



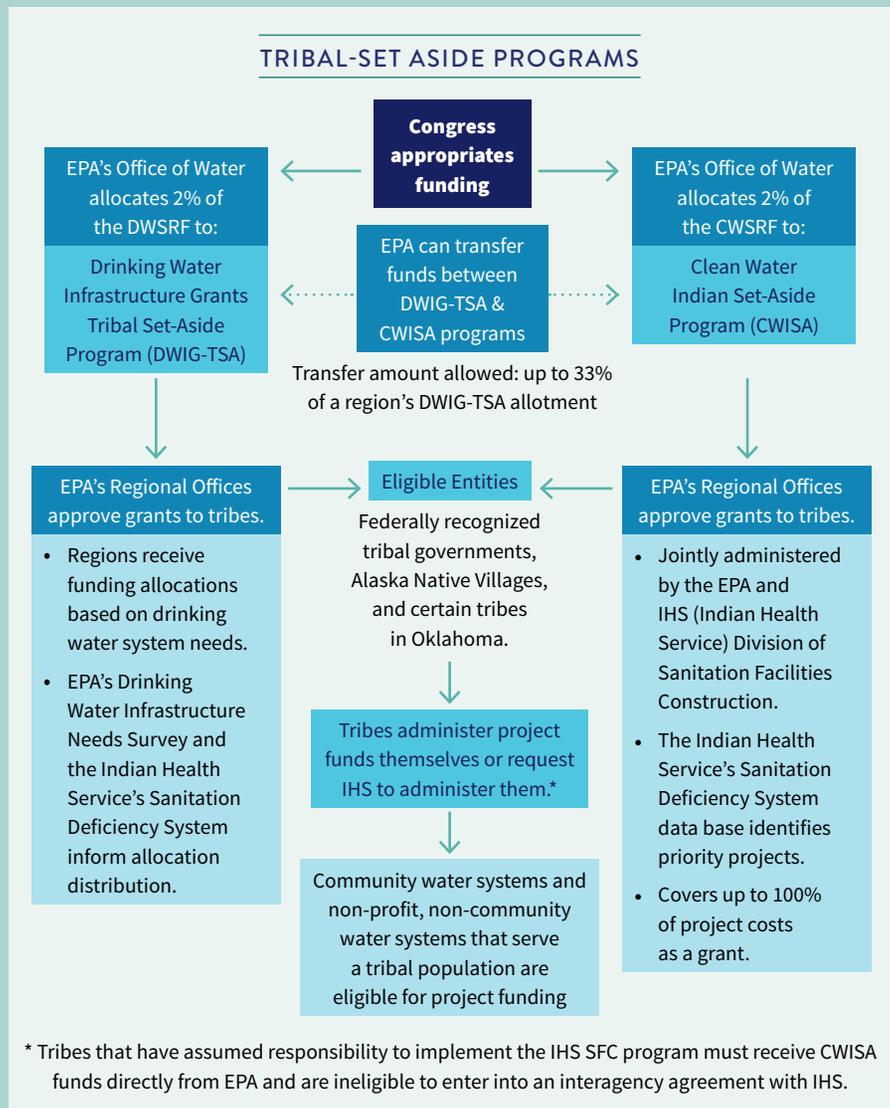
Tribal Set-Aside Programs for DWSRF & CWSRF

Federally recognized tribes are sovereign nations that have a government-to-government relationship with the US federal government. Therefore, EPA connects directly with federally recognized tribal governments, Alaska Native Villages, and certain tribes in Oklahoma for the administration of the Tribal Set-Aside programs, unlike state SRF programs which are administered by state environmental and health agencies. The programs are called the Drinking Water Infrastructure Grants Tribal Set-Aside (DWIG-TSA) Program and the Clean Water Indian Set-Aside (CWISA) Program.

Like the state SRFs, [projects](#) are prioritized based on certain factors, and regional EPA offices work with the Indian Health Service (IHS) to select projects that will be either fully or partially funded through Regional CWISA and DWIG-TSA programs.

An EPA implementation [memo](#) focusing on how BIL funding impacts the two tribal set-aside programs provides useful information, including details on accessing training and technical assistance to build tribes' capacity. The following table shows the BIL-specific money that the tribal set-aside programs are expected to receive.

Tribal SRF Funding Through BIL				
Tribal governments should receive nearly \$0.9 billion through SRF funds between 2022-2026 based on percentages established through annual appropriation.				
DWIG-TSA General Supplemental	CWISA General Supplemental	DWIG-TSA Emerging Contaminants	CWISA Emerging Contaminants	DWIG-TSA Lead Service Line Removal
\$234 million	\$234 million	\$80 million	\$20 million	\$300 million



Drinking Water Infrastructure Grants Tribal Set-Aside Program

The Safe Drinking Water Act amendments of 1996 established the DWSRF and authorized the EPA to set-aside up to 1.5% of the DWSRF as grants for federally recognized tribes to finance drinking water system projects. In 2010, Congress increased the amount to 2% for the [Drinking Water Infrastructure Grants Tribal Set-Aside \(DWIG-TSA\) Program](#). An average of \$22 million per year was allocated between 2018-2022. EPA Regions receive a [base amount](#) of the 2% set-aside (20% of total funds) and receive additional funding allocations based on drinking water system needs, which are informed by the EPA's Drinking Water Infrastructure Needs Survey and the Indian Health Service's Sanitation Deficiency System. The [DWIG-TSA Program](#) may fund community water systems and nonprofit, non-community water systems that serve a tribal population, and projects may occur outside of reservations or tribally owned land if the system serves a tribe.

