



FAQ – General – 7/26/2022

Frequently Asked Questions Infrastructure Law and Authorities

Question: When can the BIL's Buy America Domestic Sourcing Requirements be waived?

Answer: In accordance with BIL Section 70914(b), agencies may waive the Buy America domestic content procurement preference requirements if the agency finds that:

- applying the domestic content procurement preference would be inconsistent with the public interest (Public Interest Waiver);
- 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 (Non-Availability Waiver); or
- 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 (Unreasonable Cost Waiver).

For more information, visit [Reclamation's BIL Buy America page](#).

Question: What is the status of Reclamation's BIL Funding Opportunities?

Answer: Reclamation's BIL funding opportunities have been steadily announced throughout 2022, continuing through the summer, collectively making hundreds of millions of dollars available. An Aging infrastructure/XM funding process for FY 2022 was announced via a [12/29/21 news release](#), culminating with FY 2022 project selections [announced 5/9/22](#). Additional funding opportunities for water recycling and desalination were [announced in January 2022](#); Applied science in opportunities [announced in February 2022](#); Small scale water efficiency project opportunities [announced in February 2022](#); drought resiliency project opportunities [announced in March 2022](#); water and energy efficiency grant (WEEG) opportunity [announced in May 2022](#); and information on small water storage program was [posted in January and May, 2022](#). In addition to these funding opportunities, BIL-funded projects selected via internal formulation processes were announced for [dam safety in March 2022](#), and [rural water](#), also in March 2022. More opportunities are on the way during 2022. All are linked from the BIL and WaterSMART sections of Reclamation's website.

Question: Can an applicant use funding provided under the American Rescue Plan Act as cost-share?

Answer: In general, yes, funding provided to states, U.S. territories, and Tribal governments under the American Rescue Plan Act (42 USC §802(c) and 42 USC §803(c)) may be counted toward non-Federal cost-share requirements for WaterSMART and similar Reclamation grant programs. Each Notice of Funding Opportunity describes other requirements applicable to all cost-share contributions. Please contact program staff if you would like to discuss further.

Question: How were project selection decisions made for the Aging Infrastructure program?

Answer: Project funding decisions were based first and foremost on eligibility under the relevant statutes (PL 111-11, PL 116-260 and PL 117-58). Next, actual project allocations were evaluated according to Risk, based upon the Major Rehabilitation and Replacement (MR&R) risk score that was submitted with the application. That is, what is the risk if this work is not completed? The next consideration was projects' alignment with Administration priorities (climate adaptation and resilience, economic recovery, and equity/investing in underserved communities). A final consideration was Impact - ability for the requested block of funding to complete or accelerate project completion. All of the above factors were part of funding determinations.

Question: Where can I find more information on Reclamation's implementation of the Bipartisan Infrastructure Law?

Answer: Reclamation has established an internet page at [Bipartisan Infrastructure Law | Bureau of Reclamation \(usbr.gov\)](https://www.usbr.gov/bil) (www.usbr.gov/bil).

Question: If we have more questions, how do we contact Reclamation?

Answer: Please send emails to usbr.bil@usbr.gov and we will get back with you as soon as possible. Some questions require internal outreach and coordination; please allow up to 2 days for a response.

Question: Where can I find recorded Stakeholder or Tribal presentations?

Answer: Recorded presentations are provided at [Bipartisan Infrastructure Law | Bureau of Reclamation \(usbr.gov\)](https://www.usbr.gov/bil). Please scroll down the page to see the recorded and any future sessions.

Question: How do I sign up to receive notification about funding opportunities?

Answer: We will continue to follow our normal protocol for announcements that we use currently under WaterSMART. This includes using press releases, the WaterSMART website at [WaterSMART | Bureau of Reclamation \(usbr.gov\)](https://www.usbr.gov/water-smart), and direct emails to entities that have signed up to be on our email list, at WaterSMART@usbr.gov. We will update this response with links to announcements regarding funding opportunities for other program areas as soon as they are developed.

Question: Is there a direct spending opportunity or only competitive grant opportunities for the Aquatic Ecosystem Restoration and Multi-benefit Projects?

Answer: We are in the process of reviewing and interpreting these new authorities internally and with our Solicitors. There will be an opportunity to comment on our draft plan for allocating this funding later in 2022.

Question: Can you please explain if/how 40910 could be used by tribes to help determine if ASR might be feasible, which would maybe be an appraisal level or less evaluation.

Answer: Our preliminary read is that Section 40910 would be implemented contingent on appropriations—as it appears targeted to construction, rather than study, of projects already found feasible. For a tribal proposal for an Aquifer Storage and Recovery (ASR) project, including study, it could be more appropriate to pursue a study under Section 40903 (for small surface water storage and groundwater storage projects). Competitive criteria will be published during 2022, and meantime, Reclamation can assist tribes with specific inquiries at the local office level.

Question: How do I find more information on the Extraordinary Maintenance (XM) projects funding opportunity that opened on December 16th, 2021 and closes January 31st, 2022 that would list the criteria, eligible entities, and ability to apply?

Answer: The Aging Infrastructure / Extraordinary Maintenance (XM) funding and application period applies to Reclamation-owned infrastructure. A traditional funding opportunity will not be posted on www.grants.gov, rather, Reclamation is using an internally facilitated external application process as prescribed by Title XI, Section 1101 of PL 116-260. Reclamation's area offices will lead the outreach to local Reclamation contractors and operating partners to identify and propose projects for funding as referenced in the [December 29, 2021 news release](#). This will allow a collaborative process to identify and propose projects, rather than projects being pre-determined by Reclamation. Implementation of the Infrastructure Law's Section 40904 funding for Critical Maintenance and Repair will follow this process, prescribed by PL 116-260. Please let contact USBR.BIL@usbr.gov if you have any additional questions or need help connecting with one of Reclamation's area offices.