

**TESTIMONY OF HEAD COUNCILMAN JOE GARCIA  
OHKAY OWINGEH  
BEFORE THE HOUSE TRANSPORTATION AND INFRASTRUCTURE  
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT  
“ASSESSING THE TRANSPORTATION NEEDS OF TRIBES,  
FEDERAL LAND MANAGEMENT AGENCIES, AND U.S. TERRITORIES”  
February 6, 2020**

Thank you Chair Norton, Ranking Member Davis, and Members of the Subcommittee for the opportunity to provide testimony on the importance of surface transportation infrastructure for Indian country. My name is Joe Garcia, and I am Head Councilman and former three term Governor of Ohkay Owingeh, the Co-Chair of the National Congress of American Indians (NCAI)-Intertribal Transportation Association (ITA) Tribal Transportation Task Force, a former two term President of NCAI, and the current Tribal Co-Chair of the Department of Transportation’s Tribal Transportation Self-Governance Program (TTSGP) Negotiated Rulemaking Committee. Ohkay Owingeh is located 30 miles north of Santa Fe, New Mexico and 25 miles northeast of the Los Alamos National Laboratory.

I, together with many Tribal elected officials, look forward to working with the members of the House Transportation and Infrastructure Committee to ensure that Federal transportation policies, including the next surface transportation reauthorization measure, honor the Nation’s treaty and trust responsibilities to Tribes. The transportation needs of Indian country, like rural America, are great. Please build on the improvements to existing Federal transportation, public transit, and highway safety programs proposed by the Senate Environment and Public Works Committee’s S. 2302, including its title IV, which includes many provisions supported by Tribes. At its annual meeting in Albuquerque in October, NCAI, by resolution (#ABQ-19-076), endorsed the Tribal provisions of S. 2302, urged Congress to support these provisions, and to enact reauthorization before the FAST Act expires this September.

Tribes ceded millions of acres of their aboriginal lands to the United States and in return the Federal government promised, through signed treaties, statutes, Executive Orders, and Federal court decisions, to extend its protection to Tribal governments and to our citizens, and provide our peoples with the funds and resources to meet our basic needs for food, clothing, shelter, to provide us doctors, teachers, roads, and to give us the resources necessary to sustain our communities on the lands we reserved. That is the binding contract the United States entered into with Tribes, and from those treaties and other laws has arisen the United States’ sacred trust responsibility to the Indian Nations and our peoples.

For that reason, I am encouraged by Committee Chairman DeFazio’s announcement last week of a transformational five-year, \$760 billion investment in infrastructure. The United States and Tribes must move forward in close partnership to ensure that Indian country – like rural America – participates fully in this bold initiative. I am confident that Congress will find a way to pay for this infrastructure initiative that is so important to the future prosperity of the Nation.

Fifty-five years ago, Congress enacted the Appalachian Regional Development Act of 1965. In that legislation, Congress found that the region, “*while abundant in natural resources*

*and rich in potential, lags behind the rest of the Nation in its economic growth and that its people have not shared properly in the Nation's prosperity."* Pub. L. 89-4, § 2. The same can be said of Indian country. The indigenous peoples of the United States have not shared properly in the Nation's prosperity. We must eliminate the pockets of poverty that persist in the country.

The Appalachian region today is so much better off than it was in 1965. The 13 States covered by the Appalachian Regional Commission have improved transportation infrastructure and, as a result, a higher standard of living because of the vision of the 89<sup>th</sup> Congress. That Congress, and every Congress since, believed that Federal appropriations can and should be targeted to a particular region and to a people who needed additional assistance. The Appalachian region and the entire Nation are the beneficiaries of that sage vision. We need that vision today.

As of January 1, 2020, there are 574 sovereign Tribal Nations with a formal nation-to-nation relationship with the United States. 229 Tribal Nations are located in Alaska, while 345 Tribes are located in 34 other states. The total land mass under American Indian or Alaska Native jurisdiction is about 100 million acres, which would make Indian Country the fourth-largest state geographically in the U.S. Additionally, there are twelve tribal nations that have a larger land base than the state of Delaware, and the Navajo Nation, alone, would be the 42<sup>nd</sup>-largest state. According to the 2010 Census, 5.2 million people identified as American Indian/Alaska Native (AI/AN) alone or in combination with other races, which would make Indian Country the 22<sup>nd</sup> most populous state.

