



**ADVISORY MEMORANDUM**  
**Pub. L. 117-58 INFRASTRUCTURE INVESTMENT AND JOBS ACT (H.R. 3684)**  
**November 22, 2021**

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President Biden, on Monday, November 15, 2021, signed the \$1.2 trillion Infrastructure Investment and Jobs Act into law that focuses on spending for roads and bridges, passenger and freight rail, public transit, broadband deployment, water infrastructure, airports, and power grid reliability and resiliency. Pub. L. 117-58 includes \$550 billion in new federal spending and an additional \$650 billion in spending over five years. While it is a lot less than the \$2.3 trillion that President Biden had originally asked for last Spring it is still a significant amount of funding for the next five years (FYs 2022-2026).

Pub. L. 117-58 includes more than \$15 billion in tribal specific spending measures and an additional \$146.3 billion in competitive grant and cooperative agreement funding available to tribal governments and tribal organizations. Tribal specific funding includes opportunities for investment in various infrastructure sectors including, but not limited to:

- Tribal Transportation Programs: Over \$3.0 billion over 5 years (FYs 2022-2026) including the Bridge Investment Program, Safe Routes to Schools Program, Nationally Significant Federal Lands & Tribal Programs, Amends the FAST Act, Tribal High Priority Projects, NEPA Categorical Exclusions, Formula Grants for the PROTECT Program, Pollinator Friendly Practices, Transportation Infrastructure Investment Program, BIA Roads Maintenance Program, Tribal Transit Program.
- Tribal Broadband: \$1.0 billion Tribal Broadband Connectivity Program, Middle Mile Program, Digital Equity Competitive Grants, FCC Emergency Broadband Benefit Program.
- Energy and Power Grid Infrastructure & Resilience: \$5.0 billion with 50% tribal set-asides programs addressing and preventing outages; Siting of Interstate Electric Transmission Facilities including siting on Tribal Lands.

- Abandoned Mine Land Reclamation and Abandoned Hard Rock Reclamation: \$11 billion for annual grants to States and tribal governments for abandoned mine land and water reclamation projects; and \$3 billion for Abandoned Hard Rock Mine Reclamation.
- Western Water Infrastructure: \$450 million for new, competitive grants for Water Recycling and Reuse Program; and \$100 million for Habitat Restoration Projects in River Basins affected by Bureau of Reclamation Water Projects.
- Indian Water Rights Settlements: \$2.5 billion to fund remaining portions of Congressionally approved Indian water rights settlements.
- Drinking Water & Wastewater Infrastructure: \$250 million for grants for improving the Operational Sustainability of Small Public Water Systems; Indian Reservation Drinking Water Program; Clean Water Grants to Alaska to improve Sanitation in Rural and Native Villages.
- Wildfire Risk Reduction: \$3.369 billion to carry out activities to Reduce Wildfire Risk, Wildfire Defense Grants, Mechanical Thinning, Controlled Burns, and Forest Restoration.
- Clean School Buses and Ferries: a new EPA program to award competitive grants and rebates to Replace Existing School Buses with Clean or Zero Emissions School Buses.

The Infrastructure Investment & Jobs Act (IIJA), Pub. L. 117-58, provides a great opportunity for tribal nations and tribal organizations to take advantage of this one-time federal funding, to identify projects that have been sorely needed for a long time, to make appropriate plans for improvements to tribal infrastructure (e. g. roads, bridges, water and sewer systems, program facilities, broadband), and create great employment opportunities for tribal members. Pub. L. 117-58 provides five years of funding for the identified project categories, with some remaining available for expenditure for several years after the initial appropriation. This funding is in addition to the annual federal appropriations made available to tribal governments through the Bureau of Indian Affairs, Bureau of Indian Education, Indian Health Service, and other federal servicing agencies.

We provide this Advisory Memorandum and the attached Tribal Specific Project Funding as highlights of programs and funding to help you in your project planning so that you may take advantage of this one-time funding. This information is based on information available at this time. We will provide additional information as it becomes available, such as funding and distribution methodologies.

Should you have any questions, please contact us at: [info@kivainstitute.com](mailto:info@kivainstitute.com), or 1-866-202-5482.

**P. L. 117-58 Infrastructure Investment & Jobs Act (H.R. 3684)**  
**Tribal Specific Project Listing**

Section	Transportation - Transit	Appropriations
11101	Authorization of Appropriations for Tribal Transportation Programs (DOI/DOI)	<p>Up to \$3 billion for the TTP for FYs 2022-2026, as follows:</p> <ul style="list-style-type: none"> <li>• FY 2022 - \$578,460,000</li> <li>• FY 2023 - \$589,960,000</li> <li>• FY 2024 - \$602,460,000</li> <li>• FY 2025 - \$612,960,000</li> <li>• FY 2026 - \$627,960,000</li> </ul>
11118	Bridge Investment Program (DOT)	<p>Up to \$100 million for Bridge Investment Program for Tribal Transportation Facility Bridge Set Aside, as follows:</p> <ul style="list-style-type: none"> <li>• FY 2022 - \$16,000,000</li> <li>• FY 2023 - \$18,000,000</li> <li>• FY 2024 - \$20,000,000</li> <li>• FY 2025 – \$22,000,000</li> <li>• FY 2026 - \$24,000,000</li> </ul> <ul style="list-style-type: none"> <li>• <u>Bridge Investment Program Appropriations.</u> \$100 million for FYs 2022-2026 with \$20 million made available for each of FYs 2022-2026. Funds are available until expended.</li> <li>• <u>Bridge Replacement, Rehabilitation, Preservation, Protection, and Construction Program Appropriations.</u> \$825 million for FYs 2022-2026 with \$165 million for each of FYs 2022-2026. Funds are available until expended.</li> </ul>

