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SUMMARY OF THE INFRASTRUCTURE INVESTMENT AND JOBS ACT
PRELIMINARY ESTIMATE OF FEDERAL FUNDS AVAILABLE TO NORTH DAKOTA

This memorandum provides information regarding preliminary estimated federal funding that may be available to North Dakota state government agencies as a result of H.R. 3684 of the 117th Congress, also known as the Infrastructure Investment and Jobs Act.

INFRASTRUCTURE INVESTMENT AND JOBS ACT - SUMMARY

On November 15, 2021, President Joe Biden signed the $1.2 trillion Infrastructure Investment and Jobs Act. State and local governments will receive federal funding from programs authorized in the Act during federal fiscal years 2022 through 2026. Major provisions of the bill include:

Transportation Infrastructure

- Provides $273.2 billion for new and existing surface transportation programs, including competitive grant and formula grant programs to reduce an estimated $100 billion backlog of necessary bridge repairs, funding for the national infrastructure project assistance grant program, and funding for 13 states for the Appalachian Highway System.
- Provides $70 billion for competitive grant and formula grant public transit programs, including $33.5 billion for urbanized area formula grants, $18.4 billion for the state of good repair grants program for upgrading older rail and bus systems in urbanized areas, and $4.6 billion for public transportation in rural areas.
- Provides $66 billion for rail programs, including $52 billion dedicated to Amtrak, of which $36 billion is directed toward the northeast corridor and $16 billion is for the Amtrak national network, $5 billion for the existing consolidated rail infrastructure and safety improvements program for safety, efficiency, and reliability of intercity passenger and freight rail projects, and $3 billion for the railroad crossing elimination program.
- Provides $10 billion for roadway safety programs, of which $5 billion is for the safe streets for all program which funds state and local "vision zero" plans and other improvements to reduce crashes and fatalities, especially for cyclists and pedestrians.
- Requires the National Highway Traffic Safety Administration to develop standards for vehicles to have forward collision warning, automatic braking, lane departure warning, and lane keeping assistance systems.
- Provides $50 million for a federal Department of Transportation pilot program to demonstrate a national motor vehicle per-mile user fee to restore and maintain the long-term solvency of the Highway Trust Fund and achieve and maintain a state of good repair in the surface transportation system. The bill also dedicates $75 million over 5 years to reauthorize and expand a separate program offering grants to states for pilot projects to test road usage fees and other alterative mechanisms.
- Provides $20 billion for airport infrastructure and $5 billion for air traffic infrastructure. Of the funding for airport transportation, 75 percent will be provided through the airport improvement program formula.
- Provides $2.5 billion for new inland waterway projects and $4 billion for operations and maintenance.

Water and Environmental Infrastructure

- Provides $55.4 billion for the Environmental Protection Agency's (EPA) state and tribal assistance grants and capitalization grants through the Clean Water State Revolving Fund and Drinking Water State Revolving Fund. Of this amount, $14.7 billion is for general water and wastewater projects, $15 billion is for lead service line replacement projects and associated activities, and $10 billion is to address per- and polyfluoroalkyl substance and other emerging contaminants in drinking water and wastewater, with all funding to be eligible for loan forgiveness.

- Increases the EPA's grant program to support the replacement of lead waterlines by $40 million to a total of $100 million through federal fiscal year 2026.
- Provides $200 million to address lead contamination in schools through testing and remediation. A $50 million pilot program is created for states to implement improvements to water systems, with priority given to states with high proportions of underserved communities.
- Provides $1.4 billion to states to support municipal planning and construction projects to address sewage overflows. At least 25 percent of the state's funding must be allocated to rural or financially disadvantaged communities, with at least 60 percent of funding dedicated to rural areas.
- Provides $8.3 billion through the Bureau of Reclamation for western water infrastructure, including $3.2 billion for aging infrastructure, $1.15 billion for water and ground water storage, $1 billion for water recycling and reuse, and $1 billion for rural water projects. Additional funding is available for dam safety, drought contingency plans, and desalination projects. The bill allows states to use funding from the federal State Fiscal Recovery Fund to satisfy nonfederal matching requirements for Bureau of Reclamation water projects.
- Provides funding to support state efforts to gain primacy over underground injection wells through the Safe Drinking Water Act. There are six classes of wells, including oil and gas production, mineral extraction, waste disposal, and carbon sequestration. North Dakota and Wyoming are the only states with primacy over all classes, 33 states have primacy over all wells except carbon sequestration, 8 states regulate just oil and gas wells, and the EPA oversees all wells in 7 states.
- Provides funding for EPA watershed programs, including $1 billion for the Great Lakes Restoration Initiative, $238 million for Chesapeake Bay, $106 million for the Long Island Sound, and $53 million for the Gulf of Mexico.
- Provides $21 billion to clean EPA superfund and brownfield sites, reclaim abandoned mine land and cap orphaned gas wells in addition to focusing on advancing environmental justice. For brownfields, $1.5 billion will be distributed through state and tribal assistance grants to allow states to assess, clean, and reuse contaminated properties. Funding will be provided primarily through competitive grants. State cost-share requirements are waived.
- Provides $5 billion for the EPA to award grants and rebates to replace schoolbuses with zero-emission buses or buses the EPA certifies reduce emissions and use alternative fuels. Eligible recipients include state and local governments with priority given to applicants serving a high percentage of low-income families.
- Includes funding for carbon removal, firefighting, forest management resources, and tree planting, including $500 million for a community wildfire defense grant program.

