

**Statement  
of  
Lawrence S. Roberts  
Acting Assistant Secretary – Indian Affairs  
Department of the Interior  
Before the  
Committee on Indian Affairs  
United States Senate  
On  
S. 2468, the Safe Academic Facilities and Environments for Tribal Youth Act**

**April 6, 2016**

Good afternoon, Chairman Barrasso, Vice Chairman Tester, and members of the Committee. My name is Larry Roberts, and I am the Acting Assistant Secretary for Indian Affairs at the Department of the Interior (Department). I appreciate the opportunity to testify on behalf of the Department before this Committee on S. 2468, the Safe Academic Facilities and Environments for Tribal Youth Act, a bill to require the Secretary for the Department to carry out a five-year demonstration program to provide grants to eligible Indian tribes for the construction of tribal schools, and for other purposes. The Department supports S. 2468.

The Bureau of Indian Affairs provides funds for facility programs for 183 academic and resident-only facilities on 63 reservations in 23 states for approximately 48,000 students and two post-secondary institutions, the Haskell Indian Nations University, and the Southwest Indian Polytechnic Institute. Since 2001, the condition of BIA-funded schools has improved. In the last 10 years, Congress provided over \$2.5 billion for construction, repair, and maintenance to reduce the number of schools in “poor condition” by nearly 50 percent. The number of schools in poor condition went down from more than 120 in 2001 to 63 today. We were pleased to receive funding in FY 2016 to complete work on the last two schools on the 2004 replacement school priority list. While significant progress has been made in the correction of education facility deficiencies, the fact that 63 schools remain in poor condition is unacceptable.

S. 2468 proposes a demonstration program that would allow for tribal contributions to accelerate the construction of education facilities in the BIE system. While such facilities are a Federal responsibility, some tribes have chosen to use their own funds. Therefore, the Department supports S. 2468 as an option for tribes if they choose to contribute their own funds.

**S. 2468**

S. 2468 aims to improve Indian Country education-related facilities by directing the Secretary to establish a five-year demonstration program that would allow for tribal contributions to accelerate the construction of education facilities in the Bureau of Indian

Education system. S. 2468 also would amend the Tribally Controlled Colleges and Universities Assistance Act of 1978 to improve and expand federal grants for the construction of new postsecondary facilities. Additionally, S. 2468 would authorize the BIE to provide housing assistance to Native communities with BIE schools and public schools with large American Indian/Alaska Native populations. Finally, S. 2468 would require the BIE and the Office of Management and Budget to develop a 10-year plan to bring all BIE schools into “good condition” within the Facilities Condition Index, and would require the Government Accountability Office to conduct a study on the Impact Aid school-construction program administered by the Department of Education.

The Department understands that S. 2468 would establish a separate, and potentially duplicative, program from our current BIE construction program. This new program would be outside the BIA's current process for new school construction and outside the Indian Affairs' improvement and repairs program.

The Department supports the goal of improving the management of the education construction portfolio by developing a 10-year plan for school construction and repair. Implementation of that plan would be contingent upon future appropriations.

The Department understands that it may be difficult for any tribe to commit up to 25 percent of its own resources toward a BIE school, especially considering that the Federal Government would retain ownership. The Department further understands that many of those tribes that currently have BIE schools and BIE dormitories on their lands believe it is the Federal Government's sole responsibility to construct, replace, repair, and maintain all BIE schools.

The Department supports grants to Tribal Colleges and Universities (TCUs) but suggests that the bill also consider how Operation and Maintenance funding will be addressed after the buildings are constructed under the five-year demonstration program, and whether those buildings would become part of the BIE inventory that the Federal Government would be required, in the future, to replace. The Department recommends clarifying whether the new education facilities and teacher housing constructed under the demonstration program would be owned by the Tribe or the Federal Government so that it is clear which entity would be responsible for managing, maintaining, and eventually replacing the facilities.

Again, the Department supports S. 2468. The Department would like to work with the Committee to address our concerns. I am prepared to respond to any questions the Committee may have.