



National Congress of American Indians | 1516 P St NW, Washington, DC 20005 | (202) 466-7767 | www.ncai.org

**U.S. Senate Committee on Indian Affairs**  
**Oversight Hearing to “Examine Native Communities’ Priorities for the 119th Congress”**  
**February 12, 2025**

**Written Testimony of President Mark Macarro**  
**National Congress of American Indians**

On behalf of the National Congress of American Indians (NCAI), thank you for holding this hearing to address tribal priorities for the 119th Congress. I am Mark Macarro, Chairman of the Pechanga Band of Indians and President of the National Congress of American Indians (NCAI).

In 1944, tribal leaders gathered in response to federal policies that sought to terminate the legal trust relationship once and for all. Our forbears organized on the principles of dialogue and consensus, and we continue those practices today as the oldest and largest representative organization serving the broad interests of Tribal Nations and communities. We continue their work to preserve the treaty and sovereign rights of Tribal Nations, advance the government-to-government relationship, and remove structural impediments to tribal self-determination.

NCAI is honored and grateful to testify in front of the 119th Congress, and wishes to highlight the following policy priorities:

**I. Appropriations**

The promises made by the U.S. Government in treaties and agreements with Tribal Nations are today known as part of a trust responsibility that your forbears assumed. It is a sacred responsibility to ensure that these promises are kept. Last month, the U.S. Government threatened to stop payment on its promises, forgetting this responsibility and forgetting that millions of dollars are administered in Indian Country by Indian Country, because Tribal Nations are parties to self-governance compacts and contracts. We ask you not to take lightly actions that break your sacred trust, and to deliver on the promises of protections that have been guaranteed to us in these very halls.

We see the proposed Budget of the U.S. Government for FY 2025, and note with appreciation that it includes requests for mandatory funding of Indian Health Services (IHS) and Department of Interior (DOI) to promote permanency and stability in self-governance. We likewise see and appreciate the investments under the Bipartisan Law and the Inflation Reduction Act,

**EXECUTIVE COMMITTEE**

**PRESIDENT**  
Mark Macarro  
*Pechanga Band of Indians*

**1ST VICE PRESIDENT**  
Brian Weeden  
*Mashpee Wampanoag*

**RECORDING SECRETARY**  
Nickolaus D. Lewis  
*Lummi Nation*

**TREASURER**  
David Woerz  
*Chickasaw Nation*

**REGIONAL VICE PRESIDENTS**

**ALASKA**  
Brian Ridley  
*Native Village of Eagle*

**EASTERN OKLAHOMA**  
Joe Deere  
*Cherokee Nation*

**GREAT PLAINS**  
Ryman LeBeau  
*Cheyenne River Sioux Tribe*

**MIDWEST**  
Leonard Fineday  
*Minnesota Chippewa Tribe*  
*Leech Lake Band*

**NORTHEAST**  
Lance Gumbs  
*Shinnecock Indian Nation*

**NORTHWEST**  
Leonard Forsman  
*Suquamish Tribe*

**PACIFIC**  
Leo Sisco  
*Santa Rosa Rancheria*  
*Tachi Yokut Nation*

**ROCKY MOUNTAIN**  
Jennifer Finley  
*Confederated Salish & Kootenai Tribes*

**SOUTHEAST**  
Reggie Tupponce  
*Upper Mattaponi Indian Tribe*

**SOUTHERN PLAINS**  
Reggie Wassana  
*Cheyenne and Arapaho Tribes of Oklahoma*

**SOUTHWEST**  
Raymond Aguilar  
*Pueblo of Santo Domingo*

**WESTERN**  
Randi Lone Eagle  
*Summit Lake Paiute Tribe*

**EXECUTIVE DIRECTOR**  
Larry Wright, Jr.  
*Ponca Tribe of Nebraska*



National Congress of American Indians | 1516 P St NW, Washington, DC 20005 | (202) 466-7767 | www.ncai.org

and ask that you keep in mind the benefits of these and similar programs as we proceed with our testimony.