In FY 2019, States divided over \$50 billion in Federal-Aid Highway Program and Mass Transit funds to meet their infrastructure and public transit needs. By comparison, in FY 2019, after reducing Federal appropriations due to the obligation limitation deduction, and deductions for BIA and FHWA administrative costs, some 570 Tribes shared about \$401 million in Tribal Transportation Program (TTP) funds for infrastructure needs, and \$35 million in Tribal Transit "Public Transportation on Indian Reservation" funds. Tribes receive 8/10<sup>th</sup> of one percent of States.

Indian country needs additional Federal assistance. What little data exists shows that Indian country continues to fall behind. I ask that you envision a brighter future for Indian country that is only possible with targeted and sustained Federal assistance. I encourage this Subcommittee to think big when it considers the transportation funding needs of 574 federally-recognized Tribes. Do for Tribes in the next reauthorization measure what the 89<sup>th</sup> Congress did for the Appalachian region in 1965 and Indian country and entire Nation will reap a bountiful harvest.

**I. Tribes and the Department of Transportation Negotiated a Consensus Draft Rule for the FAST Act's Tribal Transportation Self-Governance Program that Honors Key Principles of Self-Governance**

I want to personally thank Committee Chairman DeFazio, Ranking Member Graves, Chair Norton, Ranking Member Davis, and the entire Committee for including the Tribal Transportation Self-Governance Program in the FAST Act (Pub. L. 114-94, § 1121), and directing the Department of Transportation to consult meaningfully with Tribes in the drafting of the regulation to implement this important Federal program for Tribes.

What is Tribal self-governance? As former Congressman George Miller noted: “The nature of Self-Governance is rooted in the inherent sovereignty of American Indian and Alaska Native tribes. From the founding of this nation, Indian tribes and Alaska Native villages have been recognized as ‘distinct, independent, political communities’ exercising powers of self-government, *not by virtue of any delegation of powers from the federal government, but rather by virtue of their own innate sovereignty.*”<sup>1</sup> The modern day bipartisan Federal policy of Tribal self-governance authorizes the transfer from Federal agencies to Tribal governments of the day-to-day administration of federal programs enacted for their benefit, together with Federal funds, in the most efficient and streamlined manner, a simple compact and funding agreement, reducing burdensome regulations and minimizing “transactional costs” so that Federal funds are expended where they are most needed – at the local Tribal level.

As one of the two Tribal Co-Chairs to the Department of Transportation’s Negotiated Rulemaking Committee, I am pleased to report that the joint Tribal-Federal Negotiated Rulemaking Committee, created under the legislation, has developed a consensus draft rule, which the Rulemaking Committee should complete by March of this year, with the able assistance of facilitators from the Federal Mediation and Conciliation Service (FMCS).

I am grateful to Transportation Secretary Chao and her staff for supporting the Tribal request in 2018 to use FMCS to help us find common purpose and to resolve our differences through interest-based bargaining. It worked and we all are so much better off for it. We have some disagreement issues. They are significant and mostly concern issues that have a cost component, such as Tribal eligibility for Contract Support Cost funds, lease payments, and the Department’s timely establishment of an Office of Self-Governance and an advisory committee to implement the Program at the Department. I hope the Department reconsider and accepts the Tribes’ positions. Under the legislation, the Department must publish the final rule for the Program by June 1, 2020. I am confident that the Department will meet the deadline. The full Rulemaking Committee will meet next month to review the public comments and finalize the rule.

Tribes qualify for the new Program by demonstrating to the Department’s satisfaction that they possess the requisite financial management capability and transportation program management capability. Once eligible, Tribes can negotiate a simply award instrument and fold into that agreement program duties and associated funds from FHWA transportation and safety programs, FTA transit, FAA, NHTSA, as well as Federal-Aid funds (when a State agrees to transfer such funds to a Tribe), reduce administrative burdens, and focus on the business of building transportation infrastructure for their communities. It’s that simple.

## **II. Empower Tribal Governments in the Next Reauthorization Measure by Giving Tribes the Resources and Assistance Required to Improve the Transportation Infrastructure and Transit Systems and Build Strong Partnerships with Other Transportation Stakeholders.**

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<sup>1</sup> House Rep. No. 105-765, 105<sup>th</sup> Cong., 2d Sess., House Resources Committee, Tribal Self-Governance Amendments of 1998, Additional Views, Oct. 2, 1998, p. 54.

