

**GrantSolutions Non-Competitive
Bipartisan Infrastructure Law Program Funding Opportunity
for FY 2023 - AMENDED**

This FY 2023 Bipartisan Infrastructure Law Notice of Funding Opportunity is being amended to include a one-time \$8M additional distribution in funding amount to support activities related to the enhanced Abandoned Mine Land Inventory System, commonly known as e-AMLIS.

The sections listed below are all required sections that are needed to submit a non-competitive funding opportunity in GrantSolutions. Some of these fields contain autogenerated information as indicated in brackets.

Opportunity Category

Mandatory

Publish Date

6/1/2023

Funding Instrument Type

Grant

Internal Title(s)

Office of Surface Mining Reclamation and Enforcement (Insert Region: Appalachian/Mid-Continent/Western Region) FY 2023 Bipartisan Infrastructure Law Program - Amended

Public Opportunity Title

Office of Surface Mining Reclamation and Enforcement FY 2023 Bipartisan Infrastructure Law (BIL) Program - Amended

Funding Activity Category

Environment, Natural Resources, Regional Development, Other: ['Infrastructure']

Funding Opportunity Number

[Auto generated in GrantSolutions]

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Funding Opportunity Description:

Background

Amended 12/19/2023:

This FY 2023 BIL NOFO is being amended to include a one-time \$8M additional distribution in funding for e-AMLIS activities. Please see \$8 Million in BIL Grant Funds to AML Programs for e-AMLIS section below.

The Bipartisan Infrastructure Law (BIL) (Pub. L. No. 117-58), also known as the Infrastructure Investment and Jobs Act, was enacted on November 15, 2021. The BIL authorized and appropriated \$11.293 billion for deposit into the Abandoned Mine Reclamation Fund administered by the Office of Surface Mining Reclamation and Enforcement (OSMRE). Of the \$11.293 billion appropriated, OSMRE will distribute approximately \$10.873 billion in BIL Abandoned Mine Land (AML) grants to eligible States and Tribes on an equal annual basis—approximately \$725 million a year—over a 15-year period. BIL funds will expand the AML Reclamation Program to fund the activities described in the BIL, in addition to those already funded under Surface Mining Control and Reclamation Act of 1977 (SMCRA), as amended. The objective of the BIL AML Program is to address coal AML related problems described in sections 403(a), 403(b), and 410 of SMCRA, which include: coal AML emergencies, physical hazards resulting from legacy coal mining that pose a threat to public health, safety, and the environment (including acid mine drainage), and water supplies that has been adversely affected by legacy coal mining. In addition, the BIL encourages States and Tribes to prioritize projects that provide employment for current and former employees of the coal industry.

The Consolidated Appropriations Act, 2023, amended section 40701(c) of the BIL to authorize eligible States and Tribes to retain up to 30 percent of the “total amount of a grant made annually” under section 40701(b)(1) of the BIL in a “long-term abandoned mine land reclamation fund established under State law, from which amounts (together with all interest earned on the amounts) are expended by the State or Tribe” for (1) the abatement of the causes and the treatment of the effects of acid mine drainage resulting from coal mining practices, including costs associated with acid main drainage treatment systems; (2) the prevention, abatement, and control of subsidence; or (3) the prevention, abatement, and control of coal mine fires.

\$8 Million in BIL Grant Funds to AML Programs for e-AMLIS

The BIL funds made available to the Secretary of the Interior provides States and Tribes with the financial and technical assistance necessary to maximize data enhancements and the use of the enhanced AML Inventory System (e-AMLIS).

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OSMRE will distribute approximately eight million dollars (\$8,000,000) of these funds to the States and Tribes for their AML inventory updates.

States and Tribes can use these funds to update their respective AML inventories in e-AMLIS.

OSMRE encourages the States and Tribes to use these funds to improve overall their data collection processes, data integrity, accuracy, and reliability in e-AMLIS. Also, to address the anticipated growth of the inventory, field reconnaissance activities and the use of technologies to efficiently collect and manage the information (e.g., addition of AMD sites, BIL performance measures).