11123	Wildlife Crossing Safety (DOT)	<p>\$350 million for FYs 2021-2026; spending deadline to be attached to the appropriations.</p> <ul style="list-style-type: none"> <li>• FY 2022 - \$60,000,000</li> <li>• FY 2023 - \$65,000,000</li> <li>• FY 2024 - \$70,000,000</li> <li>• FY 2025 – \$75,000,000</li> <li>• FY 2026 - \$80,000,000</li> </ul>
11127	Nationally Significant Federal Lands and Tribal Projects Program (DOT)	<p>Reauthorization of a competitive grant program that includes tribal recipients, guarantees up to 50% tribal set-aside each year, lowers the minimum dollar threshold for eligible projects from \$25 million to \$12.5 million, and raises the federal share of cost of the project to 100%. Section 11101 of the Act authorizes \$1.775 billion for FYs 2022-2026, with spending deadlines to be attached to the appropriation for the year; and \$355 million for FYs 2022-2026.</p>
11128	Tribal High Priority Projects Program (DOT)	<p>Reauthorizes up to \$30 million plus \$9 million set aside from TTP funds (\$39 million annual total) for FYs 2022-2026. TTP High Priority Projects under MAP-21 is revived by amending 23 U.S.C. §202 to include a set-aside of TTP funds and an authorization of funds for FYs 2022-2026. Expiration of funds will be attached to the appropriation for the year.</p>
11132	Rural Surface Transportation Grant Program (DOT)	<p>A rural surface transportation grant program is established to improve and expand surface transportation infrastructure in rural areas. Authorizes \$2 billion for FYs 2022-2026, with expiration of funds to be attached to the appropriations for the year, as follows:</p> <ul style="list-style-type: none"> <li>• FY 2022 - \$300 million</li> <li>• FY 2023 - \$350 million</li> <li>• FY 2024 - \$400 million</li> <li>• FY 2025 - \$450 million</li> <li>• FY 2026 - \$500 million</li> </ul>

11318	Certain Gathering Lines Located on Federal and Tribal Lands (DOI)	Authorizes certain categorical exclusions. Authorizes categorical exclusions from NEPA reviews for issuance of a sundry notice or right-of-way for certain gathering lines and associated field compression or pumping units located on federal or Indian land and that services any oil or gas well. Tribes that have jurisdiction must submit a written request that the exclusion applies to that Indian land.
11401	Grants for Charging and Fueling Infrastructure (DOT)	Reauthorization of a grant program for recipients to contract with a private entity for acquisition and installation of publicly accessible electric vehicle charging stations infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas infrastructure. Funding deadlines to be attached to each appropriation with \$2.5 billion for FYs 2022-2026, as follows: <ul style="list-style-type: none"> <li>• FY 2022 - \$300 million</li> <li>• FY2023 - \$400 million</li> <li>• FY 2024 - \$500 million</li> <li>• FY 2025 - \$600 million</li> <li>• FY 2026 - \$700 million</li> </ul>
11405	Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Program (DOT)	Authorizes a 2% tribal set aside of funds for FYs 2022-2026 totaling \$28 million over 5 years., with fund expiration tied to the appropriations.
11406	Healthy Streets Program (DOT)	Grants to deploy cool pavements and porous pavements and to expand tree cover and authorizes t up \$100 million for each of the FYs 2022-2026. Availability of funds are controlled by grant awards.
11509	Reconnecting Communities Pilot Program (DOT)	Pilot program to provide grants to conduct feasibility studies, planning activities, and necessary construction activities on eligible transportation facilities. \$498 million for FYs 2022-2026, with funding availability prescribed in grant awards, as follows: <ul style="list-style-type: none"> <li>• FY 2022 - \$95 million</li> </ul>

		<ul style="list-style-type: none"> <li>• FY 2023 - \$98 million</li> <li>• FY 2024 - \$100 million</li> <li>• FY 2025 – \$102 million</li> <li>• FY 2026 - \$105 million</li> </ul> <ul style="list-style-type: none"> <li>• <u>Reconnecting Communities Pilot Program – Appropriations.</u> Division J, Title VIII of this bill appropriates \$2.5 billion for FYs 2022-2026 with \$500 million available for each year of FYs 2022-2026.</li> </ul>
11526	Working Group on Covered Resources (DOT)	A working group to conduct a study on access to covered resources (common variety material used in transportation infrastructure and maintenance including stone, sand, and gravel) for infrastructure project with not less than one tribal representative. A report is due two years after the date the working group is established.
11528	Pollinator-Friendly Practices on Roadsides and Highway Rights-of-Way (DOT)	Grant program for eligible entities to carry out activities to benefit pollinators on roadsides and highway rights-of-way including planning and seeding of native, locally-appropriate grasses and wildflowers; and authorizes \$10 million for FYs 2022-2026; with \$2 million for each of the FYs 2022-2026.
11529	Active Transportation Infrastructure Investment Program (DOT)	Authorizes the Secretary of Transportation to carry out an active transportation infrastructure investment program to make grants to eligible organizations to construct eligible projects to provide safe and connected active transportation facilities in active transportation network or active transportation spine; authorizes up to \$200 million for each of FYs 2022-2026. Transportation Secretary may enter into self-determination or self-governance compacts with Indian tribes. Amounts are available until expended.

