



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians  
Resolution #REN-19-40

**TITLE: Supporting Bureau of Indian Education School Construction Funding  
Increases and Innovation**

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**NCAI HEADQUARTERS**  
1516 P Street, N.W.  
Washington, DC 20005  
202.466.7767  
202.466.7797 fax  
www.ncai.org

**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 and the United Nations Declaration on the Rights of Indigenous Peoples, 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**, the United States has a trust responsibility and is required to provide adequate funding to tribal nations for educational services to ensure the wellbeing of tribal citizens; and

**WHEREAS**, the Bureau of Indian Education (BIE) oversees a total of 183 elementary, secondary, residential and peripheral dormitories across 23 states; and

**WHEREAS**, 130 schools are tribally controlled under P.L. 93-638, Indian Self Determination Contracts or P.L. 100-297, the Tribally Controlled Grant Schools Act, and 53 schools are operated by BIE; and

**WHEREAS**, the Department of the Interior's Office of Inspector General published an evaluation in September 2016, titled "Condition of Indian School Facilities," that estimated the cost of fixing dilapidated BIE schools at more than \$430 million to fix the problems already identified at that time; and

**WHEREAS**, in 2017, the U.S. Government Accountability Office (GAO) reported that according to Bureau of Indian Affairs data, approximately one-third of BIE schools are still in poor condition, resulting in thousands of students being educated or housed in unsafe facilities; and

**WHEREAS**, Congress passed H.R. 1, the American Recovery and Reinvestment Act (ARRA) of 2009, allocating \$200,000,000 for calendar year 2009 and \$200,000,000 for calendar year 2010 in tax credit bonds for purpose of construction, rehabilitation, and repair of schools funded by the Bureau of Indian Affairs; and

**WHEREAS**, no tribal nations were able to utilize the ARRA tax credit bonds due to a lack of capital outlay and an escrow account to support the issuance of school modernization bonds; and

**WHEREAS**, NCAI adopted Resolution #RAP-10-055 calling on Congress to establish an escrow account to fund the principal for the issuance of bonds for the construction of tribal schools, however, legislation was never passed; and

**WHEREAS**, tribal nations recognize the need for adequate school facilities for students in their communities and have been working with the Administration and Congress to discuss alternative school construction funding options under existing statutory authority; and

**WHEREAS**, the Gila River Indian Community in Arizona, working alongside Congress and the Department of the Interior, has developed a school construction/lease-back proposal whereby the Community takes over the school design and construction function, and, when completed, leases the facility back to the Department of the Interior; and

**WHEREAS**, the Gila River Indian Community has proposed this model as a programmatic alternative to complement the current programs at the Department of the Interior and offer an innovative alternative to school construction in Indian Country; and

**WHEREAS**, the Administration's FY 2020 budget request proposed to invest \$6.5 billion over five years into a Public Lands Infrastructure Fund supported by the deposit of 50 percent of all federal energy development revenue to significantly reduce the deferred maintenance backlog of Interior facilities, and would allocate five percent of total funds to BIE school construction.

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians (NCAI) calls upon Congress and the Administration to increase funding for BIE school infrastructure, construction, and repair; and

**BE IT FURTHER RESOLVED**, that NCAI calls upon Congress and the Administration to work with tribal nations to ensure avenues exist in which tribal schools are given access to adequate construction funding; and

**BE IT FURTHER RESOLVED**, that NCAI calls upon Congress and the Administration to work with tribal nations to develop additional innovative models of funding for BIE school construction and related infrastructure, provided that new funding sources or methods must supplement and not supplant existing funding methods; and

**BE IT FINALLY RESOLVED** that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

## **CERTIFICATION**

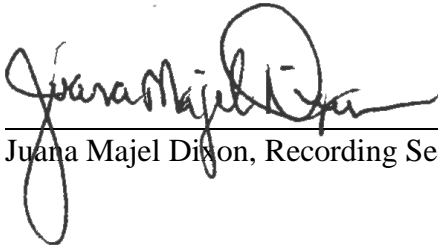
The foregoing resolution was adopted by the General Assembly at the 2019 Mid-Year Conference of the National Congress of American Indians, held at the Nugget Casino Resort, June 24-27, 2019, with a quorum present.



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Jefferson Keel, President

**ATTEST:**



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Juana Majel Dixon, Recording Secretary