

## BIPARTISAN INFRASTRUCTURE LAW

# Investments in Tribal Nations and their Communities

The Bipartisan Infrastructure Law is a once-in-a-generation investment in infrastructure across the nation.

As a result of this legislation, EPA will be investing more than \$60 billion in the health, equity, and resilience of American communities, including resources for Tribal Nations and their communities. A top priority for EPA is uplifting underserved communities and Tribal Nations and their communities across the country that have endured deeply rooted public health and environmental challenges. Many of these communities have never received their fair share of federal infrastructure funding or benefitted from this funding, and the Bipartisan Infrastructure Law represents an unprecedented opportunity to correct this disparity.

### Resources include:

**More than \$50 billion to improve drinking water, wastewater, and stormwater infrastructure and to protect our regional waters.** For more information see: EPA's fact sheet, [\*Bipartisan Infrastructure Law: A Historic Investment in Water\*](#).

- The majority of BIL **funding – including funding for Tribes – supports water infrastructure improvements, replacement of lead service lines, and addresses emerging contaminants.** Funding will primarily flow through the existing State Revolving Fund (SRF) and designated funding to tribes will be provided through tribal set aside programs under the Clean Water and Safe Drinking Water Acts.
  - **\$11.7 billion for safe drinking water, \$15 billion to replace lead pipes, \$11.7 billion to ensure clean water for communities, and \$5 billion to address per- and polyfluoroalkyl Substances (PFAS) and emerging contaminants in drinking water and wastewater.**
  - The SRF tribal set asides, which are established through Congressional appropriations, are anticipated to be 2% of total Clean Water and Drinking Water SRF BIL program funding, respectively.
  - **In fiscal year 2022, the BIL is anticipated to provide more than \$154 million in total tribal funding** through tribal set asides of the [Clean Water](#) and [Drinking Water](#) State Revolving Fund (SRF) programs to support infrastructure investments and address lead and emerging contaminants.
  - Historically, EPA has administered the Clean Water SRF funding primarily through Interagency Agreements (IAs) with the Indian Health Service. EPA

Regions work with Indian Health Service (IHS) and tribes to identify, prioritize, and select water infrastructure projects to receive funding. Tribes can then manage their grants either through a direct grant from EPA or request to have the Indian Health Service implement the project on their behalf.

- Historically, EPA has administered the Drinking Water SRF through Regional programs that coordinate with local tribes and the IHS to establish priorities and project implementation. Tribes can then manage their grants either through a direct grant from EPA, or through requesting, at the discretion of the Indian Health Service, to partner with IHS on implementation.
- An additional **\$5 billion over five years** will be available for the [Assistance for Small and Disadvantaged Communities Drinking Water Grant](#) program to address emerging contaminants for drinking water.
- BIL invests **more than \$1.8 billion to protect regional waters** over the next five years through place-based programs where EPA is working hand in hand with states and communities to restore natural habitats, remediate pollution, and protect coastal wetlands and neighboring areas in regions around the country. While the BIL funding to protect regional waters does not directly fund tribal programs, tribal lands, waters, and natural resources in these regions will benefit from the protections this funding will provide.
  - BIL provides **\$1.7 billion to EPA's 12 federally recognized Geographic Programs**, from the Chesapeake Bay to Puget Sound and from the Great Lakes to the Gulf of Mexico, and in certain programs will include competitive and non-competitive funding opportunities for tribes.
  - BIL also provides **\$132 million to the [National Estuary Program](#)**, shared across 28 federally recognized estuaries, to restore water quality across the Atlantic, Pacific, Gulf, and Caribbean coasts of America.
- **Additional water investments** through BIL over the next five years will include:
  - **\$60 million to fund the [Gulf of Mexico Hypoxia Task Force](#)'s** work to reduce nutrient pollution throughout the Mississippi River Watershed and Gulf of Mexico, protecting fisheries, communities, and the recreation across this vital region. This funding will be divided equally across the 12 Hypoxia Task Force states.
  - **\$50 million will support states and tribes as [Underground Injection Control \(UIC\) Grants](#)** and \$25 million to support permitting class VI UIC wells to support carbon sequestration programs build toward a low-carbon future. States and tribes that have received primary enforcement authority for the [UIC program](#) are eligible to receive UIC grant funding.

