could be established through a Tribal Tax Parity Bill, which would enable Tribal Nations and their organizations an avenue to establish access to capital. This supports Tribal sovereignty and self-determination.

**Final Statement:**

As representatives of Navajo Prep, we extend our sincere appreciation to the Subcommittee for its continued support of BIE-funded schools and its commitment to improving educational opportunities for American Indian students. The Bureau of Indian Education plays a vital role in fulfilling the federal trust and treaty responsibilities to Tribal Nations, and we recognize the dedication of its staff in serving Indigenous students across the country.

Federal funding constraints and procedural challenges continue to create barriers that impact the ability of Tribally Controlled Schools to fully meet the needs of our students. Strengthening funding mechanisms and improving efficiency in the facility management process will help ensure that schools like Navajo Prep can continue to provide a high-quality education that prepares students to become leaders in their communities and beyond.

The United States has a trust, treaty, and statutory responsibility to provide American Indian students with a quality and culturally responsive education, including providing funding, policies, and structures for educational programming and services, and appropriate, safe educational facilities.

We ask Congress to ensure that BIE schools receive the necessary funding and structural support to modernize facilities, improve safety, and enhance learning environments so that our students are not left trying to meet 21st century expectations in 19th century buildings.

BIE-funded schools should have access to the resources, support, and infrastructure needed to provide a world-class education to American Indian students. We urge Congress to uphold its trust and treaty obligations, honoring the commitments made to Tribal Nations so that our students—the next generation of Native leaders—can thrive.

We urge you to uphold the federal trust responsibilities for which our ancestors have fought for. We are asking for what was promised within our federal-Indian treaties.

Thank you for your time and consideration.

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QUESTIONS SUBMITTED FOR THE RECORD TO MS. SHAWNA BECENTI, HEAD OF  
SCHOOL, NAVAJO PREPARATORY SCHOOL

**Questions Submitted by Representative Gosar**

*Question 1. What processes are necessary to help improve your working relationship with the Bureau of Indian Education?*

Answer. Navajo Preparatory School appreciates the ongoing support and guidance of the Bureau of Indian Education (BIE). BIE staff, such as our regional facilities specialist, Sandra Ahasteen, is essential in supporting schools by providing training and ensuring timely responsiveness.

Processes that would support efficiency and productivity might include the following:

- Increase staffing to increase the frequency of training opportunities and support to schools
- Hold regular project follow-up meetings to ensure timely progress updates and problem resolution. These meetings should include school leadership, regional BIE representatives, and other relevant stakeholders.
- Initiate a task force to streamline BIE processes for deferred maintenance and facility management. This task force should include representatives from BIE, schools, and tribal leadership.
- Increased coordination between the BIE and the Division of Facilities Management and Construction (DFMC). DFMC operates in a silo, leading to delays and miscommunications. A more integrated approach where DFMC communicates effectively with other BIE programs is essential.

*Question 2. What systems are needed to improve the operations of the Bureau of Indian Education?*

Answer. The following systems should be implemented to improve BIE operations:

- Increased involvement in DFMC training programs to ensure school officials understand BIE's expectations and procedures for maintenance requests, funding approvals, and project management.
- Clear and transparent tracking mechanisms for work orders, allowing schools to access real-time updates on project status.
- A workforce capacity review to address staff shortages and high turnover rates in BIE, particularly in facilities management.

*Question 3. What systems are needed to improve the processes by which the Bureau of Indian Education to fulfill the deferred maintenance requests?*

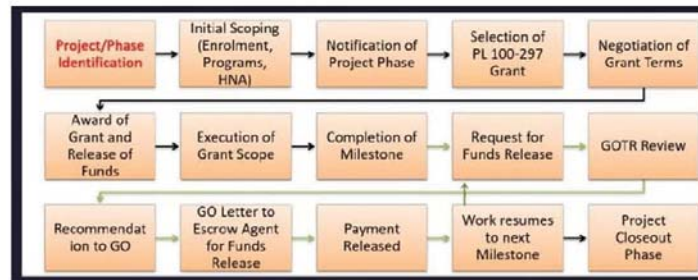
Answer. Implementing systems and processes that assist in completing projects in a timely manner. I suggest the following systems:

- Ongoing Area Coordination (OAC) meetings to move projects forward. These meetings should have structured agendas that include project funding updates, safety considerations, and specific next steps for completion.
- Training on the full project cycle, ensuring that school officials and BIE personnel understand the process from start to finish, including submission, review, approval, funding, and implementation.
- Addressing the backlog inherited from the Bureau of Indian Affairs (BIA): DFMC was recently transferred to BIE and needs additional staffing and resources to manage the backlog of projects from BIE-funded schools.

*Question 4. In your written testimony and during the hearing, you mentioned that you had submitted back in 2014 for your school to get HVAC systems at four residential facilities. This request was included in the FY 2021 Greenbook budget at \$3 million but, as of today, the work order has not been filled and is sitting at step 5 of a 15-step process. Can you expand on the issues with getting this project completed? What are the 15 steps that need to be completed? What is your recommendation for improving the work order process?*

Answer. Some of the issues that have impacted our HVAC project completion have been the following:

- There was a delay in project selection and funding: While Navajo Prep submitted the HVAC project request into Maximo in 2014, it was not selected for funding until 2021. This seven-year period resulted in significant delays in the project completion.
- There was a lack of Tribal consultation: While the BIE began implementing the project in 2022, they did not conduct Tribal consultation and failed to notify the Navajo Nation about the Public Law 100-297 contract option, which would have allowed Navajo Prep to take ownership of the project earlier.
- The DFMC did not complete designs, which impacts the overall budget: The project was included in the Fiscal Year 2021 Greenbook at \$3 million, but as of 2024, funding was reduced to \$2.59 million. This reduction in budget was due to the allocation of funds that DFMC committed to securing architectural designs. However, upon review, Navajo Prep determined the designs lacked architectural finishing and must be re-done. The architectural designs secured by DFMC reduced the remaining budget and resulted in additional work that still must be completed. In addition, the cost of completing the project has increased due to inflation and market costs. Funding for this project has not been increased.
- Slow grant negotiation and funding release: In June 2024, Navajo Prep formally requested to assume the project, however, the BIE has not yet released the funds. The project is stalled at step five of a 15-step process, preventing the release of funds needed for implementation. Here is the outlined 15-step process. This flow-chart was provided to our school by the DFMC.



