



## **H.R. 3684, the *Infrastructure Investment and Jobs Act* Tribal Provisions**

### **DIVISION A – SURFACE TRANSPORTATION**

#### **TITLE I – FEDERAL AID HIGHWAYS**

##### **Subtitle A – Authorizations and Programs**

##### **Sec. 11101 – Authorization of Appropriations**

- Tribal Transportation Program under section 202 of Title 23 – over \$3 billion over 5 years
  - \$578,460,000 for FY 2022
  - \$589,960,000 for FY 2023
  - \$602,460,000 for FY 2024
  - \$612,960,000 for FY 2025
  - \$627,960,000 for FY 2026
  
- Nationally Significant Federal Lands and Tribal Projects Program under section 1123 of the FAST Act – \$1.5 billion over 5 years out of the General Fund and \$275 million out of the Highway Trust Fund.

##### **Sec. 11118 – Bridge Investment Program**

- Federal funds may be used to cover the cost of a project under the program if by Tribal governments or a consortium of Tribal governments.
- Tribal Transportation Facility Bridge Set aside (from highway trust fund) – \$100 million.

##### **Sec. 11119 – Safe Routes to Schools Program**

- Tribal agencies are eligible recipients of amounts apportioned to a State under the program.

##### **Sec. 11123 – Wildlife Crossing Safety (Chapter 1 of Title 23 amended to create a new Wildlife Crossings Pilot Program)**

- Indian Tribes as defined in 23 U.S.C. 207(m)(1) are eligible to apply for grants under the pilot program.

##### **Sec. 11127 – Nationally Significant Federal Lands and Tribal Programs**

- Federal share of the cost of tribal transportation facility projects will be 100 percent.
- Amends the FAST Act to require 50 percent of the funds to be used for tribal projects.

Sec. 11128 – Tribal High Priority Projects Program

- Amends Section 1123(h) of MAP 21 to create a funding set-aside out of the tribal transportation program for these high priority projects – \$9 million for 5 years – \$40 million.
- Authorizes an additional \$30 million a year out of general fund money for the program – \$150 million.

Subtitle C – Project Delivery and Process Improvement

Sec. 11305 – Alternative Contracting Methods

- Authorizes alternative contracting methods for Tribal governments to carry out projects.

Sec. 11318 – Certain Gathering Lines Located on Federal land and Indian Land

- Authorizes the use of a categorical exclusion under NEPA for rights of ways for gathering lines on Indian trust lands.

Subtitle D – Climate Change

Sec. 11405 – Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Program

- Establishes a formula and competitive grant program to improve the resiliency of transportation infrastructure. Eligible entities for the competitive awards include States, local governments, and Indian Tribes (as defined in 23 U.S.C. 207(m)(1)).
- The competitive program also includes (A) Resilience Improvement Grants to improve the ability of existing surface transportation assets to withstand weather events, natural disasters, or increase resiliency to impacts of sea level rise, flooding, wildfires, and other natural disasters. The program also creates (B) Community Resilience and Evacuation Route Grants. The third grant is (C) At-Risk Coastal Infrastructure Grants. Indian Tribes in states in or bordering on the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or the Great Lakes are eligible.
- The federal cost share for a project carried out using a grant under the competitive programs above by an Indian Tribe may be up to 100%.
- Includes a 2% set-aside for grants to Indian Tribes (as defined in 23 U.S.C. 207(m)(1)).
- The bill provides \$1.4 billion for the competitive grants over five years funded from the Highway Trust Fund (section 11101).

Sec. 11406 – Healthy Streets Program

- Tribal governments are an eligible entity for grants under the program (25 U.S.C. 5131)

Subtitle E – Miscellaneous

Sec. 11505 – Disaster Relief mobilization study

- Tribal governments are included in the local community definition.
- The study will look at the use of bicycles in disaster preparedness and disaster response

Sec. 11509 – Reconnecting Communities Pilot Program

- Allows for partnerships with Tribal governments

Sec. 11524 – Bridge Terminology

- Amends the definition of tribal transportation facility bridges to strike “deficient” and replace it with “poor” to correct the terminology.

Sec. 11526 – Working group on Covered resources

- Indian Tribes (tribal elected leadership or tribal transportation officials) included in the working group on looking at common variety materials used in transportation infrastructure.
- Requirement to consult tribal planning agencies

Section 11528 – Pollinator-Friendly practices on roadsides and highway rights of way

- Indian Tribes eligible recipients of grants under the program

Section 11529 – Active transportation infrastructure investment program

- Authorizes contracts with Indian Tribes.

TITLE IV – INDIAN AFFAIRS

Sec. 14002 - Environmental reviews for certain tribal transportation facilities

- Requires expedited review under NEPA of tribal transportation safety projects and sets forth deadlines for decisions by federal agencies on project permits for these projects.

