

**TESTIMONY
OF
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U.S. DEPARTMENT OF THE INTERIOR
ON
INDIAN PROGRAMS ON THE GAO HIGH RISK LIST
BEFORE THE
COMMITTEE ON INDIAN AFFAIRS
U.S. SENATE**

MARCH 13, 2019

Good afternoon Chairman Hoeven, Vice Chairman Udall, and Members of the Committee. Thank you for the invitation to appear again on behalf of the Bureau of Indian Education (BIE) to discuss our ongoing work to address the high-risk designation from the Government Accountability Office (GAO) in the High Risk Report (GAO-17-317 High Risk Series). GAO's recently issued report, GAO-19-157SP, provides the updated status of the Department's efforts to address these recommendations.

Since the first High Risk hearing in 2017, the BIE has worked to address all outstanding recommendations, with nine of the thirteen overdue recommendations permanently closed. Additionally, the BIE has closed two separate recommendations from GAO-17-421, for a total of eleven recommendation closures. The BIE continues to work collaboratively with our GAO colleagues to address all remaining GAO recommendations, including those issued in 2017, to improve our services to Indian students. Such work has already proven effective as evidenced by our newly implemented Strategic Direction and comprehensive fiscal monitoring policy, both of which have substantially improved our managerial effectiveness and our ability to serve schools and Indian students.

As I previously testified, the BIE team views the GAO reports as a constructive tool to improve our agency and help the students we are committed to serve. As such, I will update you on headway made in the following areas:

1. GAO High Risk Status for BIE
2. GAO Recommendations: Status & BIE Next Steps

GAO High Risk Status for BIE

In February 2017, the GAO released its High Risk Report (GAO-17-317 High Risk Series) designating BIE as a high-risk agency. The GAO highlighted persistent weaknesses noted in previous reports that inhibit the agency from efficiently executing its mission to serve Indian students:

- Indian Affairs' (IA) oversight of school safety and construction, as well as how BIE monitors the way schools use Interior funds;
- The impact of limited workforce planning in several key areas related to BIE schools;
- The effects of aging BIE school facilities and equipment and how such facilities contribute to degraded and unsafe conditions for students and staff; and
- How the lack of internal controls and other weaknesses hinder IA's ability to collect complete and accurate information on the physical conditions of BIE schools.

BIE considers GAO recommendations a roadmap to establish and maintain comprehensive internal policies and procedures that support service delivery, ensure accountability, and provide organizational stability.

GAO Recommendations: Status & BIE Next Steps

Since I started as the Director, BIE has prioritized resources and critical personnel to refocus our efforts in addressing the longstanding, systemic issues outlined in GAO reports that will ultimately improve our ability to serve Indian students.

GAO-13-774—INDIAN AFFAIRS: Better Management and Accountability Needed to Improve Indian Education (September 2013).

GAO made five recommendations:

- I.) Develop and implement decision-making procedures, which are documented in management directives, administrative policies, or operating manuals;
- II.) Develop a communication strategy;
- III.) Appoint permanent members to the BIE-Education committee and meet on a quarterly basis;
- IV.) Draft and implement a strategic plan with stakeholder input; and
- V.) Revise the BIE strategic workforce plan.

BIE completed implementation of all but one recommendation in this report, recommendation five, including the BIE's first five-year Strategic Direction (Direction). The BIE designed the Direction to increase BIE's ability to improve its services to Indian students by organizing management activities, setting priorities, and ensuring efficient and effective utilization of staff and resources, while also working collaboratively with Tribes, school boards, employees, and other stakeholders. As BIE implements the Direction, it is providing quarterly updates online regarding progress and will institute a mid-cycle status update during Year Three of the implementation. As part of each yearly evaluation of milestones and actions, the BIE will notify Tribes, school boards, employees and other stakeholders about annual reporting to inform their feedback and gather input for the mid-cycle status update during Year Three.