14002	Environmental Reviews for Certain Tribal Transportation Facilities (DOI/DOT)	Secretary of Interior or Transportation to complete any approval or decision for the review of a tribal transportation safety project on an expeditious basis using the shortest existing applicable process. This provides a framework for review, decisions, extensions, notifications, and explanations associated with environmental reviews for transportation safety projects.
14003	Programmatic Agreements for Tribal Categorical Exclusions (DOI/DOT)	Secretaries of Interior and Transportation shall enter into agreements with tribes that allow the tribes to determine whether a project is categorically excluded from preparation of an environmental assessment or environmental impact statement under NEPA.
14004	Use of Certain Tribal Transportation Funds (DOI/DOT)	Eligible use of funds made available to carry out the TIP bridge program is expanded to include planning, design, engineering, preconstruction, construction, and inspection of new or replacement tribal transportation facility bridges, to replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and deicing composition, and to implement any countermeasure for a bridge classified as in poor condition
14005	Bureau of Indian Affairs Road Maintenance Program (DOI)	Authorizes to be appropriated up to \$270 million for BIA Road Maintenance Program for FYs 2022-2026, with funding availability to be prescribed in the annual appropriation, as follows: <ul style="list-style-type: none"> <li>• FY 2022 - \$50,000,000</li> <li>• FY 2023 - \$52,000,000</li> <li>• FY 2024 - \$54,000,000</li> <li>• FY 2025 - \$56,000,000</li> <li>• FY 2026 - \$58,000,000</li> </ul>
14006	Study of Road Maintenance on Indian Land (DOI)	Secretary of Interior, to consult with tribes and Secretary of Transportation to carry out a study to evaluate the long-term viability and useful life of existing roads on Indian lands; programmatic



		reforms and performance enhancements necessary to achieve the goal of restructuring and streamlining road maintenance programs on existing or future roads; and recommendations on how to implement efforts to coordinate with states, counties, municipalities, and other units of local governments to maintain roads on Indian lands.
14007	Maintenance of Certain Indian Reservation Roads (DOI/DHS)	Commissioner of U.S. Customs and Border Protection to transfer funds to the Director of BIA to maintain, repair, or reconstruct roads under the jurisdiction of the BIA Director subject to the condition that the Commissioner and the Director shall mutually agree that the primary user of the road is the CBP.
14008	Tribal Transportation Safety Needs (DOI/DOT)	Increase in TTP set aside funding for safety needs from two percent to four percent (funds are allocated based on an identification and analysis of highway safety issues and opportunities on tribal lands eligible projects described in 23 U.S.C. §148(a)(4)).
14009	Office of Tribal Government Affairs (DOT)	Establishes an Office of Tribal Government Affairs and an Assistant Secretary for Government Affairs in the U.S. Department of Transportation, to oversee tribal self-governance program under 23 U.S.C. §207.
	<b>Multi-Modal &amp; Freight</b>	
21106	Multi-State Freight Corridor Planning (DOT)	Consent to the right of tribes to enter into multi-State compacts to promote and improve mobility of goods. A grant program to provide funding for multi-State freight compacts, or States seeking to form a multi-State freight compact that seek to improve a route or corridor that will be part of the National Multimodal Freight Network with \$5 million in appropriations each fiscal year.
21201	National Infrastructure Project Assistance (DOT)	A program to provide grants for certain highways or bridge projects, freight intermodal (including public ports) or freight rail projects,

		<p>railway-highway grade separation or elimination projects, intercity passenger rail projects, or public transportation projects.</p> <ul style="list-style-type: none"> <li>• <u>National Infrastructure Project Assistance</u>. Division J, Title VIII provides \$5 billion to remain available until expended in the amount of \$1 billion for each FY for FYs 2022 – 2026.</li> </ul>
21202	Local and Regional Project Assistance (DOT)	<p>Local and Regional Project Assistance programs to provide up to \$25 million for capital investments in surface transportation infrastructure to eligible recipients including federally recognized Indian tribes or consortia. Appropriates \$1.5 billion for each of FYs 2022-2026. Funds remain available for three fiscal years following the fiscal year for which amounts are appropriated.</p> <p><u>Local and Regional Project Assistance Appropriations</u>. Division J, Title VIII appropriates \$7.5 billion for FYs 2022-2026 with \$1.5 billion made available for each of FYs 2022-2026. Funds are available until 5 years after the year in which funds are made available.</p>
21203	National Culvert Removal, Replacement, Restoration Grant Program (DOT)	<p>A grant program for projects for the replacement, removal, and repair of culverts or weirs. Authorizes \$4 billion for FYs 2022-2026, \$800 million is available for each of FYs 2022-2026. Spending deadlines will be attached to each FY appropriation.</p> <ul style="list-style-type: none"> <li>• <u>National Culvert Removal, Replacement, Restoration Grants – Appropriations</u>. Division J, Title VIII appropriates \$1 billion to remain available until expended with \$200 million available for each of FYs 2022-2026; funds available until expended.</li> </ul>
21205	Rural and Tribal Infrastructure Advancement (DOT)	<p>Pilot program to provide financial, technical, and legal assistance to evaluate potential projects reasonably expected to be eligible to receive funding or financial assistance, with development-phase activities; and information regarding innovative financing best</p>

		<p>practices and case studies. Appropriates \$10 million to be used from any amount made available to Secretary of Transportation to provide credit assistance not otherwise obligated for FYs 2022-2026 as follows:</p> <ul style="list-style-type: none"> <li>• FY 2022 - \$1,600,000</li> <li>• FY 2023 - \$1,800,000</li> <li>• FY 2024 - \$2,000,000</li> <li>• FY 2025 - \$2,200,000</li> <li>• FY 2026 - \$2,400,000</li> </ul>
22303	Consolidated Rail Infrastructure and Safety Improvements (DOT)	Expands eligibility for the program to include federally recognized tribes. Assists in financing the cost of improving passenger and freight rail transportation systems. Section 22103 of this bill authorizes \$5 billion for FYs 2202-2026 with \$1 billion for each of FYs 2022-2026.
22304	Restoration and Enhancement Grants (DOT)	Makes federally recognized Indian tribes eligible for rail passenger transportation competitive grants for purposes of initiating, restoring, or enhancing intercity rail passenger transportation. Authorizes \$250 million for FYs 2022-2026 with \$50 million for each of FYs 2022-2026.
22305	Railroad Crossing Elimination Program (DOI)	Makes federally recognized Indian tribes eligible for grants to eliminate highway-rail grade crossings that are frequently blocked by trains, to improve the health and safety of communities, to reduce the impacts that freight movement and railroad operations may have on underserved communities; and to improve mobility of people and goods. Appropriates \$2.5 billion for FYs 2-22-2026 with \$500 million for each of FYs 2022-2026.
22307	Federal-State Partnership for Intercity Passenger Rail Grants (DOT)	Makes federally recognized Indian tribe eligible to receive grants to fund capital projects that reduce the state of good repair backlog with respect to qualified railroad assets. Appropriates \$36 billion to remain