### **A. Indian Health Service—Expand and Sustain IHS Advance Appropriations**

In a historic first, the FY 2023 Omnibus provided an advance appropriation for the Indian Health Service. Enactment of Advance Appropriations for the IHS marked a paradigm shift in the nation-to-nation relationship between Tribal Nations and the United States. Prior to that enactment, IHS was the only federal provider of health care that was on the regular, annual discretionary appropriations process. Until the entirety of the IHS budget is provided mandatory direct appropriations, it is critical that Congress continue advance appropriations. Advance appropriations for the IHS are consistent with the trust and treaty obligations reaffirmed by the United States in the Indian Health Care Improvement Act. Until all IHS spending is mandatory, including funding for full and adequate staffing, NCAI is supportive of the Workgroup in its request for expanding IHS advance appropriations to every account in the IHS discretionary budget. This includes items such as increases from year-to-year that adjust for inflation, population growth, and the Indian Health Care Improvement Fund. The IHS need-based funding cost estimate for FY 2026 is approximately \$60.04 billion.<sup>1</sup>

Both IHS and Tribal Nations have the collaborative tools to produce reliable advance appropriation requests and implement full year advance appropriations. For this appropriations cycle, Tribal Nations will have already provided official input on the FY 2027 budget to IHS. This budget will be presented to the Department of Health and Human Services this year.

### **B. Department of the Interior—Bureau of Indian Affairs (BIA)**

The BIA is the primary agency responsible for providing services throughout Indian Country, either directly or through compacts or contracts with Tribal Nations. The robust operation of these programs and services remain essential for the health, safety, and social and economic well-being of Tribal Nations and surrounding communities. Unfortunately, chronic underfunding and understaffing of tribal programs perpetuates systemic issues such as generational poverty in Indian Country that could be reduced or eliminated by funding tribal programs in amounts that sincerely meet the federal government's treaty and trust obligations to Tribal Nations.

As with IHS, spending for Indian Affairs programs should be mandatory spending with a form of automatic annual adjustment to account for inflation and changes in jurisdiction

---

<sup>1</sup> Workgroup publications available at: <https://www.nihb.org/category/government-affairs/indian-health-service-ihs-budget/>, accessed on: February 10, 2025.



National Congress of American Indians | 1516 P St NW, Washington, DC 20005 | (202) 466-7767 | www.ncai.org

or eligibility as identified by datasets mutually agreed upon by Tribal Nations and the federal government. Additionally, inclusion of certain mandatory account payments under discretionary spending caps, such as Contract Support Costs and Payments for Tribal Leases, has resulted in a net drag on the amount of funding provided for tribal programs. This fails to fulfill treaty and trust obligations to Tribal Nations. Moving federal spending for these obligations to mandatory spending will better match the legal obligations of providing such funds and fix the unintended effects that mandatory obligations through discretionary spending can have on other discretionary spending (such as lapses in funding via continuing resolutions). In recent years the growth of Contract Support Costs and Payments for Tribal Leases is evidence of how successful these programs are for Tribal Nations, but under the current discretionary spending they must compete with the other discretionary spending accounts within Indian Affairs.

NCAI recommends \$27.1 billion for Indian Affairs programs in FY 2026, consistent with the official FY 2026 recommendation of the Tribal/Interior Budget Council (TIBC).<sup>2</sup> Within TIBC's FY 2026 recommendations are robust increases for all base-funded programs, and additional funding to address public safety and justice in tribal communities. Please keep in mind that such increases have a ripple effect that also benefit the economic and social wellbeing of our citizens and all those who visit or do business in our communities.

### **C. Environmental Protection Agency (EPA)**

As place-based Peoples, Tribal Nations have sacred histories and maintain cultural practices that tie them to their current land bases and ancestral territories. As a result, tribal Peoples directly, and often disproportionately, suffer from the impacts of environmental degradation.

50 years after the passage of the Clean Water Act, 52 of 84 eligible Tribal Nations have EPA-approved water quality standards,<sup>3</sup> which are a cornerstone of the Clean Water Act. Given the disparate access of tribal communities to safe, clean water, NCAI recommends a five percent tribal set-aside for each of the National Safe Drinking Water State Revolving Fund (DWSRF) and the National Clean Water Act State Revolving Fund (SRF).

Additionally, NCAI recommends \$145 million be appropriated for the EPA Tribal General Assistance Program and \$30 million for the Tribal Air Quality Management Program.

