

Testimony Before the Senate Select Committee on Indian Affairs
Wednesday, June 10, 1998
Presented by The Honorable Thomas E. Atcitty, President
THE NAVAJO NATION

Good morning, Honorable Chairman Nighthorse Campbell and Honorable Members of the Committee. Thank you for your invitation to personally testify before this committee and to present the views of the Navajo Nation regarding the Department of Interior's Bureau of Indian Affairs School Construction.

Education is a very important issue with the Dine' of the Navajo Nation. The majority of our population is thirty years and younger. They are our treasures and our future. It is imperative that they begin a life-long journey in adequate, appropriate, safe, healthy and comfortable conditions. We realized, among with the rest of Indian America and America, in general, obtaining high quality education is essential for our children to survive and become full participants in society. The Navajo way places a high value on life-long learning, whether this is in the form of becoming an apprentice for a hataalii (medicine man) or taking responsibility to attain post-secondary education. Learning and attaining the highest standards of life is part of becoming a Navajo and taking one's place in Navajo society and in society at large.

I come before you today as President of the great Navajo Nation. Currently, the BIA operates and funds 185 schools across the Indian nations. Sixty (60) of the 185 schools are on the Navajo Nation comprising approximately 33

percent of all 131A program and with an enrollment of more than 14,408 Navajo youth (based on a 1994-95 Navajo study). These schools serve the communities in elementary and secondary day and boarding schools. Many of our young adults attend the main campus and branches of Dine' Colleges (formerly known as Navajo Community College). In the rural country of the Navajo Nation, the BIA schools are many of our youth's only source of education since many families live far from these schools. Although school buses take children to their nearest school, many children ride over fifty miles one way, with a number of stops made to pick up other students. By the time they get to their nearest school, the children begin their school day feeling tired and in some instances, hungry. If schools were built in areas where the population is more condensed, a better and enjoyable education would be experienced by them. New school construction is needed for our increasing youth population.

The Navajo Nation covers 25,000 square miles and with a population of over a quarter million people and growing, the Navajo Nation has great interest in the BIA schools since many of our children are served by them. At present, Seba Dalkai Boarding School is number nine on the BIA School Construction priority list but will be first to be considered to be funded in FY 1999. The physical condition of this school is an example of many schools on our reservation: abysmal. Classes are being taught in portable classrooms with leaking roofs, poor insulation to maintain consistent temperature during the

winter months, lack of proper air conditioning during the hot months of summer, poor or malfunctioning plumbing, power outages have safety and health code violations, and the list goes on. This is just one school on the Navajo Nation and reflect conditions of many other schools that are not up to par with non Indian schools in the United States. The Navajo Nation has a large construction and replacement need that may or will not be met for many years to come judging on current funding conditions.

REEVALUATION OF THE PRIORITY LIST SYSTEM

The Navajo Nation cannot see how one Indian Nation should be pitted against another. If we recommend that the priority listing should be based on population or land size alone, Navajo would have many schools on the list marked as priority. Yet we understand other Indian nation's needs for their children and their schools' conditions are no better than Navajo's. All school construction programs should provide for quality education within structurally sound and healthy school environment that would meet the American educational standards. We need to take a look at the total infrastructure that will meet the needs of the community including school facilities that offer safe and healthy environments. We could have the best school facilities, but to get the little bodies there, road improvements are needed. Poor road conditions contribute to school bus breakdowns. Where one school fails in providing a safe and healthy environment for life-long learning, then who ultimately pays? The United States. We will all pay by supporting more unqualified citizens in

a society that creates a need and a strain on the economy. Instead of strengthening the economy with an active and tax paying society contributing to the welfare of the nation, we will have a large group of individuals that have not been adequately educated in the best conditions as the rest of America. The results are continual less-tax paying citizens and more resources dedicated to taking care of what America did not properly prepare.

The Navajo Nation can only present the facts. The Navajo Nation needs to have its BIA schools updated, fixed, and with "brick and mortar," build schools to address the horrible dilapidated conditions in which we now find our children being taught in. This is our recommendation: let us together fix them. Fix them in accordance with such existing regulations as the BIA's Replacement School and Law Enforcement Construction. It is the United States government's responsibility and duty to allocate funds to address our schools. On April 21, 1998, the Honorable Senator Domenici stated in the Senate Interior Appropriations hearing that it is the United States' responsibility to provide education to the Indians since they cannot create bonds to raise money to build schools like non-Indian communities. The Senator stated, "If we [the United States government] do not build these schools, then who will?" Senator Domenici, along with the Honorable Senator Dorgan from North Dakota, both have concerns about the lack of funds allocated to address Indian education needs. The priority list at present is just

a tool. If the Administration does not take this list seriously by asking for funds to build these schools or if Congress does not allocate adequate funds, then the question of reevaluating this list is moot. Our schools do not get built. Whether a Navajo school is first, fifth or twelfth does not matter if the speed of funding these schools are not adequately appropriated. Time does not stand still nor does the weather beating down on what has become a shadow of the schools they were meant to be. Appropriations for our schools can be passed over or by being partially funded. How can you give a thirsty man two drops of water when he surely needs cups? School repairs are currently funded at 70 percent of need.