- Excessive supervision and oversight: The DFMC has informed Navajo Prep that although the HVAC Project was selected as a Public Law 100-297 contract option, DFMC requires that they approve all plans prior to procurement to ensure compliance with the BIA Construction Handbook. Such a process should not be required as the Navajo Nation has elected to complete the project via the Public Law 100-297 option.

We have found the New Mexico Capital Outlay grant awarding process offers a more streamlined approach that upholds Tribal sovereignty and local control. This approach to Tribal sovereignty and local control allowed Navajo Prep to construct 13,600 square foot residential facility in one year. The State of New Mexico capital outlay process provides the grantee the opportunity to execute the project.

As requested, here is the process that we follow when implementing capital outlay projects with the State of New Mexico:

1. The State of New Mexico passes legislation to award Capital Outlay funds.
2. The awarded entity submits a scope of work and budget to the State of New Mexico. In the scope of work, the awarded entity defines project needs and estimated costs. It takes a week at the most for the budget and scope of work to developed and approved the State.
3. The State of New Mexico and the awarded entity complete an Intergovernmental Agreement (IGA), which is signed by both parties. The implementation of the IGA takes 2 days for processing and approval.
4. The awarded entity follows procurement policies and secures quotes and agreements. The awarded entity submits a Notice of Obligation (NOO) to the State of New Mexico. Once the NOO is approved, the project can officially begin. The procurement process may take up to a month if an RFP is required, however the processing of NOO takes up to 2 days.
5. The awarded entity reports progress toward the scope of work and budget through an online portal maintained by the State of New Mexico. Updates in the state's online portal take a day at the most.
6. The awarded entity ensures that all components of the project is successfully completed and pays any outside contractors for their work. The awarded entity then submits a Request for Reimbursement to the State of New Mexico. The Request for Reimbursement includes the approved NOO, signed check, all invoices and supporting documents for payment from the State. From the submission of the reimbursement to funds sent to the school, the process takes up to a month in most cases.
7. The awarded entity closes out the final project in the State of New Mexico's online portal. The awarded entity notes if this project was a segment of a larger project with additional NOOs.

The DFMC could improve timely project completion rates by implementing a similar approach to New Mexico's Capital Outlay process. However, the New Mexico Capital Outlay process can present undue hardship to awarded entities if they do not have the funds to complete the project initially up front and wait for reimbursement. The DFMC could address this need by providing the fund awards to the awarded entity upon the approval of the NOO.

Thank you for the opportunity to provide additional information regarding the Congressional Testimony I shared on February 12, 2025.

Dr. GOSAR. I thank the gentlewoman. Now I am going to go to questions on our side. It will be the Chairman from the Full Workforce Committee, Mr. Walberg from Michigan, 5 minutes.

Mr. WALBERG. Mr. Chair, I like your Subcommittee. You are very kind to me. Yes.

Chairman Velasquez, you have served in the education sector in many capacities over the years, a former teacher, school counselor, principal, dean of students, and executive director of early childhood development. And you still have all your hair.

[Laughter.]

Mr. WALBERG. I don't.

In your testimony you draw attention to the different kinds of challenges basic school building maintenance, teacher housing, security concerns, lack of adequate technology, infrastructure, and student dormitories. If you were asked to pick the top two priorities from your list on which BIE should focus its time and attention, what would they be?

Mr. VELASQUEZ. First and foremost, one would be infrastructures; No. 2 would be technology. Those would be the two things I would be looking at from my reservation.

Mr. WALBERG. Why?

Mr. VELASQUEZ. Why? When you look at the infrastructures on the reservation, we have three schools. One is run by Bureau of Indian Education, BIE, totally government-run. We have two schools that are tribally-controlled schools in the Cibecue District, which is about an hour away from our capital. Then we have one right down about 5 minutes south of our capital there. Those buildings are fairly old. They are buildings that have been there a long time.

When you take a look at the academic process of thinking, you know, we have our White River Unified School District that is run by the State of Arizona. We have one parochial school on our reservation. So majority of the kids, they opt to go to the White River Unified School District.

But Cibecue which is on the west end of our reservation, which is about an hour from our capital, a lot of our kids go there because we talked about the White Mountain Apache language that is paramount. So they utilize the White Mountain Apache language, they use that. When it comes down to sports, they are readily involved in there. And when it comes down to practicing the cultures of the White Mountain Apache Tribe, it is there too. So the hub is there.

One of the buildings that I see is the elementary school of Cibecue that needs to be built, because I would rather see the community of Cibecue, our kids go to school there, get their education from K-12, graduate, and then move on to life.

When it comes down to the Fort Apache Theodore Roosevelt School, that school is identified full of history, history meaning things that have happened there way before my time.

Mr. WALBERG. OK.

Mr. VELASQUEZ. But now that dormitory there sits, and it is paramount for our kids that go to school there that come from lower socio-economics that come there, stay there throughout the weekend, and that is the only place that they see that is a hub of safety for them.

