

CWIFP

9 WATER INFRASTRUCTURE FINANCE AND INNOVATION

10 PROGRAM ACCOUNT

11 For the cost of direct loans and for the cost of guar-
12 anteed loans, as authorized by the Water Infrastructure
13 Finance and Innovation Act of 2014, \$2,200,000, to re-
14 main available until expended, for safety projects to main-
15 tain, upgrade, and repair dams identified in the National
16 Inventory of Dams with a primary owner type of State,
17 local government, public utility, or private: *Provided*, That
18 any activity that results in a decrease in the hazard or
19 a decrease in the potential consequences of poor perform-
20 ance of a dam structure listed on the National Inventory
21 of Dams with a primary owner type of State, local govern-
22 ment, public utility, or private shall be considered a safety
23 project eligible for funds provided under this heading for
24 that purpose by this or any prior Act: *Provided further*,
25 That any safety project for a dam identified in the Na-

1 tional Inventory of Dams with a primary owner type of
2 State, local government, public utility, or private shall be
3 eligible under section 5026(1)(A) of the Water Resources
4 Reform and Development Act of 2014 (Public Law 113–
5 121) (33 U.S.C. 3905(1)(A)) for funds provided under
6 this heading for that purpose by this or any prior Act:
7 *Provided further*, That no project may be funded with
8 amounts provided under this heading in this or any prior
9 Act for a dam that is identified as jointly owned in the
10 National Inventory of Dams and where one of those joint
11 owners is the Federal Government: *Provided further*, That
12 not later than 90 days following the end of any submittal
13 period occurring before or after the date of enactment of
14 this Act of a solicitation of preliminary applications from
15 prospective borrowers seeking credit assistance of funds
16 made available under this heading by this or any prior
17 Act, the Secretary shall provide to each applicant a written
18 notice to inform the applicant whether the applicant will
19 be invited to apply for credit assistance: *Provided further*,
20 That amounts made available under this heading in this
21 Act shall also be available for projects to construct, main-
22 tain, upgrade, and repair levees and ancillary features
23 with a primary owner type of State, municipal, county,
24 private, or other non-Federal entity: *Provided further*,
25 That not later than 60 days after the date of enactment

1 of this Act, the Secretary shall begin a rulemaking process
2 to establish the process to provide financial assistance for
3 projects to construct, maintain, upgrade, and repair levees
4 and ancillary features with a primary owner type of State,
5 municipal, county, private, or other non-Federal entity:
6 *Provided further*, That no project may be funded with
7 amounts provided under this heading for a levee unless
8 the Secretary has certified in advance, in writing, that the
9 levee is not owned, in whole or in part, by the Federal
10 Government: *Provided further*, That such costs, including
11 the cost of modifying such loans, shall be as defined in
12 section 502 of the Congressional Budget Act of 1974: *Pro-*
13 *vided further*, That these funds are available to subsidize
14 gross obligations for the principal amount of direct loans,
15 including capitalized interest, and total loan principal, in-
16 cluding capitalized interest, any part of which is to be
17 guaranteed, not to exceed \$500,000,000: *Provided further*,
18 That the use of direct loans or loan guarantee authority
19 under this heading for direct loans or commitments to
20 guarantee loans for any project, including any project that
21 is made eligible for funds pursuant to the second proviso
22 under this heading, shall be in accordance with the criteria
23 published in the Federal Register on June 30, 2020 (85
24 FR 39189) pursuant to the fourth proviso under the head-
25 ing “Water Infrastructure Finance and Innovation Pro-

1 gram Account” in division D of the Further Consolidated
2 Appropriations Act, 2020 (Public Law 116–94): *Provided*
3 *further*, That none of the direct loans or loan guarantee
4 authority made available under this heading shall be avail-
5 able for any project unless the Secretary and the Director
6 of the Office of Management and Budget have certified
7 in advance in writing that the direct loan or loan guar-
8 antee, as applicable, and the project comply with the cri-
9 teria referenced in the previous proviso: *Provided further*,
10 That any references to the Environmental Protection
11 Agency (EPA) or the Administrator in the criteria ref-
12 erenced in the previous two provisos shall be deemed to
13 be references to the Army Corps of Engineers or the Sec-
14 retary of the Army, respectively, for purposes of the direct
15 loans or loan guarantee authority made available under
16 this heading: *Provided further*, That for the purposes of
17 carrying out the Congressional Budget Act of 1974, the
18 Director of the Congressional Budget Office may request,
19 and the Secretary shall promptly provide, documentation
20 and information relating to a project identified in a Letter
21 of Interest submitted to the Secretary pursuant to a No-
22 tice of Funding Availability for applications for credit as-
23 sistance under the Water Infrastructure Finance and In-
24 novation Act Program, including with respect to a project

1 that was initiated or completed before the date of enact-
2 ment of this Act.

3 In addition, fees authorized to be collected pursuant
4 to sections 5029 and 5030 of the Water Infrastructure
5 Finance and Innovation Act of 2014 shall be deposited
6 in this account, to remain available until expended.

7 In addition, for administrative expenses to carry out
8 the direct and guaranteed loan programs, notwithstanding
9 section 5033 of the Water Infrastructure Finance and In-
10 novation Act of 2014, \$5,000,000, to remain available
11 until September 30, 2027.