

# Bipartisan Infrastructure Law Guidebook: Highlights for ICWP

Kelly Shen | May 2022

This document summarizes key takeaways and funding allocations from the Bipartisan Infrastructure Law that may be of interest to ICWP members. These selected investments pertain to freshwater and climate resilience infrastructure.

## Executive Summary

In November 2021, the U.S. Congress passed the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law ([U.S. Congress 2021](#)). The bill outlines funding for infrastructure that supports transportation, broadband, power, water, environmental remediation, and climate resilience ([The White House 2021](#)). The majority of investment related to freshwater and climate resilience is allocated to the Department of the Interior (76%). Across the entire bill, seven highlights include:

- 1) **Drinking Water and Clean Water State Revolving Funds (\$43,426,000,000)** – for capitalization, lead service line replacement, and treatment of PFAS and other emerging contaminants of concern.
- 2) **Geographic Programs (\$1,717,000,000)** – these 12 areas include the Chesapeake Bay, Columbia River Basin, Great Lakes, Gulf of Mexico, Lake Champlain, Lake Pontchartrain, Long Island Sound, Northwest Forest, Puget Sound, San Francisco Bay, South Florida, and Southeast New England.
- 3) **Data and Monitoring (\$528,000,000)** – including funding to support NOAA’s development of next-generation water modeling of flooding and precipitation.
- 4) **Western Water (\$8,300,000,000)** – for projects associated with water storage, water recycling and reuse, desalination, watershed management, dam repair and management, and aging infrastructure replacement.
- 5) **Coastal and Inland Flood Risk (\$8,876,000,000)** – funding allocated to build more resilient ecosystems and communities, primarily through the Federal Emergency Management Agency (FEMA) and U.S. Army Corps of Engineers
- 6) **Tribal Communities (\$6,466,000,000)** – funding to support agreements under the Indian Water Rights settlements as well as work on climate adaptation, water and sewer infrastructure, dam safety, and community relocation.
- 7) **Small, Underserved, and/or Disadvantaged Communities (\$5,983,000,000)** – per President Biden’s Justice40 initiative, 40% of federal infrastructure investments must be allocated towards disadvantaged communities. The Bipartisan Infrastructure Law builds upon this by including a few line items specifically geared towards these communities, including an Emerging Contaminants Program for Small and Underserved Communities.

## Key Takeaways

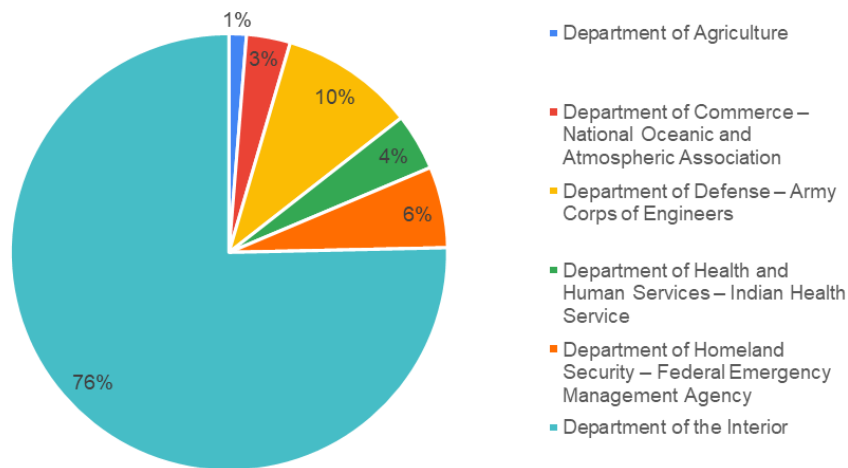
A number of infrastructure funding opportunities have already opened, and many more will become available through 2022. Most water infrastructure funding is allocated through state revolving funds. As such, it is important for water utilities, non-profits, and potential recipients to identify potential projects for State Revolving Fund eligibility, especially those that benefit disadvantaged communities. For Western states, project identification for Bipartisan Infrastructure Law funding should be particularly focused on projects pertaining to water storage, conveyance, desalination, recycling, and aging infrastructure. Western states may also reach out to the Bureau of Reclamation in order to stay aware of funding announcements.

A key part of project identification is stakeholder engagement in order to ensure projects best align with community needs. Particular attention should be focused on those who have historically been excluded from federal investments.

