



Build Back Better Would Invest in Tribal and Urban Indian Communities

January 2022

On November 19, 2021, the U.S. House of Representatives passed Build Back Better (BBB), a plan that would help families, children, workers, and communities by strengthening essential programs like child care, housing, and education. The bill now sits with the U.S. Senate, where Senators should pass the bill to put us one step closer to making these needed investments.

The provisions summarized in this report are specific to Indian Country but are not specific to Montana. The provisions span programs from the U.S. Department of Agriculture to the U.S. Department of the Interior. These proposed investments give the federal government a chance to better honor its trust responsibility to tribal nations, which stems from treaties between the United States and tribal nations and provides federal assistance, such as health care and education, to tribal nations to ensure the success of tribal communities in perpetuity. Despite its obligation, the federal government has never fully honored its trust responsibility.¹

While this temporary infusion of federal resources would be meaningful, there is no denying that the federal government has held back tribal nations and citizens for too long by advancing anti-Indigenous policies and by chronically failing to honor its trust and treaty obligations. It is also important to remember that much of these pots of money are divvied among hundreds of tribal nations, and in some cases, tribal governments share the appropriations with other eligible recipients, like tribal organizations. For example, tribal nations (of which 574 are federally recognized), tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indigenous people, and Native Hawaiian organizations are all eligible recipients of the \$50 million in funding for workforce development programming through the Department of Labor.

This report outlines the tribal-specific carveouts in BBB by department and summarizes the provisions that are shaded in gray in the below table. While this report outlines specific carveouts, tribal nations and communities would not be limited to the below funding. For example, BBB includes funding to build the research capacity of minority-serving institutions, like tribal colleges and universities. That funding is not included in this report. To learn more about each of the provisions of the bill, refer to the [Build Back Better Act](#).

Build Back Better Includes Important Provisions for Tribal Nations and Indigenous People		
Department/Program	Section of BBB	Total Funding
Agriculture		
Grants to Land-Grant Colleges and Universities to Support Tribal Students	13001	\$15 million
Commerce		
Small Business Administration, Office of Native American Affairs	100202	\$10 million
Education		
Tribal Colleges and Universities		
Institutional Aid	20025	\$705.6 million

Retention and Completion Grants	20024	\$37.5 million
Energy		
High-Efficiency Electric Home Rebate Program (Tribal Communities and Low- or Moderate-Income Households)	30412	\$3.8 billion
Tribal Energy Loan Guarantee Program (Tribal Consultations)	30445	\$200 million
Environmental Protection Agency		
Water Assistance Program	30302	\$6.75 million
Health and Human Services		
Universal Preschool	23002	\$2.5 billion
Child Care	23001	\$4 billion
Grants for Native American Language Teachers and Educators	20006	\$200 million
Extension of 100 Percent FMAP for Urban Indian Organizations, Native Hawaiian Health Care Systems	30741	
Indian Health Service	70106	
Maintenance and Improvement	70106	\$945 million
Mental Health and Substance Use Disorders	70106	\$123.7 million
Priority Health Care Facilities	70106	\$1 billion
Small Ambulatory	70106	\$40 million
Urban Indian Organizations	70106	\$100 million
Epidemiology Centers	70106	\$25 million
Environmental Health and Facilities Support Activities	70106	\$113.3 million
Pathways to Health Careers (Tribal Nations, Tribal Organizations, Tribal Colleges and Universities)	134101	\$89.1 million
Nursing Home Worker Training Grants	134201	\$33.9 million
Adult Protective Services Functions and Grants Programs	134201	\$25.5 million
Housing and Urban Development		
Investments in Native American Communities	40011	
NAHASDA, Grants, Sec. 202	40011	\$277.5 million
NAHASDA, Competitive Grants for Affordable Housing, Sec. 202	40011	\$277.5 million
Community Development Block Grants	40011	\$200 million
Program Administration	40011	\$25 million
Technical Assistance	40011	\$20 million
Interior		
Tribal Climate Resilience	70101	
Climate Resilience and Adaptation Programs	70101	\$441 million
Fish Hatcheries	70101	\$19.6 million
Program Administration	70101	\$9.4 million
Tribal Electrification Program	70103	
Tribal Electrification Program	70103	\$294 million
Program Administration	70103	\$6 million