Mr. WALBERG. OK.

Mr. VELASQUEZ. So that is one of the reasons why I am constantly pushing it for them.

Mr. WALBERG. So it is a practical thing that, in order to complete the education and continue, that you have to have this. I have to move on here quickly. I would love to hear more, but let me go over to Ms. Becenti.

As Head of the Navajo Prep School and alumna, you have seen the value of residential education. Indeed, the data shows that since 2020 Navajo Prep has had a 94 percent or higher graduation rate, and has had 100 percent of your 2024 graduates accepted into 4-year colleges and universities. Would you share with us the one or two things with which you attribute the success of the school and its students?

Ms. BECENTI. First and foremost, it is living to our mission and vision of our school. And in 1991, when it was established, we are in this to create leaders. Everything we do, from curriculum alignment to the way we build, to the way we design, to the way that we spend our money. Hence, we are a tribally-controlled school and so we ensure that we spend taxpayers' dollars appropriately. We go through audits, our audits say that we are a high-performing school. Also in that we have to compete with the local schools around us. We care about our teachers, and we care that we are redefining Indian education in this 21st century and redefining residential life for our children.

Mr. WALBERG. I thank you, I wish you the best.

I yield back.

Dr. GOSAR. I thank the gentleman for his 5 minutes. The gentleman from Puerto Rico is recognized for his 5 minutes.

Mr. HERNÁNDEZ. Thank you, Mr. Chairman. This is a very nice room, right? It is formal. It is cool, comfortable. The Chairs are certainly comfortable. The fact that this room is comfortable makes us work better, right, makes us take our jobs more seriously, allow us to allocate more time to our work.

Well, Congress does a good job of taking care of itself. It needs to do a better job of taking care of the people. And what we are seeing with BIE schools with regards to infrastructure is very saddening, because education is supposed to be a great equalizer in our country, supposed to be the base of support for equality of opportunity.

So my questions for you related to the infrastructure challenges that you face, Mr. Dropik, what specific policy changes or funding increases would you recommend Congress to consider, especially in light of the upcoming reauthorization of the Great American Outdoors Act, or the appropriations process?

Mr. DROPIK. Yes, thanks for that. I would definitely say that, as we look at appropriations and authorizations, we know that there are often stalls that happen and different types of agreements that can really impact communities. And that continues to compound.

As we look at the reauthorization of the Great American Outdoors Act, increasing that percentage to BIE schools for infrastructure and construction from 5 percent to anything more than 5 percent would be a welcome opportunity, and a great opportunity for the school systems to be able to do the needs that they have



for their people so long as we can also increase the efficiency and change the systems and process and oversight that goes along with it.

I don't disagree with those that have said that you can't throw more money into a system that is not working, so we need to get rid of the barriers that aren't working. And it is not the people's desire, it is not the school systems, it is not the tribal communities. It is the processes that keep them from getting what they need. And continuing to make sure that we are able to see that, and we can then share those successes with other communities and other schools like the ones that we see here today.

So those would be some of the ones that we would ask for, in addition, of course, obviously, to the opportunity for 105(l) leasing. We do believe that that is an opportunity and an additional strategy that could really look into control for Tribes to address their maintenance issues. But once again, that can only happen if it is mandatory funding because if banks don't know that that money is guaranteed, they are not going to issue it, and then we are going to be in the same issues delaying, prolonging, and expanding costs in the long term.

Mr. HERNÁNDEZ. And I think you would agree that it is unfair to deprive you of resources and then claim that you are not doing your job properly when you don't have the resources you need to do your job.

Mr. DROPIK. Yes. I know I don't have a lot of time, but I think if you talk to yourselves about, like, how effective am I at tying my shoe, I think we would all be pretty effective at that usually. I don't have shoelaces on my shoes, but I think I am still pretty effective at it.

Now imagine putting a hand behind your back and trying to tie your shoes one-handed. That is what we are trying to do to our systems. How can you blame the effectiveness when you haven't given them all the tools to be as effective as they can be?

Mr. HERNÁNDEZ. Or it is as if they took away all my staff and then told me that I am not doing my job properly.

Mr. DROPIK. Right, correct.

Mr. HERNÁNDEZ. My second question is Ms. Becenti and Ms. Fire Thunder. I guess, in the interest of time, I will ask for very quick responses.

But if you had access to additional funding, maintenance funding, what immediate repairs or upgrades would you prioritize?

Ms. BECENTI. Definitely our HVAC system that is in place, and we are currently demolishing a 1920s building and trying to create performing arts, and really giving—our arts is important, so that would be mine.

Or I can say more.

[Laughter.]

Ms. BECENTI. We also have drainage, probably, other priorities—

Ms. FIRE THUNDER. Thank you very much. You know, I am deaf. I wear cochlear implants. So I have interpreters sitting here.

The priorities? Well, for us our priority is repair and replace our schools.

Mr. HERNÁNDEZ. OK. No, and I think HVAC, you know, I come from Puerto Rico. Puerto Rico is also a very hot place, and we have a similar issue with our schools. Many of them need a new HVAC system because we are facing the challenges of climate change. And, you know, I don't think Congress would operate without an HVAC system during the coldest days of winter or during the hottest days of summer, especially in Washington, D.C.

Thank you. With that I yield back my time.

Dr. GOSAR. I thank the gentleman. Now the gentlewoman from Colorado, Ms. Lauren Boebert, is called up for 5 minutes.

Ms. BOEBERT. Thank you, Mr. Chairman. And again, thank you to our witnesses for being here. I thanked you while you were seated in the audience waiting to approach the table and speak with us, but I am just honored to sit here before you and hopefully get some real answers.