Sec. 14003- Programmatic Agreements for Tribal Categorical Exclusions

- The Secretaries of Interior and Transportation are directed to enter into programmatic agreements with Indian Tribes that have established efficient administrative procedures for carrying out environmental reviews for transportation projects.
- Under these agreements Indian Tribes can determine for themselves whether a project is categorically excluded under NEPA.

Sec. 14004 - Use of Certain Tribal Transportation Funds

- Specifies how certain transportation funds shall be used.

Sec. 14005 – Bureau of Indian Affairs Road Maintenance Program

- Authorizes a total of \$270 million to carry out this program.

Sec. 14006 – Study of Road Maintenance on Indian Land

- Study to evaluate the long-term viability and useful life of existing roads on Indian land; any steps necessary to achieve the goal of addressing the deferred maintenance backlog; programmatic reforms and performance enhancements necessary to achieve the goal of restructuring and streamlining road maintenance; and recommendations on how to implement efforts with States, counties, municipalities, and others.

- Uses definition of Indian Land from Section 3 of the Native American Business Development, Trade Promotion and Tourism Act of 2000

Sec. 14007 – Maintenance of Certain Indian Reservation Roads

- Authorizes the transfer of funds to Indian Affairs to maintain, repair or reconstruct border patrol roads.

Sec. 14008 - Tribal Transportation Safety Needs

- Focus on best practices for compiling, analyzing and sharing crash data for crashes occurring on Indian reservations and in Alaska Native communities, requires consultation.
- The Secretary will consult with Indian Tribes (25 U.S.C. 5304) and Alaska Native villages to develop these best practices and standardized forms.

Section 14009 – Office of Tribal Government Affairs

- Creates an Office of Tribal Government Affairs at DOT and a new position of Assistant Secretary to oversee it.
- Assistant Secretary would have to be confirmed by the Senate.

**DIVISION B – SURFACE TRANSPORTATION INVESTMENT ACT OF 2021**

TITLE I- MULTIMODAL AND FREIGHT TRANSPORTATION

Subtitle B – Multimodal Investment

Sec. 21205 – Rural and Tribal Infrastructure Advancement

- Establishes a pilot program within the Build America Bureau to provide financial, technical and legal assistance to evaluate potential projects and assist with development phase activities and to serve as a clearinghouse.
- Federally recognized Indian Tribes and the Department of Hawaiian Home lands are eligible entities under the program.

TITLE II – RAIL

Subtitle B – Amtrak Reforms

Sec. 22214 – Amtrak Daily Long-Distance Service Study

- In conducting the study, Secretary is required to consult federally recognized Indian Tribes.

TITLE IV – HIGHWAY AND MOTOR VEHICLE SAFETY

Subtitle A – Highway Traffic Safety

Sec. 24108 – Crash Data

- Secretary is to establish a new program to modernize the state data collection systems to enable full electronic data transfer of vehicle crashes.
- Indian Tribes are eligible for these grants as “states.”
- The federal share of the cost of a project funded with a grant under this program may be up to 80 percent.
- Authorizes \$150 million a year for 5 years - \$750 million total.

Sec. 24112 – Safe Streets and Roads for All grant program

- Establishes a new program to support local initiatives to prevent death and serious injury on roads and streets.
- Federally recognized Tribal governments are eligible grant recipients under the program.
- The federal share of the cost of an eligible project carried out using a grant provided under the program shall not exceed 80 percent.
- Authorizes \$200 million a year for 5 years - \$1.0 billion total.

**TITLE V – RESEARCH AND INNOVATION**

Sec. 25003 – Federal Support for Local Decision-Making

- To determine the data analysis tools needed to assist local communities in making infrastructure decisions the Director of the Bureau of Transportation Statistics is directed to perform outreach to planning and infrastructure decision making officials in units of government including federally recognized Indian Tribes.

Sec. 25005 – Strengthening Mobility and Revolutionizing Transportation Grant Program

- Secretary is to establish a program “SMART” under which it shall 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.
- Tribal governments are eligible entities for grants under the program.
- Authorizes \$100 million a year for 5 years with not more than 30 percent to be used for rural communities and regional partnerships - \$500M total.

Sec. 25007 – Risk and System Resilience

- Secretary is required to develop a process for quantifying annual risk in order to increase system resilience of the surface transportation system.
- Secretary is to provide this process for use by Indian Tribes.

**DIVISION C – TRANSIT**

Sec. 30006 – Formula Grants for Rural Areas

- For Public Transportation on Indian Reservation, 5% is set aside of the financial assistance for rural areas under section 5311 of title 49, United States Code. Out of \$4.58 billion, the 5% set-aside is \$229 million over five years.

## **DIVISION D – ENERGY**

### **TITLE I – GRID INFRASTRUCTURE AND RESILIENCY**

#### **Subtitle A – Grid Infrastructure Resilience and Reliability**

##### **Sec. 40101 – Preventing outages and enhancing the resilience of the electric grid.**

- Indian Tribes can receive grants which they may use to award grants to eligible entities under the program. The grants will be formula-based based on certain factors outlined in the section. The grants awarded to eligible entities may be used for certain activities, technologies, equipment and hardening measures to reduce the likelihood and consequences of disruptive events.
- 50 percent of the funding is set aside for grants to states and Indian Tribes.
- Authorizes a total of \$5 billion to carry out this program.