INNOVATIVE METHODS OF FINANCING INDIAN SCHOOLS FACILITIES

This question ties back into the first. The result of the Treaty between the Navajo Nation and the United States was our loyalty to the United States and giving up lands for non-Indian settlement. Article VI in the Treaty states that "the United States agrees, that, for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided ... etc." The results of our treaty have been kept. We continue to serve in the United States armed forces and we are federal tax paying citizens, and our lands are now a part of the United States. Yet the BIA schools in which to teach our young remain unfit and unhealthy. The BIA manages 3,729 buildings (excluding living quarters for teachers) in 26 states. Approximately

63 percent of the buildings were built more than 30 years ago and 26 percent of the buildings were built more than fifty years ago. You will find many such buildings on the Navajo Nation. This condition of the Treaty of June 1, 1868, with ratification on July 25, 1898, to educate our people has not been actively sought.

If there is one recommendation, it would be to set aside a large amount of funding around \$75 million and place this in trust so that Indian Nations could create bonds out of this to begin construction.

The Navajo Nation is interested in this question because providing for our education is a trust responsibility. We have continued to live by the agreements that day on June 1, 1868. One hundred and thirty years later, we proudly still have the United States flag flying over the Navajo Nation. We have kept our treaty agreements and we expect the United States to do the same.

We are concerned that finding innovative methods to finance Indian schools is the result of those Indian nations who have successful gaming operations.

Our congratulations to them. But let me state, on behalf of the Navajo Nation, that we are not a gaming Indian nation. The Navajo people have voted on gaming through two referendums, and each time the Navajo people voted against operating gaming. We see a time when we will be more self-

sufficient and we will reach this goal. But this , does not mean that our success eliminates nor relieves the United States of their trust responsibility. As long as the Navajo Nation abides by this treaty, we and the rest of the world expect and demand that the United States reciprocate.

FISCAL YEAR 1999 BUDGET FOR BIA SCHOOL CONSTRUCTION

The FY 1999 budget for BIA school construction is not enough. While \$25 million for replacement of school construction for *Seba Dalkai* is requested in the President's FY 99 Budget, \$152,054 million requested by the President is not enough if you see that this amount will not fund all the schools on the priority list, nor the rest of the BIA elementary and secondary schools and the tribally managed community colleges throughout the rest of Indian nations for basic upkeep.

The Navajo Nation estimates three school improvements at \$10.5 million to address safety, health code violations, handicapped accessibility, energy efficiency, etc, for *Aneth Boarding School, Chinle Boarding School and Huerfano Dormitory*. There is a need for Navajo area gas lines projects at \$650,000 for *Many Farms High School, Sanotee Day School and Hunter's Point Boarding School*.. Seven schools need re-roofing at a cost of \$1.8 million for *Wingate Elementary, Hunter's Point, Kaibeto Elementary,*

*Shiprock Boarding School, Many Farms, Torreon and Rough Rock
Demonstration School.*

Comparing the FY 97 appropriation for education Operation and Maintenance Program was at \$4.27 per square foot while the FY 98 request of \$4.11 per square foot, a reduction of 4.0 percent. We are concerned that this reduction trend may carry over to the current FY 99 appropriations.

The Navajo Nation has four initiatives for FY 2000. We want an improved automated system that is user friendly; separate operations budget from maintenance budget to improve accountability; establish Law Enforcement Operations & Management appropriation from Non-Education line item; and continue to improve on the Operation & Maintenance Funding Formula to ensure equitable funding levels.

Reviewing these amounts and past funding tenancies, the question arises, are these amounts enough to invest in school construction for Indian students? No group of people has been asked to do so, much with so little. When you compare the amount of funding per non-Indian student with an Indian student, you will see a great chasm between the two figures.

At least, \$3,000 is spent per Indian student compared to \$6,000 per non-Indian student. Either Indian students are severely underfunded or \$3,000 is over spent on non-Indian students. Senator Domenici again has made comment that \$3,000 spent on average per Indian student is perhaps a reason why Indian Nations have difficulty in raising their economic standards. The United States will spend and send billions of dollars on foreign aid but will ask and demand that the American Indian make sacrifices to educate our youth. In summary, the Navajo Nation has willingly signed the treaty between our two nations. We have proudly continued supplying our people to serve in the armed forces. We are tax-paying citizens of the United States and the states in which we live. Yet in 1998, with the focus on education by the President and Congress, we, the Navajo Nation are expected to teach our youth in school conditions that the rest of America would not even send to educate their children in. We still continue to sacrifice for the better of the United States, yet we are forgotten and insulted with the abysmal amounts to bandage our school facilities.

The Navajo Nation recommends that more funding be requested and appropriated to fix these horrid conditions. The Navajo Nation expects that the treaty and federal obligations be met and honored. Providing proper, appropriate and healthy education conditions is a small price to pay for one hundred and thirty years of peace and loyalty to the United States from the

Navajo people.

Thank you and I will be glad to answer any of your questions.