

**GrantSolutions Non-Competitive  
Bipartisan Infrastructure Law Program Funding Opportunity  
for FY 2024 – FINAL**

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**

6/5/2024

**Funding Instrument Type**

Grant

**Internal Title(s)**

Office of Surface Mining Reclamation and Enforcement (Insert Region: Appalachian/Mid-Continent/Western Region) FY 2024 Bipartisan Infrastructure Law Program

**Public Opportunity Title**

Office of Surface Mining Reclamation and Enforcement (Insert region: Appalachian/Mid-Continent/Western Region) FY 2024 Bipartisan Infrastructure Law Program

**Funding Activity Category**

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

**Funding Opportunity Number**

[Auto generated in GrantSolutions]

**Funding Opportunity Description:**

**GrantSolutions Non-Competitive  
Bipartisan Infrastructure Law Program Funding Opportunity  
for FY 2024 – FINAL**

**Background**

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 have 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.

**Competition ID**

[auto generated]

**Federal Register Document Number**

(Leave Blank)

**Due Date & Time**

6/30/2025 (GMT - 05:00) Eastern Time (US & Canada)

**GrantSolutions Non-Competitive  
Bipartisan Infrastructure Law Program Funding Opportunity  
for FY 2024 – FINAL**

**Agency Contact for Electronic Access Problems**

A. James Cash, Senior Grants Management Specialist

Phone: (202) 742-0778

Email Address: acash@osmre.gov

Email Description: Technical Support

**Program Type:**

Office of Surface Mining Reclamation and Enforcement

**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**

10/1/2024

**GrantSolutions Non-Competitive  
Bipartisan Infrastructure Law Program Funding Opportunity  
for FY 2024 – FINAL**

**Estimated Project End Date**

9/30/2029

**Fiscal Year**

2024

**Expected Number of Awards**

23

**Award Ceiling**

\$ 244,786,476

**Award Floor**

\$ 1,333,333

**Grace Period (Days)**

(Leave Blank)

**Cost Sharing or Matching Requirement**

No

**Electronic Requirement**

Yes

**Expected Number of Applications**

23

**GrantSolutions Non-Competitive  
Bipartisan Infrastructure Law Program Funding Opportunity  
for FY 2024 – FINAL**

**Expected Application Size (MB)**

20

**Area Workload**

[Select one option: AR, MCR, WR]

**Grants Service Office, Program Service Office, Service Area**

[Select Option: AR, MCR or WR]

**Announcement Type**

New

**Is this a Directed Announcement?**

Yes

**Show Organizations**

<b>State</b>	<b>FY24 BIL AML Eligibility</b>
Alabama	\$ 20,441,027
Alaska	\$ 1,333,333
Arkansas	\$ 1,699,498
Colorado	\$ 9,961,913
Illinois	\$ 75,726,766
Indiana	\$ 24,654,263
Iowa	\$ 5,985,605

**GrantSolutions Non-Competitive  
Bipartisan Infrastructure Law Program Funding Opportunity  
for FY 2024 – FINAL**

State	FY24 BIL AML Eligibility
Kansas	\$ 4,852,291
Kentucky	\$ 74,217,023
Maryland	\$ 4,809,240
Missouri	\$ 5,858,814
Montana	\$ 4,598,840
Navajo Nation	\$ 1,661,155
New Mexico	\$ 2,421,868
North Dakota	\$ 3,100,210
Ohio	\$ 46,421,486
Oklahoma *	\$ 3,489,953
Pennsylvania	\$ 244,786,476
Tennessee	\$ 8,574,154
Texas	\$ 1,333,333
Utah	\$ 5,766,226
Virginia	\$ 22,779,530
West Virginia	\$ 140,683,878
Wyoming	\$ 9,692,785
<b>Total</b>	<b>\$ 724,849,667</b>

\*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). In case one or more entities become eligible for BIL AML grants, OSMRE is reserving BIL funds for AML reclamation on

# **GrantSolutions Non-Competitive Bipartisan Infrastructure Law Program Funding Opportunity for FY 2024 – FINAL**

Indian lands in Oklahoma. Source: <https://www.doi.gov/pressreleases/biden-administration-announces-nearly-725-million-create-good-paying-union-jobs>

## **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](mailto: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**

<https://www.osmre.gov/FY24-BIL>

[www.osmre.gov/resources/grants-resources/FY24-BIL-Guidance](http://www.osmre.gov/resources/grants-resources/FY24-BIL-Guidance)

[www.osmre.gov/resources/grants-resources/FY24-BIL](http://www.osmre.gov/resources/grants-resources/FY24-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

**GrantSolutions Non-Competitive  
Bipartisan Infrastructure Law Program Funding Opportunity  
for FY 2024 – FINAL**

- BIL – BIL eAMLIS Inventory Related Activities (for work funded by the \$8 million that was distributed among States and Tribes for e-AMLIS financial and technical assistance)

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:

- 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 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 including 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 local communities, including low-income and disadvantaged communities, or other communities with environmental justice concerns;
- 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 that 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.



**GrantSolutions Non-Competitive  
Bipartisan Infrastructure Law Program Funding Opportunity  
for FY 2024 – FINAL**

**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 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 the public, including low-income and disadvantaged communities, other communities with environmental justice concerns, and Tribal Nations 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.