##### **Sec. 40103 – Electric Grid reliability and resilience research, development and demonstration**

- The Secretary shall establish a “Program Upgrading Our Electric Grid and ensuring Reliability and Resiliency” in sec. 40103(b). Authorizes the program at \$5 billion.
- Indian Tribes are eligible for federal financial assistance to coordinate and collaborative with electric sector owners and operators to demonstrate innovative approaches to transmission, storage and distribution infrastructure to harden and enhance resiliency and reliability and to demonstrate new approaches to enhance regional grid resilience, implemented through States by public and rural electric cooperative entities.

##### **Sec. 40105 – Siting of Interstate Electric Transmission Facilities**

- Adds Indian Tribes into the study on siting.

##### **Sec. 40125 – Enhanced Grid Security**

- Secretary of Energy is required to consult with Indian Tribes and Tribal organizations in developing and carrying out a program to develop advanced cybersecurity applications and technologies for the energy sector, leverage electric grid architecture to assess risks to the energy sector, perform a pilot demonstration projects, develop workforce curricula, and develop improved supply chain concepts.
- Authorizes \$250 million to carry out this program.

### **TITLE II – SUPPLY CHAINS FOR CLEAN ENERGY TECHNOLOGIES**

#### **Sec. 40207 – Battery Processing and Manufacturing**

- Creates a new battery manufacturing and recycling grant program within the Office of Energy Efficiency and Renewable Energy.
- For the Battery Material Processing Grants Program in section 40207(b) and the Battery Manufacturing and Recycling Grants in section 40207(c), the Secretary shall prioritize grant awards to eligible entities that partner with Indian Tribes.
- Authorizes \$3 billion for each of the programs.

Sec. 40209 – Advanced energy manufacturing and recycling grant program

- Creates a new advanced energy manufacturing and recycling grant program. Eligible entities are manufacturing firms. Under the program, the Secretary is required to give priority to eligible entities that are minority owned. Native American, Alaska Native and Native Hawaiian owned businesses are specifically referenced for this priority.
- Authorizes \$750 million to carry out this program.

Sec. 40211 – 21<sup>st</sup> Century Workforce Advisory Board

- Creates a Board to develop a strategy for the DOE that can support and develop a skilled energy workforce for the current and future industry and labor needs of the energy sector.
- In developing the strategy, the Board is required to identify ways in which the DOE can work with Indian Tribes and Tribal organizations in the development of a skilled energy force.
- One year after the Board is established it shall publish a report containing its findings and the strategy.

### TITLE III – FUELS AND TECHNOLOGY INFRASTRUCTURE INVESTMENTS

#### Subtitle B – Hydrogen Research and Development

Sec. 40313 – Clean Hydrogen research and development program

- Creates a new grant and contracting program, as part of a clean hydrogen manufacturing initiative.
- Under the program, the Secretary is required to give priority to eligible entities that operate in partnership with tribal energy development organizations, Indian Tribes, tribal organizations and Native Hawaiian community-based organizations
- Authorizes \$500 million to carry out the section.

### TITLE V – ENERGY EFFICIENCY AND BUILDING INFRASTRUCTURE

#### Subtitle B – Buildings

Sec. 40511 – Cost-Effective Codes Implementation for Efficiency and Resilience

- Creates a competitive grants program to enable sustained cost-effective implementation of updated building energy codes. Eligible entities include tribal energy offices.
- Authorizes \$225 million for the period of fiscal years 2022 through 2026.

Sec. 40512 – Building, training, and assessment centers

- Grants to higher education, including tribal colleges and universities, to establish building training and assessment centers.
- Authorizes \$10 million to carry out the program.

## Subtitle C – Industrial Energy Efficiency

### PART I – INDUSTRY

#### Sec. 40521 – Future of industry program and industrial research and assessment centers

- A Center of Excellence shall coordinate with and advise the industrial research and assessment centers including by identifying and coordinating with tribal energy efficiency programs for the purpose of facilitating efforts by industrial research and assessment centers to connect industrial facilities receiving assessments from those centers to aid in the implementation of those assessments.

### TITLE VI – METHANE REDUCTION INFRASTRUCTURE

#### Sec. 40601 – Orphan Well Site Plugging, Remediation, and Restoration

- Program to clean up orphan wells on federal and tribal land including specifically within the National Petroleum Reserve – Alaska.
- \$250 million for the Federal program, \$3.9 billion for State programs including formula grants and \$150 million for a new program to provide Indian Tribes with grants for plugging, remediation and restoration on tribal lands.

