

Infrastructure Investment and Jobs Act Summary



H.R. 3684

November 8, 2021

The legislation was passed by the U.S. Senate and House of Representatives and has been sent to President Biden to sign into law. This summary lists authorizations followed by appropriations.

DIVISION E—DRINKING WATER AND WASTEWATER INFRASTRUCTURE

TITLE I—DRINKING WATER [AUTHORIZATIONS]

Sec. 50101. Technical assistance and grants for emergencies affecting public water systems (page 1887)

EPA must submit to Congress a report on the compliance of community water systems and wastewater systems with environmental, health, and safety requirements under this title, including water quality sampling, testing, and reporting requirements and determine whether community water systems and wastewater systems maintain asset management plans.

Authorization of appropriations: \$35M per year for FY22-26; Administrator may provide TA to state-based nonprofit organizations that are governed by community water systems.

Sec. 50102. Drinking water State revolving loan funds (page 1890)

Authorization of appropriations: \$14.65B for FY22-26

- \$2.4B for FY22
- \$2.75B for FY23
- \$3.0B for FY24
- \$3.25B for FY25
- \$3.25B for FY26

Additional subsidy: to the extent that there are sufficient applications for loans to disadvantaged communities, additional subsidy may not be less than 12 percent. A loan from a State loan fund with an interest rate equal to or greater than 0 percent shall not be considered additional subsidization for purposes of this subsection

Sec. 50103. Source water petition program (page 1892)

Clarification on counties; now includes unincorporated areas.

Sec. 50104. Assistance for small and disadvantaged communities (page 1893)

Authorization of appropriations: \$510M for FY22-26

- \$70M for FY22
- \$80M for FY23
- \$100M for FY24

- \$120M for FY 25
- \$140M for FY26

Small, rural, and disadvantaged communities are eligible to receive a waiver on the 10% non-federal cost sharing requirement if the Administrator determines they will be unable to pay. Also includes \$20M competitive grant program to connect people to public water systems.

Sec. 50105. Reducing lead in drinking water (page 1901)

Authorization of appropriations: \$500M for FY22-26, \$100M per year. Priority for disadvantaged communities and households based on affordability criteria. Creation of \$10M Lead inventorying utilization grant pilot program for water systems to carry out lead reduction projects that are demonstrated to exist or are suspected to exist, based on available data, information, or resources, including existing lead inventorying of those eligible entities.

Sec. 50106. Operational sustainability of small public water systems (page 1906)

Authorization of appropriations: \$250M for FY22-26, \$50M per year. Grants to improve operational sustainability, defined as identification and prevention of potable water loss due to leaks, breaks, and other metering or infrastructure failures, for small systems (serving less than 10,000)

Sec. 50107. Midsize and large drinking water system infrastructure resilience and sustainability program (page 1912)

Authorization of appropriations: \$250M for FY22-26, \$50M per year. Creation of a grant program for water systems serving more than 10,000 people to increase resilience to natural hazards and extreme weather events and to reduce cybersecurity vulnerabilities. Grants can apply to planning, design, construction, implementation, operation, or maintenance of eligible projects.

Sec. 50108. Needs assessment for nationwide rural and urban low-income community water assistance (page 1917)

Authorizes an EPA needs assessment for a nationwide low-income water assistance program, defining and assessing affordability, developing a methodology and criteria for determining affordability, and recommendations to increase affordable access to water service.

Sec. 50109. Rural and low-income water assistance pilot program (page 1923)

Directs EPA to establish a pilot program to award grants for community water systems to develop and implement programs to assist qualifying households with need in maintaining access to drinking water and wastewater services. The grants can fund programs that offer direct financial assistance, a lifeline rate, bill discounting, special hardship provisions, a percentage-of-income payment plan, and/or debt relief.