		available until expended, provided that \$7.2 billion is made available for each of FTs 2022-2026 until expended.
22308	Corridor Identification and Development Program (DOT)	A new program to facilitate the development of intercity passenger rail corridors and makes federally recognized tribes eligible to receive grants, and allows the Secretary to spend up to 5% of Federal-State Partnership for Intercity Rail program funds, with funds remaining available until expended.
24112	Safe Streets and Roads for All Grant Program (DOT)	<p>A grant program that supports local initiatives to prevent death and serious injury on roads and streets. Authorizes \$1 billion for FYs 2022-2026 with \$200 million available for each of FYs 2022-2026, and funds available for expenditure up to 5 years after grant award.</p> <ul style="list-style-type: none"> <li>• <u>Safe Streets and Roads for All Grants Appropriation</u>. Division J, Title VIII appropriates \$5 billion to remain available until expended with \$1 billion for each of FYs 2022-2026.</li> </ul>
25005	Strengthening Mobility and Revolutionizing Transportation Grant Program (DOT)	<p>Establishes a program to provide grants to conduct demonstration projects focused on advanced smart city or community technologies, and systems in a variety of communities to improve transportation efficiency and safety. Authorizes \$500 million for the first 5 FYs beginning after the date of enactment of this Act with \$100 million for each FY.</p> <ul style="list-style-type: none"> <li>• <u>Strengthening Mobility and Revolutionizing Transportation Grant Program Appropriations</u>. Division J, Title VIII appropriates \$500 million to remain available until expended with \$100 million made available for each of FYs 2022-2026.</li> </ul>
25007	Risk and System Resilience (DOT)	Secretary of Transportation to develop a process for quantifying annual risk to increase system resilience with respect to the surface transportation system; and to provide the process developed by

		Indian tribes along with state departments of transportation, metropolitan planning organizations, local governments, and other relevant entities.
25010	Rural Opportunities to Use Transportation for Economic Success (ROUTES) Initiative (DOT)	Establishes a Rural Opportunities to Use Transportation for Economic Success (ROUTES) Office and Council to improve analysis of projects from and provide technical assistance for Indian tribes, rural areas, and historically disadvantaged communities in rural areas applying for Department of Transportation discretionary grants.
30006	Formula Grants for Rural Areas (Tribal Transit Program) (DOT)	Amends existing language for Public Transportation on Indian Reservations Program (Tribal Transit Program) by replacing the language with a 5% set aside of amounts available for FYs 2022-2026. Authorizes \$229.06 million to be made available from the Highway Trust Fund, Mass Transit Account for FYs 2022-2026, as follows: <ul style="list-style-type: none"> <li>• FY 2022 - \$43,764,478</li> <li>• FY 2023 - \$44,678,764</li> <li>• FY 2024 - \$45,845,380</li> <li>• FY 2025 - \$46,792,436</li> <li>• FY 2026 - \$47, 981,991</li> </ul>
70801	Federal Permitting Improvement (Govt Wide)	Amends the definition “covered project” for federal permitting improvement under 42 U.S.C. §4370m to include construction of infrastructure for renewable or conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, manufacturing, carbon capture, or any other sector as determined by a majority vote of the Federal Permitting Improvement Council, that is sponsored by an Indian tribe.

Section	Broadband Projects	Appropriations
60201	Tribal Connectivity Technical Amendments (Dept of Commerce)	<p>Makes amendments to the Tribal Broadband Connectivity Grant Program (established in section 905 of Division N of the Consolidated Appropriations Act of 2021, Pub. L. 116-260) administered by NTIA). Amendments include removal of the “COVID-19 emergency period” language included in the previous bill; extension of grant deadlines to committing and expending funds awarded to eligible entities; expand projects for extension waivers to digital inclusion; equity; literacy projects; newly appropriated funds to fully fund any grants for which the Assistant Secretary received an application and which the Assistant Secretary did not fully fund during the initial round of funding; and shall allocate any remaining funds through subsequent funding rounds.</p> <ul style="list-style-type: none"> <li>• <u>Broadband Appropriations</u>: Appropriates \$2 billion for additional amount for “Broadband Connectivity Fund” to remain available until expended, for grants for the Tribal Broadband Connectivity Program as amended by section 60201 of Division F of this Act.</li> </ul>
60304	State Digital Equity Capacity Grant Program (Dept of Commerce)	<p>A grant program to promote the achievement of digital equity, support digital inclusion activities, and build capacity for efforts by States relating to adoption of broadband. To be awarded a grant, a State Digital Equity Plan must identify barriers to digital equity, measurable objectives, and assessment of how the objectives will impact economic outcomes, education and health outcomes, and delivery of services. Authorizes \$240 million for FY 2022; and \$300 million for each of FYs 2023-2026. Planning grants are authorized at \$60 million.</p>