Goal

eAMLIS funding for eligible applicants

Competition ID

[auto generated]

Federal Register Document Number

(Leave Blank)

Due Date & Time

6/30/2024 (GMT - 05:00) Eastern Time (US & Canada)

Agency Contact for Electronic Access Problems

Crystal E Williams, Grants Management Specialist
Phone: (202) 208-2842
Email Address: Cwilliams@osmre.gov
Email Description: Technical Support

Program Type:

Office of Surface Mining Reclamation and Enforcement

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Grant Program [auto generated]

OSMRE Bipartisan Infrastructure Law Program

Grants Management Officer (GMO)

[Varies by regional office; to be determined]

Assistance Listing (CFDA) Number

15.252 - Office of Surface Mining Reclamation and Enforcement

Assistance Type

(03) Formula Grant

Eligibility Category

Native American Tribal governments (Federally recognized), State governments

Additional Information Applicant Type

Organizations Only

Estimated Project Start Date

10/1/2023

Estimated Project End Date

9/30/2028

Fiscal Year

2023

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Expected Number of Awards

27

Award Ceiling

\$244,786,476

Award Floor

\$296,296

Grace Period (Days)

(Leave Blank)

Cost Sharing or Matching Requirement

No

Electronic Requirement

Yes

Expected Number of Applications

27

Expected Application Size (MB)

20

Area Workload

[Select one option: AR, MCR, WR]

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Grants Service Office, Program Service Office, Service Area

[Select Option: AR, MCR or WR]

Announcement Type

New

Is this a Directed Announcement?

Yes

States/Tribes	FY23 BIL AML Eligibility*
Alabama	\$20,441,000
Alaska	\$1,333,000
Arkansas	\$1,700,000
Colorado	\$9,962,000
Illinois	\$75,727,000
Indiana	\$24,654,000
Iowa	\$5,986,000
Kansas	\$4,852,000
Kentucky	\$74,217,000
Maryland	\$4,809,000
Missouri	\$5,859,000
Montana	\$4,599,000

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States/Tribes	FY23 BIL AML Eligibility*
Navajo Nation	\$1,661,000
New Mexico	\$2,422,000
North Dakota	\$3,100,000
Ohio	\$46,421,000
Oklahoma **	\$3,490,000
Pennsylvania	\$244,786,000
Tennessee	\$8,574,000
Texas	\$1,333,000
Utah	\$5,766,000
Virginia	\$22,780,000
West Virginia	\$140,684,000
Wyoming	\$9,693,000
Total	\$724,849,000

*Dollars have been rounded to the nearest thousand

**Consistent with *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020), and related cases, neither the State of Oklahoma nor any of its agencies are currently eligible for BIL AML funding, *Oklahoma v. U.S. Department of the Interior*, No. CIV-21-719-F, 2022 U.S. Dist. LEXIS 204065 (W.D. Okla. Nov. 9, 2022). If one or more entities become eligible for BIL AML grants this fiscal year, OSMRE is reserving BIL funds for AML reclamation on Indian lands in Oklahoma. Source: <https://www.doi.gov/pressreleases/biden-administration-announces-nearly-725-million-create-good-paying-union-jobs>

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One-Time \$8M additional distribution in funding for e-AMLIS to States and Tribes

State	e-AMLIS Funding
Alabama	\$ 296,296
Alaska	\$ 296,296
Arkansas	\$296,296
Colorado	\$296,296
Crow Tribe	\$296,296
Hopi Tribe	\$296,296
Illinois	\$296,296
Indiana	\$296,296
Iowa	\$296,296
Kansas	\$296,296
Kentucky	\$296,296
Louisiana	\$296,296
Maryland	\$296,296
Mississippi	\$296,296
Missouri	\$296,296
Montana	\$296,296
Navajo Nation	\$296,296

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State	e-AMLIS Funding
New Mexico	\$296,296
North Dakota	\$296,296
Ohio	\$296,296
Pennsylvania	\$296,296
Tennessee	\$296,296
Texas	\$296,296
Utah	\$296,296
Virginia	\$296,296
West Virginia	\$296,296
Wyoming	\$296,296
Total	\$8,000,000

*Dollars have been rounded to the nearest thousand

Announcement Information for Public Announcement Screen.

To apply for this announcement, you must submit an electronic application in GrantSolutions.