## Funding Amounts by Department

The majority of selected investments pertaining to water and climate resilience are allocated to the Department of the Interior (76%), particularly the Environmental Protection Agency. This is followed by the U.S. Army Corps of Engineers (10%) and Department of Health and Human Services (6%).

**Figure 1. ICWP-relevant Bipartisan Infrastructure Law funding by U.S. Department**



### **Department of Interior – \$62.7 billion**

Most of the funding (\$43.4B) allocated to the Department of the Interior is allocated to the Environmental Protection Agency to support State Revolving Fund programs. The second largest amount (\$8.3B) is allocated to the Bureau of Reclamation for projects to address and explore issues like aging water infrastructure, desalination, water recycling, dam safety, and aquatic ecosystem restoration. Other areas of funding include geographic programs (\$1.7B), treatment for emerging contaminants in small and underserved communities (\$5B), and tribal projects to build climate resilience and water and sanitation infrastructure (\$2.8B).

### ***U.S. Army Corps of Engineers – \$8.3 billion***

The Army Corps primarily received funding for construction projects, including infrastructure to manage inland flood risk (\$2.6B), reduce damage from coastal storms and hurricanes (\$2.6B), and restore aquatic ecosystems (\$1.9B). The agency also received funding to complete engineering planning and feasibility studies, support its regulatory programs, and respond to natural disasters.

### ***Department of Health and Human Services – \$3.5 billion***

All of the water-relevant funding allocated to the Department of Health and Human Services is channeled through the Indian Health Service's Sanitation Facilities Construction Program. From 2021-2026, \$700,000 will be annually available to provide technical and financial assistance to American Indian tribes and Alaska Native villages to build drinking water, wastewater, and solid waste disposal facilities.

### ***Federal Emergency Management Agency (FEMA) – \$5 billion***

FEMA's Flood Mitigation Assistance program received \$3.5 billion for states, U.S. territories, federal recognized Tribal governments, and local communities to reduce or eliminate the risk of repetitive flood damage to buildings and structures. \$1 billion is also allocated to the Building Resilient Infrastructure and Communities (BRIC) program to support hazard mitigation activities as they relate to capability and capacity-building, mitigation projects, and management costs.

### ***Department of Commerce – \$2.7 billion***

All highlighted funding for the Department of Commerce is allocated through the National Oceanic and Atmospheric Administration (NOAA). The largest funding amounts will go towards a National Oceans and Coastal Security Fund (\$492M), water modeling and precipitation studies (\$492M), and habitat restoration (\$491M).

### ***Department of Agriculture – \$1.1 billion***

Funding for the Department of Agriculture is primarily allocated to the U.S. Forest Service (USFS) and Natural Resources Conservation Service (NRCS). About half of the funding was allocated for watershed and flood prevention operations, for which two rounds of funding have already been announced and distributed.

## **Seven Highlighted Program Investments**

### ***Drinking Water and Clean Water State Revolving Funds – \$43.4 billion***

The largest funding allocation of water and resilience-related investment in the Bipartisan Infrastructure Law is that for state revolving funds. These funds are to be received by states initially, who then allocate the money to water utilities, municipalities, or other eligible entities. Tribes and territories are also eligible to receive a portion of the funds. The Drinking Water State Revolving Fund and Clean Water State Revolving Fund each received \$11.7 billion to support capitalization. 49% of these funds are eligible for distribution as grants or 100% principal forgiveness loans. 2022 state revolving fund allocations are available online ([EPA 2021](#)).

Specific funding is also allocated to lead service line replacement (\$15 billion) and infrastructure to address emerging contaminants (\$5 billion). The \$15 billion allocated to lead service line replacement is part of a larger federal Lead Pipe and Paint Action Plan to replace all of the nation's lead pipes within the next decade ([The White House 2021](#)).

### ***Geographic Programs – \$1.7 billion***

Geographic programs are covered under the Environmental Protection Agency, and include grant and cooperative agreement funding for 12 areas that span across the country. These areas include the Chesapeake Bay, Columbia River Basin, Great Lakes, Gulf of Mexico, Lake Champlain, Lake Pontchartrain, Long Island Sound, Northwest Forest, Puget Sound, San Francisco Bay, South Florida, and Southeast New England. Eligible activities vary depending on the area, but typically cover projects such as aquatic ecosystem restoration, water quality improvements, research, nature-based infrastructure, environmental education, and community and shoreline resilience.