		<u>Tribal Set-Aside</u> . Not less than 5% from the amounts to be made available to the State Digital Equity Capacity Grant Program shall be used to award grants or enter into contracts or cooperative agreements with Indian tribes, Alaska Native entities, and Native Hawaiian organizations.
60305	Digital Equity Competitive Grant Program (Dept of Commerce)	Provides \$250,000,000 for each of the first five FYs (\$1.25 billion) in which funds are made available to establish and award grants to support efforts to achieve digital equity, promote digital inclusion activities, and spur greater adoption of broadband among covered populations. Federal share of any grant awarded under this program may not exceed 90%.
60401	Enabling Middle Mile Broadband Infrastructure (Dept of Commerce)	Assistant Secretary, in consultation with tribal governments and Native entities, may waive, or specify alternative requirements if the Assistant Secretary finds that the waiver or alternative requirement is necessary for the effective delivery and administration of middle mile grants to tribal governments, or the construction, improvement, or acquisition of middle mile infrastructure on trust land. Assistant Secretary, in consultation with tribal governments shall develop a process for designating tribally underserved areas and tribal underserved areas for purposes of this section.
60502	Broadband Affordability (FCC)	Authorizes additional funding amount of \$14.2 billion for Emergency Broadband Benefit (EBB) Program established in section 904 of Division N of the Consolidated Appropriations Act, 2021, Public Law 116-260. The section modifies the title of the EBB program to the “Affordable Connectivity Program” and removes previous language related to the “COVID-19 emergency period”, effectively extending the program until the newly authorized funding is expended. This section also reduces the benefit amount from \$50 to \$30 for non-tribal

		participants and includes new consumer protections and regulations for participating providers.
<b>Section</b>	<b>Environmental Sustainability (Energy)</b>	<b>Appropriations</b>
40601	Orphaned Well Site Plugging, Remediation, Restoration (DOI)	Authorizes up to \$150,000,000 in grants for tribal orphaned well site plugging, remediation, and restoration. In lieu of a grant, Indian tribes may request the Secretary of Interior to administer and carry out plugging, remediation, and reclamation activities on Indian land. Funds authorized for FY 2022 will remain available through FY 2030. Tribes receiving funds shall reimburse the Secretary of Interior in an amount equal to the amount of funds that remain unobligated on the date that is five years after the date of receipt of the funds, except a tribe may request an extended deadline for completion of the eligible activities after consultation.
40101	Preventing Outages and Enhancing the Resilience of the Electric Grid (DOE)	Authorizes \$500,000,000 for the period of FYs 2022-2026 for grants to prevent outages and enhances the resilience of the electric grid. 50% of the allocation is reserved for grants to States and Indian tribes; and any such grants have a 15% match requirement from the grantee.
40103	Electric Grid Reliability and Resilience Research, Development, and Demonstration (DOE)	Up to \$5,000,000,000 for the period of FY 2022-2026 to provide competitive federal financial assistance under the Program Upgrading Our Electric Grid and Ensuring Reliability and Resiliency to eligible entities that demonstrate innovative approaches to transmission, storage, and distribution infrastructure to harden and enhance grid resilience, implemented through States by public and rural electric cooperative entities on a cost-shared basis.
40512	Building, Training, and Assessment Centers (DOE)	Up to \$10,000,000 in FY 2022 to provide grants to institutions of higher education, and tribal colleges and universities to establish building training and assessment centers to: (1) identify opportunities for optimizing emergency efficiency and environmental performance



		in building: (2) to promote the application of emerging concepts and technologies in commercial and institutional buildings; (3) to train engineers, building scientists, building energy permitting and enforcement officials, and building technicians in energy-efficient design and operation; (4) to assist institutions of higher education and tribal colleges and universities in training building technicians; (5) to promote research and development for the use of alternative energy sources and distributed generation to supply heat and power for buildings, particularly energy-intensive buildings; and (6) to coordinate with and assist State-accredited technical training centers, community colleges, tribal colleges or universities and local offices of the National Institute of Food and Agriculture and ensure appropriate services are provided under this section to each region of the United States.
40701	Abandoned Mine Reclamation Fund (DOI/OSMRE)	Authorization of \$11,293,000,000 to be deposited into the Abandoned Mine Reclamation Fund for annual grants to States and Indian tribes for abandoned mine land and water reclamation projects as described in sections 403 and 410 of the Surface Mining Control and Reclamation Act of 1977. To the extent reclamation projects under this provision cost more than \$20,000,000, grants under this provision shall not be less than \$20,000,000. Eligible tribes are those that are approved under section 405 of SMCRA. Grants shall be made over a 15-year period.
40704	Abandoned Hardrock Mine Reclamation (DOI)	Up to \$3,000,000,000 to remain available until expended in order to provide grants to States and Indian tribes in order to inventory, assess, decommission, reclaim, respond to hazardous substance releases on, and remediate abandoned hardrock mined land. 50% of the allocation is reserved for grants to eligible States and Indian tribes; and funds are available until expended.
40105	Siting of Interstate Electric Transmission Facilities (DOE)	Secretary of Energy is now required to consult with Indian tribes every three years to conduct a study of electric transmission congestion as a result of an amendment to the Federal Power Act.

40336	Limitations on Issuance of Certain Leases of Power Privilege (DOI/FERC)	Prevents the Secretary of Interior from issuing a lease of power privilege pursuant to section 9(c)(1) of the Reclamation Project Act of 1939 for a project unless the proposed lease and the tribes have entered into a study plan agreement, or the Secretary or Director makes a final determination for a study plan pursuant to the provision. For this provision, the term “tribe” means the Confederated Tribes of the Colville Reservation; and the Spokane Tribe of Indians of the Spokane Reservation.
40552	Energy Efficiency and Conservation Block Grant Program (DOE)	Up to \$50,000,000 in FY 2022 to remain available until expended for programs financing energy efficiency, renewable energy, and zero-emission transportation (and associated infrastructure), capital investments, projects, and programs, which may include loan programs and performance contracting programs, for leveraging of additional public and private sector funds, and program that allow rebates, grants, or other incentives for the purchase and installation of energy efficiency, renewable energy, and zero-emission transportation (and associated infrastructure) measures as eligible use of funding. Funds are available until expended.
<b>Section</b>	<b>Environment</b>	<b>Appropriations</b>
40804	Ecosystem Restoration (DOA/DOI)	<p>\$2.3 billion authorized to the Secretary of Interior and Secretary of Agriculture to carry out the following activities. Funds expire in FY 2026.</p> <ul style="list-style-type: none"> <li>• \$20 million to restore, prepare, adapt recreation sites on federal land, including Indian forest land and rangeland, that have experienced or may likely experience visitation and use beyond the carrying capacity of the sites through agreements by the USDA with States and Indian tribes.</li> </ul>