### TITLE VII – ABANDONED MINE LAND RECLAMATION

#### Sec. 40701 – Abandoned Mine Reclamation Fund Authorization of Appropriations

- \$11 billion for annual grants to States and Indian Tribes, that meet certain criteria, for abandoned mine land and water reclamation projects. The grants are to be distributed on an equal basis to States and Tribes over a 15-year period based on the number of tons of coal historically produced in the States or from the applicable Indian land before August 3, 1977 regardless of whether the state or Indian Tribe is certified under SMCRA.
- Priority given to projects that provide employment for current and former employees of the coal industry.

#### Sec. 40704 – Abandoned Hard Rock Reclamation

- Establishes a new program for abandoned hard rock reclamation.
- Grants under the program will be awarded to States and Indian Tribes on a competitive or formula basis to be used for clean up on federal, state, tribal, local and private land or waters that has been affected by past hardrock mining activities.
- Authorizes \$3 billion to carry out the program.

### TITLE VIII – NATURAL RESOURCES-RELATED INFRASTRUCTURE, WILDLIFE MANAGEMENT, AND ECOSYSTEM RESTORATION

#### Sec. 40803 – Wildfire Risk Reduction

- Authorizes \$3.369 billion to the Department of the Interior and the Forest Service to carry out activities to reduce wildfire risk by providing funding for community wildfire defense grants, mechanical thinning, controlled burns, the Collaborative Forest Restoration Program, and firefighting resources, including workforce training for Native Village fire crews.



- Indian Tribes and Indian forest lands are included for these activities.
- \$200 million authorized for contracting or employing public land service corps to carry out the activities including the newly created Native youth service corps from the Dingell Act.
- \$80 million authorized to establish a collaborative-based restoration.
- Authorizes \$500 million for a Community Wildfire Defense Grant Program for the Secretary of Agriculture, in cooperation with States, to award grants to at-risk communities, including Indian Tribes.

Sec. 40804 - Ecosystem restoration.

- Authorizes \$2.13 billion for the Department of the Interior and the Forest Service to restore the ecological health of Federal lands and waters and of private lands including Indian forest and rangelands, through voluntary efforts, via a variety of programs, including through partnering with States and Indian Tribes.

**TITLE IX—WESTERN WATER INFRASTRUCTURE**

Sec. 40905 – Competitive grant program for large scale water recycling and reuse program

- This section authorizes \$450 million for a new competitive grant program for large-scale water recycling and reuse projects.
- Indian Tribes are eligible for grants under the program.

Sec. 40907 - Multi-benefit projects to improve watershed health.

- This section authorizes \$100 million for a new competitive grant program for habitat restoration projects in river basins that have been impacted by Bureau of Reclamation water projects.
- Tribal governments are eligible for grants under this program.

**DIVISION E – DRINKING WATER AND WASTEWATER INFRASTRUCTURE**

**TITLE I – DRINKING WATER**

Sec. 50106 – Operational sustainability of small public water systems

- Establishes a new grant program for the purpose of improving the operational sustainability of one or more small public water systems.
- Indian Tribes that own or operate a small water system are eligible for grants under the program.
- The federal share of the cost of a project carried out under this program is 90 percent and the Administrator has the authority to increase it to 100 percent.
- Authorizes \$250 million to carry out the program.

Sec. 50108 – Needs assessment for nationwide rural and urban low-income community water assistance

- Study required to include the needs of Tribal governments.

Sec. 50110 – Lead Contamination in school drinking water

- Amends the Safe Drinking Water Act to provide for tribal consortia to assist tribal education agencies, public water systems that serve schools and child care programs under the jurisdiction of those tribal education agencies and qualified non-profit organizations in voluntary testing or compliance monitoring for and remediation of lead contamination in drinking water schools and child care programs under the jurisdiction of tribal education agencies.
- Authorizes \$200 million in total to carry out this program (not just tribal).

Sec. 50111 – Indian Reservation drinking water program

- Amends the Water Resources Development Act to allow for the implementation of projects that improve water quality, water pressure or water services from a public water system (as defined in Section 1401 of the SDWA) or that improve water quality or sanitation or wastewater services at a treatment works (as defined in section 212 of the Federal Water Pollution Control Act.
- If sufficient funds are available the Administrator should use 50 percent to carry out a certain number of eligible projects in certain river basins specified in the Act.
- Includes criteria the Administrator is required to take into account when allocating funding.
- The federal share of the cost of a project carried out under this program is 100 percent.
- Authorizes \$250 million in total to carry out the program.

**TITLE II – CLEAN WATER**

Sec. 50212 – Grants to Alaska to improve sanitation in rural and Native villages.

- Authorizes \$230 million for the EPA Alaska Native villages grant program to support communities with new and improved wastewater and drinking water systems and to provide technical assistance for the operation and maintenance of these systems.
- Increases the federal cost share from 50 percent to 75 percent.
- There are currently 245 communities eligible for this grant funding in the State.
- The program has funded first time water and sewer service in Eek, Alaska, and first-time water service in Shageluk, Alaska.