The Indian students at BIE and tribally-controlled elementary and secondary schools deserve a safe and healthy school environment to learn and grow. There is no doubt about that. Unfortunately, BIE and BIA have failed in that mission, leading to lower-quality educational opportunities and resources for tribal students. What is the single biggest challenge each of you have had with BIE, and how we can work with the Trump administration to help all of you provide our Native American students with quality education?

If we could, quickly go down the line, if that is OK, starting with you, Mr. Velasquez.

Ms. FIRE THUNDER. Thank you. I just want to make sure that from our community that BIE is not the problem. BIE has only \$5 million in construction authority. However, the Department of the Interior's Division of Facilities Maintenance and Construction is responsible for major projects, including all other BIE construction. DFMC's inefficiency is causing severe delays and cost overruns, impacting every BIE school in South Dakota.

You know, I just wanted to reiterate that we have been working diligently to increase our budgets. Our schools come here, we talk to our leaders and increase our BIE budget.

One of the most important things that we talked about is that, because of the operation and maintenance challenges, our buildings are really old. So we take money out of ISEP, which is earmarked for education, teacher salaries, et cetera, and we take money out of that pool to make up for shortfalls in operation and maintenance because our schools are very old.

The other piece is that, because of the, well, I say financial poverty. We are very rich in our culture. We speak our language, we sing our songs, we practice our ceremonies, so as a tribal person, we are still very rich in our culture. The thing that holds us back is financial poverty. And we have many tribal communities that are in that place called financial poverty. So consequently, part of our challenge is we want to make sure our children are fed. So even though the United States Department of Agriculture under the CAMS program is where we get our food money, it goes from the Federal Government to the State. The State sends it to the school. However, we are limited in how we create that food.

The other thing that really challenges us is that the CAMS program only pays for one staff person in a school. My school is over 1,000 students, so we have 8 people in the kitchen. So we have to take money out of ISEP to make up for the staff that works in the kitchen to cook the food and feed our children.

In other words, I mean, this is a small opportunity to really share with you that we know what we need and we know what we want, and we don't want to blame anybody. However, that system, and this is our recommendation, a system within the Department of the Interior may have been there for a long time, and maybe that system needs to be assessed and changed to allow for quicker response as the money comes in for repair and replacement of schools.

I am not sure how many pages of documents there are on regulations.

Ms. BOEBERT. Sure.

Ms. FIRE THUNDER. But I am sure that system needs to be changed.

Ms. BOEBERT. Thank you, Ms. Fire Thunder, we just have 1 minute here, so obviously, staffing is an issue. There are resource issues all over. We really want to tackle waste, fraud, and abuse when it comes to funding so we can better see how to appropriate those funds, and that is why we go to Inspectors Generals and ask them the questions like \$13.8 million of unallowable spending at 24 schools and, you know, having \$1.2 million transferred to Federal funds to offshore accounts. We want to be sure that we are using those monies wisely.

And I really want to know, how is the communication between your BIE management officials, your director? There has been about 68 investigations referred to the IG. I think one was investigated and approximately 32 were sent back to the BIE to investigate themselves. So in communicating with your director or the managers there at BIE, how effective is that in helping with the policy and making sure the money that is given to you is appropriately allocated?

Ms. BECENTI. Do we have enough time?

Ms. BOEBERT. Go ahead. Yes, ma'am.

Ms. BECENTI. Thank you so much for that question. We do have a good working relationship with the Bureau of Indian Education, with our directors, and even our regional directors.

When we look at the larger systemic issue of funding and one is we have to compete with 50 percent less than what any public education school receives as far as per student. We look at tribally-controlled schools, and we don't want to be lumped into this misuse with tribally-controlled schools versus BIE-funded schools. Our schools are audited every year, and our CARES Act was audited this past year, and every tribal school goes through a year audit. So if there was any misuse or misunderstanding, I really think that we have to remember that we are all different entities within the BIE system.

Ms. BOEBERT. Sure. And my time is expired. I just want to say I also want to have policies that liberate you all to produce from your lands, as well, whether that is energy production or food and have the water to grow that food.

Mr. Chairman, I yield.

Dr. GOSAR. I thank the gentlewoman. The gentlewoman from Utah is now recognized for her 5 minutes.

Ms. MALOY. Thank you, Mr. Chairman.

Ms. Fire Thunder, I want to follow up with you because you were starting to talk about how these programs could be more efficient. And in the March 2024 report the Office of the Inspector General recommended that the Bureau of Indian Education ensure that every school have staff trained in managing work orders in the facility management system, including classifying, updating, and closing work orders. To your knowledge, has the BIE ensured that schools have trained personnel?

[Pause.]

Ms. BECENTI. That is a work in progress.

Ms. FIRE THUNDER. [Inaudible.]

[Laughter.]

Ms. MALOY. OK. All right. So given the recent changes, has BIE offered additional training to any members of your staff regarding the facilities management system?

Ms. FIRE THUNDER. No.

Ms. MALOY. OK. Is there a problem with the Maximo system? And how does that affect the status of projects?

Ms. FIRE THUNDER. Wow, do we have all day?

[Laughter.]

Ms. MALOY. I have 4 minutes.

Ms. FIRE THUNDER. You know, let me get back up a little bit. There was a—

Ms. MALOY. I don't think your mic is on, ma'am.

Ms. FIRE THUNDER. Sorry. It is such a great question because they changed the system about, what, 5 years ago?

