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Written Testimony of Mark Macarro, President of the National Congress of American Indians, Before the U.S. House Appropriations Subcommittee on Interior, Environment, and Related Agencies

March 18, 2026

On behalf of the National Congress of American Indians (NCAI), thank you for this opportunity to provide testimony on Fiscal Year (FY) 2027 funding for the Department of the Interior (DOI), the Indian Health Service (IHS), and the Environmental Protection Agency (EPA). Founded in 1944, NCAI is the oldest and largest national organization composed of American Indian and Alaska Native (AI/AN) Tribal governments and their citizens. The United States fulfills its trust and treaty obligations to AI/AN citizens through the delivery of Tribal programs and services. Regardless of whether programs and services are provided directly or through self-determination and self-governance agreements, full funding provided by the U.S. House Appropriations Subcommittee on Interior, Environment, and Related Agencies (Subcommittee) is critical to successful outcomes.

I. Bureau of Indian Affairs

The Bureau of Indian Affairs (BIA) is one of the fundamental agencies responsible for providing critical services promoting the health, safety, social, and economic well-being of Tribal Nations and surrounding communities. Unfortunately, chronic underfunding of Tribal programs perpetuates systemic issues that could be reduced or eliminated by fully funding Tribal programs.

A. Indian Affairs

Adequate staffing plays a critical role in the delivery of services. The recent loss of experienced DOI staff has already caused serious harm to Indian Country, including disruptions to long-standing government-to-government relationships, delays in critical technical assistance, and dangerous gaps in personnel authorized to process and approve federal funding that Tribal Nations depend on to deliver essential services to their citizens. NCAI urges this Subcommittee to request the immediate lifting of all current hiring freezes affecting DOI employees so that vacancies can be filled without further delay, institutional knowledge can be rebuilt, and the federal government can meet its obligations to the Tribal Nations it has a duty to serve. For this reason, **NCAI recommends \$32.57 billion for Indian Affairs programs in FY 2027**, consistent with the official FY 2027 recommendation of the Tribal Interior Budget Council (TIBC).¹ Within the TIBC's FY 2027 recommendations are robust increases for all base-funded programs and targeted investments to address public

¹ TIBC Tribal Representatives' FY 2027 Budget Submission to the Department of the Interior, May 8 2025, accessed at: <http://ncai.org/TIBC-FY27-DOIsub>

safety and justice in Tribal communities; the economic and social wellbeing of Tribal citizens and all those who live, visit or conduct business in those communities; the growing backlog of school, community, and government infrastructure needs; taking land into trust; and addressing cultural protections within Tribal and federal lands.

B. Public Safety and Justice

Congress has long recognized the treaty and trust obligation to ensure public safety on Tribal lands and reaffirmed its commitment when enacting the Tribal Law and Order Act (TLOA), which expressly acknowledges “the federal nexus and distinct federal responsibility to address and prevent crime in Indian Country.”² Yet, Tribal communities continue to experience disproportionately high rates of violent crime.³ The complex jurisdictional framework governing Indian Country — which restricts Tribal authority to prosecute non-Indians — directly undermines the safety of victims in these communities. Tribal Nations remain the only governments in the United States whose authority to protect their people from domestic violence, sexual violence, child abuse, stalking, and human trafficking is constrained by federal law based solely on the political status of the defendant.

The chronic underfunding of Tribal law enforcement and justice systems compounds these public safety failures and is well-documented. In February 2024, the BIA submitted a report to Congress estimating the minimum funding needed to have served all federally recognized Tribal Nations for FY 2021: \$1.724 billion for Tribal Law Enforcement Programs, \$1.5 billion for Tribal Courts, and \$284.2 million for existing Detention Centers — a total estimated need of \$3.509 billion⁴. Against that need, the BIA spent just \$446.7 million on public safety and justice in 2021, leaving Indian Country public safety underfunded, meeting just thirteen percent of total need. The resulting shortfall of over \$3 billion represents approximately 25,655 additional personnel required to adequately serve Indian Country.

NCAI supports the TIBC’s FY 2027 recommendations of providing \$3.73 billion for Public Safety and Justice funding, with approximately \$1.8 billion for BIA Law Enforcement (Criminal Investigations & Police Services) and \$1.5 billion for Tribal Courts. NCAI requests that Congress urge the BIA to immediately release its two most recent annual reports to Congress required by TLOA, specifically FY 2022 and FY 2023 reports. The FY 2023 report is completed and currently remains within Office of Management and Budget (OMB) and its release remains critical in educating this Subcommittee on the estimated need in keeping Indian Country communities safe.