		<ul style="list-style-type: none"> <li>• \$20 million for the Secretary of Interior to enter into contracts including stewardship contracts and agreements to restore ecological health on not fewer than 10,000 acres of federal land, including Indian forestland and rangeland.</li> <li>• \$20 million for States and Indian tribes to implement restoration projects on federal land pursuant to good neighbor agreements entered into by the Agricultural Act of 2014 or agreements under the Tribal Forest Protection Act of 2004; \$40 million to the Secretary of the Interior and \$160 million to the Secretary of Agriculture.</li> <li>• \$400 million for the Secretary of Interior to provide grants to State, territories, and Indian tribes for implementing voluntary ecosystem restoration projects on private or public land.</li> <li>• \$50 million for the Secretary of Agriculture to award grants to States and Indian tribes to establish rental programs for portable skidder bridges, bridge mats, or other temporary water crossing structures, to minimize streambed disturbance on non-federal and federal land.</li> <li>• \$100 million to restore, prepare, and adapt recreation sites of federal land including Indian forestland or rangeland.</li> </ul>
70402	Consumer Recycling Education and Outreach Grant Program – Federal Procurement (EPA)	The EPA to establish a competitive grant program to eligible entities to improve effectiveness of recycling programs through public education and outreach. \$15 million is appropriated for the grant program.

		<ul style="list-style-type: none"> <li>• <u>State and Tribal Assistance Grants: Post-Consumer Materials Management Infrastructure Grant Program – Appropriations.</u> Authorizes \$275 million to fund the Post-Consumer Materials Management Infrastructure Grant Program under section 302(a) of Save Our Seas 2.0 Act. Funds available for FYs 2022-2026,</li> <li>• <u>Fish Passage Restoration – Appropriations.</u> \$60 million is appropriated to Indian tribes or partnerships of Indian tribes to restore fish passage by removing in-stream barriers and technical assistance pursuant to section 117 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. Deadline to expend funds is FY2027.</li> <li>• <u>Regional Ocean Partnerships – Appropriations.</u> \$56 million for the Regional Ocean Partnerships (ROPs) to coordinate the interstate and intertribal management of ocean and coastal resource and to implement their priority actions including to enhance associated sharing and integration of federal and non-federal data by ROPs. Funds expire FY 2026.</li> <li>• <u>Pacific Coastal Salmon Recovery Fund – Appropriations.</u> \$17 million additional appropriation to the Pacific Coast Salmon Recovery Program to protect, conserve, and restore salmon and steelhead species and support tribal treaty fishing rights and subsistence fishing traditions. Funds expire September 2027,</li> <li>• <u>Hazardous Substance Superfund – Appropriations.</u> \$3.5 billion to provide technical and project implementation assistance to clean</li> </ul>
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		<p>and restore abandoned or uncontrolled hazardous waste sites. Deadline for implementation September 20, 2021.</p> <ul style="list-style-type: none"> <li>• <u>State and Tribal Assistance Grants: Brownfields – Appropriations.</u> \$1.5 billion in additional appropriations to support the Brownfields program to help communities, states and tribal nations to access, safety clean up, and sustainably reuse contaminated properties. \$1.2 billion will be appropriated for competitive grants and the remaining \$300 million will be dedicated to categorical grants to States and tribal nations as under section 127 of CERCLA. Deadline to spend funds is FY 2026.</li> <li>• <u>Climate Change and Resiliency &amp; Community Relocation.</u> \$216 million from FY 2022-2026 for tribal climate resilience, adaptation, and community relocation planning, design, and implementation of projects. \$130 million will be allocated toward community relocation and \$86 million will be allocated to climate resilience and adaptation projects, with \$43.2 million to be expended each year. Funds available through FY 2026.</li> </ul>
<b>Section</b>	<b>Forestry and Wildlife Management</b>	<b>Appropriations</b>
70203	Establishment of Commission (DOI/DOA/DHS)	Within 30 days of enactment of the Act, Secretaries of Departments of Interior and Agriculture to jointly establish a commission to study and make recommendations to improve federal policies regarding prevention, mitigation, suppression, and management of wildland fires and the rehabilitation of lands that were devastated by wildfires.

4-803	Wildfire Risk Reduction (DOA)	\$30 million to provide financial assistance to States, Indian tribes and local governments to establish and operate Reverse-911 telecommunication systems.
40803	Establishment of Community Wildfire Defense Grant Program (DOA)	To establish a program, separate from the program established under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to award grants to at-risk communities including Indian tribes, to develop or revise a community wildfire protection plan or to carry out an existing community wildfire protection plan (less than 10 years old). \$500 million to be provided to the Secretary of Agriculture to award these grants in cooperation with States from FY 2022-2026.
<b>Section</b>	<b>Water Infrastructure</b>	<b>Appropriations</b>
50102	Drinking Water and Clean Water Act (EPA)	<p>Authorizes \$14.2 billion to the Drinking Water State Revolving Loan Funds administered by EPA. Funding amounts are set at:</p> <ul style="list-style-type: none"> <li>• \$2.4 billion for FY 2022</li> <li>• \$2.75 billion for FY 2023</li> <li>• \$3 billion for FY 2024</li> <li>• \$3.25 billion for FY 2025</li> <li>• \$3.25 billion for FY 2026</li> </ul> <p>Tribes are eligible by statute, there is a 2% tribal set-aside for this funding amount. Tribes will be eligible for about \$293 million. Funds are available until expended.</p>
50106	Operational Sustainability of Small Public Water System (EPA)	Provides up to \$50,000,000 for each of FYs 2022-2026 to establish a program to award grants to eligible entities for the purpose of improving the operational sustainability of one or more small public water systems through the identification and prevention of potable water loss due to leaks, breaks, and other metering or infrastructure failure. Program has a 90% cost share requirement. Tribes that have their own water systems are eligible recipients.