So prior to 5 years ago we were able to track. When the Bureau came in and did an assessment of need, what it was going to cost, and then over time we saw a decline, we never got adequate funding for the need. So when we were able to use those numbers to tell Congress that the operation and maintenance dollars, this is what we needed, this is what we got, we are diminishing to show that those dollars that are diminishing were taking it out of ISEP, which is for education.

So we are using these numbers to tell a story. And my schools feel like they changed the system to the Maximo system. So the Maximo system is very difficult to get into at times to really get the true numbers. So when you look at the operation and maintenance needs, this is what they say you need, and this is what you get. And over years it diminished, so we are not getting adequate money for operation and maintenance.

Now, the reason why this is so crucial and important for us is that our buildings are super old. Some of those buildings are 70, 80, 90 years old, and consequently, the systems are old and antique, and so it cost extra money to heat those buildings and especially right now in the winter time, some of those old buildings. And so we are spending additional resources, money out of our ISEP to make up for making sure our schools are heated.

And so this is why, for us, as our tribal schools, no matter how we look at this, we all need those schools replaced. Because once

you replace those schools, you are going to modernize them. And once those schools are in operation, it is not going to cost so much money to maintain them. This is why it is so important for us to advocate for repair and replacement of those schools on that list. And I do believe there might have been 80 schools on that list.

Ms. MALOY. Wow. So once a tribal school receives notice of an award for a project from the Division of Facilities Management and Construction, what is the timeline for transferring the project from the government to the school?

Ms. BECENTI. We would love for that to be a great investigative question, because if we were just to look at our current project of an HVAC system, it was put in the system in 2014 and we do not have dollars in our bank.

Ms. MALOY. So would you say, Ms. Becenti, that generally award delays result in under-funded projects?

Ms. BECENTI. A hundred percent.

Ms. MALOY. OK, thank you. Also, you are from Farmington. My dad grew up in Bloomfield, so we are practically cousins.

Ms. BECENTI. Yes.

[Laughter.]

Ms. MALOY. And with that, Mr. Chairman, I yield back.

Dr. GOSAR. I thank the gentlewoman from Utah. The gentleman from Arizona, Mr. Crane, is recognized for 5 minutes.

Mr. CRANE. Thank you, Mr. Chairman. You know, I have heard some pretty cool names in my life like Vin Diesel, Sting, and Vanilla Ice.

[Laughter.]

Mr. CRANE. But Ms. Fire Thunder, you might have the most awesome name I have ever heard.

[Laughter.]

Mr. CRANE. How did you get such a cool name?

Ms. FIRE THUNDER. Oh, I married a man with a cool name.

[Laughter.]

Mr. CRANE. OK. All right.

Ms. FIRE THUNDER. I only married him because I liked his name.

[Laughter.]

Ms. FIRE THUNDER. No, that is a great question. A lot of our names were in Lakota, and they got translated. This is why we have some amazing names, you know.

Mr. CRANE. Wow.

Ms. FIRE THUNDER. And we are just so proud of that fact, that our last names also connect us to our culture, and our identity is very intact.

Mr. CRANE. I would be proud, too.

I want to begin with tribal communities in my district in Arizona, where these BIA failures have left students and teachers pretty high and dry. The Department of the Interior's Inspector General released a report just a few months ago about Havasupai Elementary School in my district. This report included about 40 pages of recommendations highlighting major safety and health deficiencies that needed to be addressed. BIE's response to those recommendations was that they concur with the recommendations, and had implemented a plan to review the deficiencies with Havasupai Elementary School.

My question for you, Chairman Velasquez, you mentioned that BIE schools on the Fort Apache Reservation are also operating with leaky roofs, broken heating systems, outdated electrical wiring, insufficient security systems, and a lack of housing. Chairman, do you think that we should believe BIE when they say they concur with recommendations and are going to address the problems your schools are facing?

Mr. VELASQUEZ. I look at it several ways. Looking at it from a school leadership standpoint, I look at it from the tribal leadership standpoint, and I also look at it from being a father. You know, I am a product of the tribal Head Start program on my reservation. I have gone through K-12, graduated from there, and proceeded on and went to school, fortunate to get four college degrees despite the socio-economics I came from.

Today, I look at it where, from the leadership standpoint, there are two things that come to my mind quickly. One is where's the red tape on this? Where's the bureaucracy on this in terms of funding?

I like what Ranking Member Dexter said earlier. She brought up the student wage scale of a pupil. The BIA gives a certain amount of money. In turn, the State schools give quite a bit of money. So that is one thing I look at.

So then, from being in school and leadership in the past, I look at it where why is it that my people, my kids are getting this amount as per se they are getting this amount. I look at it that way.

And then I look at it from now being a tribal Chairman of the Tribe here, I look at it where, OK, now, where is the process, where it is making this thing tedious? What is making this red tape? Where is the bureaucracy at, No. 1.

And then No. 2, I also look at the management end of thinking also. OK? I look at it from my side as the school, as the Chairman of the Tribe. We have three schools that are operational on our reservation. We have school boards that are elected, and they are involved in the day-to-day operations of the school. They are policy-makers. But at the end of the day, when it comes down to it, issues of funding, inadequate funding, that is the reason why I am here also, that is when I get involved.

So my thing is management. Where are we at on management? That is something that I, you know, been thinking quite a bit about because, at the end of the day, responsibility lies heavy with the individuals that partake in the administrative, day-to-day operations, whether it is the government, whether it is the Tribe, whether it is schools, whatnot. And that is my perceptions, and I will leave it at that, sir.

Mr. CRANE. Thank you, sir.

I yield back.

Dr. GOSAR. I thank the gentleman from Arizona. The gentleman from Montana, Mr. Troy Downing, is recognized for 5 minutes.

