

United States Senate

WASHINGTON, DC 20510-2309

January 29, 2010

The Honorable Peter Orszag
Director
Office of Management and Budget
Eisenhower Executive Office Building
Washington, DC 20503

Dear Director Orszag:

As a member of the Senate Committee on Indian Affairs and the Health, Education, Labor and Pensions Committee, I would like to direct your attention to the lack of funding and transparency regarding Indian school construction at the Bureau of Indian Education (BIE).

The BIE, a federally-supported Indian education system, includes 29 tribal colleges, universities and postsecondary schools and 48,000 students in 184 K-12 schools.

Of the 184 schools funded by the BIE, over 80 of the schools are listed as "in need of major repairs or replacement." In 2001, the "Replacement School Construction List" was developed and 38 schools were included on that list. Since 2001, funding has been provided to complete 17 schools, less than half on the list. In 2005, Indian school construction received \$263.4 million, and this amount was instrumental in reducing the construction and repair backlog. Since fiscal year 2005, the funding levels have dramatically decreased for this critical program. The BIE's budget has historically been inadequate to meet the needs of Native Americans and, consequently, Indian school needs have multiplied.

For the schools waiting to be funded for construction, a lack of transparency and access to the priority construction and repair lists continues to be a problem. As a result, many of the schools do not know their status on the priority construction and repair lists. One example is the Bug-O-Nay-Ge-Shig School on the Leech Lake reservation in Minnesota. This school, which serves nearly 300 Native American students, is in dire need of repair, but has not been able to obtain any information about the school's status on BIE's lists.

Even schools at the top of the BIE lists have experienced significant funding delays. For example, the Circle of Life School on the White Earth reservation in Minnesota was informed that it was ranked as number six out of 14 schools on a BIE school replacement list in 2004. The school has yet to receive construction funding. While the school has followed the BIE's timeline for submitting its construction plans, the BIE has failed to follow its own timeline for responding to the school's plans. Moreover, the BIE has failed to respond to the school's inquiries regarding the status of its application.

The lack of transparency regarding the BIE's school construction lists and operations are unacceptable. I am therefore calling on the Office of Management and Budget to publish the "Bureau of Indian Affairs Schools in Need of Major Repairs and Replacement List," the "Replacement Construction List," the "Facilities Improvement and Repair List" and any related lists on the BIE website, and to update the lists periodically with status reports on each project.

Furthermore, the amount of funding for Indian construction over the past few years has failed to keep pace with the rate of inflation, once again exacerbating the hardships faced by Native American students. In addition, the funding that has been allocated over the past few years is insufficient to cover the construction and repairs needs of the many schools on the BIE's wait lists. For this reason, I also urge you to restore the FY 2005 levels for Indian school construction in your FY 2011 budget request so that significant progress can be made in reducing the construction backlog.

The purpose of funding Indian school construction is to provide Native American children with school environments that are safe, clean, and therefore conducive to learning. It is unfair to expect our students to succeed academically if we fail to provide them with a proper environment to achieve success. I am committed to improving the conditions of education facilities for BIE students and look forward to your assistance and attention to helping our country live up to its trust responsibility to Native Americans.

Sincerely,



Al Franken
United States Senator