## More than \$5 billion to address longstanding pollution and support solid waste infrastructure for recycling in communities.

- EPA will be using \$3.5 billion provided to the **Superfund Remedial program** to initiate work on all existing backlogged remedial construction projects (some of which have been waiting over four years for funding) and accelerate cleanups at National Priorities List sites across the country, including sites in Indian country and with Native American interest.
- EPA is preparing for a historic \$1.5 billion investment in EPA's **Brownfields Program** over the next five years to support brownfields assessment, cleanup, and reuse to transform communities across the country.
- Over five years, EPA will be awarding \$1.2 billion in brownfields project grants and technical assistance. The Agency will also be allocating \$300 million for State and Tribal Response Program funding to eligible applicants, including Tribal Nations, for: building tribal response program capacity, assessing and cleaning up brownfield sites, training for environmental jobs, and identifying equitable and sustainable reuse options.
- EPA will be awarding \$375 million to support **solid waste and recycling initiatives**. The funding is primarily for the Solid Waste Infrastructure for Recycling (SWIFR) Grant Program and Recycling Education and Outreach Efforts. Tribes are included as eligible recipients for the grant programs; however, the two grant programs provide slightly different definitions of eligible entities.
- EPA is in the early phase of exploring the statutory language and what it means for recipients, as well as options for potential funding mechanisms, and the development of an implementation process. In addition, EPA's Office of Land and Emergency Management is exploring opportunities for providing tribal engagement on the recycling and education/outreach funding.

## \$5 billion for decarbonizing the nation's school bus fleet.

- Funding will be available for five years to replace existing school buses with cleaner school buses – zero-emission electric and low-emission alternative fuel school buses.
- Tribes, Tribal organizations, and Tribally-controlled schools responsible for providing bus service to one or more Bureau-funded schools or purchasing school buses are eligible for this funding.
- EPA can consider prioritizing applications that propose to replace school buses that serve Bureau-funded schools and that serve local education agencies receiving basic support payments under the Elementary and Secondary Education Act of 1965 for children who reside on Tribal land.

- Awards up to 100% of the cost of the replacement bus and charging or fueling infrastructure are possible, and EPA may award funding for bus replacement through grants, rebates, or contracts.

## **\$100 million for Pollution Prevention (P2) Program grants and the launch of a new program targeting environmental justice.**

- Pollution Prevention (P2) means reducing or eliminating pollutants from entering any waste stream or otherwise released into the environment prior to recycling, treatment, or disposal.
- P2 can be especially useful to Tribes and Tribal communities with unique environmental concerns. Many Tribes across the country have successfully implemented P2 practices to prevent waste and protect natural resources.
- As part of EPA's P2 program, the agency offers grants to eligible organizations that will provide technical assistance to businesses in order to help those businesses develop and adopt source reduction practices (also known as P2). States, federally recognized Tribes, intertribal consortia, and other entities are eligible for these competitive two-year grants.
- BIL - funded P2 Grants, awarded over the next five years, will eliminate the requirement of 50% grantee matching funds, which increases access to P2 grants for all communities, including Tribes.
- EPA expects to publish the next request for grant applications (RFA) in late-January/early-February and select recipients by the summer of 2022.
- Funding will also be used to provide ongoing support and outreach to eligible organizations and communities who have previously not participated in EPA's P2 grant program, develop analyses and training tools to support grantees in providing support to businesses across the country, deliver training and measure outcomes to maximize the impact and effectiveness of the grant programs, and to build out additional grant activities that focus on P2 investments for businesses in underserved communities.

In the coming weeks and months, EPA will communicate with Tribes, and share more detailed information on the critical resources in the Bipartisan Infrastructure Law as it becomes available, and how Tribal Nations can gain access to these resources.

**For more information visit: <https://www.epa.gov/infrastructure>**