

INTERTRIBAL TRANSPORTATION ASSOCIATION ANNUAL MEETING

Legislative Updates on
Tribal Transportation
December 8, 2021

INFRASTRUCTURE INVESTMENT AND JOBS ACT (IIJA)

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IIJA OVERVIEW

- IIJA is not a stimulus bill, but longer-term approach to rebuilding American competitiveness through infrastructure.
- IIJA is broader than typical infrastructure legislation.
 - Transportation, water, energy, broadband, and programs to address gaps (resilience). Numerous new federal programs.

IIJA OVERVIEW

- Congress acted in early November, now the action shifts to implementation.
 - Federal agencies oversee the surge in funding (and administer new grants and design new programs).
 - States and Tribal Governments —from transportation departments to water utilities—have to identify and execute needed projects on the ground.

TRIBAL TRANSPORTATION PROGRAM UNDER IIJA VS EXTENSION OF FAST ACT

Fiscal Year	IIJA Authorized Amount from the Highway Trust Fund	FAST Act Authorized Amount from the Highway Trust Fund (if extended)
FY 2021	--	\$505,000,000
FY 2022	\$578,460,000	\$505,000,000
FY 2023	\$589,960,000	\$505,000,000
FY 2024	\$602,460,000	\$505,000,000
FY 2025	\$612,960,000	\$505,000,000
FY 2026	\$627,960,000	\$505,000,000

TRIBAL TRANSPORTATION FACILITY BRIDGE SET-ASIDE UNDER IIJA VS EXTENSION OF FAST ACT

Fiscal Year	IIJA Authorized Amount from the Highway Trust Fund	FAST Act Authorized Amount from the Highway Trust Fund as a Set-Aside from TTP (if extended)
FY 2021	--	\$15,150,000
FY 2022	\$16,000,000	\$15,150,000
FY 2023	\$18,000,000	\$15,150,000
FY 2024	\$20,000,000	\$15,150,000
FY 2025	\$22,000,000	\$15,150,000
FY 2026	\$24,000,000	\$15,150,000

TRIBAL TRANSPORTATION FACILITY BRIDGE SET-ASIDE UNDER IIJA

- Division J, Title VIII of this bill provides two separate supplemental appropriations to be treated as funds received under the TTP Facility Bridges program, totaling \$925 million over five years
 - **\$185 million for each of FYs 2022-2026.**

BIA ROAD MAINTENANCE PROGRAM UNDER IIJA vs FY 2021 APPROPRIATED AMOUNT

Fiscal Year	IIJA Authorized Amount from the General Fund	FY 2021 Appropriated Amount from the General Fund (if extended)
FY 2021	--	\$36,796,000
FY 2022	\$50,000,000	\$36,796,000
FY 2023	\$52,000,000	\$36,796,000
FY 2024	\$54,000,000	\$36,796,000
FY 2025	\$56,000,000	\$36,796,000
FY 2026	\$58,000,000	\$36,796,000

NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM

- \$55 million from the Highway Trust Fund for FYs 2022-2026; and
- \$300 million from the general fund for FYs 2022-2026.
 - 50 percent tribal set aside of funds awarded each year
 - lowers the minimum dollar threshold for eligible projects from \$25 million to \$12.5 million
 - raises the federal share of the cost of a tribal project to 100 percent.

TRIBAL HIGH PRIORITY PROJECTS PROGRAM PROTECT PROGRAM

- THPP - \$9 million set aside from TTP funds for each of FYs 2022-2026
 - \$30 million from the general fund for each of FYs 2022-2026.
- Protect Program (two percent tribal set aside)
 - FY 2022 (\$5 million tribal set aside from \$250 million);
 - FY 2023 (\$5 million tribal set aside from \$250 million);
 - FY 2024 (\$6 million tribal set aside from \$300 million);
 - FY 2025 (\$6 million tribal set aside from \$300 million);
 - FY 2026 (\$6 million tribal set aside from \$300 million).

PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS PROGRAM UNDER IIJA VS EXTENSION OF FAST ACT

Fiscal Year	IIJA Authorized Amount from the Mass Transit Account	FAST Act Authorized Amount from the Mass Transit Account (if extended)
FY 2021	--	\$35,000,000
FY 2022	\$43,764,478	\$35,000,000
FY 2023	\$44,678,764	\$35,000,000
FY 2024	\$45,845,380	\$35,000,000
FY 2025	\$46,792,436	\$35,000,000
FY 2026	\$47,981,991	\$35,000,000

PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS PROGRAM UNDER IIJA

- Amends the program to provide a three percent set aside of funds made available for formula grants for rural areas, pursuant to 49 U.S.C. 5338(a)(2)(F)
 - 20 percent of Tribal Transit Program funds be distributed on a competitive basis and 80 percent using the existing formula basis.

TRIBAL PROGRAM ENHANCEMENTS UNDER IIJA

- Establishes an Office of Tribal Government Affairs in the U.S. Department of Transportation and an Assistant Secretary for Tribal Government Affairs.
- Empowers tribal governments to enter into programmatic agreements to determine whether a project is categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act (NEPA) of 1969.
- Authorizes various studies on road conditions for eligible tribal facilities and unifies crash reporting requirements by BIA law enforcement offices.
- Broadly expands tribal applicant eligibility to receive funds for transportation, environmental sustainability, fuels, freight, and rail programs.

RESILIENCY

- PROTECT – 2% tribal set aside (\$5-6 million/year) for planning and resiliency grants to protect surface transportation
- Grid Infrastructure Resilience and Reliability (prevent outages and reduce the likelihood and consequences of power disruptions). 50% set aside for States and Tribes (of a \$5 billion program)

OTHER ILLUSTRATIONS

- Tribal Broadband Connectivity Grant Program
-- \$2 billion in additional funding to expand access to and adoption of broadband services on tribal land.
- Clean School Buses – replace existing school buses with zero emissions buses. Bureau of Indian Education funded schools are among the priority recipients.