### ***Data and Monitoring – \$528 million***

Most funding for water data and monitoring initiatives will support NOAA's work. This includes \$492 million over the next four years for the development of next-generation water modeling and both coastal and inland flood and inundation mapping and forecasting. These next-generation activities include modernized precipitation frequency and probability maximum studies. Eligibility for this funding is broad, and includes state and local governments, Tribal Governments, higher-ed institutions, and non-profits.

Pursuant to Section 511(b)(1), (2), and (3) of the Water Resources Development Act of 2020 (division AA of Public Law 116-260), the Bipartisan Infrastructure Law also supports the study and establishment of the Soil Moisture and Snowpack Monitoring Pilot Program in the Upper Missouri River Basin. This funding will be available for two years.

### ***Western Water – \$8.3 billion***

The majority of funding for western water projects is allocated through the Bureau of Reclamation, and covers projects associated with water storage, water recycling and reuse, desalination, watershed management, dam repair and management, and aging infrastructure replacement. New funding initiatives include aquatic ecosystem restoration and protection projects (\$250M), multi-benefit habitat and watershed health projects (\$100M), and watershed management initiatives such as water efficiency, drought mitigation, and nature-based solutions (\$100M).

Three existing programs had their funding significantly expanded within the Bipartisan Infrastructure Law – aging infrastructure (\$3.2B), water recycling (\$1B), and storage and conveyance (\$1.2B). Initial funding announcements and applications opened in early 2022 for the first two programs. Applications for storage and conveyance projects are expected to open this year. The Bipartisan Infrastructure Law will also support provisions in the Reclamation Rural Water Supply Act of 2006 and provide \$1 billion in funding for seven already approved rural water projects.

### ***Coastal and Inland Flood Risk – \$8.9 billion***

The largest portion of flood risk mitigation funding is through FEMA's National Flood Insurance Fund, available as \$3.5 billion in grants to state, local, Tribal, and territorial governments, and local communities. The Flood Mitigation Assistance Program provides project scoping and technical assistance to reduce damages and flood claims against the National Flood Insurance Program.

For states with coastlines (including the Great Lakes), the Army Corps received \$2.55 billion to construct storm damage reduction projects. This funding is targeted towards states that have been impacted by federally declared disasters over the past six years. For riverine areas, the Army Corps received \$2.5 billion to construct projects to reduce flood damage, including multi-purpose projects that include flood risk management as one benefit. Contracts for this funding will be awarded during 2022.

### ***Tribal Communities – \$6.5 billion***

While Tribal communities and governments (both federally recognized and not) are eligible for many of the funding allocations in the Bipartisan Infrastructure Law, there are some allotments specifically earmarked for Tribal communities. These allotments are only open to federally recognized tribes.

One major program is the Indian Health Service’s Sanitation Facilities Construction Program, which has received \$3.5 billion through the law. This funding will provide technical and financial assistance to American Indian tribes and Alaska Native villages for construction of safe drinking water, wastewater, and solid waste disposal facilities.

Additional funding allocations include projects agreed upon under the Indian Water Rights settlements of November 2021 (\$2.5B),<sup>1</sup> as well as projects pertaining to irrigation and power systems (\$50M), climate adaptation (\$86M), and community relocation due to climate change (\$130M).

### ***Small, Underserved, and/or Disadvantaged Communities – \$6 billion***

Per President Biden’s Justice40 initiative, 40% of federal infrastructure investments must be allocated towards disadvantaged communities. The Bipartisan Infrastructure Law also includes a few line items specifically geared towards these communities, including an Emerging Contaminants Program for Small and Underserved Communities (\$5B) program and National Coastal Resilience Fund (\$492M).

The Emerging Contaminants program supports projects that test and remediate emerging contaminants, including PFAS, in small and underserved communities. “Disadvantaged Communities” are defined by state Safe Drinking Water Act (SDWA) criteria. “Small Communities” have a population of less than 10,000 and do not have the financial capacity to finance a project to comply with SDWA. This funding is allocated to local entities through state governments.

