

National Transportation in Indian Country Conference

Anchorage, AK

Transportation Legislative Update

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TRIBAL TRANSPORTATION PRIORITIES:

WHAT DID WE ACHIEVE?

WHERE ARE WE NOW?

WHERE ARE WE GOING?

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OUTLINE

- **What did we achieve?** Recap of selected changes made by the BIL (enacted Nov. 2021)
- **Where are we now?** Status of FY 2024 Discretionary Appropriations
- **Where are we going?** Looking beyond the BIL to the next Highway Bill reauthorization

WHAT DID WE ACHIEVE?

BIL OVERVIEW

- The BIL was not just a five-year transportation reauthorization (FYs 2022-2026), but a longer-term approach to rebuilding American competitiveness through infrastructure.
- The BIL is also broader than typical infrastructure legislation.
 - Transportation, water, energy, broadband, and programs to address gaps (resilience). Numerous new federal programs.

KEY BIL PROVISIONS FOR TRIBES

- Increased Tribal Transportation Program \$.
- Increased Tribal Transportation Facility Bridge Set-Aside \$.
- Brought back Tribal High Priority Projects Program.
- Included Tribes in new discretionary grant programs and added Tribal eligibility for some existing grant programs.
- Authorized a specific amount for BIA Road Maintenance.
- Directed the Secretaries of DOI and DOT to, in consultation w Tribes, conduct a study on road maintenance.
- Provided a process for DOI-DOT programmatic agreements w Tribes for carrying out environmental reviews.
- Established DOT Office of Tribal Government Affairs w A.S.

BIL SOURCES OF FUNDING FOR TRIBAL PROGRAMS

BIL maintains hybrid model with two main sources of funding for Tribal programs:

- 1) Funding from the Highway Trust Fund (HTF) (guaranteed funding); and
- 2) Authorizations for appropriations from the General Fund (GF): basically an authorization for discretionary funding which is subject to the yearly appropriations process.

Some programs receive a certain amount of HTF Funds each year, with more funding authorized from the GF.

ANNUAL BIL TRANSPORTATION FUNDING FOR TRIBAL PROGRAMS FY2022–FY2026 (IN MILLIONS)

- **Total Authorized and Appropriated** **\$1,082.4**
- Total from Highway Trust Fund \$ 848.4
- **Total Authorized from General Fund** **\$ 234.0**
- (From CRS report - June 7, 2022)

ANNUAL BIL TRANSPORTATION FUNDING AUTHORIZED FOR TRIBAL PROGRAMS FROM GF FY2022–FY2026 (IN MILLIONS)

- **Total Authorized from General Fund \$ 234.0**
- **Tribal High Priority Projects Program \$ 30.0**
- **Nat’ly Sig. Fed Lands & Tribal Projects \$ 150.0**
- **BIA Road Maintenance Program approx. \$ 54.0***

***(starts at \$50.0 for FY 2022, increases \$2.0 each year to \$58.0 for FY 2026)**

TRIBAL HIGH PRIORITY PROJECTS PROGRAM - GF

Funded from the Transportation, Housing and Urban Development (T-HUD) Appropriations Bill

Fiscal Year	BIL Authorized Amount from the General Fund	Appropriated Amount from the General Fund
FY 2022	\$30,000,000	\$-----
FY 2023	\$30,000,000	\$-----
FY 2024	\$30,000,000	\$----- (H. Rept. 118-154)
		\$----- (S. Rept. 118-70)
FY 2025	\$30,000,000	
FY 2026	\$30,000,000	

NATIONALLY SIGNIFICANT FEDERAL LANDS & TRIBAL PROJECTS - GF

Funded from the Transportation, Housing and Urban Development (T-HUD)
Appropriations Bill

Fiscal Year	BIL Authorized Amount from the General Fund for Tribal Projects	Appropriated Amount from the General Fund for Tribal Projects
FY 2022	\$150,000,000	\$37,500,000
FY 2023	\$150,000,000	\$20,000,000
FY 2024	\$150,000,000	\$----- (H. Rept. 118-154) \$20,000,000 (S. Rept. 118-70)
FY 2025	\$150,000,000	
FY 2026	\$150,000,000	

BIA ROAD MAINTENANCE PROGRAM - GF

Funded from the Interior, Environment and Related Agencies (Interior)
Appropriations Bill

Fiscal Year	BIL Authorized Amount from the General Fund	Appropriated Amount from the General Fund
FY 2022	\$50,000,000	\$37,400,000
FY 2023	\$52,000,000	\$39,190,000
FY 2024	\$54,000,000	\$50,190,000 (H. Rept. 118-155)
		\$39,190,000 (S. Rept. 118-083)
FY 2025	\$56,000,000	
FY 2026	\$58,000,000	

WHERE ARE WE NOW?

STATUS OF FY 2024 APPROPRIATIONS

- The last day of FY 2023 is September 30, 2023 and Congress must fund the federal government beyond that.
- The bipartisan Fiscal Responsibility Act (FRA) temporarily addressed our Nation's debt limit and set topline discretionary appropriations levels for FY 2024 and for FY 2025.
- The Senate, in a bipartisan fashion, is writing their FY 2024 bills to the FRA spending levels for FY 2024.
- House Rs are advancing their FY 2024 bills at far lower levels (+ policy riders) without the support of House Ds.
- A CR is needed to buy more time to sort out FY 2024 bills, but there may be a government shutdown.

WHERE ARE WE GOING?

AFTER FY 2026: GETTING READY FOR THE NEXT HIGHWAY BILL

- Committees of Jurisdiction are holding oversight hearings to review implementation of BIL, will start looking towards changes needed and new priorities,
- Main Committees of Jurisdiction: Senate EPW & House T&I
- SCIA and HNR can also play a role holding hearings and advocating for Tribal priorities
- Shared priorities, communicated early, have a stronger chance of being included

AFTER FY 2026: POTENTIAL TRIBAL PRIORITIES

- Higher funding levels overall for Tribal programs.
- Converting GF authorizations to HTF authorizations.
- Addressing the obligation limitation.
- \$ for strengthening Tribal transportation departments.
- Providing Tribal set-asides in competitive grant programs.
- Waiving non-Federal cost share for Tribes for competitive grants, or allowing other federal funds to be used as the non-federal match.
- Further streamlining/reducing reporting requirements for competitive grants wrapped into Self-Governance agreements.

QUESTIONS/DISCUSSION?

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