If your organization has/had a grantee business relationship with a grant program serviced by the Office of Grants Management and you are applying as part of ongoing grantee related activities, please access GrantSolutions.gov. To apply electronically, you must first have a GrantSolutions user account. If you are already an existing grantee, please login to GrantSolutions using your existing grantee username and password. If you do not remember your account information or have not been assigned a grantee account, please contact the GrantSolutions Help Desk at (866)577-0771 or by email at help@grantsolutions.gov. GrantSolutions allows existing grantee organizations to submit their entire application online. Link to all GrantSolutions Grantee training resources: <https://home.grantsolutions.gov/home/recipient-gmm-training-resources/>

Grant Application Information

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[e-AMLIS Additional Funding News Release](#)

www.osmre.gov/resources/grants-resources/FY23-BIL-Guidance

www.osmre.gov/resources/grants-resources/FY23-BIL

The period of performance for BIL AML grants is five years, with the option of a one-year no-cost extension, subject to OSMRE’s review and approval. In order to receive BIL AML funding, each eligible State and Tribe will need to submit a separate grant application for BIL AML grants from the traditional AML fee-based grants through [GrantSolutions](#). States and Tribes are required to ensure that expenditures for the two programs are tracked separately.

Appendix I of the BIL AML Guidance document, which is entitled, “Subaccounts for BIL AML Financial Assistance,” provides guidance on the available subaccount categories that State/Tribal AML Programs can use in the development of their BIL AML grant application. Outlined below are the main subaccounts:

- BIL – Non-Emergency Administrative Costs
- BIL – Non-Water Supply (Coal Project) Costs
- BIL – Water Supply Project Costs
- BIL – Coal Projects Engineering & Design Costs
- BIL – AMD Operational and Maintenance Costs
- BIL – Emergency Project Costs
- BIL – Long-Term Reclamation Fund Costs

Beginning with FY23 grant applications, States and Tribes are required to include a list of AML Problem Areas (PADs) and Problem Types within PADs to be funded throughout the five-year period of performance; additional details on this requirement are provided in Appendix II of the BIL AML Guidance.

When applying for BIL AML grants, State and Tribal AML Programs should include:

- Starting in FY 2023, a list of each AML PAD containing problems to be funded during the grant period of performance (see Appendix II of the BIL AML Guidance);
- A description of the State’s or Tribe’s prioritization process or ranking system for the selection of proposed problems within each AML PAD;
- A description of the process the State or Tribe will use to obtain public input on the problems to be funded within the list of PADs;
- A statement of the estimated benefits that will result from reclaiming the proposed problems within each listed PAD;
- A statement of how the State or Tribe will prioritize projects employing current or former employees of the coal industry, consistent with applicable State or Tribal law;
- Plans for engaging with other Federal, State, Tribal, or local governmental agencies and non-governmental entities on workforce training and development issues, including how

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activities encouraged under Section III of the BIL Guidance will be implemented, if applicable, along with the names of potential partners to support recruiting and training efforts, including community colleges, workforce partners, community-based groups, and unions;

- Any known linkages to economic redevelopment opportunities created by carrying out proposed projects;
- A description of how the grantee will address environmental justice issues within coalfield communities;
- Details of how the grantee will engage with relevant State, Tribal, or local governmental agencies or non-governmental organizations to identify and address any disproportionate burden of adverse human health or environmental effects of coal AML problems on disadvantaged communities, communities of color, low-income communities, and Tribal and Indigenous communities;
- A description of whether and to what extent proposed projects may reduce greenhouse gas emissions, particularly methane emissions;
- Estimated costs for each project to be completed using the BIL AML grant funding. If BIL AML funds will be leveraged with other funding sources such as AML-fee based grants, include this information; and
- Proposed performance measurement (See Section XI of the BIL Guidance).

Please refer to the BIL AML Guidance Document for more details on program implementation and requirements.

Information on BIL AML Implementation

This section provides a summary of additional program guidance, requirements, and regulations applicable to the BIL AML Program.

In carrying out their programs with BIL AML funding, OSMRE encourages States and Tribes, consistent with applicable State or Tribal law, to:

- Use procurement processes that incentivize AML contractors to hire current and former employees of the coal industry when bidding on BIL-funded AML projects and require the collection of information from AML contractors about the number of current and former coal industry employees they employ;
- Aggregate projects into larger statewide or regional contracts as part of their procurement processes, in order to improve efficiencies in their BIL AML grant funding;
- Prioritize aggregated or larger projects in selecting projects to be funded;
- Support pre-apprenticeship, registered apprenticeship, and youth training programs that open pathways to employment by collaborating with other Federal, State, Tribal, and

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local government agencies and non-governmental organizations that have the relevant expertise in these areas, including the Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization. While BIL AML grants may not be used to directly fund pre-apprenticeships, apprenticeships and training programs, States and Tribes are encouraged to strengthen existing partnerships with governmental agencies and non-governmental entities that provide these types of services and to strategize on ways to promote these types of opportunities for BIL AML projects, including by identifying workforce needs for AML projects.