The National Coastal Resilience Fund (\$492M), established in 2018, supports nature-based conservation programs to minimize coastal storm damage. The Bipartisan Infrastructure Law specifically highlights a need for this fund to support communities that are most vulnerable to climate impacts.

## **Resources**

1. [Bipartisan Infrastructure Law: Guidebook](#) (February 2022)
2. [Bipartisan Infrastructure Law: Guidebook Dataset](#) (May 2022)
3. [Rural Playbook](#) (April 2022)
4. [Technical Assistance Guide](#) (May 2022)
5. [Bipartisan Infrastructure Law: Text](#) (November 2021)

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<sup>1</sup> List of agreed upon projects is available online: <https://www.doi.gov/siwro/enacted-indian-water-rights-settlements>.

## Appendices

**Appendix I.** ICWP-Relevant Bipartisan Infrastructure Law Funding Allocations by U.S. Department. Based on data from The White House in March 2022.

<b>Department of Agriculture</b>	<b>\$ 1,071,200,000</b>
<b>Forest Service</b>	<b>\$ 271,200,000</b>
Agreement With National Oceanic and Atmospheric Administration For Geostationary Operations Environmental Satellite Program	\$ 10,000,000
Develop And Publish Every 5 Years A Map Depicting At-Risk Communities, Including Tribal Communities	\$ 1,200,000
Joint Chiefs Landscape Restoration Partnership Program	\$ 180,000,000
Landscape Scale Restoration Water Quality and Fish Passage	\$ 80,000,000
<b>National Resources Conservation Service</b>	<b>\$ 800,000,000</b>
Emergency Watershed Protection Program	\$ 300,000,000
Watershed And Flood Prevention Operations	\$ 500,000,000
<b>Department of Commerce – National Oceanic and Atmospheric Administration</b>	<b>\$ 2,707,000,000</b>
Coastal Zone Management	\$ 207,000,000
Fish Passage	\$ 400,000,000
Flood and Inundation Mapping and Forecasting, Water Modeling, and Precipitation Studies	\$ 492,000,000
Habitat Restoration	\$ 491,000,000
Marine Debris	\$ 200,000,000
National Estuarine Research Reserve System	\$ 77,000,000
National Oceans and Coastal Security Fund	\$ 492,000,000
Ocean And Coastal Observing Systems	\$ 150,000,000
Pacific Coastal Salmon Recovery Fund	\$ 172,000,000
Soil Moisture and Snowpack Pilot Program	\$ 1,000,000
Water Resources Development Act Data Acquisition	\$ 25,000,000
<b>Department of Defense – Army Corps of Engineers</b>	<b>\$ 8,251,000,000</b>
Aquatic Ecosystem Restoration Projects	\$ 1,900,000,000
Coastal Storm Risk Management, Hurricane, And Storm Damage Reduction Projects	\$ 2,550,000,000
Continuing Authorities Program (Under Flood Control Act And River And Harbor Act)	\$ 465,000,000
Flood Control and Coastal Emergencies	\$ 251,000,000
Flood Plain Management Services	\$ 45,000,000
Inland Flood Risk Management Projects	\$ 2,500,000,000
Planning Assistance To States	\$ 30,000,000
Regulatory Program	\$ 160,000,000
Section 118 Of Water Resources Development Act of 2020	\$ 30,000,000
To Complete Or Initiate And Complete Studies That Were Authorized Prior To The Date Of This Act	\$ 45,000,000
Water Infrastructure Finance and Innovation Program Account	\$ 75,000,000
Water-Related Environmental Infrastructure Assistance	\$ 200,000,000
<b>Department of Health and Human Services – Indian Health Service</b>	<b>\$ 3,500,000,000</b>
Indian Health Service Sanitation Facilities Construction Program	\$ 3,500,000,000