**DIVISION F – BROADBAND**

**TITLE II—TRIBAL CONNECTIVITY TECHNICAL AMENDMENTS.**

Sec. 60201 - Tribal Connectivity Technical Amendments.

- Amends Section 905 of the Consolidated Appropriations Act, 2021, which created the \$1 billion Tribal Broadband Connectivity Program.
- The grants can be used to expand access to and adoption of broadband service on tribal land or remote learning, telework, or telehealth resources. Strikes language that the grants must be used during the COVID-19 pandemic.
- Eligible entities remain the same, which includes a Tribal government; a Tribal College or University; the Department of Hawaiian Home Lands on behalf of the Native

Hawaiian Community, including Native Hawaiian Education Programs; a Tribal organization; or an Alaska Native Corporation.

- Extends the commitment deadline for the use of grant funds from 180 days after receiving grant funds to 18 months.
- Extends the expenditure deadline from 1 year to not later than 4 years after receiving an allocation of funds pursuant to a specific grant award.
- Allows an extension, for good cause, of the expenditure deadline for an eligible entity that proposes to use the grant funds for an eligible use.
- For new funding for the Tribal Broadband Connectivity Grants, the agency may use a portion of the funds to fully fund any grants under that program for which it received an application and was not fully funded during the initial round of funding. The initial round of funding means the allocation of grant funds from the \$1 billion for the Tribal Connectivity Grants.
- The agency shall allocate any remaining funds through subsequent rounds. Eligible entities may submit one application for each round of funding for Tribal Connectivity Grants.

Related Appropriation, Division J—Appropriations, Title II—Commerce, Justice, Science and Related Agencies

- Provides an additional \$2 billion for grants for the Tribal Broadband Connectivity Program.

### TITLE III—DIGITAL EQUITY ACT OF 2021

Sec. 60304 - State Digital Equity Capacity Grant Program.

- Establishes the State Digital Equity Capacity 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.
- A State that wishes to be awarded a grant will select an administering entity, which will serve as the recipient, administering agent, and develop and implement the State Digital Equity Plan for the State, and make subgrants to entities. Among the entities eligible to be the administering agent are Indian Tribes (25 U.S.C. 5304), Alaska Native entities, and Native Hawaiian entities.
- To be awarded a grant, a State Digital Equity Plan must identify barriers to digital equity, measurable objectives, an assessment of how the objectives will impact economic outcomes, education and health outcomes, and delivery of services.
- Includes a not less than 5 percent set-aside from amounts made available to the State Digital Equity Capacity Grant Program to award grants to, or enter into contracts or cooperative agreements with, Indian Tribes, Alaska Native entities, and Native Hawaiian organizations to allow those Tribes, entities, and organizations.
- State Capacity Grants are authorized at \$240 million for FY 2022 and \$300 million for each of fiscal years 2023 through 2026. Planning grants are authorized at \$60 million.

Section 60305. Digital Equity Competitive Grant Program

- This grant program will support efforts to achieve digital equity, promote digital inclusion activities, and spur greater adoption of broadband among covered populations.

- In addition to States, anchor institutions, and others, eligible entities include Indian Tribes, Alaska Native entities, or Native Hawaiian organizations.
- The program includes a 5 percent set-aside to award grants or enter into contracts or agreements with Indian Tribes, Alaska Native entities, and Native Hawaiian organizations.
- Authorizes \$250 million for each of 5 fiscal years for a total of \$1.25 billion.

Related Appropriation, Division J—Appropriations, Title II— Commerce, Justice, Science and Related Agencies

- Provides \$2.75 billion for the competitive grants authorized in sections 60304 and 60305.

#### TITLE IV—ENABLING MIDDLE MILE BROADBAND INFRASTRUCTURE

SEC. 60401. Enabling Middle Mile Broadband Infrastructure.

- Creates a Middle Mile grant program to provide grants on a technology-neutral, competitive basis to eligible entities for the construction, improvement, or acquisition of middle mile infrastructure.
- Eligible entities include a State, political subdivision of a State, Tribal government, technology company, nonprofit, Native entity (including Indian Tribe, Alaska Native Corporation, Native Hawaiian organization), among others.
- Middle mile infrastructure means any broadband infrastructure that does not connect directly to an end-user location, including an anchor institution.
- To be eligible to obtain a middle mile grant, an entity must agree to complete buildout of the middle mile infrastructure not later than five years.
- The Assistant Secretary, in consultation with Tribal governments and Native entities, shall develop a process for designating tribally unserved and underserved areas for purposes of this program. The Assistant Secretary, in consultation with Tribal governments and Native entities, may waive, or specify alternative requirements for, any provision of the program if the Assistant Secretary finds that the waiver or alternative requirement is necessary for the effective delivery and administration of middle mile grants to Tribes; or the construction, improvement, or acquisition of middle mile infrastructure on trust land.