- Require contractors to support safe, equitable, and fair labor practices by adopting collective bargaining agreements, local hiring provisions (as applicable), project labor agreements, and community benefits agreements.
- When applicable, select project designs that reduce methane emissions from abandoned coal mine sites.
- Incorporate input from disadvantaged communities, communities of color, low-income communities, and Tribal and Indigenous communities into prioritization criteria and the method for selecting projects to be funded. For more information, see the “Public Engagement” section.

If any of the aforementioned activities cannot be reasonably accomplished in carrying out the BIL AML program, States and Tribes should include in their grant application a detailed rationale for why the specified activity or activities could not be implemented.

BIL AML funds may not be used, directly or indirectly, to support or oppose union organizing.

Further, States and Tribes must implement measures to ensure that a bidder for a BIL AML contract cannot be awarded a contract or subcontract or perform any work funded by the BIL AML, if their company, their owners and controllers, their corporate officers, or their shareholders own or control mine operations that have any outstanding uncorrected or unabated violations. Consistent with 30 C.F.R. §§ 874.16 and 875.20, every successful bidder for an AML contract must be eligible under 30 C.F.R. §§ 773.12, 773.13, and 773.14 at the time of contract award to receive a permit or be provisionally issued a permit to conduct surface coal mining operations. At a minimum, States and Tribes must review the Applicant Violator System, the System for Award Management, and any other available information to verify the eligibility of each bidder before a contract or subcontract is awarded for any work performed and funded under the BIL AML Program.

Supporting the Justice40 Initiative: States and Tribes are encouraged to prioritize BIL-funded projects that advance the goal of the Justice40 Initiative, which commits to delivering 40 percent of the overall benefits of certain Federal programs to disadvantaged communities. A “disadvantaged community” is a community that may have a combination of: low income; high and/or persistent poverty; high unemployment and underemployment; racial and ethnic residential segregation, particularly where the segregation stems from discrimination by

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government entities; linguistic isolation; high housing cost burden and substandard housing; distressed neighborhoods; high transportation cost burden and/or low transportation access; disproportionate environmental stressor burden and high cumulative impacts; limited water and sanitation access and affordability; disproportionate impacts from climate change; high energy cost burden and low energy access; jobs lost through the energy transition; access to healthcare; and geographic areas within Tribal jurisdictions; or based on the community's inclusion in the [Climate and Economic Justice Screening Tool](#).

Providing Opportunities to Current and Former Employees of the Coal Industry: Section 40701(f) of the BIL states that priority may be given to “reclamation projects . . . that provide employment for current and former employees of the coal industry.” In spending BIL grant funds, States and Tribes should, consistent with applicable law, prioritize projects that provide employment opportunities to current and former employees of the coal industry, and OSMRE will work with States and Tribes to incorporate such prioritization into their reclamation plans. To further implement the section 40701(f) priority, States and Tribes should engage with labor or worker organizations that represent coal industry workers to identify current or former employees of the coal industry who are candidates to be employed by AML reclamation contractors and provide OSMRE with certifications of this engagement. States and Tribes should maintain sufficient records to substantiate this engagement upon request.

Reduction of Greenhouse Gas Emissions: OSMRE encourages States and Tribes to consider and prioritize project designs that reduce methane emissions from abandoned coal mine sites and report on these emission reductions.

Contract Aggregation for Improving Efficiencies: OSMRE encourages States and Tribes to aggregate projects into larger statewide or regional contracts as part of their procurement processes, as authorized by section 40701(b)(3) of the BIL.

Public Engagement: When selecting and developing eligible projects for the BIL AML Program, State and Tribal AML Programs should ensure public engagement at the local level through engagement with affected communities. The term, “public” includes all stakeholders (e.g., citizens at large, industry, other Federal, State, Tribal, or local agencies, Tribal Nations, unions and worker organizations, non-governmental organizations, community colleges, workforce boards, community-based groups, and environmental groups). Engaging with the public to identify potential projects before the projects are selected will ensure that the projects completed through this program best address the needs of the relevant communities.

States and Tribes are encouraged to use existing best practices for public engagement or develop a process for public outreach and communication with local citizens, agencies, and organizations that best fits their unique circumstances. For example, States and Tribes could notify local citizens of the intent/purpose of a project via meetings, print media, websites, and social media and/or partner with organizations that facilitate public outreach and communication. OSMRE recommends that public engagement occur as early as possible for each grant cycle, with the public provided at least 60 days to review and provide input on the projects that will be proposed for funding in the State or Tribe's grant application.