## **1. The Federal policy of Self-Determination and Self-Governance has transformed and Empowered Tribal Governments.**

The bipartisan Federal policy of Tribal self-governance and self-determination dates back to 1975 with the enactment of the Indian Self-Determination and Education Assistance Act (ISDEAA), Pub. L. 93-638, 25 U.S.C. 5301 et seq., has empowered Tribal governments. The ISDEAA removed the question of *whether* a Tribe or Tribal Organization could assume programs and services of the Department of the Interior and Department of Health and Human Services (DHHS), or *whether* Tribes were entitled to the same level of funding the respective Secretaries were given by Congress to carry out such programs, together with administrative overhead costs, known as Indirect Costs and Contract Support Costs (CSCs).

Over the last 45 years, Tribal nations have contracted, assumed, and taken control over federal programs for housing, law enforcement, social services, health care, environmental programs, road maintenance, rights-of-way, and the planning, design, construction, and reconstruction of roads and bridges. In 1988, Congress established the Tribal Self-Governance Program which further empowered Tribes to redesign and consolidate Federal programs as Tribes determined best to meet the needs of their citizens.

In 1994, Congress established a permanent self-governance program at the Department of the Interior (title IV of the ISDEAA) and, in 2000, at the Department of Health and Human Services (title V of the ISDEAA) and given Tribes the discretion, authority, and flexibility to redesign or consolidate federal programs to best “meet the needs of their communities consistent with their diverse demographic, geographic, economic, cultural, health, social, religious, and institutional needs,” 25 C.F.R. § 1000.4(c)(6) (Secretarial self-governance policies), and without any modification or diminishment of the trust responsibility owed by the United States to Indian tribes and individual Indians that exists under treaties, Executive Orders, other laws, or court decisions. 25 U.S.C. §§ 5366(b) (title IV) and 5387(g) (title V). Tribes are grateful that the Committee and Congress extended the Tribal Transportation Self-Governance Program to the Department of Transportation in the FAST Act.

These laws, and the experience of carrying out governmental services, have built strong Tribal governments with the administrative capacity and resources to develop programs, systems and standards, hire and train dedicated Tribal personnel to oversee and carry out the programs, account for federal funds, and provide independent audits to the federal awarding agencies. Under the ISDEAA, every Tribe that meets the statutory threshold regarding receipt of Federal funds must complete an independent audit under the Single Audit Act Amendments of 1996 pursuant to the requirements of the statute and the Uniform Administrative Requirements, Cost Principles and Audits Requirements for Federal Awards (2 CFR Part 200).

According to a recent report of the Federal Highway Administration (FHWA) regarding the Tribal Transportation Program (TTP), as of FY 2017, 131 Tribes operated their TTP program through agreements directly with FHWA; 205 Tribes carried out the TTP under title I Self-Determination Act contracts with the BIA; 187 Tribes performed their TTP duties under TTP Agreements with the BIA; and 23 Tribes carried out TTP duties under title IV Self-Governance compacts with the BIA. Thus, 546 Tribes carry out the Secretary of the Interior’s duties for the

Tribal Transportation Program with growing confidence and ability. These numbers amply illustrate Tribal transportation capacity.

**2. Indian Nations are Public Authorities and have responsibilities, just like States and counties, to build and maintain safe transportation infrastructure and transit systems with the assistance of the United States in accordance with the Federal Government's trust responsibilities to Tribes and Tribal citizens.**

Tribal governments are “public authorities,” defined under Federal law as a “Federal, State, county, town, or township, *Indian tribe*, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.” 23 U.S.C. § 101(a)(21). Tribes work diligently to improve and maintain public transportation and transit systems with limited funds, and coordinate with county, city, RPOs, MPOs, State, and Federal agencies. But Tribal transportation infrastructure and transit systems do not compare to our non-Indian neighbors. Tribes lack the funds required to plan, design, and maintain modern transportation and transit systems. We need more resources to hire and retain personnel to interact and engage with other transportation stakeholders. We cannot do the work alone. We must build partnerships to combine our resources, and collaborate on projects of mutual benefit.

According to the most recent National Tribal Transportation Facility Inventory (NTTFI), there are approximately 161,000 miles of roads and trails in Indian Country eligible for federal funding. Of those, 29,400 miles are BIA System routes, 75 percent of which are gravel, earth, or primitive routes. Tribes and the BIA maintain the routes. Tribal nations own and maintain 13,650 miles of roads and trails, of which only 7.3 percent (1,000 miles) are paved. The other 12,650 miles are gravel, earth, or primitive. Many of these unimproved routes are school bus routes. Altogether, the 42,000 miles of BIA and Tribal roads in Indian Country are still among the most underdeveloped, unsafe, and poorly maintained road networks in the nation, even though they are the primary means of access to American Indian and Alaska Native communities by Native and non-Native residents and visitors. Only this Committee can authorize more funds to pave these routes. Road maintenance funds only maintain the existing surface – whatever its condition.