---

<sup>2</sup> TIBC Tribal Representatives' FY 2026 Budget Submission to the Department of the Interior, April 9, 2024, accessed at: <https://cdn.sanity.io/files/raa5sn1v/production/9c4e1e12d80bfbcd11d349b24dd86ecf1a89ee23.pdf>

<sup>3</sup> Environmental Protection Agency, *EPA Actions on Tribal Water Quality Standards and Contacts*, <https://www.epa.gov/wqs-tech/epa-actions-tribal-water-quality-standards-and-contacts>, accessed February 10, 2025 .



National Congress of American Indians | 1516 P St NW, Washington, DC 20005 | (202) 466-7767 | www.ncai.org

## **D. Reclassify Contract Support Costs and 105 (I) Tribal Leases as Mandatory Spending**

NCAI, the National Tribal Budget Formulation Workgroup (Workgroup), and the Tribal Interior Budget Council (TIBC) request such sums as may be necessary to fully fund statutory and legally obligated Contract Support Costs (CSC). We hold the position that contract support costs should be provided through mandatory spending. This must be done as an interim step until the full IHS and Bureau of Indian Affairs (BIA) budgets are moved to mandatory funding. IHS and the BIA provided estimated contract support costs for FY2026 to the Workgroup and TIBC at \$1.07 billion for IHS and over \$421 million for the BIA. Within the IHS, approximately 60 percent of the budget is operated by Tribal Nations under the authority of the Indian Self-Determination and Education Assistance Act (ISDEAA).

The Act allows Tribal Nations to assume the administration of programs, services, functions, and activities previously carried out by the federal government. The IHS and BIA transfer operational costs for administering programs to Tribal Nations through the “Secretarial amount,” which is the amount IHS and BIA would otherwise have spent to administer the programs. In other words, the U.S. Government has contracted with Tribal Nations to fulfill the duties of its trust obligation to those Nations; this is a workable system that delivers superior services and it must be defended against cuts and funding freezes. In addition, Tribal Nations are authorized to receive an amount for contract support costs that meets the statutory definition and criteria. If IHS and BIA’s budgets continue to be funded through annual discretionary appropriations, NCAI, the Workgroup, and TIBC support that the appropriation continue in such sums as may be necessary, due to the mandatory nature of these contract support costs obligations.

The ISDEAA also authorizes IHS and BIA to enter a lease for a facility upon the request of a Tribal Nation or tribal organization for the administration or delivery of programs, services, and other activities under the Act. Lease requests have increased rapidly as the usage of the program authority has expanded; many of the Tribal Nations have increasingly entered into 105 (I) lease agreements as an immediate solution to the ongoing issue of insufficient funding for maintaining, repairing, and reconstructing facilities.

However, including accounts such as contract support costs and 105 (I) leases that are mandatory in nature under discretionary spending caps has led to a decrease in the amount of funding provided for other tribal programs. This carries a negative impact on the federal government's capacity to fulfill its commitments to Tribal Nations. Tribal Nations fully support requests that all the IHS and BIA budgets be provided as mandatory spending, but that contract support costs and payments for 105 (I) Tribal Leases be immediately reclassified as mandatory.



National Congress of American Indians | 1516 P St NW, Washington, DC 20005 | (202) 466-7767 | www.ncai.org

The CSC & 105 (l) leases within the BIA have increased from 9 percent in FY2015 to 18 percent in the FY2025 President's Budget Request. The BIA's 105(l) lease program received a 53 percent increase in the FY2024 enacted budget. In FY2019, there were a total of 2, 105 (l) leases and by FY2023, the number of 105 (l) lease renewals and requests increased to 562.

Given current 105 (l) lease program trends in IHS and BIA, Tribal Nations have concerns that 105(l) costs could have a detrimental impact on overall increases for IHS and BIA, including funds for patient care and trust services. It is with this in mind that the IHS Workgroup and Tribal Interior Budget Council (TIBC) continues to urge that all the IHS and Bureau of Indian Affairs budgets be classified as mandatory spending. Furthermore, they strongly urge that contract support costs and payments for 105(l) be immediately transitioned to mandatory spending. These national tribal advisory groups urge this immediate action to ensure that spending for IHS and BIA under discretionary caps can prioritize addressing Indian Country inequities made worse by inadequate budgets.