II. Bureau of Indian Education

“The United States has a trust and treaty responsibility to provide eligible Indian students with a quality education. The Bureau of Indian Education (BIE) serves as a capacity builder and service provider to support Tribes in delivering culturally appropriate education with high academic standards to allow students across Indian Country to achieve success.”⁵ Any Tribal program or funding delivered to Tribal

² Tribal Law and Order Act of 2010, Pub. L. No. 111-211, 124 Stat. 2258.

<https://www.congress.gov/111/bills/hr725/BILLS-111hr725enr.pdf>

³ Not Invisible Act Commission. (2023). *Not one more: Findings and recommendations of the Not Invisible Act Commission*. U.S. Department of the Interior & U.S. Department of Justice.

https://www.niwrc.org/sites/default/files/files/34%20NIAC%20Final%20Report_version%2011.1.23_FINAL_0.pdf (84% of AI/AN people experience violence in their lifetime, with over 56% of Native women experiencing sexual violence. Homicide rates for AI/AN populations are four times higher than for white populations (12.1 vs. 2.8 per 100,000), and the overall AI/AN crime victimization rate is twice that of non-Indians. Compounding these disparities, 96% of sexual violence against Native women and 57% of violent crimes against AI/AN people are committed by non-Indian perpetrators).

⁴ Bureau of Indian Affairs, Office of Justice Services. (2024). *Report to the Congress on spending, staffing, and estimated funding costs for public safety and justice programs in Indian Country, 2021*. U.S. Department of the Interior.

https://www.bia.gov/sites/default/files/media_document/2021_tloa_report_final_508_compliant.pdf

⁵ OVERSIGHT HEARING ON EXAMINING THE PRESIDENT’S FY 2025 BUDGET REQUEST FOR THE BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE, AND OFFICE OF INSULAR AFFAIRS. (n.d.).

Nations is provided in furtherance of the United States' trust and treaty obligations. The federal employees necessary for the functioning of those Tribal programs and the disbursement of those Tribal funds are also part of the trust and treaty obligations.

A. Provide Adequate Funding to Ensure Proper Staffing in Implementing Interagency Agreements

In response to the Interagency Agreements (IAAs) entered into with the U.S. Department of Education (ED), U.S. Department of the Interior (DOI), and the U.S. Department of Labor (DOL), NCAI urges this Subcommittee to provide the BIE with adequate funding to ensure proper staffing for a seamless transition of ED programs to the BIE. Without adequate personnel and operational support, the BIE will struggle to effectively coordinate these programs and ensure that Tribal schools and students receive the full benefit of federal programs supporting their education. The financial burden of federal interagency reorganization cannot — under any circumstances — be pushed onto Tribal Nations and Native schools, whose resources are already chronically underfunded and severely stretched.

III. Advanced Appropriations, Contract Support Costs, and Section 105(I) Funding

Supporting advanced appropriations ensures the continuation of critical services, Contract Support Costs (CSC) ensure Tribal Nations have the administrative resources necessary to provide services directly to their citizens, and the use of Section 105(I) leases allows Tribal Nations to build and operate modern facilities.

A. Advanced Appropriations

We thank this Subcommittee for its continued efforts to provide advanced appropriations for the BIA, BIE, and IHS until mandatory spending authority is established. Providing permanent advance appropriations for the BIA, BIE, and IHS ensures continued normal operations for critical services during federal government funding lapses and the uncertainty of continuing resolutions. This is critical to maintaining the life-saving and essential direct care services provided by the BIA, BIE, and IHS every day. We urge Congress to continue providing support to ensure that Tribal members have access to the programs promised to them, enact the Indian Programs Advance Appropriations Act of 2025⁶, and provide advance appropriations for all BIA, BIE, and IHS accounts, including facilities construction and sanitation facilities construction.

B. Contract Support Costs and Section 105(I) Leases

NCAI strongly supports reclassifying the Contract Support Costs (CSC) and Section 105(I) leases as mandatory spending for both the IHS and BIA.⁷ Given current 105(I) trends, Tribal Nations are concerned that CSC and 105(I) costs could have a detrimental impact on overall increases, including funds for patient care, and trust services. The IHS National Tribal Budget Formulation Workgroup (NTBFWG)⁸ and TIBC continue to urge that all IHS and BIA budgets be provided as mandatory spending, but that CSC and Payments for Tribal Leases be prepared for immediate reclassification. NCAI urges this Subcommittee to support this request.