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Additionally, BIL AML funds can be used to procure, distribute, and install signage at project sites to increase the transparency of projects funded in whole or in part by the BIL AML Program. Installing signage will make visible to the public the efforts of the Federal, State, and Tribal government to rebuild our Nation's infrastructure, including tackling legacy pollution. If a State or Tribe displays a sign at a project site, the sign must meet the specific design requirements in the Investing in America Signage Guidelines: <https://www.whitehouse.gov/wp-content/uploads/2023/02/Investing-in-America-Brand-Guide.pdf>.

Davis Bacon Act Requirements:

The BIL requires that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work on a project that will be assisted in whole or in part by funding made available under the BIL must be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. §§ 3141-3148). The Davis-Bacon labor standards are applicable to the reclamation projects completed using BIL AML funding and Davis-Bacon clauses must be included in BIL AML work contracts. The Department of Labor [Fact Sheet #66A: Bipartisan Infrastructure Law](#) provides additional information on the responsibilities of BIL funding recipients (see Appendix IV of the Final BIL AML Guidance).

Buy America Build America (BABA) Requirements

Buy America Domestic Procurement Preference:

As required by section 70914 of the BIL, on or after May 14, 2022, none of the funds under a Federal award that are part of Federal financial assistance program for infrastructure may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States, unless subject to an approved waiver. The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products under this program.

Recipients of an award of Federal financial assistance are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

1. all iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
2. all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

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3. all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

For further information on the Buy America preference, please visit:

www.doi.gov/grants/BuyAmerica. Additional information can also be found at the White House Made in America Office website: www.whitehouse.gov/omb/management/made-in-america/.

Waivers

When necessary, recipients may apply for, and the Department of the Interior (DOI) may grant, a waiver from these requirements, subject to review by the Made in America Office. The DOI may waive the application of the domestic content procurement preference in any case in which it is determined that one of the below circumstances applies:

1. Non-availability Waiver: the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality;
2. Unreasonable Cost Waiver: the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent; or
3. Public Interest Waiver: applying the domestic content procurement preference would be inconsistent with the public interest.

There may be instances where an award qualifies, in whole or in part, for an existing DOI general applicability waiver as described at:

www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers. If the specific financial assistance agreement, infrastructure project, or non-domestic materials meets the criteria of an existing general applicability waiver within the limitations defined within the waiver, the recipient is not required to request a separate waiver for non-domestic materials.

If a general applicability waiver does not already apply, and a recipient believes that one of the above circumstances applies to an award, a request to waive the application of the domestic content procurement preference may be submitted to the financial assistance awarding officer in writing. Waiver requests shall include the below information. The recipient must not include any

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Privacy Act information, sensitive data, or proprietary information within their waiver request. Waiver requests will be posted to www.doi.gov/grants/buyamerica and are subject to public comment periods of no less than 15 days. Waiver requests will also be reviewed by the Made in America Office.

1. Type of waiver requested (non-availability, unreasonable cost, or public interest).
2. Requesting entity and Unique Entity Identifier (UEI) submitting the request.
3. Department of the Interior Bureau or Office who issued the award.
4. Federal financial assistance listing name and number (reference block 2 on DOI Notice of Award)
5. Financial assistance title of project (reference block 8 on DOI Notice of Award).
6. Federal Award Identification Number (FAIN).
7. Federal funding amount (reference block 11.m. on DOI Notice of Award).
8. Total cost of Infrastructure expenditures (includes federal and non-federal funds to the extent known).
9. Infrastructure project description(s) and location(s) (to the extent known).
10. List of iron or steel item(s), manufactured goods, and construction material(s) the recipient seeks to waive from Buy America requirements. Include the name, cost, countries of origin (if known), and relevant PSC or NAICS code for each.
11. A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.
12. A statement of waiver justification, including a description of efforts made (e.g., market research, industry outreach) by the recipient, in an attempt to avoid the need for a waiver. Such a justification may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation.
13. Anticipated impact if no waiver is issued.

Approved waivers will be posted at www.doi.gov/grants/BuyAmerica/ApprovedWaivers; recipients requesting a waiver will be notified of their waiver request determination by an awarding officer.