**GrantSolutions Non-Competitive  
Bipartisan Infrastructure Law Program Funding Opportunity  
for FY 2024 – FINAL**

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 Justice40 Initiative, which sets a goal to deliver 40 percent of the overall benefits of certain Federal programs to disadvantaged communities. A “disadvantaged community” means any census tract identified as disadvantaged in the [Climate and Economic Justice Screening Tool \(CEJST\)](#), or any Federally Recognized Tribe or Tribal entity (whether or not it has land).<sup>1</sup> See OMB, CEQ, CPO, [M-23-09](#). The CEJST identifies geographically defined disadvantaged communities based on meeting or exceeding: (1) the threshold for one or more environmental, climate, or other burdens and (2) an associated socioeconomic burden. The categories of burden include: climate change, clean energy and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, remediation and reduction of legacy pollution, and the development of critical clean water and wastewater infrastructure.

**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.

---

<sup>1</sup> See OMB, CEQ, CPO, M-23-09, [https://www.whitehouse.gov/wp-content/uploads/2023/01/M-23-09\\_Signed\\_CEQ\\_CPO.pdf](https://www.whitehouse.gov/wp-content/uploads/2023/01/M-23-09_Signed_CEQ_CPO.pdf).

**GrantSolutions Non-Competitive  
Bipartisan Infrastructure Law Program Funding Opportunity  
for FY 2024 – FINAL**

**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., community members 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 consider and best address the needs of local 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 community residents, agencies, and organizations that best fits their unique circumstances. For example, States and Tribes could notify local communities 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.

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).

**GrantSolutions Non-Competitive  
Bipartisan Infrastructure Law Program Funding Opportunity  
for FY 2024 – FINAL**

On August 23, 2023, the Department of Labor published the final rule, “Updating the Davis-Bacon and Related Acts Regulations” in the Federal Register ([88 FR 57526](#)). The final rule took effect on October 23, 2023.

**Buy America 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
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](http://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/](http://www.whitehouse.gov/omb/management/made-in-america/).

**GrantSolutions Non-Competitive  
Bipartisan Infrastructure Law Program Funding Opportunity  
for FY 2024 – FINAL**

On August 23, 2023, the Office of Management and Budget published 2 CFR 184 “Buy America Preferences for Infrastructure Projects”, which took effect October 23, 2023. This was followed by updated implementing guidance in M-24-02 on October 25, 2023.

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](http://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 Privacy Act information, sensitive data, or proprietary information within their waiver request. Waiver requests will be posted to [www.doi.gov/grants/buyamerica](http://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)

**GrantSolutions Non-Competitive  
Bipartisan Infrastructure Law Program Funding Opportunity  
for FY 2024 – FINAL**

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](http://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**

1. GENERAL APPLICABILITY WAIVER FOR SMALL GRANTS<sup>2</sup>

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. Waiver expiration date: February 20, 2028.

---

<sup>2</sup> For purposes of this waiver, grants encompass all forms of Federal financial assistance that DOI administrators, including cooperative agreements and grants.

**GrantSolutions Non-Competitive  
Bipartisan Infrastructure Law Program Funding Opportunity  
for FY 2024 – FINAL**

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,<sup>3</sup> 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. Waiver expiration date: February 20, 2028.

This waiver exempts otherwise covered infrastructure project purchases, totaling up to 5 percent of the total applicable project costs,<sup>4</sup> 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 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 polices established through Executive order 13175, Consultation and Coordination

---

<sup>3</sup> 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.

<sup>4</sup> Applicable project costs are defined as material costs subject to the Buy America preference.



**GrantSolutions Non-Competitive  
Bipartisan Infrastructure Law Program Funding Opportunity  
for FY 2024 – FINAL**

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 OSMRE Bureau Contact - Division of Financial Assistance - Devon Brown: Email: [dbrown@osmre.gov](mailto:dbrown@osmre.gov); Phone: (202) 742-0777.

**FY2024 BIL AML Grants Distribution Information**

FY2024 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](#)

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



**GrantSolutions Non-Competitive  
Bipartisan Infrastructure Law Program Funding Opportunity  
for FY 2024 – FINAL**

**Agency Contacts:**

BIL Grants Management Officer (Interior Regions 1 & 2)  
Megan Bawks, Supervisory Grants Management Specialist, Grants Management Branch  
Email: [mbawks@osmre.gov](mailto:mbawks@osmre.gov)  
Phone: (412) 937-2882

BIL Grants Manager (Interior Regions 3, 4, & 6)  
Paul Fritsch, Chief, Program Services & Grants Division  
Email: [pfritsch@osmre.gov](mailto:pfritsch@osmre.gov)  
Phone: (202) 513-0874

BIL Grants Management Officer (Interior Regions 5, 7-11)  
Andy Lubner, Grants Branch Manager, Grants Division  
Email: [alubner@osmre.gov](mailto:alubner@osmre.gov)  
Phone: (303) 236-0000

BIL Grants Supervisor (Headquarters)  
Devon Brown, Supervisory Grants Management Specialist, Division of Financial Assistance  
Email: [dbrown@osmre.gov](mailto:dbrown@osmre.gov)  
Phone: (202) 742-0777

BIL Program Management Officer (Headquarters)  
Yolande Norman-Moore, Chief, Division of Reclamation Support  
Email: [ynorman@osmre.gov](mailto:ynorman@osmre.gov)  
Phone: (202) 208-2868