Sec. 50110. Lead contamination in school drinking water (page 1929)

Authorization of appropriations: \$200M for FY22-26:

- \$30M for FY22

- \$35M for FY23
- \$40M for FY24
- \$45M for FY25
- \$50M for FY26

Updates Lead Testing in School and Child Care Program Drinking Water WIIN Grants to include remediation and testing.

Sec. 50111. Indian reservation drinking water program (page 1934)

Authorization of appropriations: \$250M for FY22-26, \$50M per year; updates Section 2001 of the America’s Water Infrastructure Act of 2018

Sec. 50112. Advanced drinking water technologies (page 1938)

Authorization of appropriations: \$50M for FY22-26, \$10M per year. Authorizes an EPA study assessing emerging technologies that could address cybersecurity and water monitoring issues. Also authorizes a competitive grant program for small and mid-sized public water systems to identify and deploy emerging drinking water technologies

Sec. 50113. Cybersecurity support for public water systems (page 1943)

Directs EPA and DHS to create a prioritization framework for cybersecurity vulnerabilities and technical cybersecurity support plan for public water systems that, if degraded or rendered inoperable due to incident, would lead to significant impacts to public health and safety.

Sec. 50114. State response to contaminants (page 1948)

Minor word changes for underserved communities to Section 1459A(j)(1) of the Safe Drinking Water Act 17 (42 U.S.C. 300j–19a(j)(1)).

Sec. 50115. Annual study on boil water advisories (page 1949)

Directs EPA to conduct an annual study on the prevalence of boil water advisories issued in the United States, including a description of the causes of boil water advisories.

DIVISION G—OTHER AUTHORIZATIONS

TITLE IX—BUILD AMERICA, BUY AMERICA

Subtitle A—Build America, Buy America

PART I—BUY AMERICA SOURCING REQUIREMENTS

Sec. 70914. Application of Buy America Preference (page 2326)

Expands Buy American requirements that all iron and steel, manufactured products, and construction materials used in federally funded infrastructure projects are produced in the United States.

A waiver to these requirements may be granted if applying the domestic content procurement preference would be inconsistent with the public interest; the 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; or if 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.

Division J – Appropriations

TITLE VI—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

\$1.7M for Geographic Programs

\$55.4M for total State and Tribal Assistance Grants

Drinking Water State Revolving Fund (page 2585)

\$11.713B for capitalization grants for the DWSRF

- \$1.902B for FY22
- \$2.202B for FY23
- \$2.403B for FY24
- \$2.603B for FY25
- \$2.603B for FY26

FY22 and FY23 funds require 10% state match, FY24 – FY26 require a 20% match; 49% of the funds shall be used to provide additional subsidy to eligible recipients in the form of assistance agreements with 100% principal forgiveness or grants or combo thereof. Up to 3% of FY22 and 2% of FY23-26 is for salaries and administration and 0.35% per year for EPA OIG.

LSL Replacement DWSRF Capitalization Grant (page 2587)

\$15B through the DWSRF; \$3B for each FY22-26.

Eligible activities include identification, planning, design, and replacement of lead service lines. 49% of the funds shall be used to provide additional subsidy to eligible recipients in the form of assistance agreements with 100% principal forgiveness or grants or combo thereof. Funds provided under this paragraph in this Act are not subject to the matching or cost share requirements of section 1452(e) of the Safe Drinking Water Act. Up to 3% of FY22 and 2% of FY23-26 is for salaries and administration and 0.5% per year for EPA OIG.

DWSRF Emerging Contaminants with focus on PFAS (page 2591)

\$4B emerging contaminants capitalization grant under the DWSRF, with a focus on PFAS. \$800M for each FY22-26.

No matching requirement for the states; 100% of the funds shall be used to provide additional subsidy to eligible recipients in the form of assistance agreements with 100% principal forgiveness or grants or combo thereof. Up to 3% of FY22 and 2% of FY23-26 is for salaries and administration and 0.5% per year for EPA OIG.

