

BIPARTISAN INFRASTRUCTURE LAW

Investments in Tribal Nations and their Communities

Updates on Accomplishments and Funding March 2023

This report highlights the Bipartisan Infrastructure Law fiscal year (FY) 2022 funded tribal accomplishments and includes continued tribal funding opportunities for FY 2023. This report is expected to be issued annually during Bipartisan Infrastructure Law funding and project periods. It builds upon, and should be read in conjunction with the following supplemental documents:

- [EPA Fact Sheet, Bipartisan Infrastructure Law: Investments in Tribal Nations and their Communities, December 2021](#)
- [EPA's Year One Anniversary Report: Bipartisan Infrastructure Law, November 2022](#)
- [White House's Bipartisan Infrastructure Law Tribal Playbook](#)

The Bipartisan Infrastructure Law

The Bipartisan Infrastructure Law is EPA's largest single statutory appropriation and is expected to more than double the Agency's annual budget each year over the next five years.

The law provides EPA with more than \$60 billion for a wide range of programs to be made available over five fiscal years from **FY 2022 through FY 2026**:

- **\$14.1 billion in FY 2022**
- **\$11.2 billion in FY 2023**
- **\$11.6 billion in FY 2024**
- **\$12.0 billion in FY 2025**
- **\$12.0 billion in FY 2026**

This historic investment and appropriation from President Biden's Bipartisan Infrastructure Law empowers EPA to provide funding of water infrastructure, environmental cleanups, electric school buses, and provides funding to improve recycling programs and prevent pollution across the country.

EPA is awarding Bipartisan Infrastructure Law funds through the following EPA Programs:

Office of Water (OW)

- OW State Revolving Funds: Drinking Water Infrastructure Grants – Tribal Set-Aside: includes funds for Lead Service Line Replacement and Emerging Contaminants
- OW Emerging Contaminant Grant

- Underground Injection Control (UIC) Grants
- Geographic and Related Water Programs

[Learn more about water infrastructure investments.](#)

Office of Land and Emergency Management (OLEM)

- Brownfields and Land Revitalization
- Solid Waste Infrastructure for Recycling and Recycling Education and Outreach Grants
- EPA-financed remedial construction projects at non-Federal National Priorities List (NPL) sites

[Learn more about cleanup, revitalization and recycling investments.](#)

Office of Air and Radiation (OAR)

- Clean School Bus Program

[Learn more about the Clean School Bus Program.](#)

Office of Chemical Safety and Pollution Prevention (OCSPP)

- Pollution Prevention Grants (P2)

[Learn more about pollution prevention grants.](#)

Current and Future Tribal Funding Opportunities

FY 2022 Bipartisan Infrastructure Law funding to benefit tribes includes the following accomplishments:

EPA's Office of Air and Radiation

Through EPA's [Clean School Bus Rebate Program](#), EPA awarded over \$60 million in Clean School Bus rebates to 27 schools with tribal student attendance to replace nearly 200 diesel school buses with new clean and zero emission alternatives. Five of these schools identify as tribal schools or are funded by the Department of the Interior, Bureau of Indian Affairs.

EPA's Office of Chemical Safety and Pollution Prevention

Five tribes (Saint Regis Mohawk Tribe, Cheyenne-Arapaho Tribes of Oklahoma, Choctaw Nation of Oklahoma, Viejas Band of Kumeyaay Indians, and Knik Tribal Council) were awarded almost \$1.5 million in [pollution prevention grants](#) to conduct a wide variety of projects (see the Appendix A for more details).

EPA's Office of Water

Bipartisan Infrastructure Law funding was made available to Tribes through several existing Office of Water programs, including:

- \$38 million under the Drinking Water Infrastructure Grants with Tribal Set-Aside for general projects,
- \$60 million under the Drinking Water Infrastructure Grants with Tribal Set-Aside for lead service line replacement,
- \$16 million under the Drinking Water Infrastructure Grants with Tribal Set-Aside for emerging contaminants,

- \$38 million was awarded to Tribes under the Clean Water State Revolving Fund for general projects, and
- \$2 million was awarded to [Tribes under the Clean Water State Revolving Fund for emerging contaminants](#).
- \$7.5 million was funded through EPA’s Puget Sound Program to the Northwest Indian Fisheries Commission to make awards to the 20 Puget Sound Tribes to implement priorities under the Puget Sound Action Agenda. The Puget Sound Program (<https://www.epa.gov/puget-sound>) will award \$50 million in Bipartisan Infrastructure Law funding over five years (FY 2022-2026) to support tribal environmental restoration and protection projects.
- \$6 million in Bipartisan Infrastructure Law [Gulf Hypoxia Program](#) grant funding was obligated to support 21 Tribal Nations across the Mississippi/Atchafalaya River Basin (MARB) in reducing nutrient pollution on Tribal lands in the Basin.

