



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #SD-15-069

### **TITLE: To Increase the Funding level of the BIA Roads Maintenance Program and to Address the Cost of Current and Deferred BIA Road Maintenance within the Department of Interior**

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**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, long term inadequate maintenance funding for the Indian Reservation roads (IRR) program, the Tribal Transportation Program, has resulted in a national problem of dilapidated Indian roads, as a result a growing number of “crumbling” roadways exist, including an escalating back log of reconstruct and pave road projects, resulting in a national highway safety problem that continues to detrimentally impact human lives on Indian Reservations; and

**WHEREAS**, substantial investments made in new road construction, and the life of an improved road, are severely diminished by a failure to properly maintain, and inadequate funding of maintenance linked to the IRR Roads system has been long recognized, and recent regulatory program changes to provide alternative maintenance funding opportunities, has not been adequately studied nor reported to Tribal leaders to determine its successes or failures; and

**WHEREAS**, the MAP-21 authorized the Secretary of Transportation to use \$500,000 or 25% of Tribal Transportation Program (TTP) shares, whichever is greater, for road maintenance needs and the Bureau of Indian Affairs (BIA) retains “primary responsibility” for TTP maintenance programs through Department of Interior appropriations, and there has been no federal reporting to Tribal leadership as to how this program is working; and

**WHEREAS**, the Department of Interior BIA roads maintenance program has responsibilities for assurance of preservation of roads systems and protection of trust assets although the funding level for Interior appropriations has been flat-lined for over 40 years and remains at an annual level of \$25-26 million and is critically underfunded; and

**WHEREAS**, current negative situation regarding levels of funding for TTP roads, the critical importance of road maintenance to increase adequate levels of funding, to provide for and improved infrastructure and reduced highway fatalities are key critical issues that requires immediate and subsequent action; and

**WHEREAS**, the Resolution #SAC-12-040 was adopted at the 2012 Annual Session of the NCAI that “urges Congress to provide increased funding to support the maintenance needs of Tribal and BIA roads” and “urges Congress to allocate sufficient resources to road maintenance on Indian lands in general,” and this policy resolution has not been effective in making the necessary changes by Congress, other federal agencies and the Department of the Interior, and requires update and replacement with a clearly stated financial need to meet the necessary preservation and protection of trust assets beyond current MAP-21 reauthorization efforts.

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians (NCAI) shall increase its advocacy with Congress to substantially increase the annual funding level to address the escalating costs of current and deferred maintenance for the BIA’s Interior roads maintenance program and to expand the program to include Tribal Transportation Facilities owned by the BIA and Tribes, and this increase shall be done without reducing funding to any other BIA program; and

**BE IT FURTHER RESOLVED**, that the NCAI’s *Federal Indian Country Budget Request* for BIA Road Maintenance be strengthened to make the case for substantial and meaningful increased funding for this purpose; and

**BE IT FURTHER RESOLVED**, that the NCAI research, confer, and recommend to the tribes on whether the BIA’s Road Maintenance Program should or should not be removed from the Tribal Priority Allocations and established as a separate line item in the Annual Interior Appropriations, and that NCAI hold a discussion during general assembly during the 2016 NCAI Midyear convention; and

**BE IT FURTHER RESOLVED**, that the allocation to the tribes of funds to the BIA road maintenance program be based upon documented need; and

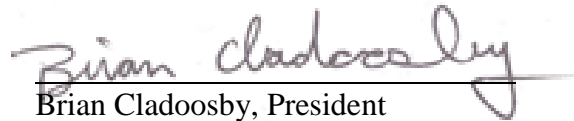
**BE IT FURTHER RESOLVED**, that the FHWA-Federal Lands Highway Program, and the Bureau of Indian Affairs, shall conduct a national assessment study of the overall expenditures by BIA region of any funding under 23 USC 202 authorized for Transportation Facility maintenance since FY2006; and

**BE IT FURTHER RESOLVED**, that the Tribal-Interior Budget Council (TIBC) be advised of the situation and that it support recommended increases of Interior appropriations for transportation facility maintenance; and

**BE IT FINALLY RESOLVED**, that this resolution supports NCAI Resolution #SAC-12-040 and that this resolution expands upon that, and shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

**CERTIFICATION**

The foregoing resolution was adopted by the General Assembly at the 2015 Annual Session of the National Congress of American Indians, held at the Town and Country Resort, San Diego, CA, October 18-23, 2015, with a quorum present.

  
Brian Cladoosby, President

**ATTEST:**

  
Aaron Payment, Recording Secretary