The BIA recently conducted a road maintenance survey that found that the total dollar value of deferred road maintenance for surveyed stakeholders is estimated at \$498 million. The survey also found that more funding was the number one priority of stakeholders, followed by equipment needs.<sup>2</sup> Data indicated that Tribal nations are using Tribal Transportation Program (TTP) funds - that could otherwise be used for road construction or improvement - to address road maintenance needs as is authorized by Federal law (23 U.S.C. § 202(a)(8)). The survey estimated that the expenditures for road maintenance in FY 2017 were more than double the allocated amount of funding for the BIA Road Maintenance program in FY 2017 of \$30.3 million.<sup>3</sup> Borrowing funds from the TTP to backfill the underfunded BIA Road Maintenance Program results in a drag on the construction, maintenance, and overall safety of roads throughout Indian country.

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<sup>2</sup> Tribal/Interior Budget Council, Roads Maintenance Subcommittee Presentation, November 15, 2018.

[http://www.ncai.org/TIBC-Nov2017\\_ROADS\\_Subcmte\\_Preso.pdf](http://www.ncai.org/TIBC-Nov2017_ROADS_Subcmte_Preso.pdf)

<sup>3</sup> *Id.*

Having safe, well-maintained tribal roads, bridges, and adequate public transportation is vital to public safety, commerce, and tourism in tribal communities and benefits tribal citizens and those living in and around Indian Country. Congress has long recognized that for economic development to take root there must be community stability, and it begins with essential infrastructure, including roads and transit systems, safe drinking water, utilities, broadband, good schools, health facilities, and access to markets and job opportunities. Too often, however, Federal appropriations for Tribes are wholly inadequate to the task and, as a result, Tribal governments struggle to maintain existing institutions and facilities and carry out essential government services. With Federal assistance, we can improve the condition of our infrastructure. Like the States, we need a strong Federal presence in the next reauthorization measure to bring lasting change and to build the economies of our Tribes to meet the challenges of the 21<sup>st</sup> Century.

**3. Indian Country roads are unsafe, outdated, and contribute to the transportation barriers that separate Tribal lands from markets, business opportunities, education, healthcare and jobs.**

Our existing road systems create transportation barriers which must be eliminated if we are to maintain our existing Tribal and non-Indian residents, and attract businesses, tourism, and jobs to sustain our peoples. Every Federal policy for Indian country is hindered and made more difficult by the poor state of transportation infrastructure, transit, and highway safety in Indian country. Our third-world transportation systems undermine public safety, education, health care, job opportunities, and slow or eliminate economic development opportunities. This is especially so in the Nation's most remote and rural reservations and Alaska Native villages. The few statistics regarding motor vehicle and pedestrian fatalities among American Indians and Alaska Natives indicate that our populations are at a much greater risk of death than other Americans. These preventable deaths tear the fabric of Tribal communities and leave scars that seldom heal.

According to FHWA, motor vehicle crashes caused an average of 655 fatalities each year in tribal areas.<sup>4</sup> Motor vehicle crashes are the leading cause of unintentional injury death for AI/ANs under the age of 20.<sup>5</sup> Additionally, motor vehicle-related death rates for AI/ANs ages 20 and older are more than twice that of non-Hispanic whites, and AI/AN infants have a motor vehicle death rate that is eight times higher than that of non-Hispanic whites.<sup>6</sup> This is frightening.

Despite these startling statistics, appropriations for tribal road safety remains woefully underfunded, especially when compared to funding for States. In FY 2018, State Departments of Transportation shared \$2.23 billion in Highway Safety Improvement Program (HSIP) funds (23 U.S.C. § 402).<sup>7</sup> By comparison, Tribes compete for \$8.9 million in TTP safety grants (23 U.S.C. § 202(e)) and a few Tribes share \$5.2 million from BIA's Indian Highway Safety Program (IHSP) (23 U.S.C. § 402, 2% set-aside). States receive recurring Federal appropriations for highway safety. So should Tribes. Otherwise, the horrific motor vehicle statistics in Indian country will