C. 105 (I) Lease program – Office of Tribal Leases Staffing Increase

NCAI supports the TIBC FY 2027 Tribal Budget Submission's proposed \$8 million increase for

<https://www.govinfo.gov/content/pkg/CHRG-118hhrg55647/html/CHRG-118hhrg55647.htm>

⁶ Indian Programs Advance Appropriations Act of 2025, H.R. 5328, 119th Cong. (2025). All Actions. Congress.gov.

<https://www.congress.gov/bill/119th-congress/house-bill/5328/all-actions>

⁷ NCAI Resolution#LV-24-027, Mandatory Classification of 105(I) Lease Payments to Tribal Nations under the Federal Budget,

<https://ncai.assetbank-server.com/assetbankncai/action/viewAsset?id=5621&index=5&total=8&view=viewSearchItem>

⁸ National Indian Health Board. (n.d.). IHS tribal budget formulation.

https://legacy.nihb.org/government-relations/budget_formulation.php

the Section 105(l) lease program.⁹ Under the ISDEAA, Section 105(l) authorizes Tribal Nations and Tribal organizations carrying out federal functions to enter into lease agreements with DOI for Tribally owned or rented facilities — a critical Tribal sovereignty payment that moves Indian Affairs closer to covering the full cost of program implementation. As demand for leases grows, dedicated staff are needed to ensure timely processing; effective coordination with the Office of Self Governance, BIA regional awarding officials, and BIE; and a single point of contact for Tribal governments. NCAI urges the DOI to remove any hiring barriers that delay the efficient and effective delivery of this critical funding and services to Tribes.

IV. Environmental Protection Agency

The EPA plays a vital role in the protection of Tribal lands, waters, and natural resources to ensure they remain safe and productive for future generations by providing the funding and technical assistance necessary for Tribal Nations to manage their own environmental programs.

A. Increasing Tribal Environmental Capacity, Water Infrastructure, and Resource Stewardship

NCAI urges the Subcommittee to provide robust, comprehensive funding for three interconnected priorities essential to Tribal sovereignty and community well-being: the Tribal General Assistance Program (GAP), Water Infrastructure and State Revolving Funds (SRF), and Tribal Resource Stewardship and Economic Development. The Tribal GAP serves as the foundational capacity-building program enabling Tribal Nations to maintain the technical staff and equipment necessary to monitor air and water quality. Without consistent funding increases, these critical regulatory functions remain chronically under-resourced. Furthermore, a disproportionate number of households in Indian Country still lack access to safe drinking water and sanitation services, making increased funding for the Clean Water and Drinking Water SRF Tribal set-asides essential to addressing the systematic backlog of water and wastewater projects — a prerequisite for any meaningful economic growth or clean energy development on Tribal lands. Finally, consistent with NCAI Resolution #SD-15-024¹⁰, dedicated EPA funding for Tribal resource stewardship must integrate local ecological expertise to protect treaty-guaranteed resources, traditional food systems, and sacred sites, ensuring that economic progress does not come at the expense of Tribal homelands or the broader regional communities that depend on these shared resources.

B. Treatment as a State Implementation

NCAI calls on this Subcommittee to mandate the streamlining of the Treatment as a State (TAS) process and supply the dedicated funding required for its execution. Empowering Tribal Nations to establish and enforce their own environmental standards is the purest exercise of cooperative federalism. This localized authority accelerates permitting timelines, provides the regulatory certainty essential for local economic development, and eliminates the costly delays caused by relying on distant, overburdened federal and state bureaucracies.

Thank you again for the opportunity to submit testimony. NCAI is grateful for all the work this Subcommittee has done to advocate alongside AI/AN people, and we look forward to working with you to protect and sustain the progress made in recent years. If you have any questions or need additional information, please contact Meghan Bishop, NCAI Director of Policy, at mbishop@ncai.org.

⁹ TIBC Tribal Representatives' FY 2027 Budget Submission to the Department of the Interior, May 8 2025, accessed at: <https://cdn.sanity.io/files/raa5sn1v/production/9c4e1e12d80bfbc11d349b24dd86ecf1a89ee23.pdf>

¹⁰ NCAI Resolution #SD-15-024, Support for the Tribal Climate Change Principles: Responding to Federal Policies and Actions to Address Climate Change Document and its Swift Implementation by the Federal Government, <https://archive.ncai.org/resources/resolutions/support-for-the-tribal-climate-change-principles-responding-to-federal-policies-and-actions-to-address-climate-change-document-and-its-swift-implementation-by-the-federal-government>