#### **E. Hold Harmless for DOI - Indian Affairs, IHS and Other Programs for the Benefit of Tribal Nations**

The DOI-Indian Affairs and IHS budgets represent only a small portion of overall Congressional spending compared to the national budget. While spending cuts or other budget control measures, such as discretionary spending caps, may severely affect tribal programs, they would have minimal impact on total federal spending. If Congress considers funding reductions in FY 2026, it is crucial that the DOI-Indian Affairs, IHS, and other programs benefiting Tribal Nations be protected from cuts.

### **II. Public Safety and Justice**

#### **A. Funding for Safer Communities**

Among the essential components of the federal government's treaty and trust responsibilities to Tribal Nations is the obligation to protect public safety on tribal lands. Congress has long acknowledged this obligation, which Congress reaffirmed in the Tribal Law and Order Act (TLOA) expressly "acknowledging the federal nexus and distinct federal responsibility to address and prevent crime in Indian Country."<sup>4</sup>

In March of 2024, the Bureau of Indian Affairs - Office of Justice Services released its 2021 *Report to the Congress on Spending, Staffing, and Estimated Funding Costs for*

---

<sup>4</sup> Tribal Law and Order Act, 34 U.S.C. § 10381(j).





National Congress of American Indians | 1516 P St NW, Washington, DC 20005 | (202) 466-7767 | [www.ncai.org](http://www.ncai.org)

*Public Safety and Justice Programs in Indian Country.*<sup>5</sup> The report fulfills the Bureau of Indian Affairs (BIA) reporting requirements within the Tribal Law and Order Act of 2010 by documenting the existing and needed spending, staffing, and estimated costs for BIA-funded Public Safety and Justice Programs in Indian Country. The 2018 report identified that public safety and justice in Indian Country was funded at a mere 14 percent of need (a \$2.33 billion shortfall). According to the 2021 estimates, this has fallen further to 12 percent (a \$3.06 billion shortfall). The \$3.06 billion dollar shortfall equates to approximately 25,655 additional personnel required to adequately serve Indian country.

This inadequate funding for tribal criminal justice and public safety has resulted in staggering rates of violent crime and victimization on many Indian reservations. Congress acknowledges that a longstanding public safety crisis in America has contributed to an ever-growing drug crisis and specifically to a public safety and law enforcement emergency in Indian Country.<sup>6</sup>

A Department of Justice (DOJ) study found that more than four in five American Indian and Alaska Native (AI/AN) adults have experienced some form of violence in their lifetime.<sup>7</sup> Among AI/AN women, 55.5 percent have experienced physical violence by intimate partners in their lifetime, and 56.1 percent have experienced sexual violence.<sup>8</sup> NCAI appreciates Congress' enactment of the Violence Against Women Act (VAWA) Reauthorization Act of 2022, which has helped address violent crime in Indian Country, reinstating Tribal Nations' authority to address crime in their communities and providing resources to make up for lost time. Going forward, robust funding for these VAWA-related programs and tribal police departments and justice systems is absolutely essential to improve public safety on the ground in tribal communities.

Because BIA base funding is so inadequate, Tribal Nations often seek short-term, competitive grants to try to make up a portion of the shortfall. This is especially true with regard to funding for justice systems, such as tribal courts, which are even more severely underfunded than policing and detention. Between 2021 and 2024 the DOJ awarded an average of \$84.3 million through its Coordinated Tribal Assistance Solicitation (CTAS)

---

<sup>5</sup> U.S. Dep't of the Interior, Bureau of Indian Affairs, Office of Justice Serv., Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2021 (Feb. 2024), [https://www.bia.gov/sites/default/files/media\\_document/2021\\_tloa\\_report\\_final\\_508\\_compliant.pdf](https://www.bia.gov/sites/default/files/media_document/2021_tloa_report_final_508_compliant.pdf)

<sup>6</sup> The United States Senate Committee on Indian Affairs. (2009, June 9). Senate Indian Affairs Committee to conduct hearing on law and order in Indian Country - Indian Affairs Committee. Indian Affairs Committee. <https://www.indian.senate.gov/newsroom/press-release/democratic/senate-indian-affairs-committee-conduct-hearing-law-and-order-indian-country/>

<sup>7</sup> U.S. Department of Justice, *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey*, 2, (2016), <https://www.ncjrs.gov/pdffiles1/nij/249736.pdf>.