Mr. DOWNING. Thank you. Thank you, Chairman, and thank you to our witnesses for your testimonies.

You know, a little background. I started out my career in education. It is really important to me. And for the last 4 years I have been working a lot in Indian Country in Montana and working on

education, you know, specifically on financial literacy, and working with our communities. We have about a dozen Tribes in Montana on exactly eight reservations. And more than half of those are in my district. It is very important.

But I am incredibly alarmed at last year's report from the Department of the Interior's Office of Inspector General that detailed major incompetence at the Bureau of Indian Education. You know, one case identified by OIG involved the Northern Cheyenne Tribal School in my district, and in 2000 BIE reported Northern Cheyenne tribal Schools' request to replace exit signs at their school facilities, and more than 22 years later still failed to do anything about it. Completely unreasonable. These lengthy delays are just not acceptable.

So I am going to start, Ms. Fire Thunder, you know, how is your working relationship with BIE and the Bureau of Indian Affairs on issues that are related to maintenance and construction? And have they been reliable partners in maintaining and improving school facilities?

Ms. FIRE THUNDER. That is a very good question, sir. But before I would answer that, can I just share with you, I want the Committee to know there are three school systems on a reservation. On the Pine Ridge Reservation, we have the BIE schools. We have one. Then we have the public schools. We have four. We have six tribal schools, local control. Then we have two parochial schools. So we have four types of education services.

Now I also want to reiterate something, and I want to share this with you. The BIE schools operate under the Department of Defense salary scale, so their employees make around \$25,000. The public schools are \$16,000, and WSU, the weighted student unit. And so what we are looking at is the disparity in funding. So even though the BIE schools are there and under the Department of Defense salary scales, and then the next one is the public schools who get to spend \$16,000 per student. The tribal schools, we only get so much that we spend \$7,000 per student.

I am sorry I kind of got a little confused there. So in looking at those numbers we see so much disparity in terms of salaries. I think it is really important to understand that.

The other thing that our business managers have been very good at keeping track of this operation and maintenance. And so again, we have the numbers to show how much money we took out of ISEP to make up for shortfalls. So this is how much the Bureau is giving us for operation and maintenance. And because there is not enough money there, then we are taking money out of this pool to make up for shortfalls over here.

Mr. DOWNING. Right.

Ms. FIRE THUNDER. Yes, and so we have all those numbers, sir, and how we were able to look at those numbers to really tell the story to BIE.

But at the same time, if the Bureau does not have the resources, then we are still stuck.

Mr. DOWNING. Right. So just kind of a follow-up, you know, it seems that BIE's inability to manage deferred maintenance repairs that is obviously affecting your schools, you know, not just staff,

but resources for students, safety, everything. So I appreciate your comments there.

In your testimony earlier, you expressed several significant concerns related to the Division of Facilities Management and Construction at BIA. You know, other than what you just told me, what was your experience with the Division of Facilities Management and Construction? What has your experience been?

Ms. FIRE THUNDER. Over time, sir, I think it is really important to remember January was the fiftieth year of 638. So 50 years ago, under the leadership of our esteemed leaders who are no longer with us, and notably James Abourezk, I really made sure that we were able to take over and run our own schools under local control. That was 638.

Mr. DOWNING. Right.

Ms. FIRE THUNDER. OK. And that allowed my community to be able to take the ownership and move ahead on providing education under our umbrella, and take it away from the BIA. In those 50 years, sir, we have learned a lot, you know, and I am going to take a few moments here because I think it is really important to understand.

In many tribal communities like the Pine Ridge Reservation, which is a large, vast community, 100 miles by 150 miles, and so in the early 1960s the opportunities for employment were limited. We had no jobs. Our dads had to work in the field in Nebraska. They had to pick beans and potatoes. So there was no work, there was no factories. There was no way for a father to earn a living. And yet, at the same time, the leaders 50 years ago who probably had no financial experience took on the task of running their own school.

Mr. DOWNING. Right.

Ms. FIRE THUNDER. So we are the products of those 50 years. And I just wanted you to know, sir, we are really good.

Mr. DOWNING. Right.

Ms. FIRE THUNDER. We are really good at running our schools, we manage our finances. The BIE can come in and review our audits. They are really good.

Yes, girls, we got good audits, financial audits, programmatic audits, you know. And we are doing a really great job.

What we really need, sir, is your help and support to make sure we are putting money into repair and replacing our schools, and that is our biggest challenge, sir. So no matter what you say or do, our schools need to be repaired and replaced.

Mr. DOWNING. I have run out of time, but I really appreciate your responses.

And I yield back.

Dr. GOSAR. I thank the gentleman from Montana. The gentleman from Washington, Ms. Dexter, is now recognized for her 5 minutes.

Dr. DEXTER. My State is going to want me to correct that I am from Oregon.

Dr. GOSAR. Oh, I am sorry.

[Laughter.]

Dr. DEXTER. And I am happy to represent Oregon.

Dr. GOSAR. I am sorry.



Dr. DEXTER. I grew up in Washington, but thank you.

So we are here. Thank you all for, one, what you have done with remarkably limited resources to educate your communities, totally a success story. What I am hearing is that we are here really looking for waste, fraud, and abuse, and how to mitigate or minimize that. But what I am seeing is that you are doing extraordinary things with very limited resources in buildings that are falling down around you, literally and figuratively.

Just a quick show of hands. How many of you have testified here in Congress before on Indian education?

OK. And did you all testify to ask for increased funding for schools? Is that why you were here?

OK. And I just want for the record that everyone nodded their heads that I can tell. Is that wrong or is that correct?

OK. How many of you received an increase in funding after that testimony?