<b>Department of Homeland Security – Federal Emergency Management Agency</b>	<b>\$ 5,000,000,000</b>
Disaster Relief Fund: Building Resilient Infrastructure and Communities (Robert T Stafford Act Section 203(i))	\$ 1,000,000,000
Federal Assistance: Hazard Mitigation Revolving Loan Funds/Safeguarding Tomorrow through Ongoing Risk Mitigation (STORM) Act (Robert T Stafford Act, Sec 205)	\$ 500,000,000
National Flood Insurance Fund: Flood Mitigation Assistance Grants (National Flood Insurance Act Sec 1366)	\$ 3,500,000,000
<b>Department of the Interior</b>	<b>\$ 12,334,668,000</b>
<b>Bureau of Reclamation</b>	<b>\$ 8,300,000,000</b>
Aging Infrastructure Account	\$ 3,200,000,000
Aquatic Ecosystem Restoration And Protection Projects	\$ 250,000,000
Colorado River Drought Contingency Plan	\$ 300,000,000
Colorado River Endangered Species Recovery and Conservation Programs	\$ 50,000,000
Dam Safety Program	\$ 500,000,000
Multi-Benefit Projects To Improve Watershed Health	\$ 100,000,000
Rural Water Projects	\$ 1,000,000,000
Water & Groundwater Storage, And Conveyance	\$ 1,150,000,000
Water Desalination Projects	\$ 250,000,000
Water Recycling	\$ 1,000,000,000
Watershed Management Projects	\$ 100,000,000
WaterSMART Grants	\$ 400,000,000
<b>Central Utah Project Completion Act Office</b>	<b>\$ 50,000,000</b>
Central Utah Project	\$ 50,000,000
<b>Fish and Wildlife Service</b>	<b>\$ 405,000,000</b>
Ecosystem - Delaware River Basin Conservation Act	\$ 26,000,000
Ecosystem - Fish Passage	\$ 200,000,000
Ecosystem - Klamath Basin	\$ 162,000,000
Ecosystem - Lake Tahoe	\$ 17,000,000
<b>Indian Affairs</b>	<b>\$ 466,000,000</b>
Safety of Dams, Water Sanitation, And Other Facilities	\$ 200,000,000
Tribal Irrigation and Power Systems	\$ 50,000,000
Tribal Climate Resilience - Adaptation Planning	\$ 86,000,000
Tribal Climate Resilience - Community Relocation	\$ 130,000,000
<b>Indian Affairs/Reclamation</b>	<b>\$ 2,500,000,000</b>
Indian Water Rights Settlements	\$ 2,500,000,000
<b>Office of the Secretary</b>	<b>\$ 590,000,000</b>
Contracts And Agreements For Restoration On Federal Lands	\$ 50,000,000
Good Neighbor Agreements with States and Tribes	\$ 40,000,000
Grants For States And Tribes For Voluntary Restoration	\$ 400,000,000
Working Capital Fund	\$ 100,000,000
<b>United States Geological Survey</b>	<b>\$ 23,668,000</b>
National Geological And Geophysical Data Preservation Program	\$ 23,668,000
<b>Environmental Protection Agency</b>	<b>\$ 50,385,000,000</b>
Clean Water State Revolving Fund	\$ 11,713,000,000
Clean Water State Revolving Fund-Emerging Contaminants	\$ 1,000,000,000
Drinking Water State Revolving Fund	\$ 11,713,000,000

Drinking Water State Revolving Fund Emerging Contaminants (incl. PFAS)	\$ 4,000,000,000
Drinking Water State Revolving Fund Lead Service Lines Replacement	\$ 15,000,000,000
Geographic Programs - Chesapeake Bay Program	\$ 238,000,000
Geographic Programs - Columbia River Basin Restoration Program	\$ 79,000,000
Geographic Programs - Great Lakes Restoration Initiative	\$ 1,000,000,000
Geographic Programs - Gulf of Mexico	\$ 53,000,000
Geographic Programs - Lake Champlain	\$ 40,000,000
Geographic Programs - Lake Pontchartrain Restoration Program	\$ 53,000,000
Geographic Programs - Long Island Sound	\$ 106,000,000
Geographic Programs - Northwest Forest	\$ 4,000,000
Geographic Programs - Puget Sound	\$ 89,000,000
Geographic Programs - San Francisco Bay Water Quality Improvement Fund	\$ 24,000,000
Geographic Programs - South Florida Geographic Initiatives Program	\$ 16,000,000
Geographic Programs - Southeast New England Coastal Watershed Restoration Program	\$ 15,000,000
Gulf Hypoxia Action Plan	\$ 60,000,000
National Estuary Program Grants	\$ 132,000,000
Underground Injection Control Grants: Class VI wells	\$ 50,000,000
Water Infrastructure Improvements for the Nation Small and Underserved Communities Emerging Contaminants Grant Program	\$ 5,000,000,000