Related Appropriation, Division J—Appropriations, Title II— Commerce, Justice, Science and Related Agencies

- Provides \$1 billion for Middle Mile Deployment.

#### TITLE V—BROADBAND AFFORDABILITY

Sec. 60502. Broadband Affordability

- Extends and modifies the Emergency Broadband Benefit program created in section 904 of division N of the Consolidated Appropriations Act, 2021. Changes the name from the “Emergency Broadband Benefit” to “Affordable Connectivity Benefit.” Expands the program so that those at or below 200% of the federal poverty line qualify, rather than 135%.

Related Appropriation, Division J—Appropriations, Title IV—Financial Services and General Government

Federal Communication Commission, Affordable Connectivity Fund

- Provides \$14.2 billion to remain available until expended, for the Affordable Connectivity Program, as authorized under section 904(b)(1) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), as amended by section 60502 of division F

**DIVISION G – OTHER AUTHORIZATIONS**

**TITLE I – INDIAN WATER RIGHTS SETTLEMENT COMPLETION FUND**

Sec. 70101. Indian Water Rights Settlement Completion Fund

- Provides \$2.5 billion to fund the remaining portions of the authorized discretionary funding for congressionally approved Indian water settlements. The federal government is involved in Indian water settlements pursuant to its trust responsibilities. Funding these settlements will allow Tribes to pursue authorized projects to access and develop their water resources.

**TITLE II – WILDFIRE MITIGATION**

Sec. 70201 – Sec. 70207

- Establishes a federal commission to study and make recommendations to improve federal policies relating to the prevention, mitigation, suppression and management of wildland fires in the United States and the rehabilitation of land in the United States devastated by wildland fires.
- Includes Indian Tribal governments in the membership on the federal commission.

**TITLE IV – RECYCLING PRACTICES**

Sec. 70402 – Consumer recycling education and outreach program; Federal procurement

- Establishes a new grant program at EPA to award competitive grants to eligible entities to improve the effectiveness of residential and community recycling programs through public education and outreach.
- Indian Tribes (as defined in ISDEAA), Native Hawaiian Organizations, the Department of Hawaiian Home Lands; and the Office of Hawaiian Affairs are eligible for grants.
- Authorizes \$15 million a year to carry out the program and requires 20 percent of the funds available in a fiscal year to be allocated to low-income communities, rural communities, and communities identified as Native American pursuant to section 2(9) of the Native American Graves Protection and Repatriation Act.

## TITLE VI – CYBERSECURITY

### Subtitle B – State and Local Cybersecurity Improvement Act

#### Sec. 70612 – State and Local Cybersecurity Improvement Act

- Establishes in the Department of Homeland Security a grant program to address cybersecurity risks and cybersecurity threats to information systems owned or operated by or on behalf of, State, local, or Tribal governments.
- Tribal governments are eligible for grants (List Act definition)
- Secretary may waive cost-share requirements and prescribe special alternative rules for projects awarded to Tribal governments.
- Authorizes \$1 billion in total to carry out the program.

## TITLE VIII – FEDERAL PERMITTING IMPROVEMENT

#### Sec. 70801 – Federal Permitting Improvement

- Amendments to the FAST Act to include projects sponsored by an Indian Tribe (as defined in ISDEAA), an Alaska Native Corporation, a Native Hawaiian organization, the Department of Hawaiian Home Lands or the Office of Hawaiian Affairs and located on land owned or under the jurisdiction of the entity that sponsors the activity.

## TITLE XI – CLEAN SCHOOL BUSES AND FERRIES

#### Sec. 71101 – Clean School Bus Program

- Establishes a new EPA program to award grants and rebates on a competitive basis to eligible recipients for the replacement of existing school buses with clean or zero emissions school buses
- Indian Tribes (ISDEAA definition) are eligible recipients.
- Priority of applications will go to those that propose to replace school buses that serve a high-need local educational agency, a Bureau-funded school, a local educational agency that receives a basic support payment under section 7003(b)(1) of the Elementary and Secondary Education Act for children who reside on Indian land; serve rural or low income areas; or proposes to complement the assistance received.
- EPA is required to set up an education and outreach program to promote and explain the award program.

## **DIVISION J – APPROPRIATIONS**

### **TITLE I—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES**

#### **Distance Learning, Telemedicine, and Broadband Program**

- \$2 billion to remain available until expended.
- Of the funds made available, \$74 million for the cost of broadband loans as authorized by section 601 of the Rural Electrification Act.
- \$1.926 billion shall be for the ReConnect program
  - The Secretary shall waive any matching funds required for pilot program projects funded from amounts under this heading for Alaska Native Corporations, for Federally-recognized Tribes, on substantially underserved Trust areas.
  - Eligibility for this program includes States, local governments, LLCs, and Indian Tribes (25 U.S.C. 5304), among others.