[Eligible projects](#) include:

- Rehabilitation or development of sources of drinking water
- Installation or upgrade of treatment facilities
- Installation or upgrade of storage facilities
- Installation or replacement of transmission or distribution pipes
- Replacement of aging water system infrastructure

The EPA is authorized to transfer funds between DWIG-TSA and CWISA programs up to the equivalent of 33% of a region's DWIG-TSA allotment.

Regional Tribal Drinking Water Coordinators [contact information can be found here](#).

[Some states allow](#) tribally owned public water systems to receive funds through their state's DWSRF program. The Safe Drinking Water Act (SDWA) does not allow a tribe to receive *both* DWSRF *and* DWIG-TSA for the same project, but a tribe could use both pots of funding for separate projects for one water system.

BIL-Specific DWIG-TSA Opportunities

Emerging contaminants funding is available through DWIG-TSA to address emerging contaminant problems in drinking water. EPA regions will prioritize [PFAS-focused](#) projects. Initial funding will focus on identifying if and where emerging contaminants exist and to support planning and design projects.

Lead service line replacement funding actually contributes the highest amount of BIL funding across tribal set-aside programs. Eligible projects include inventorying, planning and designing, and replacing lead service lines.

Clean Water Indian Set-Aside Program

Amendments to the Clean Water Act in 1987 established the [Clean Water Indian Set-Aside](#) (CWISA) Program, and it was initially funded by the Construction Grant Program. Appropriations from the CWSRF began in 1992 as a set-aside percentage. Congress authorizes 2% of the CWSRF for the CWISA Program each year.

Wastewater infrastructure projects are funded through the CWISA Program, which is jointly administered by the EPA and the Indian Health Service (IHS) [Division of Sanitation Facilities Construction](#), using their Sanitation Deficiency System (SDS) to identify tribes' wastewater needs. Allotment of funds by the IHS area is based upon priority lists that meet the greatest need. Tribes may administer the project funds as a direct grant from EPA or request that IHS administer it on the tribe's behalf.

While CWSRF funding to states is distributed as revolving loans that require a state match, the CWISA Program can cover up to 100% of eligible project costs as a grant. If a tribe can provide matching funds for a project, it will be ranked higher in SDS. CWISA funds can be combined with other sources of funding to complete a project.

Eligible projects funded by the CWISA Program support wastewater-related activities and projects, including:

- Project planning, design, and Preliminary Engineering Report (PER)
- Infrastructure construction and major sewer rehabilitation
- Wastewater treatment facilities (conventional or alternative)
- Correction of combined sewer overflows (combined sewer systems use the same pipes to carry stormwater runoff, domestic sewage, and industrial wastewater. [Overflows](#) can result in untreated water discharging into streams, rivers, and other water bodies, impacting water quality)
- Collector sewer pipelines
- On-site wastewater treatment systems (e.g., septic systems)
- Follow-up and as-built drawings of funded wastewater projects
- Operator training on new infrastructure equipment for first year

BIL-Specific CWISA Opportunities

Emerging contaminants funding is available through CWISA and can be used to identify the prevalence of [emerging contaminants](#), including PFAS, in tribal wastewater facilities and to support planning and design projects.

Wastewater projects may receive CWISA funding regardless of whether non-tribal residents also live in the service area, so long as it provides improvements to members of federally recognized tribes.

Learn more through the EPA's [FAQs](#) and reach out to [EPA and IHS CWISA Program contacts](#).

What About Tribes That Aren't Federally Recognized?

The US government officially recognizes 574 tribes. These federally recognized tribes access federal resources through Indian Health Service, EPA, and other federal agencies. Over 200 tribes do not have federal recognition, making them ineligible for federal funds like the CWISA and DWIG-TSA Programs. Recognition can occur through administrative, judicial, or Congressional means. The process of becoming a federally recognized tribe is extremely time-consuming and often unsuccessful. [Some states](#)—Alabama, Connecticut, Delaware, Georgia, Louisiana, Maryland, Massachusetts, New Jersey, New York, North Carolina, South Carolina, Vermont, and Virginia—recognize tribes on their own and establish government-to-government political relationships. According to a [2008 report](#), 62 tribes are recognized solely by their respective states, enabling limited benefits and support.



ADVOCACY OPPORTUNITIES

Expanding access to more tribes: Some types of federal funding are available to state-recognized tribes, including Health and Human Services Block Grants ([defining tribes](#) as including “organized groups of Indians that the State in which they reside has determined are Indian tribes”) and advocates working in partnership with tribal members could make recommendations to EPA to expand the definition of eligible tribes for the CWISA and DWIG-TSA Programs. While securing federal recognition is [extraordinarily difficult](#), state recognition can more easily be achieved.

Increasing funding amount for tribal set-asides: The [Tribal Access to Clean Water Act of 2021](#) seeks to achieve universal access to reliable, clean, drinkable water and includes investment of \$100 million for the upcoming fiscal year for each SRF set-aside program. The [Colorado River Basin Water & Tribes Initiative](#) created an [overarching framework](#) for how to achieve universal access to clean water for tribal communities, including a whole-of-government approach backed by adequate funding. Increased funding is only effective when it offers necessary flexibility and including eligible uses of funds for operations and maintenance is crucial for tribal communities and rural communities that may not be able to sustain upkeep over time without adequate support.