Emergency Drought Relief for Tribal Nations	70104	\$25 million
Native American Consultation Resource Center	70105	\$33 million
Tribal Public Safety	70107	
Public Safety and Justice	70107	\$490 million
Program Administration	70107	\$10 million
Tribal Roads	70108	
Roads and Tribal Transportation Facilities	70108	\$715.4 million
Program Administration	70108	\$14.6 million
Labor		
Native American Programs (Workforce Development)	22009	\$50 million
Other		
Treatment of Tribal Nations as States with Respect to Bond Issuance	135301	
New Markets Tax Credit for Tribal Statistical Areas	135302	
Inclusion of Indian Areas as Difficult Development Areas for Purposes of Certain Buildings	135303	
Total		\$16.9 billion

Agriculture

Program: Grants to Land-Grant Colleges and Universities to Support Tribal Students

Appropriation: \$15 million

Section of Bill: 13001

For Fiscal Year (FY) 2022, BBB would appropriate to the National Institute of Food and Agriculture \$15 million for grants to land-grant colleges and universities to support tribal students through recruitment, tuition and related fees, experiential learning, and other student services. BBB would waive the matching fund requirement. The appropriation would remain available until September 30, 2031.

Commerce

Program: Small Business Administration, Office of Native American Affairs

Appropriation: \$10 million

Section of Bill: 100202

For FY22, BBB would appropriate \$10 million to the Small Business Administration to establish the Office of Native American Affairs to serve American Indians, Native Hawaiian Organizations and their members, and tribal nations. The funding would remain available until September 30, 2029. The Office would administer an outreach program to ensure tribal nations, organizations, and citizens have access to Administration programs, services, and resources. Services would include things like financial education related to applying for and securing credit.

Education

Program: Tribal Colleges and Universities, Institutional Aid

Appropriation: \$705.6 million

Section of Bill: 20025

For each of FY22-FY26, BBB would provide tribal colleges and universities (TCUs), of which there are 37, with \$141.1 million in grants.² To give context to this amount, if each of the 37 TCUs were to receive an equal amount of funding, they would get roughly \$3.8 million per year. For each of those years, the funding would remain available until September 30, 2028. Grant funds could be used to plan, develop, undertake, and carry out activities to better serve Indigenous students. Examples of allowable activities include buying, renting, or leasing scientific or lab equipment for educational purposes; tutoring, counseling, and student service programs designed to improve academic success; and construction, maintenance, renovation, and improvement of certain facilities.

Program: Tribal Colleges and Universities, Retention and Completion Grants

Appropriation: \$37.5 million

Section of Bill: 20024

For FY22, BBB would provide \$37.5 million in competitive grant funding for tribal colleges and universities to use evidence-based reforms or practices to improve student outcomes. If each of the 37 TCUs were to receive an equal amount of funding, they would get roughly \$1 million per year. The funding would remain available until September 30, 2030. BBB would not require tribal colleges and universities to provide matching funds.

Health and Human Services

Program: Universal Preschool

Appropriation: \$2.5 billion

Section of Bill: 23002

For FY22, BBB would appropriate \$2.5 billion to tribal nations and organizations to provide universal, high-quality, free, inclusive, and mixed-delivery preschool services. Funding would remain available until September 30, 2027. Activities of the program would include program administration, ongoing quality improvement of the program and providers, and outreach and enrollment support for families. Tribal nations and organizations would need to apply to receive funding.

Program: Child Care

Appropriation: \$4 billion

Section of Bill: 23001

For FY22-FY24, BBB would award a total of \$4 billion in grants to tribal nations and organizations to carry out a child care program, including providing high-quality, affordable child care for children age birth through 5, increasing wages for the early childhood workforce, and expanding the availability of child care. The money would remain available until September 30, 2027. The Secretary of Health and Human Services would determine eligibility criteria for children from tribal nations. Tribal nations and organizations could receive an unspecified amount of additional funding for FY25-FY27.

Program: Grants for Native American Language Teachers and Educators

Appropriation: \$200 million

Section of Bill: 20006

For FY22, BBB would provide \$200 million for the Secretary of Health and Human Services to award grants to eligible applicants, including tribal governments, to prepare, train, and offer professional development to tribal language teachers and early childhood educators. The purpose of the grant funding is to ensure the survival and vitality of tribal languages. The funding would remain available until September 30, 2031. BBB would not require grant recipients to provide matching funds.

