

On August 10, the Senate passed the bipartisan \$1.2T INVEST in America Act (H.R. 3684) by a vote of 69-30. The bill returns to the House, where a small but growing number of moderate Democrats have called on Speaker Nancy Pelosi (D-CA) to bring the bill to the House floor without delay for a standalone vote, separate from the budget reconciliation process. Pelosi has said that the Senate must approve the reconciliation bill before the House will take up the infrastructure bill.

Division D, Title VII covers abandoned mine land reclamation. Section 40701 authorizes \$11.3B for the Abandoned Mine Reclamation Fund (30 USC 1231(a)) for Fiscal Year (FY)2022, and directs the use of funds for project grants to states and tribes over the next 15 years. Section 40704 directs the Department of the Interior (DOI) to “establish a program to inventory, assess, decommission, reclaim, respond to hazardous substance releases on, and remediate abandoned hardrock mine land based on conditions including need, public health and safety, potential environmental harm, and other land use priorities.” The bill authorizes \$3B for the program, with 50% dedicated to grants to states and tribes for eligible activities. (See WSW #2461)

Title VIII covers natural resources-related infrastructure, wildfire management, and ecosystem restoration. Section 40801 authorizes a forest service program (\$250M for FY22-26) that restores fish passage by improving or replacing culverts, removing barriers, and other activities, with priority funding for projects that: (i) protect water quality; (ii) restore habitat, or (iii) maintain future access. Section 40802 authorizes a study on revegetating reclaimed mining sites.

Section 40803 authorizes \$3.4B for FY22-26 for wildfire risk reduction, which includes: (1) \$20M for the Department of the Interior (DOI) and the Department of Agriculture (USDA) to establish a joint program with NOAA that makes use of the Geostationary Operational Environmental Satellite (GOES) Program to rapidly detect and report wildfire starts, and another \$10M to install sensors and other equipment for wildfire detection in at-risk areas; (2) \$1.2M to develop a map of at-risk communities and \$500M for wildfire defense grants to those communities; (3) \$20M to compile and display data on hazardous fuel reduction, wildfire prevention treatments, large wildfire geography, and coordinating the monitoring for the effects of treatments on wildfire outcomes and ecosystem restoration services; (4) \$100M for projects under the Collaborative Forest Landscape Restoration Program; (5) \$500M for mechanical thinning and timber harvesting to retain large trees in fire-resilient stands; (6) \$500M for prescribed fires and another \$500M for fire control fuel breaks; and (7) \$200M for post-fire restoration activities.

Section 40804 authorizes \$2.1B for FY22-26 for DOI and USDA ecosystem restoration activities on forest and rangeland, including various funds to states and tribes: (1) \$300M for stewardship contracts; (2) \$200M for states and tribes to implement restoration projects on federal lands; (3) \$400M in matching funds to assist states and tribes to implement restoration projects on public or private lands, particularly cross-boundary projects; (4) \$200M to address invasive species, \$200M to restore native vegetation and mitigate environmental hazards on mined federal and non-federal lands, and \$200M to establish a national revegetation effort on federal and non-federal lands; and (5) \$80M to establish a collaborative-based, landscape-scale restoration program to restore water quality or fish passage on federal lands.

Title IX, Western Water Infrastructure, Section 40901 authorizes various appropriations for the Bureau of Reclamation for FY22-26, including: (1) \$1.15B for small surface water and groundwater storage projects, and conveyance projects; (2) \$3.2B for the Aging Infrastructure Account, with \$100M for transferred works that have suffered critical failures and \$100M for dam rehabilitation or replacement; (3) \$1B for authorized rural water projects; (4) \$1B for water recycling and reuse projects; (5) \$250M for water desalination projects; (6) \$500M for the dam safety program; (7) \$400M for WaterSMART grants; (8) \$300M for implementing the Colorado River Basin Drought Contingency Plan, with \$50M of that amount for the Upper Colorado River Basin; (9) \$100M for watershed management projects; (10) \$250M for aquatic ecosystem restoration and protection projects; (11) \$100M for multi-benefit projects to improve watershed health; and (12) \$50M for endangered species recovery and conservation programs in the Colorado River Basin.