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<sup>4</sup> Federal Highway Administration, Transportation Safety in Tribal Areas, FHWA-HRT-18-004, Vol. 82 No. 2, <https://www.fhwa.dot.gov/publications/publicroads/18summer/02.cfm>

<sup>5</sup> CDC, *Tribal Road Safety: Get the Facts*, <https://www.cdc.gov/motorvehiclesafety/native/factsheet.html>

<sup>6</sup> *Id.*

<sup>7</sup> Federal Highway Administration, *Distribution of Highway Safety Improvement Program (HSIP) Funds Apportioned for FY 2018*, [https://www.fhwa.dot.gov/legsregs/directives/notices/n4510824/n4510824\\_t12.cfm](https://www.fhwa.dot.gov/legsregs/directives/notices/n4510824/n4510824_t12.cfm)

continue. Tribes need recurring funding to reduce DUIs, increase seat belt use and child safety seat use, and make highway safety improvements. Please address this unmet need in reauthorization.

As I testified last year before the Senate Indian Affairs Committee, there is great need for additional surface transportation funding and data in Indian Country. In December of 2018, the U.S. Commission on Civil Rights released its report, titled *Broken Promises: Continuing Federal Funding Shortfall for Native Americans*, as an update to its 2003 *A Quiet Crisis* report.<sup>8</sup> The *Broken Promises* report emphasizes federal underinvestment in transportation and other infrastructure in Indian Country and discusses how the lack of investment causes significant safety concerns, interrupts the provision of tribal government services, and affects the overall health of tribal economies.<sup>9</sup> In addition to the chronic underinvestment in the physical infrastructure of Tribal communities, the Commission’s report goes on to highlight the “severe lack of public transportation in Indian Country.”<sup>10</sup>

In May 2017, the U.S. Government Accountability Office (GAO) conducted a study on tribal transportation data, road management, and student attendance. GAO found that the NTTFI and Deferred Maintenance Reporting (DMR) systems contain incomplete and inconsistent road description and condition data that affect program efficiency and delivery. As a result, reports and budget submissions that rely on these datasets “may not accurately reflect road conditions or maintenance needs and associated costs...inhibit[ing] the ability of Congress” and the appropriate bureaus, offices, and agencies to make better-informed decisions about priorities and the transportation system as a whole.<sup>11</sup>

GAO also identified the significant practical impacts of poor tribal road conditions. The report concluded that road conditions on tribal lands pose challenges “in connecting people to education, employment, healthcare, and other essential services,” which are magnified during adverse weather due to remoteness and existing road conditions.<sup>12</sup> Additionally, GAO concluded that road conditions affect student attendance<sup>13</sup> and rough road conditions can increase maintenance needs for school vehicles.<sup>14</sup> To remedy these conditions, Congress must better target Federal appropriations and funds to Tribes.

#### **4. Tribes are good stewards of Federal appropriations; Invest in Tribes by increasing Federal appropriations in transportation formula and discretionary and competitive grant programs enacted for the benefit of Tribes or for which Tribes may compete as public authorities**

Over the last five decades, Tribes have developed financial management, property

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<sup>8</sup> U.S. Commission on Civil Rights, *Broken Promises: Continued Federal Funding Shortfall for Native Americans*, <https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf>

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*, citing U.S. Senator Byron L. Dorgan, Testimony before the Senate Committee on Indian Affairs, July 12, 2007, <https://www.gpo.gov/fdsys/pkg/CHRG-110shrg37860/html/CHRG-110shrg37860.htm>

<sup>11</sup> U.S. Government Accountability Office, *Tribal Transportation: Better Data Could Improve Road Management and Inform Indian Student Attendance Strategies*, GAO-17-432, p. 47 (May 22, 2017).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> U.S. Government Accountability Office, *Highlights of GAO-17-432*, <https://www.gao.gov/products/GAO-17-423>

management, and procurement management systems and standards to efficiently operate Tribal and Federal programs. Tribes have demonstrated the transportation program management abilities to be good stewards of Federal transportation funds. Making Tribes direct recipients of Federal transportation programs places Federal dollars in the hands of the local government, the government most responsive to the needs of Tribal citizens and residents, minimizes regulatory burdens, saves money and time, builds and maintains Tribal capacity and confidence in the transportation arena, and sustains Tribal economies.