Nobody. OK. So we have a constitutional, as well as treaty obligations, to educate our students. And you have come here, we have asked you to spend your valuable time, and we aren't listening is what I am going to say for the record.

I also wonder to what extent, Ms. Fire Thunder and Ms. Becenti, have you and your extensive knowledge and success been incorporated into better processes or helping make better use of the funds that we have?

Has the Department of the Interior BIE really brought you in to help learn from you?

Ms. Fire Thunder, if you would, go first.

Ms. FIRE THUNDER. Thank you. That was a great question.

You know, the Bureau of Indian Affairs has a TIBC, Tribal Interior Budget Council. So the Tribal Interior Budget Council was created for Tribes to come together in, like, 12 areas to put forward what we are going to need.

So under TIBC, Tribal Interior Budget Council, there was a subcommittee on education. About 5 years ago, some of us were coming and coming. So today the good news is that the TIBC then gives the recommendations for the future, and to OPM.

So I just have to share with you how excited I am, because I was able to get on TIBC and the subcommittee, and then I pulled in Shawna Becenti from Navajo Prep to represent the Navajo area. And then we pulled in Nina, where did she go, from the Santa Fe Indian School. So those three regions, North Dakota, South Dakota, New Mexico, and Arizona, have a total of 131 schools out of the 180.

Dr. DEXTER. Wow.

Ms. FIRE THUNDER. So we were able to get our team on the subcommittee for TIBC. So now we are now putting forward the money that we need to move into the budget for the BIE.

So I just want you to know it didn't happen overnight. There is nowhere in our history books or social studies books on the Indian reservation where we learn this process.

Dr. DEXTER. Right.

Ms. FIRE THUNDER. So we are here because we are helping each other understand the process, but most importantly using our data, our data to help each other tell the story and move it forward.

So we are just excited about the future and our teamwork. Invariably, we hope to see more resources to repair and replace our schools. Thank you.

Dr. DEXTER. No. Thank you so much for your service.

And Ms. Becenti, I think, yes, you wanted to——

Ms. BECENTI. I will be quick.

Dr. DEXTER. Thank you.

Ms. BECENTI. There is a need for consultation, definitely. We want to get our projects out the door, and how do we streamline that, and how can we be a support. I know at Tribal Interior, if it is coming and looking at processes, that is what we are willing to do because we do have a lot that needs to be completed, and we are ready to spend.

Dr. DEXTER. Very good. And I did send questions to folks, but since some of you have answered them in different ways, I am riffing a little bit.

So, Mr. Velasquez, I am a pulmonologist and I am very concerned about the fact that you are using kerosene to light your buildings during the winter, where I am sure the windows are all closed and carbon monoxide is an extraordinary risk. We know that students who learn in good air quality actually have higher performance. And in Oregon we are actually investing in replacing HVAC systems for exactly that reason. I heard technology was your first priority because that is absolutely something that we need to do, and I hear that. Do you feel like the safety of your school currently is sufficient, and is it an imminent threat to the safety of your students?

And I don't mean that as a trick question. I also heard you say infrastructure was No. 1, so——

Mr. VELASQUEZ. Right.

Dr. DEXTER. Yes.

Mr. VELASQUEZ. As I gather my thoughts on what I need to say, what I should say is going back to our Theodore Roosevelt School, it is a school of history that involves a lot of Native Americans. When I perceive this, you know, when I go into the buildings, you know, the building is very, very old, the infrastructure is definitely there, but there is a need for replacement there.

Our dormitories are the same way. They have been there a long time, and that is where we house our kids. At times, when we run out of heat, the chief school administrator will make a decision to take the kids home and we will close down the residential and take them home also.

So the heating system, the air conditioning systems, they are all literally obsolete right now. So to get those parts to make it operational. You know, it is obsolete so what do they do? What they do is they improvise, and they go and they get heaters, and they buy heaters and stuff and put them in classrooms so that they can continue to teach our kids.

Dr. DEXTER. Yes. So I appreciate the Chair's generosity with time, and I certainly want to elevate again the dedication of this group to serving your students, and thank you all for coming.

And with that, thank you. I went over, Chair——

Dr. GOSAR. No, don't worry about that.

Mr. Dropik, the 105(l) leases, why does it have to be mandatory?

Mr. DROPIK. If you don't make the funding mandatory, then it becomes something that can be postponed and delayed. And when you look at tribal agreements with banking institutions, if that money is not guaranteed then the funding is not going to come through, in which case then you are going to put in a project and have those other items that go into there, and they won't be able to sustain the funding to be able to put in the services and supports because things can get cut, delays, if you get into a CR. All sorts of things can create issues that will then delay that funding or not make it come through.

Dr. GOSAR. OK. So now, teaching moment for me here, OK? So we could run everything out of those 105(l) leases for schools?

Mr. DROPIK. You could. And so the issue that you are likely going to run into is that in some cases there might be some Tribes that may not want to engage in them, so that is a possibility. But when you look at that, there will be absolutely Tribes that will want to engage in them, and so you will decrease the need on the BIA funding source and so they can get caught up, they can get better systems, it is going to divide those, and so that it becomes more efficient across.

If all Tribes were able to do it, you would be able to run those through and then it puts the dollars in the hands of the Tribe. Local banks would be able to engage in it so there are some economic development opportunities that exist in those, as well. But it absolutely could be.

Dr. GOSAR. So now, and then, once again, I need a teaching moment here, if we were to take the 105(s) in a block grant-type style in a kind of a modified, mandatory spending model, OK? Follow me here. It is kind of weird, how my brain works.

Mr. DROPIK. Mine, too.

