

**STATEMENT
OF
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INDIAN AFFAIRS
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS
ON
INDIAN COUNTRY FACILITIES**

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Good morning, Mr. Chairman, Ms. Murkowski, and Members of the Committee. My name is Jack Rever. I am the Director of Facilities, Environmental, Safety, and Cultural Resources Management in the Bureau of Indian Affairs in the Department of the Interior. The Bureau owns or provides funding for a broad variety of buildings and other facilities across the nation. The Bureau's construction and maintenance program is a multifaceted operation challenged with meeting facility needs in the areas of Education, Public Safety and Justice, Dams and Irrigation Projects, and General Administration. I am here today to discuss the status of education and justice facilities in Indian Country.

Bureau-owned or funded education facilities serve 184 schools and dormitories that provide educational opportunities for approximately 44,000 students, including almost 1,600 resident only boarders. From 2002 through 2008, the Administration invested more than \$1.7 billion in the maintenance, repair and construction of education facilities across Indian Country.

The Bureau operates or funds detention and law enforcement facilities throughout Indian Country to support Bureau and Tribal law enforcement programs. There are currently 84 detention facilities across Indian Country. Of these, 38 are owned and operated by the Federal Government, five are owned by Tribes and operated by the Federal Government, and 41 are owned and operated by Tribes. Through its appropriations, the Department of Justice from FY 1997 to FY 2002 provided funds to Tribes on a cost sharing basis for major projects. This funding enabled various Tribes to build 21 detention facilities.

The construction program is responsible for correcting identified code and standard deficiencies at BIA facilities. In order to accomplish this, the BIA has established a Facilities Condition Index (FCI) to track and report the status of facilities. The FCI is a Government-wide performance measure to describe the condition of a facility or group of facilities. It is calculated by dividing the cost of correcting deferred maintenance work by the cost of replacing the facility at its current size and capacity.

The FCI is used to develop and revise the BIA Five-Year Deferred Maintenance and Construction Plan and monitor performance in maintaining assets. The plan provides the Bureau with a clear strategy for addressing facilities with the greatest need. Each fiscal year plan reflects the projects in priority ranking order based on critical health and safety requirements.

Education Construction

Over the past seven years, there has been significant progress in improving the condition of Bureau of Indian Education (BIE) schools. In 2001, 120 of the 184 schools and dormitories were rated as being in poor condition as measured by the FCI. When all of the construction work authorized by Congress through FY 2008 and proposed by the President for FY 2009 is complete, 50 schools will have improved to fair or good condition, for a total of 114 schools.

The BIA prioritizes education construction projects separately for replacement of an entire campus, replacement of separate facilities and projects to improve and repair buildings. Priority in each category is given to facilities with critical fire and life safety issues. The Replacement School Construction priority list was established in 2004 and included replacement of 14 schools. The Replacement Facilities Construction list is prioritized every year with a two year projection. Improvement and repair projects are prioritized annually.

In September 2003, the Inspector General found that BIA's process for forecasting future student enrollments was not adequate, resulting in new construction with excess space and unwarranted costs. As a result, BIA adopted an enrollment projection methodology in 2004 to right size school projects. This methodology uses the past ten year enrollment history to project future enrollments. The new methodology provides realistic assessment of the future enrollment for the BIE schools to prevent schools from being over- or underbuilt.

Indian Affairs has also taken steps to create consistency and efficiency in school design and construction. In 2005, the BIA revised the Space Guidelines that define the needs of the school based on academic curriculum and projected student enrollment and in 2006, Indian Affairs published the first architectural and engineering standards for design and construction that established common design elements for classrooms, cafeterias, gymnasiums, heating and cooling systems, and other operating systems. In addition, Indian Affairs adopted the U. S. Green Building Council's Leadership in Energy and Environmental Design (LEED) goals for energy efficient design. In fact, Indian Affairs schools were the first ones built in Arizona and New Mexico to achieve designation as LEED compliant schools, criteria now adopted by those states in their education construction programs.

Beginning in 2006, Indian Affairs adopted new procedures and methods of school construction programming. Indian Affairs started to plan and design projects in the two years prior to requesting funds for construction with the goal of beginning construction on major projects in the year of appropriation. This strategy has multiple benefits.

Projects that have completed planning and design are ready to begin when funds become available and projects that start on time minimize the impacts of inflation. The new procedures have already increased the annual obligation rate from 44 percent 87 percent thereby significantly reducing carryover.

Many of the school construction projects funded since 2001 have been delayed for a variety of reasons, which created a need for additional funding due to inflation. In 2007, Indian Affairs created a shortfall recovery plan to permit the construction of all school projects at their authorized scope of work as specified in the revised space guidelines. The plan proposed delaying the start of a few school construction projects and reprogramming project funding to address project shortfalls. We are pleased and grateful that the Fiscal Year 2008 appropriation bill authorized the execution of our shortfall recovery plan. We are even more pleased to report that the plan continues on schedule to eliminate the shortfall by the end of Fiscal Year 2008. We anticipate that we will achieve our mutual objective to build schools at scopes of work necessary to meet education objectives.

Public Safety and Justice Facility Construction

Recently, the BIA concluded a two year master planning effort to accomplish three objectives regarding the needs of justice systems in Indian Country:

1. Assess the condition and current operating standards of the Indian Country Justice System;
2. Prepare a comprehensive plan of justice facilities, including size, estimated construction cost, the estimated cost to operate the facilities including staffing and preferred location of justice system facilities; and
3. Establish standards of operation, design and organizational structure of the justice system.

The effort took two years as we visited 38 justice system facilities, including law enforcement, detention facilities and tribal courts, both tribally and federally owned and conducted telephone interviews with law enforcement and detention staffs of both Indian Affairs and tribal programs. Based on the demographic and facility information collected, BIA formulated a comprehensive solution to address justice system facility requirements in Indian Country. A draft Master Plan for justice facilities in Indian Country is under review, and the results will be provided to the Committee at a later date.

We will work with the Tribes, in consultation with the Department of Justice, to ensure that any future construction or renovation of justice system facilities meets the needs of the Tribes for an efficient and effective law enforcement, court, and incarceration program.

Mr. Chairman, thank you for the opportunity to appear before you today. I will be happy to answer any questions you may have.