I urge the Committee to take into account the capacity of Tribal governments to effectively administer Federal transportation infrastructure programs, transit systems, and highway safety projects to benefit their citizens, together with the great unmet transportation construction, transit, and highway safety needs they face when determining authorization levels in reauthorization. I recommend that in the reauthorization of the FAST Act, Congress consider the following:

1. Tribal Transportation Program – Significantly increase the authorization level for the Tribal Transportation Program for each year of reauthorization; TTP funds are the most flexible Federal dollar awarded to Tribes and can be used for many purposes to further transportation planning, design, purchase of heavy equipment, perform deferred and emergency road maintenance work, undertake NEPA environmental studies, subsidize transit, perform highway safety improvements, and cover administrative overhead costs;

2. FTA Tribal Transit Program – Significantly increase the authorization for the FTA’s “Public Transportation on Indian Reservations” Tribal Transit Program, 49 U.S.C. § 5311(c), including the formula and discretionary grant programs;

3. Restore a Tribal High Priority Projects Program – Like S. 2302, restore a Tribal High Priority Projects Program (HTF) for all Tribes so that Tribes can compete, among Tribes, to fund their highest priority transportation project or address a road emergency;

4. Makes Tribes, as Public Authorities, Eligible for All Federal Competitive and Discretionary Grant Programs – Tribes should be eligible to compete for direct Federal assistance from the Department of Transportation, rather than being a sub-recipient of a State or county. Too often, the award instruments used by States and counties include provisions that demand a waiver of Tribal sovereign immunity, submission to State courts, and other provisions that force Tribes to decline the grant;

5. Lower Dollar Thresholds and Increase the Federal share to 100% – Like S. 2302, lower the dollar thresholds for such grant programs as the Nationally Significant Federal Lands and Tribal Projects (NSFLTP) Program, and increase the Federal share of grants to Tribes to 100%, to better ensure that more Tribes actually receive Federal competitive grants to improve their transportation and transit systems;

6. Include More Tribal Set-Asides in Existing Federal Grant Programs – There is a cost to every public authority to compete for Federal discretionary and competitive grants. Tribes are often at a disadvantage when competing with States, counties, cities and townships for Federal grants. By including a dedicated source of Federal funds that Tribes alone can compete for,



Congress will ensure that more Federal appropriations go to Tribes to address their unmet infrastructure needs. Historically, Tribes receive a tiny fraction of Federal discretionary and competitive transportation infrastructure and highway safety grants, such as TIGER and BUILD grants, despite their terrible road conditions and motor vehicle and pedestrian fatality rates;

7. Direct the Department of Transportation to Establish an Office of Self-Governance and create a Self-Governance Advisory Committee – Like the Departments of the Interior and Health and Human Services, which have decades’ old Tribal Self-Governance Programs, the Department of Transportation should promptly establish an Office of Self-Governance when the final rule for the Tribal Transportation Self-Governance Program takes effect this year. Instead, the timing of when to establish such an office at the Department, and whether the Department will ever create a Self-Governance Advisory Committee, are non-consensus issues in the proposed rule (see 84 Fed. Reg. 52706, 52710, Oct. 2, 2019). If the government-to-government relationship is to have relevance, and if the Department is to provide meaningful and timely consultation with Tribes concerning the Program, Congress should include statutory language in the reauthorization measure and provide funding to the Department to do so. We encourage the Committee to press the Department on this. See S. 2302, § 4009; and

8. Tribal Technical Assistance Program (TTAP) – The Tribal Technical Assistance Program (TTAP) is the only program for the road construction personnel of Tribal Nations to build their capacity and maintain certification for operating heavy equipment through training and technical assistance from experts who oversee and construct highways and roads in tribal communities. In the Fall of 2016, FHWA announced the restructuring of the TTAP and eliminated the seven TTAPs around the country that served all federally-recognized tribal nations. In December 2017, the FHWA announced a two-year pilot program and centralized the TTAP at the University of Virginia, Center for Transportation Studies (CTS) in Virginia. The entire restructuring and implementation by FHWA of the pilot program proceeded without meaningful tribal consultation. The pilot program has now been suspended by FHWA. The program remains an important resource to improve the technical expertise of tribal transportation officials. Accordingly, Congress should ensure Tribes are actively consulted on the Program’s future and provide a \$5 million increase in TTAP funding.

The relationship between Tribes and the Federal government is eternal. So long as there is a Constitution that begins “We the people,” we must work together for our mutual benefit. Safe and reliable transportation infrastructure is vital to the enhancement of Tribal economic development and to the wellbeing of Tribal communities and surrounding non-tribal areas.

Thank you for the opportunity to testify at this important oversight hearing.