The Bipartisan Infrastructure Law appropriated more than \$43 billion to be administered through the existing [Clean Water State Revolving Fund \(CWSRF\)](#) and [Drinking Water State Revolving Fund \(DWSRF\)](#) Programs from FY 2022 through FY 2026, with approximately \$868 million set-aside to be provided as grants for improvements to drinking water and wastewater systems that serve Tribes.

Additionally, through the Bipartisan Infrastructure Law, EPA is increasing investment in technical assistance services that will help small, rural, and Tribal communities access their fair share of federal funding. In 2022, EPA announced \$152 million in grants available to support 29 Environmental Finance Centers in providing technical assistance services to communities. Of this funding, \$98 million was provided for by the Bipartisan Infrastructure Law.

EPA’s Office of Land and Emergency Management

Bipartisan Infrastructure Law funding was provided through several Office of Land and Emergency Management programs.

- The Bipartisan Infrastructure Law provides EPA with \$3.5 billion for the [Superfund Remedial Program](#) to eliminate the backlog of unfunded construction projects and to expedite cleanup of ongoing remedial projects. In FY 2022, more than \$235 million in Bipartisan Infrastructure Law funding was obligated for construction work at 14 National Priorities List (NPL) sites identified as having Native American Interest (see Appendix B). Native American Interest indicates that one or more Indian Tribe is directly or indirectly affected by a potential or known release at that site. These funds have been obligated to a combination of vehicles such as contracts, interagency agreements, and cooperative agreements. This total includes approximately \$5.7 million in Bipartisan Infrastructure Law funds awarded directly to a Tribe for remedial action implementation.
- \$16.9 million under the [Comprehensive Environmental Response, Compensation and Liability Act \(CERCLA\), Section 128\(a\) State and Tribal Response Program](#) was allocated in FY 2022 to 52 tribes for tribal environmental response programs and limited site assessments or cleanups at brownfield sites. Over five federal fiscal years (FY 2022-FY 2026), \$300 million in Section 128(a) Bipartisan Infrastructure Law funding is available for Tribes, territories, and states.

The funding process for many EPA’s waste and recycling programs commenced in FY 2022, with some of these investments expected to be issued through FY 2023.

The Bipartisan Infrastructure Law also provides EPA with \$350 million for the Office of Resource Conservation and Recovery to create two new grant programs for solid waste management including, the Solid Waste Infrastructure for Recycling (SWIFR) Grant program, and the Recycling Education and Outreach (REO) grant program, which were created in FY 2022.

The SWIFR grant program provides grants to fund improvements to post-consumer materials management and infrastructure; improvements to local post-consumer materials management and recycling programs; and helps waste management authorities improve local waste management systems. EPA issued the first round of funding availability for SWIFR grants, which includes a total of \$110 million out of the available \$275 million for the full SWIFR appropriation. This first round includes opportunities for states and territories, political subdivisions, and Tribes. EPA released the SWIFR request for applications for Tribes and intertribal consortia on January 4, 2023 and made \$40 million in funding available. Applications are due on April 4, 2023. EPA expects to make selections in 2023.

EPA issued the first notice of funding availability for the REO grants. This first round is for \$30 million out of the available \$75 million for the full REO appropriation. The REO grant program will fund projects that: provide information to the public about residential or community recycling or composting programs; provide information about the materials that are accepted as part of residential or community recycling or composting programs; and increase collection rates and decrease contamination of the recycling stream across the nation.

Tribes are eligible entities for REO grants and are eligible to apply for funding under the statutory set-aside, which designates a minimum of 20 percent of funding for low-income, rural, and tribal communities. EPA announced the REO grant program request for applications on November 15, 2022, and applications are due on February 15, 2023. EPA will make selections in 2023.