<sup>8</sup> *Ibid.*



National Congress of American Indians | 1516 P St NW, Washington, DC 20005 | (202) 466-7767 | [www.ncai.org](http://www.ncai.org)

grant program to Tribal Nations.<sup>9</sup> While this funding remains as a critical resource to tribal governments it still falls dramatically short of the estimated need identified in the 2021 OJS report to Congress stated above.

In 2018, the U.S. Commission on Civil Rights (USCCR) found that there continues to be “systematic underfunding of tribal law enforcement and criminal justice systems, as well as structural barriers in the funding and operation of criminal justice systems in Indian Country” that undermine public safety. Tribal justice systems must have resources so they can protect women, children, and families, address substance abuse, rehabilitate first-time offenders, and put serious criminals behind bars - no matter where those criminals are from. Well-functioning criminal justice systems, basic police protection, and services for victims are fundamental priorities of any government and Tribal Nations are no different.

## **B. Criminal Jurisdiction**

The public safety crisis confronting Indian Country is not a result of happenstance, but rather the outcome of a series of jurisdictional challenges created by regulations, statutes, and the Supreme Court over the past century and a half. Together, this legal framework puts lives at risk because it prevents Tribal Nations from effectively policing, arresting, trying, and sentencing bad actors and dangerous criminals.

Congress should work to remove as many barriers as possible from Tribal Nation law enforcement officers and justice systems. Allowing Tribal Nations to fully take the actions necessary to ensure the public’s safety is a cost-effective tactic to reduce crime in America while respecting and strengthening tribal sovereignty.

## **III. Infrastructure**

### **A. Housing**

Housing infrastructure in Indian Country continues to lag behind the rest of the United States.<sup>10</sup> In what is still the most comprehensive review of housing needs within Tribal Nations, over 70 percent of existing housing stock in tribal communities is in need of upgrades and repairs, many of them extensive.<sup>11</sup> In 2017, the U.S. Department of Housing and Urban Development (HUD) reported that “the lack of housing and infrastructure in

---

<sup>9</sup> “Coordinated Tribal Assistance Solicitation (CTAS) Awards,” (October 2024), <https://www.justice.gov/tribal/awards>.

<sup>10</sup> U.S. Department of Housing and Urban Development Office of Public and Indian Housing, Native American Programs, FY25 Congressional Justifications 13-2, (2024) [https://web.archive.org/web/20240930155324/https://www.hud.gov/sites/dfiles/CFO/documents/2025\\_CJ\\_Program\\_-\\_Native\\_American\\_Programs.pdf](https://web.archive.org/web/20240930155324/https://www.hud.gov/sites/dfiles/CFO/documents/2025_CJ_Program_-_Native_American_Programs.pdf), last accessed February 10, 2025.

<sup>11</sup> U.S. Department of Housing and Urban Development, Fiscal Year 2017 Congressional Justifications, 11-12, (2016), [https://web.archive.org/web/20241225104440/https://www.hud.gov/sites/documents/FY\\_2017\\_CJS\\_COMBINED.PDF](https://web.archive.org/web/20241225104440/https://www.hud.gov/sites/documents/FY_2017_CJS_COMBINED.PDF), last accessed February 10, 2025.



National Congress of American Indians | 1516 P St NW, Washington, DC 20005 | (202) 466-7767 | www.ncai.org

Indian Country is severe and widespread, and far exceeds the funding currently provided to tribes.”<sup>12</sup>