Emerging Contaminants Grant Assistance for Small and Disadvantaged Communities (page 2592)

\$5B for small and disadvantaged communities to address emerging contaminants under [subsections \(a\) through \(j\) of section 1459A of SDWA](#); \$1B each for FY22-26. Projects that address emerging contaminants supporting a community described in SDWA 1459A(c)(2). No match requirement for the states. Up to 3% of FY22-26 is for salaries and administration and 0.5% per year for EPA OIG.

Clean Water State Revolving Fund (page 2584)

\$11.713B for capitalization grants for the CWSRF

- \$1.902B for FY22
- \$2.202B for FY23
- \$2.403B for FY24
- \$2.603B for FY25
- \$2.603B for FY26

FY22 and FY23 funds require 10% state match, FY24 – FY26 require a 20% match; 49% of the funds shall be used to provide additional subsidy to eligible recipients in the form of assistance agreements with 100% principal forgiveness or grants or combo thereof. Up to 3% of FY22 and 2% of FY23-26 is for salaries and administration and 0.35% per year for EPA OIG.

CWSRF additional (page 2589)

\$1B for capitalization grants to address emerging contaminants

- \$100M for FY22
- \$225M for each FY23-26

No matching requirement for the states; 100% of the funds shall be used to provide additional subsidy to eligible recipients in the form of assistance agreements with 100% principal forgiveness or grants or combo thereof. Up to 3% of FY22 and 2% of FY23-26 is for salaries and administration and 0.5% per year for EPA OIG.

GENERAL PROVISIONS—ENVIRONMENTAL PROTECTION 2 AGENCY 3 (INCLUDING TRANSFERS OF FUNDS)

SEC. 614. (page 2604)

(a) DRINKING WATER.—There is authorized to be appropriated to carry out the purposes of section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), in addition to amounts otherwise authorized to be appropriated for those purposes, an additional \$1,126,000,000 for each of fiscal years 2022 through 2026.

(b) CLEAN WATER.—There is authorized to be appropriated to carry out the purposes of title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), in addition to amounts otherwise authorized to be appropriated for those purposes, an additional \$1,639,000,000 for each of fiscal years 2022 through 2026.

Summary Chart of Appropriations

Year	Clean Water SRF	Drinking Water SRF	Total	Match	Additional Subsidy
2022	1,902,000,000	1,902,000,000	3,804,000,000	10%	49%
2023	2,202,000,000	2,202,000,000	4,404,000,000	10%	49%
2024	2,403,000,000	2,403,000,000	4,806,000,000	20%	49%
2025	2,603,000,000	2,603,000,000	5,206,000,000	20%	49%
2026	2,603,000,000	2,603,000,000	5,206,000,000	20%	49%
Total	\$11,713,000,000	\$11,713,000,000	\$23,426,000,000		
Year	Clean Water Emerging Contaminants	Drinking Water Emerging Contaminants	Total	Match	Additional Subsidy
2022	100,000,000	800,000,000	900,000,000	0%	100%
2023	225,000,000	800,000,000	1,025,000,000	0%	100%
2024	225,000,000	800,000,000	1,025,000,000	0%	100%
2025	225,000,000	800,000,000	1,025,000,000	0%	100%
2026	225,000,000	800,000,000	1,025,000,000	0%	100%
Total	\$1,000,000,000	\$4,000,000,000	\$5,000,000,000		
Year		Drinking Water Lead	Total	Match	Additional Subsidy
2022		3,000,000,000	3,000,000,000	0%	49%
2023		3,000,000,000	3,000,000,000	0%	49%
2024		3,000,000,000	3,000,000,000	0%	49%
2025		3,000,000,000	3,000,000,000	0%	49%
2026		3,000,000,000	3,000,000,000	0%	49%
Total		\$15,000,000,000	\$15,000,000,000		
Total	\$12,713,000,000	\$30,713,000,000	\$43,426,000,000		