### **TITLE II—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES**

#### **DEPARTMENT OF COMMERCE**

##### **National Telecommunications and Information Administration**

- Provides an additional \$2 billion for grants for the Tribal Broadband Connectivity Program.
- Provides \$2.75 billion for the competitive grants authorized in sections 60304 and 60305.
- Provides \$1 billion for Middle Mile Deployment.

##### **National Oceanic and Atmospheric Administration**

- \$400 million for restoring fish passage by removing in-stream barriers and providing technical assistance pursuant to section 117 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. Up to 15% shall be reserved for Indian Tribes or partnerships of Indian Tribes with higher education institutions, non-profits, and state or local governments. Indian Tribe has the ISDEAA definition.
- Provides \$172 million for Pacific Coastal Salmon Recovery. AK, WA, OR, ID, NV, CA and federal recognized Tribes of the Columbia River and Pacific Coast, including Alaska, are eligible applicants for the Pacific Coastal Salmon Recovery Fund.

### **TITLE III—ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES**

#### **DEPARTMENT OF ENERGY**

##### **Energy Efficiency and Renewable Energy**

- Provides \$225 million for grants for up for implementing of updated building energy codes, as authorized under section 309 of the Energy Conservation and Production Act (42 U.S.C. 6831 et seq.), as amended by section 40511(a) of division D. Tribal energy offices are eligible entities.

- Provides \$10 million Building, Training, and Assessment Centers, as authorized under section 40512 of division D. These are grants to higher education, including tribal colleges and universities.
- Provides \$3 billion to remain available until expended for Battery Material Processing Grants, as authorized under section 40207(b) of division D. The Secretary shall prioritize grant awards to eligible entities that partner with Indian Tribes.
- Provides \$3 billion for Battery Manufacturing and Recycling Grants, as authorized under section 40207(c) of division D. The Secretary shall prioritize grant awards to eligible entities that partner with Indian Tribes.
- Provides \$750 million over five years for the Advanced Energy Manufacturing and Recycling Grant Program, as authorized under section 40209 of division D. Minority owned manufacturing firms, including Native-owned, will be prioritized.

#### Cybersecurity, Energy Security, and Emergency Response

- \$250 million to carry out the Cybersecurity for the Energy Sector Research, Development, and Demonstration Project as authorized in section 40125(b) of division D. Secretary of Energy is required to consult with Indian Tribes and Tribal organizations in developing and carrying out this program.

#### Electricity

- Provides \$5 billion for grants for Preventing Outages and Enhancing the Resilience of the Electric Grid as authorized under section 40101 of division D. States and Indian Tribes are eligible.

#### Office of Clean Energy Demonstrations

- Provides \$5 billion for grants for the Program Upgrading Our Electric Grid and Ensuring Reliability and Resiliency, as authorized under section 40103(b) of division D. Indian Tribes are eligible.

#### Independent Agencies

- Provides an additional \$75 million for the Denali Commission to remain available until expended.

### DEPARTMENT OF THE INTERIOR

#### Bureau of Reclamation, Water and Related Resources

- Provides \$450 million for large-scale water recycling and reuse projects in accordance with section 40905 of division D of this Act. Indian Tribes are eligible for this.
- For fiscal years 2022 through 2026, \$100 million is for multi-benefit projects to improve watershed health in accordance with section 40907 of division D of this Act. Tribal governments are eligible.



## TITLE IV—FINANCIAL SERVICES AND GENERAL GOVERNMENT

### Federal Communication Commission, Affordable Connectivity Fund

- Provides \$14.2 billion to remain available until expended, for the Affordable Connectivity Program, as authorized under section 904(b)(1) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), as amended by section 60502 of division F.

## TITLE IV—DEPARTMENT OF HOMELAND SECURITY, ENFORCEMENT, AND INVESTIGATIONS

### FEDERAL EMERGENCY MANAGEMENT AGENCY

#### Federal Assistance, State and Local Cybersecurity

- \$1 billion to remain available until expended, for grants to states, local, tribal, and territorial governments for improvement to cybersecurity and critical infrastructure, as authorized by section 2218 of the Homeland Security Act of 2002, as amended by this Act.

## TITLE VI—INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

### DEPARTMENT OF THE INTERIOR

#### Office of Surface Mining Reclamation and Enforcement

- For an additional amount to be deposited in the “Abandoned Mine Reclamation Fund”, \$11.293 billion, to remain available until expended, to carry out section 40701 of division D of this Act. Indian Tribes that meet certain criteria are eligible for these grants.

#### Bureau of Indian Affairs, Operation of Indian Programs

- \$216 million to remain available until expended for tribal climate resilience, adaptation, and community relocation planning, design, and implementation of projects which address the varying climate challenges facing tribal communities across the country. That of the funds made available for fiscal years 2022 through 2026, \$130 million shall be for community relocation, and \$86 million shall be for tribal climate resilience and adaptation projects.

