

GAO Highlights

Highlights of [GAO-24-106511](#), a report to the Ranking Member, Committee on Oversight and Accountability, House of Representatives

Why GAO Did This Study

Underserved communities—including federally recognized Tribes and other historically marginalized people—experience a disproportionate share of adverse socioeconomic and environmental conditions, according to GAO’s prior work. Executive Order 14008 established the Justice40 Initiative with the goal of delivering to disadvantaged communities 40 percent of the overall benefits of certain federal investments. In determining Justice40 benefits, guidance directed agencies to consult with Tribes and other stakeholders to ensure meaningful involvement.

GAO was asked to review agencies’ implementation of the Justice40 Initiative with respect to tribal applicants. This report reviews the actions selected agencies took to (1) adjust programs to direct funding to tribal recipients, and (2) consult with Tribes and conduct outreach to Indigenous communities regarding the initiative. GAO examined laws, executive orders, presidential memoranda, guidance, and policies; and interviewed officials from three selected agencies, leadership from six Tribes, and representatives from seven tribal organizations. GAO selected a mix of agencies and programs based on tribal participation, funding mechanisms, and types of programs.

What GAO Recommends

GAO is making a total of nine recommendations, including that EPA, FEMA, and USDA should document and address legislative and regulatory barriers, and conduct consultation and outreach about Justice40. The three agencies agreed with the recommendations.

View [GAO-24-106511](#). For more information, contact Anna Maria Ortiz at (202) 512-3841 or OrtizA@gao.gov.

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JUSTICE40

Additional Efforts Needed to Improve Tribal Applicants’ Access to Federal Programs under Environmental Justice Initiative

What GAO Found

The Justice40 Initiative is the administration’s goal for 40 percent of the overall benefits of certain federal investments to flow to disadvantaged communities. GAO reviewed six Justice40 programs in three selected agencies—the Environmental Protection Agency (EPA), Federal Emergency Management Agency (FEMA), and U.S. Department of Agriculture (USDA). GAO found that each agency adjusted program mechanisms to increase access to funding for underserved communities, including Tribes and eligible Indigenous communities (tribal applicants), in response to the Justice40 Initiative as well as other agency initiatives.

However, certain program characteristics create barriers to tribal applicants’ ability to access selected covered Justice40 programs, including cost shares, administrative burdens, and certain statutory and regulatory requirements. For example, EPA has a mechanism to reduce administrative burdens for recipients by combining funds from multiple grants into a single budget. Agency officials told GAO that grants funded by the Infrastructure Investment and Jobs Act and Inflation Reduction Act are not eligible for this mechanism. Agencies have taken actions to identify statutory and regulatory barriers to access for tribal recipients. Additional actions to document and discuss these barriers with affected stakeholders to determine any additional statutory and regulatory changes needed could help tribal applicants more readily access covered programs, consistent with the Justice40 goal and executive orders.

Examples of Historic Barriers to Tribes’ Access to Federal Programs

Program characteristics				
Certain eligibility requirements Requirements based on land ownership or organization type.	Competition for program access Competition with state, local, and other tribal governments.	Administrative burdens Lengthy applications and large volumes of programs.	Cost-share requirements Requirements that recipients provide funding up front.	Statutory and regulatory barriers Program limitations codified in law or regulation.

Source: Analysis of past GAO reports; and GAO (icons). | GAO-24-106511

Selected agencies consulted with Tribes on new programs, funding opportunities, and related topics, such as equity assessments. However, the extent to which these efforts informed agency implementation of Justice40 is unclear because the agencies generally did not make related consultation results publicly available. Consistent with executive orders and presidential memoranda, considering publicly sharing high-level consultation summaries could help ensure Tribes have access to information about prior tribal input on federal programs. In turn, this information could inform Tribes’ future input on Justice40 and reduce their administrative burdens. Additionally, GAO’s review of the selected agencies’ online consultation tracking systems and interviews with agency officials found that the agencies did not consult with Tribes specifically about the Justice40 Initiative. Interim implementation guidance directs agencies to consult with stakeholders, including Tribes, when determining Justice40 covered program benefits. Agencies have additional opportunities to consult with Tribes and conduct outreach on Justice40 implementation to ensure meaningful input.