50109	Rural and Low-Income Water Assistance Pilot Program (EPA)	A new pilot program to award grants to eligible entities to develop and implement programs to assist qualifying households with need in maintaining access to drinking water and wastewater treatment. Eligible entities include a municipality, tribal government or other entity that owns or operates a community water system, treatment works or municipal separate storm sewer system, or as determined by the Administrator, has taken on a unsustainable level of debt due to customer nonpayment for the services provided by a community water system, treatment works, or municipal separate storm sewer system. Program must be implemented 2 years from the date of enactment of this Act.
50111	Indian Reservation Drinking Water Program (EPA)	Amends section 2001 of America’s Water Infrastructure Act of 2018 to implement projects what will improve water quality, pressure, or services through means such as connecting to, expanding, repairing, improving, or obtaining water from public water system or improve water quality or sanitation or wastewater services. Funding is provided as follows: <ul style="list-style-type: none"> <li>• \$20,000,000 for FY 2021</li> <li>• \$50,000,000 each for FYs 2022-2026</li> </ul> Indian tribes carrying out a relevant project are eligible for funding subject to EPA approval.
50210	Clean Water State Revolving Funds (EPA)	\$14.2 billion over five years for the Clean Water State Revolving Funds administered by EPA. Funds are set as follows: <ul style="list-style-type: none"> <li>• \$2.4 billion for FY 2022</li> <li>• \$2.75 billion for FY 2023</li> <li>• \$3 billion for FY 2024</li> <li>• \$3.25 billion for FY 2025</li> <li>• \$3.25 billion for FY 2026</li> </ul>

		Amends section 603 of Federal Water Pollution Control Act to allow States to use an additional 2% of the funds annually awarded to each State. By statute, there is a 2% tribal set-aside for this funding amount. Tribes will be eligible for about \$293 million of this funding. Tribal governments are eligible to apply for an additional 2% of the appropriated funding, bringing the total amount of eligible funding for tribes to 4% or approximately \$586 million.
50211	Water Infrastructure and Workforce Investment (EPA)	Authorizes \$5,000,000 for each of FYs 2022-2026 to administer grants for purposes of expanding the use and availability of activities and resources that relate to recruitment including the promotion of diversity within that recruitment, of individuals to careers in water and wastewater utility sector; expanding the availability of training opportunities for individuals entering the water and wastewater utility sector. Section amends section 4304 of America's Water Infrastructure Act of 2018 to include tribes as collaborative partners
50212	Grants to Alaska to Improve Sanitation in Rural and Native Villages (EPA)	Amends section 303 of Safe Drinking Water Act Amendments of 1996 to provide \$40,000,000 for each of FYs 2022-2024; \$50,000,000 for FY 2025; and \$60,000,000 for FY 2026 to administer grants for development and construction of public water systems and wastewater systems to improve the health and sanitation conditions of the villages, training and technical assistance, educational programs relating to operation and maintenance of sanitation services in rural and Native villages.
50217	Stormwater Infrastructure Technology (EPA)	Authorizes \$10,000,000 for each of FYs 2022-2026 to EPA to provide grants on a competitive basis to eligible entities to carry out stormwater control infrastructure projects that incorporate new and emerging, and proven, stormwater control technologies. Applicants can choose between applying for planning and development grants or



		implementation grants. There is an 80% cost share requirement under these grants. Tribes are eligible for these grants.
50222	Enhanced Aquifer Use and Recharge (EPA)	Provides \$5,000,000 for each of FYs 2022-2026 to carry out groundwater research on enhanced aquifer use and recharge in support of sole-source aquifers. As a condition of accepting funds the State, unit of local government or Indian tribe and the appropriate research center that receive funds shall establish a formal research relationship for the purpose of coordinating efforts under this section.
40905	Competitive Grant Program for Large-Scale Water Recycling and Reuse Program (DOI)	Authorizes \$450,000,000 to establish a competitive grant for the planning, design, and construction of large-scale water recycling and reuse projects that provide sustainable water supply to Reclamation States. Federal share shall not exceed 25% of the total cost. Tribes are eligible to apply.
40907	Multi-Benefit Projects to Improve Watershed Health (DOI)	Secretary of Interior will award \$100 million in competitive grants for the design, implementation, and monitoring of conservation outcomes of habitat restoration projects that improve watershed health in a river basin that was adversely impacted by a BOR water project. Grantee must accomplish one or more of seven priorities including the enhancement of commercial, recreational, subsistence or tribal ceremonial fishing.
40909	Clarification of Authority to Use Coronavirus Fiscal Recovery Funds to Meet a Non-Federal Matching	Language in this section clarifies that tribal governments can use their coronavirus fiscal recovery funds to meet the non-federal matching requirement for authorized BOR water projects.
40910	Federal Assistance for Groundwater Recharge, Aquifer Storage, and Water Source Substitution Projects (DOI)	Secretary of Interior may provide technical or financial assistance and enter into agreements with Indian tribes for groundwater recharge projects, aquifer storage and recovery projects or water source substitution projects. Indian tribes are eligible for this program.