The lack of affordable housing contributes to homelessness and overcrowding. Tribal communities experience overcrowded homes at a rate of 16 percent, roughly eight times the national average.<sup>13</sup> HUD research also shows that such overcrowding has a negative effect on family health and contributes to the ongoing problems of domestic violence and poor school performance in Indian Country.<sup>14</sup> Funding new construction across the board will help alleviate issues of overcrowding, but Tribal Nations find that they must spend an ever larger portion of Federal dollars (and their own matched funding) on trying to maintain and operate existing stock instead of expanding to meet needs.<sup>15</sup> In addition to the historic funding shortfalls, the location of many tribal communities increases the material and labor costs of home construction and impose additional housing development costs upon communities already confronting enormous economic challenges.<sup>16</sup> Building materials must often be brought into tribal communities from miles away over substandard roads or even by air, and the availability of “qualified and affordable contractors” is limited.<sup>17</sup> Given these extensive funding needs, it is critical that Congress (1) support the reauthorization of NAHASDA; (2) permanently reauthorize the Tribal HUD-VASH Program; and (3) introduce and pass legislation that aims to increase homeownership rates in Indian Country.

### **1. Support for the reauthorization of the Native American Housing and Self-Determination Act of 1996 (NAHASDA).**

The Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) is intended to help bridge the gap in housing needs in Native communities and allow Tribal Nations to exercise self-determination at the local level. Annual funding for the Native American Housing Block Grant (NAHBG, also known as “Indian Housing Block Grants” or IHBG) – the key source of funding under NAHASDA – has remained flat at around \$650 million since FY 2010 while housing needs continue to grow.

---

<sup>12</sup> Broken Promises Report, at 137, (2018), <https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf>.

<sup>13</sup> U.S. Department of Housing and Urban Development, *Housing Needs of American Indians and Alaska Natives in Tribal Areas: A Report From the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs*, (2017), <https://www.huduser.gov/portal/sites/default/files/pdf/HNAIHousingNeeds.pdf>.

<sup>14</sup> Department of Housing and Urban Development (HUD), *Fiscal Year 2017 Congressional Justifications*, 11-4, [https://web.archive.org/web/20241225104440/https://www.hud.gov/sites/documents/FY\\_2017\\_CJS\\_COMBINED.PDF](https://web.archive.org/web/20241225104440/https://www.hud.gov/sites/documents/FY_2017_CJS_COMBINED.PDF).

<sup>15</sup> U.S. Department of Housing and Urban Development Office of Public and Indian Housing, *Native American Programs, FY25 Congressional Justifications 13-3*, (2024) [https://web.archive.org/web/20240930155324/https://www.hud.gov/sites/dfiles/CFO/documents/2025\\_CJ\\_Program\\_-\\_Native\\_American\\_Programs.pdf](https://web.archive.org/web/20240930155324/https://www.hud.gov/sites/dfiles/CFO/documents/2025_CJ_Program_-_Native_American_Programs.pdf), last accessed February 10, 2025.

<sup>16</sup> Broken Promises Report, at 138, (2018), <https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf>.

<sup>17</sup> *Ibid.*





National Congress of American Indians | 1516 P St NW, Washington, DC 20005 | (202) 466-7767 | www.ncai.org

NAHASDA expired on September 30, 2013. Since 2013, NAHASDA reauthorization legislation has been introduced and has been reviewed to some degree in each Congress leading up to the 119th Congress, but unfortunately none of those bills were ever signed into law. NAHASDA was created to offer flexibility in tribal housing planning, execution of funds, and the administration of individual housing programs. Under NAHASDA, Indian tribes and tribally designated housing entities (TDHEs) can conduct new construction, rehabilitation, and acquire affordable housing, as well as provide infrastructure updates and various support services. The Indian Housing Block Grant funds can also be used for certain types of community facilities. Since its creation, almost 41,500 affordable homes have been built or acquired and an additional 105,000 affordable homes have been restored on tribal lands and in Alaska Native communities.

Reauthorization provides more certainty for future appropriations and better assists TDHEs in developing successful housing options. We strongly urge you to make your support known to other members of Congress. We must work together to uphold tribal sovereignty and self-determination.

NAHASDA authorizes housing programs such as the IHBG and the Indian Community Development Block Grant, which enables Tribal Nations and their housing authorities to design and implement their own housing, community development, and infrastructure programs. This authorization has resulted in the construction of tens of thousands of housing units in Indian Country. As it rests on tribal decision-making, NAHASDA has also resulted in an increase in tribal capacity to address housing and other needs. It is most important that this Congress enact robust increases in Native American Programs at HUD.

