

Congress of the United States
House of Representatives
Washington, DC 20515-1603

September 16, 2019

Chairman Peter A. DeFazio
Committee on Transportation and Infrastructure
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, DC 20515

Chairwoman Eleanor Holmes Norton
Subcommittee on Highways and Transit
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, DC 20515

Dear Chairman DeFazio and Chairwoman Norton:

I write to you today to ask that you keep the priorities of Indian Country in mind as the Transportation and Infrastructure Committee develops its legislative agenda for the 116th Congress.

For far too long, the Native American voice has been woefully underrepresented in Congress. Issues that have relevance to the tribal community have routinely been minimized and ignored. It is my hope that our committee can serve as a proving ground for the greater inclusion of tribal voices in federal policy this congress and that tribes can be regularly consulted on national infrastructure issues. Outlined below are some starting points for how the committee can pursue this inclusion.

Hearing Witnesses

Occasionally inviting tribal witnesses to hearings that don't have a strict tribal focus would go a long way to bridge the existing gap of understanding. For instance, a roundtable or hearing that featured a witness from the Cheyenne River Sioux Tribe could be highly illustrative. This particular tribe experiences such difficulty with infrastructure that bus drivers are routinely required to offload their students before navigating particularly hazardous hills and roads, then load the students back on the bus.

Tribal Transportation Program (TTP)

I've heard from a number of tribes who face mounting financial difficulty in paying for infrastructure programs on their tribal lands due to the distribution formula currently used by the TTP. I ask that you strongly consider including the cost to construct, inclusion in the National Tribal Transportation Facility Inventory, and the volume of Bureau of Indian Affairs (BIA) and tribal roadway miles in reform of the current formula. Some tribes also suggest forgoing the use of U.S. Census numbers, which are largely in dispute and can distort the full picture of the needs of land-based tribes. Instead, the TTP funds could be distributed based on the cost of construction for BIA and tribal road miles, thereby removing both population and vehicle miles travelled from the formula.

U.S. Department of Transportation Grants

Grant programs, such as BUILD, INFRA, and Nationally Significant Federal Lands and Tribal Projects,

require substantial engineering investment and matching funds that put tribes at a disadvantage when applying. I suggest a tribally-designated portion of funds for these programs be set aside for planning and construction in order to address the inherent disparity between tribal lands and their city/county counterparts. Additionally, please consider making tribal projects exempt from the requirement for nonfederal investment, as this stipulation is particularly difficult to meet on tribal lands where little or no private investment exists.

Minority-Owned Business Contracting

We should continue to enhance efforts to promote equity in the government contracting process. At the same time, I encourage the committee to provide oversight of how federal resources are utilized by states, as it pertains to minority-owned businesses. Of particular interest is the practice of granting funds to disadvantaged business enterprises (DBEs) that have no qualification for this designation. I hope we will work with the U.S. Department of Transportation to ensure state departments are being supported in their reform of their DBE granting processes so we can root out noncompliance, fraud, and abuse where it exists.

Thank you, Mr. Chairman, for allowing me the opportunity to share with you these suggestions. Elevating the discussion of these issues is a priority for me as a member of the committee, and I look forward to working with you throughout the 116th Congress to address them. Please don't hesitate to let me know if I can be a resource on any of these issues as the conversation on federal transportation and infrastructure policy progresses.

My warmest regards,



Sharice L. Davids
MEMBER OF CONGRESS