		<ul style="list-style-type: none"> <li>• <u>State and Tribal Assistance Grants – Appropriations (EPA)</u>. This section authorizes \$55,426,000 over five years for “State and Tribal Assistance Grants” to be allocated as follows: <ul style="list-style-type: none"> <li>• \$11,713,000,000 for Drinking Water Revolving Fund Capitalization grants.</li> <li>• \$11,713,000,000 for Clean Water Revolving Fund Capitalization Grants.</li> <li>• \$15,000,000,000 for Drinking Water Revolving Fund Capitalization Grants.</li> <li>• \$1,000,000,000 for Clean Water Revolving Fund Capitalization Grants.</li> <li>• \$4,000,000,000 for Drinking Water Revolving Fund Capitalization Grants</li> </ul> <p><u>Note:</u> By statute, above grant programs provide a 2% tribal set-aside allocating approximately \$868,520,000 for Indian tribes.</p> <ul style="list-style-type: none"> <li>• \$5,000,000,000 for grants addressing emerging contaminants under Safe Drinking Water Act</li> <li>• \$50,000,000 to award Underground Injection Control grants as authorized under Division D of this Act.</li> <li>• \$1,500,000,000 for Brownfields activities.</li> <li>• \$100,000,000 for all costs for carrying out section 6605 of the Pollution Prevention Act.</li> <li>• \$275,000,000 for grants under section 302(a) of Save Our Seas 2.0 Act.</li> <li>• \$75,000,000 to award grants focused on improving material recycling, recovery, management, and reduction, as authorized under section 70402 of Division G of this Act.</li> </ul> </li> </ul>
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<b>Section</b>	<b>Water Settlements</b>	<b>Appropriations</b>
70101	Indian Water Rights Settlement Completion Fund (DOI)	\$2.5 billion authorization to complete all authorized (by Congress) Indian water rights settlements, including settlements for Blackfeet, Crow, Confederated Salish and Kootenai Tribes; including building out the infrastructure for the Southern Arizona Indian Water Rights Settlement with Tohono O’odham Nation, completing the Gila River Indian Community Water Rights Settlement, and funding the White Mountain Apache Tribe’s Water Rights Settlement. Funds available until expended.
<b>Section</b>	<b>Education Programs</b>	<b>Appropriation</b>
50110	Lead Contamination in School Drinking Water (EPA)	<p>Funding for voluntary school and childcare program lead testing, compliance monitoring, and lead reduction at schools and childcare programs that service tribal education agencies. Eligible recipients include States, tribal consortia, public water systems, childcare programs that serve tribal education agencies and qualified nonprofits. Funding:</p> <ul style="list-style-type: none"> <li>• \$30 million for FY 2022</li> <li>• \$35 million for FY 2023</li> <li>• \$40 million for FY 2024</li> <li>• \$45 million for FY 2025</li> <li>• \$50 million for FY 2026</li> </ul>
71101	Clean School Bus Program (EPA)	Authorizes \$1 billion for grants and rebates on a competitive basis for replacement of exiting school buses with clean school buses and

		zero-emission school buses that service Bureau-funded schools. Eligible recipients are Indian tribes, tribal organizations, tribally-controlled schools that are responsible for providing school bus service to Bureau-funded schools.
<b>Section</b>	<b>Health Programs</b>	<b>Appropriations</b>
-	Indian Health Service Facilities (HHS)	Indian Health Service Facilities – Appropriations. \$700 million for IHS domestic and community sanitation for the next 5 FYs (total \$3.5 billion); \$2.2 billion appropriated for projects that exceed the economical unit cost, up to 3% are for salaries, expenses, and administration; .5% is for Office of Inspector General at HHS for oversight funding. Technical fix: authorizes Urban Health Organizations to use appropriated line item funding for facilities improvements.
<b>Section</b>	<b>Revenues &amp; Offsets</b>	<b>Appropriations</b>
80604	Termination of Employee Retention Credit for Employers Subject to Closure Due To COVID-19 (IRS)	Shortens the Employee Retention Tax Credits window from January 1, 2022 to October 1, 2021.
90007	Recission of COVID-19 Appropriations	Rescinds remaining unobligated funds from the SBA’s Targeted Economic Injury Disaster Loans (EIDL). \$13.5 billion is rescinded from the EIDL Subsidy; \$17.578 billion from Targeted EIDL Advance; and \$1.366 billion rescinded from Economic Stabilization Program.

Section	Homeland Security & Emergency Management	Appropriations
70602	Declaration of a Significant Incident (DHS, Cybersecurity & Infrastructure Security Agency)	Secretary of DHS), Cybersecurity and National Cyber Security Director are authorized to declare a significant cyber security incident declaration for all tribal nations; after which tribal nations may receive funding to respond to and recover from the incident or receive technical assistance. Funds expire September 2028.
70612	State and Local Cybersecurity Grant Program	<p>Establishes State and local cybersecurity grant program to address cybersecurity risks and threats to information systems owned or operated by or on behalf of tribal governments. Base level of 3% of overall grant funds are reserved for tribal governments. Within 2 years, the agency must report to Congress on the cybersecurity needs of tribal governments, and recommendations to address the needs. Appropriations of \$30 million are authorized for four years as follows:</p> <ul style="list-style-type: none"> <li>• FY 2022 - \$200,000,000 (\$6.0 million to tribal governments)</li> <li>• FY 2023 - \$400,000,000 (\$12 million to tribal governments)</li> <li>• FY 2024 - \$300,000,000 (\$9 million to tribal governments)</li> <li>• FY 2025 - \$100,000,000 (\$3 million to tribal governments)</li> <li>• Funding expires at the end of FY2025</li> </ul> <p>• <u>Cyber Security and Critical Infrastructure Federal Assistance (Dept of Homeland Security) Appropriations</u>. \$1 billion authorized for grants to tribal, State, local, and territorial governments to improve cyber security and critical infrastructure. Fund remain available until expended.</p>

		<ul style="list-style-type: none"><li>• <u>Disaster Relief Fund – (Dept of Homeland Security &amp; FEMA)</u> <u>Appropriations.</u> \$1 billion is authorized for Disaster Relief Fund which supports major disaster declarations and emergency disaster declarations. Tribal governments are eligible recipients; funds remain available until expended.</li></ul>
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