



**Indian Affairs Overview  
of  
Bipartisan Infrastructure Law Implementation  
  
March 2022**



# Indian Affairs BIL Overview

Bipartisan Infrastructure Law Overview will address:

- Consultation
- Direct Appropriations of \$466 million for Climate Resilience, Water Sanitation, Safety of Dams and Irrigation and Power
- Indian Water Rights Settlements Completion Fund (\$2.5B) which is shared with Bureau of Reclamation
- Indian Affairs initiating significant efforts to support government-wide coordination, technical assistance and leverage other opportunities like the Buy Indian Act to increase BIL impact for Indian Country



# Funding Summary of DOI BIL Programs

<b>\$ in Millions</b>	<b>Total</b>
<b>Western Water</b>	<b>8,350.0</b>
<b>Tribal Infrastructure</b>	<b>466.0</b>
<b>Wildland Fire</b>	<b>1,458.0</b>
<b>Indian Water Rights</b>	<b>2,500.0</b>
<b>Orphan Wells/AML</b>	<b>15,970 .0</b>
<b>Ecosystem Restoration</b>	<b>905.0</b>
<b>FWS Restoration</b>	<b>455.0</b>
<b>USGS</b>	<b>510.7</b>
<b>TOTAL</b>	<b>30,614.7</b>



# Consultation

- DOI held three Department-wide consultations in January in order to meet statutorily required delivery of BIL spend plans by mid-February.
- Dear Tribal Leader Letter sent in December 2021 announcing consultations included detailed fact sheets on each DOI program.
- Overarching themes from tribal feedback included the need for clarity on programs tribes can access; technical assistance to implement programs; streamlining of leasing, realty and permitting processes; use of P.L. 638 contracting and compacting vehicles to quickly and efficiently deliver funding to tribes; and limit or eliminate matching requirements.



# Funding Overview for Direct Appropriations

## Bureau of Indian Affairs Bipartisan Infrastructure Law Funding

(\$ in 000s)

Account and Program	Total FY 2022- 2026
<b>Operation of Indian Programs (OIP)*</b> <i>Tribal Climate Resilience</i>	
Adaptation Projects	85,568
Community Relocation	129,352
Office of the Inspector General Directed Transfer (specified in bill)	1,080
<b>OIP, Total</b>	<b>216,000</b>
<b>Construction*</b> <i>Infrastructure Investments</i>	
Irrigation & Power Systems	50,000
Water Sanitation & Dam Safety	198,750
Office of the Inspector General Directed Transfer (specified in bill)	1,250
<b>Construction, Total</b>	<b>250,000</b>
<b>Bureau of Indian Affairs, Total</b>	<b>466,000</b>

- Funds are appropriated over 5 years, 2022-2026
- ½ of 1% goes to Interior IG
- Up to 3% can be used for administrative costs

\*Up to 3% of funding can be used for administrative purposes



# FY 2022 Spend Plan

Bureau of Indian Affairs Total Bipartisan Infrastructure Law Funding		
(\$ in 000s)		
		FY 2022
<b>Operation of Indian Programs (OIP)*</b>		
Trust Natural Resources/Tribal Climate Resilience	Adaptation Projects	17,114
Trust Natural Resources/Tribal Climate Resilience	Community Relocation	25,870
Office of the Inspector General	Directed Transfer (specified in bill)	216
<b>OIP, Total</b>		<b>43,200</b>
<b>Construction*</b>		
Infrastructure Investments/Irrigation & Power Systems	Irrigation & Power Systems-Improvement, Repair, & Maintenance	10,000
Infrastructure Investments/Dams & Water Projects	Water Sanitation	10,650
Infrastructure Investments/Dams & Water Projects	Dam Safety	29,100
Office of the Inspector General	Directed Transfer (specified in bill)	250
<b>Construction, Total</b>		<b>50,000</b>
<b>Bureau of Indian Affairs, Total</b>		<b>93,200</b>

*\*Up to 3% of funding can be used for administrative purposes*

- **Initial FY 2022 Spend Plan released February 2022**
- **Spend plans for 2023-2026 will be released with the President's Budget Requests**





# Safety of Dams and Water Projects

- At least \$50 million must be used to address irrigation and power systems and \$200 million will be used to address safety of dams, water sanitation, and other facilities.
- For irrigation and power systems, BIA is planning to
  - invest approximately 70% at Indian Irrigation Projects and 30% at BIA owned power utilities
  - prioritize funding of projects that reduce deferred maintenance and the risk of failure and align with Condition Assessments and Modernization Studies to rehabilitate aging infrastructure.
- Safety of Dams projects will accelerate rehabilitation activities using the current prioritization methodology which is based on inspections and analysis of all high-hazard program dams to understand the risk each structure presents to downstream residents.
- For Water Sanitation, Indian Affairs will prioritize projects that address Environmental Protection Agency notice of violations, contamination issues, critical risks of system failure, and system upgrades.
- **FY 2022 Omnibus included +\$10 million for Water Sanitation and +\$2.5 million for general program increase for Safety of Dams**



# Climate Resilience

- **\$216 million** over 5 years for Tribal climate resilience, adaptation, and community relocation planning, design, and implementation of projects, divided as follows:
  - \$130 million is provided for community relocation
  - \$86 million is provided for Tribal climate resilience and adaptation projects. Of the total amount available, \$43.2 million is available to spend each year.
- **Community Relocation** awards could be used to support areas such as: risk assessment, planning, implementation, and capacity building.
  - A few pilot demonstration projects will be identified for FY 2022. Tribes could be selected based on factors such as risk level, community-readiness, existing plans or designs, and potential to yield lessons-learned for other Tribes facing similar issues.
- **Climate Adaptation** awards could be used to support: training and workshops, adaptation planning, youth engagement, implementation, travel, and capacity building.
- **FY 2022 Omnibus provided an additional \$5 million for Climate Adaptation awards and +\$8 million for Community Relocation.**





# Indian Water Rights Settlement Completion Fund

- **Division G establishes the Indian Water Rights Settlement Completion Fund**
  - Authorizes \$2.5 billion in mandatory funding to be deposited in the Fund.
  - The Fund “shall be used by the Secretary of the Interior for transfers to funds or accounts authorized to receive discretionary appropriations, or to satisfy other obligations identified by the Secretary of the Interior, under an Indian water settlement approved and authorized by an Act of Congress before the date of enactment of this Act.” (November 15, 2021)
  - Transfers “shall be made in such amounts as are determined by the Secretary of the Interior to be appropriate to satisfy obligations of the United States, including appropriate indexing”
  - The Secretary “shall have the discretion to determine the sequence and timing of transfers from the Fund” ... “in order to substantially complete the eligible Indian water settlements as expeditiously as practicable.”
- **Status:**
  - Initial allocations of \$1.7 billion announced in February for BIA and BOR responsibilities, including the following BIA responsibilities: Blackfeet, CSKT, Navajo Utah, and White Mountain Apache.
  - Secretary’s Indian Water Rights Office is following up with tribes on allocations.



# Advancing BIL Impact Across Federal Partners

- Engaging in coordination with partners through WHCNA and other venues.
- Exploring options for increasing technical assistance to other Federal agencies and tribes to facilitate implementation.
- Expanding awareness of Buy Indian Act authority to increase utilization with BIL funding.