## **2. Rollback burdensome Build America, Buy America (BABA) requirements for tribal housing projects.**

The Build America, Buy America Act (BABA) establishes a domestic content procurement preference - the "Buy America Preference" (BAP) – which mandates that products purchased for infrastructure projects funded by federal grants must be produced in the United States. This legislation was enacted on November 15, 2021, as part of the Infrastructure Investment and Jobs Act. Tribal Nations and TDHE's have voiced concerns with BAP and the implications concerning cost increases, prolonged project timelines, and costly and onerous compliance burdens. BABA is a bureaucratic unfunded mandate which undoes the recent funding increases for NAHASDA programs that took a whole generation to achieve.

HUD's updated guidance on the Build America, Buy America Act (BABA) includes waivers and exceptions, such as the "De Minimis" waiver, which allows for a portion of project costs to be exempt from BABA requirements. Even so, many projects will still



National Congress of American Indians | 1516 P St NW, Washington, DC 20005 | (202) 466-7767 | www.ncai.org

face significant cost increases due to the need to source materials domestically, which are more expensive and less readily available, especially in rural and remote areas.

#### **IV. Farm Bill**

Agriculture is a major economic, employment, and nutrition sector in Indian Country. According to the 2022 Census of Agriculture, nearly 60,000 American Indian or Alaska Native (AI/AN) producers<sup>18</sup> on more than 55 million acres for the production of crops, livestock, or both.<sup>19</sup> These farms and ranches sold over \$3.8 billion of agricultural products. Agriculture remains the second leading employer in Indian Country and is the backbone of the economy for many Tribal Nations.

NCAI is a founding and executive committee member of the Native Farm Bill Coalition, along with the Intertribal Agriculture Council, the Shakopee Mdewakanton Sioux Community, and the Indigenous Food and Agriculture Initiative. NCAI fully supports the Native Farm Bill Coalition, who will also be testifying, and we want to emphasize the need for more opportunities for self-governance, co-management, funding flexibility, and direct management and implementation of programs.

The nutrition title is of particularly high importance to Indian Country. With 24 percent of AI/AN households receiving Supplemental Nutrition Assistance Program (SNAP) benefits, 276 Tribal Nations administering the Food Distribution Program on Indian Reservations (FDPIR), 68 percent of AI/AN children qualifying for free and reduced price lunches, and American Indians and Alaska Natives making up more than 12 percent of the participants in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), the importance of food assistance in Indian Country cannot be overstated. Any cuts to SNAP, FDPIR, WIC, or school lunch programs directly diminish the food available to Native children, pregnant women, elders, and veterans—who in some cases rely on these programs as their only source of meals.

Additionally, food assistance programs like FDPIR must be provided the means and support to purchase traditional, locally grown food in their food packages. Traditional and locally grown foods from Native American farmers, ranchers, and producers promote healthy living, cultural sustainability, and a revival of traditional practices, all while fostering economic development. NCAI urges Congress to promote the expansion and permanent establishment of the Food Distribution Program on Indian Reservations (FDPIR), grant tribal eligibility to administer the Supplemental Nutrition Assistance Program (SNAP), and allow the dual use of both SNAP and FDPIR. To realize many of

---

<sup>18</sup> United States Department of Agriculture, 2022 Census of Agriculture, Table 52 (2024), [https://www.nass.usda.gov/Publications/AgCensus/2022/Full\\_Report/Volume\\_1,\\_Chapter\\_1\\_US/usv1.pdf](https://www.nass.usda.gov/Publications/AgCensus/2022/Full_Report/Volume_1,_Chapter_1_US/usv1.pdf)

<sup>19</sup> USDA, 2022 Census of Agriculture, Table 61.



National Congress of American Indians | 1516 P St NW, Washington, DC 20005 | (202) 466-7767 | [www.ncai.org](http://www.ncai.org)

these priorities there needs to be an expansion of 638 authority under the Indian Self-Determination and Education Assistance Act (ISDEAA) broadly across the Department of Agriculture (USDA) and its programs, as well as the reduction and elimination of match requirements.

### **Conclusion**

NCAI appreciates the opportunity to present Indian Country's priorities for the 119th Congress to the Committee. We look forward to working with the Indian Affairs Committee and its members during this Congress to advance the interests of Tribal Nations in accordance with the federal trust responsibility.