#### Bureau of Indian Affairs, Construction

- \$250 million, to remain available until expended, for construction, repair, improvement, and maintenance of irrigation and power systems, safety of dams, water sanitation, and other facilities. Of the funds made available for fiscal years 2022 through 2026, not less than \$50 million is for addressing irrigation and power systems and \$200 million is for safety of dams, water sanitation, and other facilities.

### Wildland Fire Management

- Provides \$1.458 billion for Wildland Fire Management, provided that \$1.055 billion is for the Secretary of the Interior to carry activities for the Department of the Interior, as authorized in section 40803 of division D of this Act (Wildfire Risk Reduction).
- Up to \$2 million for each of fiscal years 2022 through 2026 from funds shall be for implementation of the Tribal Forestry Protection Act, as amended (Public Law 108–278).

### Energy Community Revitalization Program, Orphan Wells

- Provides \$150 million to remain available until September 30, 2030 to carry out the Tribal Orphaned Well Site Plugging, Remediation, and Restoration program as authorized in section 349(d) of the Energy Policy Act of 2005 (42 U.S.C.15907(d)), as amended by section 40601 of division D of this Act.

## ENVIRONMENTAL PROTECTION AGENCY

### State and Tribal Assistance Grants, Clean Water State Revolving Fund

- \$11.7 billion for capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act. \$1.9 billion, to remain available until expended, shall be made available for FY 2022, \$2.2 billion for FY 2023, \$2.4 billion in FY2024, \$2.6 billion in FY 2025, and \$2.6 billion in FY 2026. An Indian set-aside was created in 1987 amendments to the Clean Water Act. Since FY 2016, Congress has appropriated either 2% or \$30 million, whichever is greater, for the Indian set-aside.

### State and Tribal Assistance Grants, Drinking Water State Revolving Fund

- \$11.7 billion for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act. \$1.9 billion, to remain available until expended, shall be made available for FY 2022, \$2.2 billion for FY 2023, \$2.4 billion in FY2024, \$2.6 billion in FY 2025, and \$2.6 billion in FY 2026. The Safe Drinking Water Act authorizes EPA to set-aside 1.5% of the DWSRF for grants to Indian Tribes, Alaska Native villages, intertribal consortia, or tribal organizations.

### State and Tribal Assistance Grants, Save Our Seas 2.0

- Provides \$275 million for grants under section 302(a) of the Save Our Seas 2.0 Act, which created the Post-Consumer Materials Management Infrastructure Grant Program. The package provides \$55 million to remain available until expended for fiscal years 2022 through 2025. The bill provides that Administrator may also provide grants pursuant to such authority to Tribes, intertribal consortia consistent with the requirements in 40 CFR 35.504(a), former Indian reservations in Oklahoma (as determined by the Secretary of the Interior), and Alaska Native villages.

### State and Tribal Assistance Grants, Material Recycling

- Provides \$75 million, \$15 million in fiscal years 2022 through 2026, to award grants focused on improving material recycling, recovery, management, and reduction, as authorized under section 70402 of division G of this Act. Indian Tribes and Native Hawaiian organizations are eligible.

#### State and Tribal Assistance Grants, Clean School Bus Program

- Provides \$5 billion for the Clean School Bus Program as authorized under section 741 of the Energy Policy Act of 2005 (42 U.S.C. 16091), as amended by section 71101 of division G of this Act.

#### DEPARTMENT OF AGRICULTURE

##### Forest Service, State and Private Forestry

- \$1.5 billion for “State and Private Forestry” to remain available until September 30, 2029, provided that \$718 million is for the Secretary of Agriculture to carry out activities for the Department of Agriculture, as authorized in sections 40803 and 40804 of division D of this Act.
- Makes not less than \$500 million for grants to at-risk communities for wildfire mitigation activities, Community Wildfire Defense Grants.

##### Forest Service, National Forest System

- \$2.1 billion for the Secretary of Agriculture to carry out activities for the Department of Agriculture as authorized in sections 40803 and 40804 of division D of this Act.
- Up to \$8 million for each of fiscal years 2022 through 2026 shall be for the implementation of the Tribal Forestry Protection Act, as amended (Public Law 108–278).

##### Wildland Fire Management

- Provides \$696.2 million to remain available until expended for the Secretary of Agriculture to carry out activities as authorized in section 40803 of division D of this Act.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Indian Health Service, Indian Health Facilities

- Provides \$3.5 billion to remain available until expended, for the provision of domestic and community sanitation facilities for Indians. \$700 million shall be made available for fiscal years 2022, 2023, 2024, 2025, and 2026 and is to remain available until expended.

#### TITLE VII—LABOR, HEALTH AND HUMAN SERVICES, AND RELATED AGENCIES

##### Administration for Children and Families, Low Income Home Energy Assistance

- \$500 million to remain available through September 30, 2026, for making payments under subsection (b) of section 2602 of the Low-Income Home Energy Assistance Act of 1981. Indian Tribes and tribal organizations have the option to request that they receive and administer their own allotments of LIHEAP funds (42 U.S.C. 8623(d)).