DOI-Specific Buy America Preference General Applicability Waivers

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1. GENERAL APPLICABILITY WAIVER FOR SMALL GRANTS¹

On February 21, 2023, DOI approved a general applicability waiver of the requirements of the Buy America preference for small grants, having determined such waiver to be in the public interest. This waiver is critical to ensure that agency small infrastructure projects conducted through small grants sustain progress and reduce the burden on recipients, many of whom are small organizations operating in rural or disadvantaged communities. The waiver will remain in effect for all eligible DOI Federal grants for a period of five years from the date of final approval and will be reviewed as often as necessary.

This waiver action permits the use of non-domestic iron, steel, manufactured products, and construction materials in such projects that may otherwise be prohibited under section 70914(a) during the specified period of time for small grants that meet the following standard:

- The total award amount does not exceed the Simplified Acquisition Threshold,² which is currently \$250,000.00;
- The award amount is not anticipated to exceed the Simplified Acquisition Threshold for the life of the grant.

Additional information about the DOI Small Grants Waiver is available at:
<https://www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers>.

2. GENERAL APPLICABILITY WAIVER FOR DE MINIMIS PURCHASES

On February 21, 2023, DOI approved a general applicability waiver of the Buy America preference requirements for “De Minimis Purchases,” having determined such waiver to be in the public interest. This waiver is critical to ensure that infrastructure project purchases below a de minimis threshold funded through financial assistance agreements sustain progress while reducing the burden on recipients. The waiver will remain in effect for all DOI Federal financial assistance infrastructure projects for a period of five years from the date of final approval and will be reviewed as often as necessary.

This waiver exempts otherwise covered infrastructure project purchases, totaling up to 5 percent of the total applicable project costs,³ up to a maximum of \$1,000,000.00. For example, if a recipient will expend \$4,000,000.00 in costs that are subject to the Buy America preference under an infrastructure project, up to \$200,000.00 (5%) would be exempt from the Buy America preference. If a recipient’s applicable costs are \$20,000,000.00 or greater, this waiver is capped at \$1,000,000.00 total in otherwise covered project purchases. Once a Federal financial assistance recipient’s total purchases of materials otherwise covered by the Buy America

¹ For purposes of this waiver, grants encompass all forms of Federal financial assistance that DOI administers, including cooperative agreements and grants.

² Simplified Acquisition Threshold is defined at 48 C.F.R. § 2.101. As of the date of this waiver, the threshold is \$250,000.00.

³ Applicable project costs are defined as material costs subject to the Buy America preference.

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preference reach 5 percent or \$1,000,000.00, whichever is lower, all other applicable project purchases must comply with the Buy America preference.

Additional information about the DOI De Minimis Purchases Waiver is available at:
<https://www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers>.

3. GENERAL APPLICABILITY TRIBAL CONSULTATION WAIVER

This waives the Buy America Preference for financial assistance agreements issued to Federally recognized Indian tribes in keeping with the Federal Government's commitment to follow consultation policies established through Executive order 13175, Consultation and Coordination with Indian Tribal Governments. Waiver approval date: September 1, 2023. Waiver expiration date: September 1, 2024.

<https://www.doi.gov/sites/doi.gov/files/doi-final-tribal-consultation-waiver-for-posting-090123.pdf>

Questions pertaining to waivers should be directed to the financial assistance awarding officer.

FY2023 BIL AML Grants Distribution Information

FY2023 BIL AML grants distribution information is available for viewing on the [Grants and Funding Opportunities](#) page of the OSMRE website.

Further Information

[OSMRE BIL AML Guidance Document](#)

OSMRE BIL FAQs and Additional Information

Davis-Bacon Act: [Department of Labor BIL Fact Sheet 66A](#)

Bipartisan Infrastructure Law: <https://www.congress.gov/117/plaws/publ58/PLAW-117publ58.pdf>

Consolidated Appropriations Act, 2023: <https://www.congress.gov/117/bills/hr2617/BILLS-117hr2617enr.pdf>

General information: [Department of the Interior BIL Press Release](#)

Uniform Administrative Guidance, Cost Principles, and Audit Requirements for Federal Awards: [2 C.F.R. part 200](#)

Financial Assistance Interior Regulations Supplementing the Uniform Administrative Guidance, Cost Principles, and Audit Requirements for Federal Awards: [2 C.F.R. part 1402](#)

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Office of Surface Mining Reclamation and Enforcement's Grants and Funding Resources:
<https://www.osmre.gov/resources/grants-resources>

Agency Contacts:

BIL Grants Management Officer (Interior Regions 1 & 2)
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