

## S.3293 E&W Appropriations Act 2026 (12/01/25 Text): WIFIA Account Language Related to CWIFP Loans to Dams and Levees

InRecap 12/17/2025 v1.0

**Text not related to FCRA budgeting** – Not affected by HR.6229 FCRA amendment or revision in FCRA Criteria

**Text related to FCRA budgeting** – Will be modified by revision in FCRA Criteria; possibly modified or superseded by HR.6229 FCRA amendment

<p>For the cost of direct loans and for the cost of guaranteed loans, as authorized by the Water Infrastructure Finance and Innovation Act of 2014, \$5,000,000, to remain available until expended, for safety projects to maintain, upgrade, and repair dams identified in the National Inventory of Dams with a primary owner type of State, local government, public utility, or private:</p>	<p><i>CWIFP has sufficient carryover funding from prior appropriations – is the \$5m simply a pretext to insert the non-FCRA restrictions?</i></p> <p><i>Federal dam ownership is generally excluded by specifying wide range of other owners.</i></p>
<p><b>Proviso 1:</b> That any activity that results in a decrease in the hazard or a decrease in the potential consequences of poor performance of a dam structure listed on the National Inventory of Dams with a primary owner type of State, local government, public utility, or private shall be considered a safety project eligible for funds provided under this heading for that purpose by this or any prior Act:</p>	<p><i>Eligible activity for dams: Federal dam ownership excluded by specifying wide range of other owners.</i></p>
<p><b>Proviso 2:</b> That any safety project for a dam identified in the National Inventory of Dams with a primary owner type of State, local government, public utility, or private shall be eligible under section 5026(1)(A) of the Water Resources Reform and Development Act of 2014 (Public Law 113– 121) (33 U.S.C. 3905(1)(A)) for funds provided under this heading for that purpose by this or any prior Act:</p>	<p><i>Eligible dam projects: Federal dam ownership excluded by specifying wide range of other owners.</i></p>

<p><b>Proviso 3:</b> That no project may be funded with amounts provided under this heading in <b>this or any prior Act</b> for a dam that is identified as jointly owned in the National Inventory of Dams and <b>where one of those joint owners is the Federal Government:</b></p>	<p><i>Funding explicitly prohibited for loans to dams with any federal ownership.</i></p> <p><i>Apparently retroactive and applicable to CWIFP's current carryover funding.</i></p>
<p><b>Proviso 5:</b> That amounts made available under this heading in this Act shall also be available for projects to construct, maintain, upgrade, and repair levees and ancillary features with a <b>primary owner type of State, municipal, county, private, or other non-Federal entity:</b></p>	<p><i>Funding is also available for various activities on levees: Federal levee ownership excluded by specifying wide range of other owners, specified as 'non-Federal entity'.</i></p>
<p><b>Proviso 6:</b> That subsection 386.2(v) of title 33 of the Code of Federal Regulations is hereby amended to add the following new paragraph (2) and to renumber subsequent paragraphs accordingly: “(2) Any project to construct, maintain, upgrade, or repair levees and ancillary features with a <b>primary owner type of State, municipal, county, private, or other non-Federal entity;</b> and which meets the statutory requirements of title I, division D of the Consolidated Appropriations Act, 2024 and <b>the criteria outlined in 85 FR 39189</b> (see division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94)).”:</p>	<p><i>This proviso amends the definition of 'project' with respect to levees within the Corps' regulations for 'Credit Assistance for Water Resources Infrastructure Projects'.</i></p> <p><i>This 'project' definition excludes federal ownership of a levee by specifying other 'non-Federal' entities.</i></p> <p><i>Application of the FCRA Criteria is also embedded in the definition.</i></p>
<p><b>Proviso 7:</b> That no project may be funded with amounts provided under this heading for a levee unless the Secretary has certified in advance, in writing, that the levee <b>is not owned, in whole or in part, by the Federal Government:</b></p>	<p><i>Funding explicitly prohibited for loans to levees with any federal ownership.</i></p>

**Proviso 13:** That the use of direct loans or loan guarantee authority under this heading for direct loans or commitments to guarantee loans for any project, including any project that is made eligible for funds pursuant to the second proviso under this heading, shall be in accordance with the criteria published in the Federal Register on June 30, 2020 (85 FR 39189) pursuant to the fourth proviso under the heading “Water Infrastructure Finance and Innovation Program Account” in division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94):

*The application of the FCRA Criteria has been standard boilerplate in appropriation bills since 2020. This appears to be text carried forward from prior years.*