Program: Extension of 100 Percent FMAP for Urban Indian Organizations and Native Hawaiian Health Care Systems

Section of Bill: 30741

BBB would extend for an additional two years the 100 percent Federal Medical Assistance Percentage (FMAP) for urban Indian organizations and Native Hawaiian Health Centers that the American Rescue Plan Act first authorized. This could benefit the roughly 40 percent of American Indians in Montana who live in urban communities.³ The FMAP is the share of costs that the federal government covers for health services provided to Medicaid-enrolled individuals. FMAP applies to most medical services.⁴ Prior to ARPA, urban Indian health organizations were the only part of the Indian health-care system not eligible for 100 percent FMAP. The extension of 100 percent FMAP for urban Indian health programs does not impact Indian Health Service (IHS) and tribal funding, as FMAP is not a factor in creating the IHS budget or mandatory spending for Medicaid at IHS and tribal facilities.⁵

Program: Indian Health Service

Appropriation: \$2.3 billion

Section of Bill: 70106

In total, BBB would appropriate more than \$2.3 billion to the Indian Health Service (IHS). Of that:

- Some \$945 million would go toward the maintenance and improvement of IHS and tribal health facilities.
- Roughly \$124 million would go toward mental health and substance use prevention and treatment services, including facility renovation, construction, or expansion.
- Some \$1 billion would go toward projects identified through the health-care facility priority system, as outlined in the Indian Health Care Improvement Act.
- An additional \$40 million would go toward small ambulatory construction. The IHS Small Ambulatory Program supports tribal nations in expanding access to outpatient services.
- Some \$100 million would go toward the renovation, construction, expansion, equipping, and improvement of facilities that urban Indian organizations own or lease.
- Another \$25 million would go toward epidemiology centers.
- Roughly \$113 million would go toward IHS environmental health and facilities support activities.

The funding for all these programs would remain available until September 30, 2031. Tribal nations and organizations that receive funding under self-determination contracts would receive the funding on a one-time basis, none of which would count toward IHS support costs of those contracts.

Housing and Urban Development

Program: Investments in Native American Communities

Appropriation: \$800 million

Section of Bill: 40011

In FY22, BBB would appropriate funding to a variety of housing programs in Indian Country. The following investments amount to \$800 million.

- Nearly \$278 million would go toward formula grants for affordable housing activities that include the acquisition or construction of affordable housing, provision of counseling for rental or homeownership assistance, and provision of management services for affordable housing. The Department of Housing and Urban Development would distribute the funds according to the most recent fiscal year funding formula for the Indian Housing Block Grant.
- Roughly another \$278 million would go toward competitive grants for affordable housing activities.

- Some \$200 million would go toward competitive single-purpose Indian community development block grants for tribal nations and imminent threat Indian community development block grants for tribal nations or an entity that a tribal nation designates as an applicant. Imminent threat block grants would be for reasons that include long-term environmental threats and relocation.
- Another \$25 million would go to the Secretary of Housing and Urban Development to administer and oversee the programs, including information technology and financial reporting.
- Some \$20 million would go toward technical assistance.

These funds would remain available until September 30, 2031.

Interior

Program: Tribal Roads

Appropriation: \$730 million

Section of Bill: 70108

For FY22, BBB would appropriate a total of \$730 million to the Bureau of Indian Affairs (BIA) for tribal roads. Of that amount, \$715.4 million would go toward road maintenance; planning, design, construction, and reconstruction activities; and the deferred road maintenance backlog at the BIA. There would be another \$14.6 million for the BIA to administer the program. These funds would remain available until September 30, 2026.

Labor

Program: Native American Programs (Workforce Development)

Appropriation: \$50 million

Section of Bill: 22009

For FY22, BBB would appropriate \$50 million to the Department of Labor to support employment and training activities for Indigenous people. The funds would remain available until September 30, 2026. Under this existing program, the Secretary of Labor awards competitive grants or enters into contracts or agreements with tribal nations, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indigenous people, and Native Hawaiian organizations, who then carry out the workforce development activities.

Other

Program: New Markets Tax Credit for Tribal Statistical Areas

Section of Bill: 135302

This provision would create a new, annual New Markets Tax Credit in the amount of \$175 million for calendar years 2022-2025 for communities on low incomes in tribal areas and for projects that serve or employ tribal citizens.⁶

¹ U.S. Commission on Civil Rights, "[Broken Promises: Continuing Federal Funding Shortfall for Native Americans](#)," Dec. 2018.

² American Indian Higher Education Consortium, "[Tribal Colleges and Universities](#)," accessed on Jan. 3, 2022.

³ Montana Office of Public Instruction, Indian Education for All Unit, "[Essential Understandings Regarding Montana Indians](#)," 2019.

⁴ National Indian Health Board, "[Memorandum on CMS Policy Change on 100% FMAP](#)."

⁵ Seattle Indian Health Board, "[Payment Parity for Indian Health Care Providers: Clarifying facts and challenging misconceptions of 100% FMAP for Urban Indian Health Programs](#)."

⁶ House Rules Committee, "[Build Back Better Act, Section-By-Section](#)."