Section 40902 authorizes feasibility studies for storage and conveyance projects and establishes cost-sharing requirements. Section 40903 establishes a competitive grant program for small surface and groundwater storage

projects (capacity between 2,000 and 30,000 acre-feet). Priorities are set for projects that (1) provide more reliable water supply for states, tribes, and local governments; (2) increase water management flexibility and reduce impacts on environmental resources; (3) are regional in nature; (4) have multiple stakeholders; and (5) provide multiple benefits.

Section 40904 authorizes the use of funds under section 40901 for critical maintenance and repair at reserved or transferred works and dams that are part of Carey Act Projects (43 USC 641). Section 40905 establishes a competitive grant program for large-scale (>\$500M) water recycling and reuse projects in Reclamation states. Section 40907 establishes a competitive grant program for multi-benefit projects to improve watershed health. Section 40910 authorizes federal technical or financial assistance for groundwater recharge, aquifer storage, and water source substitution projects.

Division E, Title I, Drinking Water, Section 50101 authorizes \$35M annually for FY22-26 for technical assistance and grants for emergencies affecting public water systems. Section 50102 authorizes funds for the Safe Drinking Water State Revolving Funds (SRFs) with: \$2.40B for FY22; \$2.75B for FY23; \$3B for FY24; and \$3.25B annually for FY25-26. Section 50106 authorizes \$50M annually (FY22-26) for a grant program to improve operational stability of small public water systems, with a 90% federal cost share. Section 50107 authorizes \$50M annually (FY22-26) for a grant program to improve midsize and large drinking water system infrastructure resilience and sustainability through: (1) conservation and water use efficiency; (2) modification or relocation of systems at risk of impairment by extreme weather events; (3) construction or modification of desalination plants to serve existing communities; (4) enhancing water supply through watershed management and source water protection; (5) energy efficiency; (6) measures to increase resilience to natural hazards or reduce cybersecurity vulnerabilities; (7) water reuse; and (8) regional partnerships to collaboratively address documented water shortages. Section 50111 amends the Indian Reservation Drinking Water Program (42 USC 300j-3c), establishing the number of projects to carry out in each of several regions, setting priorities, and authorizing \$50M annually for FY22-26. Section 50115 authorizes an EPA study on the prevalence and causes of boil water advisories issued in the United States.

Title II Clean Water, Section 50203 authorizes \$25M annually (FY22-26) for a pilot program for alternative water source projects for existing communities (33 USC 1300). Section 50204 authorizes \$280M annually for FY22-26 sewer overflow and stormwater reuse grants (33 USC 1301). Section 50205 establishes a clean water infrastructure resilience and sustainability program similar to the drinking water program in Section 50107, with \$25M annually for FY22-26. Section 50206 establishes a circuit rider program for small and medium publicly owned treatment works (POTWs), with \$10M for FY22-26. Section 50210 authorizes Clean Water SRFs with: \$2.4B for FY22; \$2.75B for FY23; \$3B for FY24; and \$3.25B annually for FY25-26. Section 50213 authorizes a water data sharing pilot program (\$15M annually, FY22-26) to establish systems that improve the sharing of information between states and among local governments concerning water quality, water infrastructure needs, and water technology. Section 50215 authorizes \$50M annually (FY22-26) for the Water Infrastructure Finance and Innovation Act (WIFIA) program, and directs EPA to implement an outreach plan to promote WIFIA to small and rural communities. Section 50217 authorizes \$10M annually (FY22-26) for stormwater infrastructure grants. Section 50218 establishes a Water Reuse Interagency Working Group, chaired by the EPA Administrator, to implement the National Water Reuse Action Plan and coordinate efforts to advance water reuse. The working group would terminate after six years unless extended by the EPA Administrator. Section 50222 directs EPA to fund groundwater research on enhanced aquifer use and recharge in support of sole-source aquifers, with \$5M annually (FY22-26).