Dr. GOSAR. Then you would drive it to the local level. Is that what you would say would be the most efficient way of utilizing that money, so that you have autonomy, you just have to be accountable back to the Federal Government about how it was spent?

Mr. DROPIK. Correct, yes, that is the intent. Obviously, we would want to consult through that and make sure that all of those processes and items don't become 15 or 25 steps, as well. But yes, that is the intent. And we do believe and have seen some positive examples of 105(l) leasing working in tribal communities that we can model it after to eliminate some of that red tape that has been talked about.

Dr. GOSAR. So if all of the schools you are talking about, if you did this 105, how many schools would it encompass that would work through the 105(l) program?

Mr. DROPIK. That is a good question.

Ms. BECENTI. Right now schools are able to try to access 105. There are some limitations with it because you have to have lending power. And as a trust Tribe, you have to go to your nation and what are they willing to collateralize for schools.

If you are not one that has cash readily and a lot of it is in trust, so for example, it is a great opportunity, one, that we are even, as Navajo Prep, looking into. But as a trust Tribe we have to find

someone to collateralize this large build of a project. And some schools don't have that ability as others.

The second is because 105, we say take it out of discretionary and put it to mandatory, there is already Federal precedent that you have to fund all 105 leases. And if you move it, then at least it is not competing with any on the ISEP program. That can then not have to compete with 105 money.

Dr. GOSAR. OK. Well, just in that point, where you just made that point, there are so many appropriators who do not understand that, OK? I am not an appropriator. I am on Oversight and I am on Natural Resources, two big ones for Arizona, OK?

But could we set something up where we keep you together, you folks together, where you can bounce ideas off? Because I think the more we understand what limits you, we can build it on the side. Does that make sense?

Ms. BECENTI. I think 105 has such amazing opportunity that, definitely for large capital builds such as total school replacement, that is a process, and it is one that we would love to look more into and explore, especially for schools, BIE schools and tribally-controlled schools.

Dr. GOSAR. Could I ask a favor of all four of you, I think we will have a bunch of questions in regards to this because I want to simplify the problem. I mean, we have money going everywhere, and we have no idea where it is going. We have no accountability whatsoever. You know, you talked about the COVID funding. We spent between \$4.8 and \$7 trillion and we don't have one receipt, not one.

Ms. BECENTI. Look up "tribally controlled schools." We even have printed hard receipts on paper, taped to paper.

Dr. GOSAR. See?

Ms. BECENTI. So just so you know.

[Laughter.]

Dr. GOSAR. Well, see, here is what I am going to give back to you. See, under the National Emergencies Act the Secretary of the Treasury is supposed to give that to us, OK? So we have nothing.

You may have it, and we still want that, I will tell you, because it is really going to come through. But I ask the Ranking Member, I don't think your appropriators know this, do you, the 105(l)?

Dr. DEXTER. Oh no, that was definitely one of the questions. That is a great—

Dr. GOSAR. Yes. So I would love to try to see if we could do that because if we could simplify it, streamline it, and put it in that fund, then we are going to get better accountability and everybody wins. OK?

Last but not least on consultation. The Federal Government tried to push consultation through this last quarter, or the quarter before, in September. They put out a proposal. They actually noticed that not only the Native Americans, but cities, towns, and counties were not getting due notices. OK? So we are all in this together, so I think we can work.

And in infrastructure processes, I think there are a lot of opportunities here, you know, because like in Arizona, to give you an example, water in northern Arizona. There is a perfect storm coming right now for the water in looking at a co-op. And I will tell you

what. You are talking about something, how to leverage? There you go. OK?

Last but not least, Mr. Velasquez, when I first ran I got to know Chairman Lupe. What a character. What a character. So thank you.

Yes? Yes, Ms. Fire Thunder, go ahead.

Ms. FIRE THUNDER. Mr. Gosar, I would be remiss if I did not share with you the disparity on my reservation.

Those four school systems get money differently. So one of the areas that we have really taken a hard look at, the four public schools on the Pine Ridge Reservation, get impact aid. Impact aid is a nice chunk of money that the four public schools get. So we could drive across my reservation and see the nice new buildings they are building, and they are able to use that money. And I may be wrong in making this assumption, but again, there is a guaranteed chunk of money coming to that public school on a year-to-year basis that could be used as collateral to borrow money to build new buildings.

You see, those are some of the things we are looking at, sir, to understand the disparity. And so our public schools on the reservation have some really, really nice buildings.

Dr. GOSAR. Yes.

Ms. FIRE THUNDER. And the rest of us are struggling and asking you for your help so we could repair and replace our buildings.

I just want you to also know our schools are talking and analyzing and looking at, we don't want to blame anybody, sir. We don't want them to lose any money. But the numbers show a great disparity. We don't have the collateral, we don't have the other financial support to build new schools. We are dependent on the U.S. Government.

And again, it is a treaty obligation, so I hope that we are able to share that with you. Thank you.

Dr. GOSAR. Well, the fact that you have to explain that so much to me, if I don't know it, some other people don't know it. So I think it would be very beneficial for us.

Well, thank you so very, very much. I sure learned a lot.

How about you?

Dr. DEXTER. Yes, absolutely. Thank you.

Dr. GOSAR. I thank the witnesses for their valuable testimony and the Members for their questions.

The members of the Committee may have some additional questions for the witnesses, and we will ask you to respond to those in writing. Under Committee Rule 3, members of the Committee must submit questions to the Subcommittee Clerk by 5 p.m. on Tuesday, February 18. The hearing record will be held open for 10 business days for these responses.

If there is no further business, we stand adjourned.

[Whereupon, at 4:35 p.m., the Subcommittee was adjourned.]