Recommendation V – BIE purposefully delayed implementation of recommendation five until finalizing the Direction to ensure alignment of the two planning documents. Following publication of the Direction, the BIE initiated the collection and analysis of its available human resources data. BIE initially projected its completion date by this hearing. However, the recent shutdown delayed the completion date. We provided a first draft to our GAO colleagues to review and provide substantive edits on February 19, 2019. GAO provided us with their comments and feedback on March 4, 2019. We are now working to incorporate feedback into the final plan. We expect to complete this process in the coming weeks and look forward to formally closing this recommendation soon thereafter.

GAO-15-121—INDIAN AFFAIRS: Bureau of Indian Education Needs to Improve Oversight of School Spending (November 2014).

GAO made four recommendations:

- I.) Develop a comprehensive workforce plan;
- II.) Implement an information sharing procedure;
- III.) Draft a written procedure for making major program expenditures; and

IV.) Create a risk-based approach in managing BIE school expenditures.

As is the case with the previous GAO report, the BIE completed implementation of all but recommendation one. It is worth highlighting the recently published BIE High Risk Fiscal Oversight Policy and Handbook. For the first time, the BIE established a comprehensive fiscal monitoring protocol, which coordinates efforts and technical assistance to schools across the organization. As a result, GAO permanently closed recommendations two, three, and four.

Recommendation I – During the early stages of the current BIE reform, IA conducted an initial workforce study. Following BIE’s meetings with GAO on June 17, 2017 and August 16, 2017, GAO provided clarification regarding its expectations. As a result, the BIE’s strategic workforce plan referenced under GAO-13-774 will fully address recommendation five from GAO-13-774 as well as recommendation one from GAO-15-121. As such, the BIE plans to formally close this recommendation in the coming weeks.

GAO-16-313—INDIAN AFFAIRS: Key Actions Needed to Ensure Safety and Health at Indian School Facilities (March 2016)

GAO made four recommendations:

- I.) Ensure that all BIE schools are inspected as well as implement a plan to mitigate challenges;
- II.) Prioritize inspections at schools where facility conditions may pose a greater risk to students;
- III.) Develop a plan to build schools’ capacity to promptly address safety and health problems with facilities and improve the expertise of facility staff to maintain and repair school buildings; and
- IV.) Consistently monitor whether schools have established required safety committees.

BIE successfully implemented recommendations two and four, and GAO permanently closed the recommendations in early 2018. BIE and its IA partners continue its work implementing GAO’s two remaining recommendations contained in GAO-16-313.

Recommendations I and III – BIE is collaborating with partners from across IA to address its remaining safety-related GAO recommendations. Through an IA collaborative working group to address outstanding safety issues, BIE and IA administered safe school audits with a 100 percent completion rate in 2016, 2017, and 2018. We are on track to complete 100 percent of inspections in 2019 and are monitoring whether schools have established required safety committees.

Regarding 16-313 recommendation one, the IA Deputy Assistant Secretary – Management (DAS-M) has provided a closure package to GAO. GAO has communicated to DAS-M that it will monitor implementation of the submitted plan over the remainder of 2019 and will provide final closure by December 31, 2019. Regarding 16-313 recommendation three, DASM plans to submit a formal closure package to GAO by March 29, 2019.

We are also working to ensure that employee performance standards regarding inspections are consistently incorporated into the appraisal plans of personnel with safety program responsibilities. Personnel are on schedule to require safety inspectors to formally document when inspection reports are delivered to schools as well as establish a process to routinely monitor the timeliness of such reports. Further, BIE staff and its IA partners drafted and recently implemented the “*Indian Affairs Safety Health and Accessibility Inspection/Evaluation Guidelines*”, which will comprehensively address many of GAO’s safety-related recommendations outlined in subsequent GAO reports released in 2017.

Conclusion

Chairman Hoeven, Vice Chairman Udall, and Members of the Committee, thank you for the opportunity to present testimony today and provide the Committee an update regarding our work with GAO. Work remains, but BIE continues to make progress and is committed to addressing all GAO recommendations to improve services to our students. Thank you for your time, and I would be honored to answer any questions you may have.