Division G, Title I establishes an Indian Water Rights Settlement Completion Fund. Section 70101 authorizes \$2.5B to be available without further appropriation for Congressionally-approved Indian water settlements. "The Secretary of the Interior shall have the discretion to determine the sequence and timing of transfers from the Fund...in order to substantially complete the eligible Indian water settlements as expeditiously as practicable."

Title II authorizes a new commission on wildfire mitigation. Section 70203 establishes the commission co-chairs to include the Secretaries of the Interior and Agriculture and the Administrator of the Federal Emergency Management Agency. Members include nine representatives from the Bureau of Land Management, the National Park Service, the Bureau of Indian Affairs, the Fish and Wildlife Service, and the Forest Service; 18 non-federal stakeholders (including states and tribes) with expertise in wildland fires; and others. Title II addresses reforestation following wildfires and other events.

Title VII authorizes a study on public-private partnerships and the value received for the money spent.

Title VIII addresses federal permitting. Section 70801 expands the interagency coordination and other provisions of the FAST Act (42 USC 4370m) to tribes, along with other amendments.

Title IX includes several buy America provisions beginning in section 70901.

Appropriations

Division J includes appropriations. Title I, Agriculture, includes (1) \$500M for watershed and flood prevention operations; (2) \$118M for the watershed rehabilitation program; (3) \$300M for the emergency watershed protection program.

Title II, Commerce, includes (1) \$492M for NOAA for “coastal and inland flood and inundation mapping and forecasting, and next-generation water modeling activities, including modernized precipitation frequency and probable maximum studies”; (2) \$25M for data acquisition studies within the National Mesonet Program for the Soil Moisture and Snowpack Monitoring Pilot Program (WRDA 2020 section 511(b), PL 116-260, division AA); (3) \$50M for wildfire modeling and forecasting; (4) \$1M for the study of soil moisture and snowpack monitoring network in the Upper Missouri River Basin (WRDA 2020 section 511(b)(3)); and (5) \$80M for supercomputing infrastructure used for weather and climate model research and development to improve drought, flood, and wildfire forecasting.

Title III, Energy and Water Development, includes funding for the Army Corps of Engineers: (1) \$150M for project investigations under WRDA; (2) \$11.6B for construction projects; (3) \$4B for operations and maintenance; (4) \$160M for regulatory programs; (5) \$251M for flood control and coastal emergencies; (6) \$75M for the Water Infrastructure Finance and Innovation Program (CWIFP), with \$64M dedicated to dam safety and repair projects (for state, local, private dams identified in the National Inventory of Dams).

Funding for the Department of the Interior under this title includes \$50M for the Central Utah Project Completion Account. Another \$8.3B goes to the Bureau of Reclamation’s Water and Related Resources budget through FY26, which includes \$1.15B for surface and groundwater storage and conveyance projects; \$3.2B for the Aging Infrastructure Account; \$1B for rural water projects; \$1B for water recycling and reuse projects; \$250M for water desalination projects; \$500M for the dam safety program; \$400M for Water SMART grants; \$300M for the Colorado River DCP implementations; and \$400M for other Reclamation appropriations. Of note, the unobligated balance in the Reclamation Fund at the end of FY2022 is expected to total \$18.2B. These funds are available for appropriation by the Congress for select Bureau of Reclamation projects and programs.

Title VI, Department of the Interior, Environment, and Related Agencies, includes funding for: (1) U.S. Geological Survey (USGS) surveys, investigations and research (\$511M); (2) the Abandoned Mine Reclamation Fund (\$11.3B); (3) Bureau of Indian Affairs construction and maintenance of irrigation and power systems, dam safety, water sanitation, and other facilities (\$250M); (4) wildland fire management (\$1.5B); (5) EPA’s environmental programs and management budget (\$1.9B); (6) EPA’s state and tribal assistance grants (\$55.4B), including \$11.7B for Clean Water SRFs, \$11.7B for Drinking Water SRFs, \$15B for lead service line replacement projects, and to address emerging contaminants, \$1B under the Clean Water Act and \$9B under the Safe Drinking Water Act; and (7) various funds for the Forest Service for research, wildfire mitigation and management, and burned area recovery.

Future action awaits the Congress return from its August recess.