The following Bipartisan Infrastructure Law tribal grant programs are expected to select awardees and/or make awards in FY 2023:

1. [Solid Waste Infrastructure for Recycling \(SWIFR\) Grants for Tribes and Intertribal Consortia](#)
2. [Recycling Education and Outreach \(REO\) Grants](#)
3. [Multipurpose, Assessment, Revolving Loan Fund, and Cleanup Grants](#)
4. [Bipartisan Infrastructure Law authorized UIC Class VI Program Grants](#)
5. [Hypoxia Task Force grants – Tribal Set-Aside](#)

Additional EPA Bipartisan Infrastructure Law Funding Information Sources

EPA's Office of International and Tribal Affairs works across EPA to provide periodic updates of Bipartisan Infrastructure Law funding available to Tribes. For more information, please visit:

- [EPA Bipartisan Infrastructure Law resources available](#)
- [Bipartisan Infrastructure Law resources available to tribes](#)
- [White House's Bipartisan Infrastructure Law Tribal Playbook](#)

Appendix A: Bipartisan Infrastructure Law Funded FY 2022 Awards to Tribes

Clean School Bus Rebate Program		
Awards Benefitting Schools with Tribal Students	Amount Awarded	Number of Diesel School Buses to be Replaced
27 (includes 5 BIA-funded schools)	More than \$60 million	Nearly 200

Pollution Prevent (P2) Grants		
Tribal Awards	Amount Awarded	Projects
Total: 5	\$1,483,546	
Saint Regis Mohawk Tribe	\$302,546	Provided technical assistance to their snow & ice managers to reduce road salt contamination.
Cheyenne-Arapaho Tribes of Oklahoma	\$171,000	Developed/conducted trainings for custodial workers on using lower toxicity chemical products.
Choctaw Nation of Oklahoma	\$330,000	Promoted chemical safety and increase the use of safer chemical products at businesses and facilities.
Viejas Band of Kumeyaay Indians	\$350,000	Provided training to businesses to reduce hazardous chemicals, energy, and water use.
Knik Tribal Council	\$330,000	Provided technical assistance to local retailers to promote awareness/use of safer chemical products

2022 State Revolving Fund (SRF) Grants to Tribes by Program					
	DWSRF General	DWSRF Lead Service Line Replacement	DWSRF Emerging Contaminants	CWSRF General	CWSRF Emerging Contaminant
	\$38,040,000	\$60,000,000	\$16,000,000	\$38,040,000	\$2,000,000

Puget Sound Agenda	
Tribes/Tribal Organization	Amount Awarded
The Bipartisan Infrastructure Law includes \$50 million for the Northwest Indian Fisheries Commission to manage a program to make subawards to the 20 Puget Sound Tribes to implement their priorities in the Puget Sound Action Agenda.	We funded this agreement with \$7.5million with FY 2022 funds and will soon fund another \$7.5 million with FY 2023 funds.

CERCLA Section 128(a) State and Tribal Response Program	
Tribes/Tribal Organization	Amount Awarded
52 Tribes	\$16.9 million

Appendix B: NPL Sites with Native American Interest* and Bipartisan Infrastructure Law Funded Projects in FY 2022

EPA Region	Site Name	Site Location (City/County/State)
1	New Bedford	New Bedford, Bristol County, MA
2	Eighteenmile Creek	Lockport, Niagara County, NY
3	Hidden Lane Landfill	Sterling, Loudoun County, VA
5	Velsicol Chemical Corp. (Michigan)	St. Louis, Gratiot County, MI
5	Charlevoix Municipal Well	Charlevoix, Charlevoix County, MI
5	Penta Wood Products	Daniels, Burnett County, WI
6	Wilcox Oil Company	Creek County, Creek County, OK
6	Oklahoma Refining Co.	Cyril, Caddo County, OK
6	Tar Creek (Ottawa County)	Ottawa County, Ottawa County, OK
7	Cherokee County	Cherokee County, Cherokee County, KS
8	Bonita Peak Mining District	Unincorporated, San Juan County, CO
8	Gilt Edge Mine	Lead, Lawrence County, SD
10	Formosa Mine	Riddle, Douglas County, OR
10	Hamilton/Labree Roads GW Contamination	Chehalis, Lewis County, WA

* Native American Interest (NAI) is defined in [The Superfund Program Implementation Manual](#) (SPIM) on page V-12 (page 11)

**For more information, visit our Bipartisan Infrastructure Law website:
epa.gov/infrastructure.**