



FAQ – General – Summer 2024

Frequently Asked Questions

Infrastructure Law and Authorities

Question: I'm researching BIL "Water & Groundwater Storage, and Conveyance" but I cannot find the FY22 and FY23 NOFO associated with the program. Can you direct me to the right location?

Answer: Thank you for your inquiry. Your question relates to sections 40902 and 40903 of the BIL (PL 117-58). For Section 40903, Reclamation administers a Small Storage program using external funding opportunities, and maintains a [Small Storage Program web page site](#) with helpful information. The [Fiscal Year 2023 Small Storage Program funding opportunity](#) closed on December 9, 2022 and recipients were [announced on April 6, 2023](#). The [Fiscal Year 2024 Small Storage Program funding opportunity](#) closed on November 30, 2023. Selections from that funding opportunity will be announced in 2024.

Reclamation also administers a program for larger storage or conveyance projects, separate from the Small Storage Program. Projects are selected pursuant to criteria in Section 40902 of PL 117-58, through an internal formulation process, and the award of construction funding requires a completed feasibility study to be eligible. As part of the analysis, the project sponsor must display that there is a proportionate share of Federal benefits in return for a Federal investment in the project.

We recommend parties also review programs available under [Reclamation's WaterSMART program](#) to see if any of those programs are of interest. The [WaterSMART Funding Opportunity Calendar](#) helps to determine when funding opportunities will be released.

Question: How many projects have received BIL funding to date?

Answer: As of August 2024, Reclamation has published four annual BIL spend plans of \$1.66 billion each in fiscal years 2022, 2023, 2024, and 2025; by October 1 we will have allocated a total of \$6.64 billion at the program level. At the individual project level, Reclamation has allocated BIL funding to 587 specific projects, which equates to about \$4.292 billion. The 'program level' figure (\$6.64 billion) is inclusive of the 'project level' figure (\$4.292 billion). Funding moves to the projects after allocation, and obligation rates vary depending on each project's specific circumstances. Sign up for e-mail alerts [here](#).



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Question: How do I find more information on Extraordinary Maintenance (XM) projects funding 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 is not posted on <http://www.grants.gov/>, rather, Reclamation uses an internally facilitated external application process as prescribed by Title XI, Section 1101 of PL 116-260. The second application period got underway in October 2022 through December 1, 2022, followed by internal review of the applications, and project selections were announced on April 5, 2023. Projects selected for funding from the first application period were announced May 9, 2022, and 2022 project selections and a map are [posted here](#). Applications for the 3rd funding cycle for XM projects will open October, 2023. Reclamation's area offices lead the outreach to local Reclamation contractors and operating partners to identify and propose projects for funding as referenced in the opening [December 29, 2021 news release and onwards](#). This allows a collaborative process to identify and propose projects, rather than projects being pre-determined by Reclamation. Please let contact USBR.BIL@usbr.gov if you have any additional questions or need help connecting with one of Reclamation's area offices.

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: Dozens of BIL funding opportunities have occurred since the law's enactment in November 2021, and BIL funding has been added into some pre-existing funding opportunities in every year since enactment. The drumbeat of BIL activities is displayed on the main BIL web page under "Announcements." Additional funding opportunities for new programs such as Large Scale water recycling and for existing programs such as Drought Resiliency Projects were rolled out in 2023 and



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continued in 2024.

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 [here](#). Sessions have occurred in every quarter since December 2021, with additional sessions planned for September 12, 2024. Please scroll down the page to see the recorded and any future sessions.



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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: The Multi-benefit projects for watershed health authorized by BIL Sections 40901(11) and 40907 was included in the FY 2023 Environmental Water Resources Projects (EWRP) funding opportunity issued in January 2023, and will be included in future EWRP funding opportunities. Projects meeting the ‘multi-benefit’ category were also part of the Planning and Design funding opportunity in 2023. The Aquatic Ecosystem Restoration Program referenced in BIL Section 40901(10) issued its first funding opportunity – and program criteria – in March 2023. The first application period for the FY 2023 Aquatic Ecosystems Restoration Program closed on June 1, 2023 and proposals are being reviewed this summer. A second application period ending January 24, 2024 was added to this funding opportunity. Applications submitted by January 24, 2024 will be reviewed next winter.

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). Because the Section 40910 program was not appropriated funding under the BIL, Reclamation has requested appropriations from Congress in its FY 2024 budget to stand up this program authorized by BIL.



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Question: The Large Scale Water Recycling Projects NOFO released 9/7/23 states that “construction completed after the date of Reclamation’s feasibility study review findings within three years of the application’s submittal period deadline.” Does this mean construction on the entire project must be completed within three years on an entity applying?

Answer: No, the entire project need not be complete within three years of an entity applying, but the funding request in response to [this NOFO](#) should be based on work expected to be completed within three years of the application’s submittal. The projects submitted under this NOFO are expected to be large, multi-phased projects where sponsors will apply over multiple years with the same project. Some sections of the NOFO ask project sponsors to describe their project as a whole, not just the project activities that will be completed over the next three years, but only project costs to be performed within the next three years should be included in the application budget/Federal request. As stated at page 5 under paragraph B.2., the NOFO funds work to planned within three years of the application’s submittal period deadline. For example, if an application is submitted on November 21, 2023, work planned through November 21, 2026, may be included. Eligible costs submitted for consideration must be for work conducted after the date of Reclamation’s feasibility study review findings for the project (i.e. submitted for a project that has been determined feasible). For more information on the Large Scale Water Recycling Program, [click here](#).

Question: Why does Reclamation fund non-reimbursable reserved works XM from the Aging Inf Account when it could fund these costs from its annual budget request?

Answer: The BIL provided funding for the Aging Infrastructure Account established by section 9603(d)(1) of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 510b), to be made available for activities including major rehabilitation and replacement activities (MR&R), as identified in the [Asset Management Report of the Bureau of Reclamation dated April 2021](#). This report contained current and future MR&R funding needs for both reserved and transferred works, meaning the activities within it were directly referenced for funding in the BIL. Reclamation’s [annual budget requests](#) still contain significant OM&R requests. Tribal rural water OM&R has been among the non-reimbursable XM allocations made by BOR, as have recreation and fish & wildlife projects, such as the Trinity River fish hatchery, whose operations support Central Valley Project compliance with the Endangered Species Act and other requirements. Non-reimbursable projects allocated funding were subjected to the same screening as reimbursable XM and found to meet the statutory and program criteria—i.e., particularly the degree of risk, in some cases, if they were not remediated. Additionally, as stated above, the Asset Management Report was statutorily directed to include reserved and transferred works, and the figures from that report were used by Congress in appropriating into the Aging Infrastructure Account.