Energy Infrastructure

- Reduces state authority related to electric transmission infrastructure siting, potentially allowing the Federal Energy Regulatory Commission to overrule a state's decision if the Department of Energy determines the line is part of a National Interstate Electric Transmission Corridor.
- Provides $50 million of grant funding and up to $2.5 billion of loans from the United States Department of the Treasury for a Department of Energy program to support construction of nonfederal electric transmission lines and other facilities by entering capacity contracts and offering loans.
- Creates a $6 billion fund to help maintain existing nuclear reactors and authorizes $13 billion for grants to stakeholders to improve resiliency to disruptive events, including natural disasters.
- Provides $6 billion for materials, manufacturing, and recycling of batteries.
- Provides $6 billion for research into carbon capture and storage.
- Provides $8 billion for hydrogen and its ability as an energy source.
- Provides $3 billion for research of advanced nuclear reactors.
- Authorizes $11.3 billion for the federal abandoned mine land reclamation fund for federal fiscal year 2022 or until the funding is expended. The funding is to provide grants to states and tribes for reclamation projects of mine lands abandoned or left inadequately restored before August 3, 1977.
- Provides $3.5 billion for the weatherization assistance program to provide states and tribes aid to reduce energy costs of low-income households by increasing the efficiency of their homes.

- Creates a $250 million revolving loan program within the state energy program to conduct energy audits, upgrades, and retrofits.
- Provides $500 million for the federal Department of Health and Human Services' low-income housing energy assistance program.

Cybersecurity and Broadband Infrastructure

- Directs the Federal Highway Administrator to develop a tool to assist transportation authorities in identifying, detecting, protecting against, responding to, and recovering from cyber incidents using the National Institute of Standards and Technology (NIST) cybersecurity framework.
- Provides $1 billion to establish a cybersecurity risks and threats grant program to be administered through the Department of Homeland Security to be used for vulnerability assessments, adoption of NIST best practices, ensuring continuity of operations, mitigation of cyber workforce gaps, assessment, mitigation of cybersecurity threats to critical infrastructure, and to pay for a ransomware attack.
- Provides $140 million for the Cybersecurity and Infrastructure Security Agency's cyber response and recovery fund through federal fiscal year 2028.
- Provides $65 billion for broadband projects to close the digital divide, improve Internet affordability, and improve service to low-income customers.
- Establishes a $42.45 billion grant program for the expansion of broadband infrastructure construction with priority given to rural areas. States are permitted to use the funds for planning and capacity building, with projects required to include a low-cost broadband option. Eligible project costs include research and data collection, including mapping and identification of unserved and underserved locations; adoption programs; and other initiatives, such as training for employees of the broadband office of an eligible entity.
- Provides $14.2 billion for an affordability connectivity benefit program, which is an extension of the existing emergency broadband benefit program but reduces the monthly benefit from $50 to $30.
- Provides $2.75 billion in grant programs to help states fund digital equity plans and other digital inclusion efforts. The state digital equity capacity grant program will provide formula grants to support state plan development and conduct digital inclusion work, planning, and capacity building. States are required to submit a state digital equity plan. The digital equity competitive grant program will provide competitive grants to local governments, tribes, community anchor institutions, and educational agencies.
- Provides $1 billion for a grant program to support deployments of middle mile infrastructure that does not connect directly to an end-user's location. Eligible entities include telecommunications companies, technology companies, electric utilities, and utility cooperatives.
- Provides $2 billion for programs administered by the Department of Agriculture, including the reconnect program that provides loans and grants to fund the construction, acquisition, or improvement of facilities and equipment that provide broadband service in rural areas.
- Provides $2 billion for the tribal broadband connectivity program.
- Provides $600 million for private activity bonds to allow states to finance broadband deployment for projects in rural areas where a majority of households do not have access to broadband.

Disaster Infrastructure

- Provides $3.5 billion for the Federal Emergency Management Agency's (FEMA) flood mitigation assistance program to provide financial and technical assistance to states and affected communities to reduce the risks of flood damage via buyouts, elevation, and other mitigating activities.
- Provides $1 billion for FEMA's building resilient infrastructure and communities program, which is a pre-disaster mitigation program that supports states and tribes with disaster and natural hazard mitigation projects.

North Dakota

The following information includes preliminary estimates from Federal Funds Information for States (FFIS) regarding federal funding that may be available to North Dakota as a result of the passage of the Infrastructure Investment and Jobs Act. **As of December 7, 2021, FFIS estimates funds available to North Dakota state government agencies total $2.5 billion.**

Agency Program	Allowable Uses of Funds	Potential Funding Available - Federal Fiscal Year Ending September 30: 2022	2023	2024	2025	2026	Timing Unknown	Total	State Matching Requirement	Deadline to Use Funding
112 - Information Technology Department										
State and local cybersecurity grant	The funding is to address critical state and local government cybersecurity infrastructure needs, the creation, revision, and implementation of cybersecurity plans, and activities that address imminent cybersecurity threats to the information systems owned or operated by state or local government agencies.	$2,259,892	$4,519,784	$3,389,838	$1,129,946			$11,299,460	10% FY 22 20% FY 23 30% FY 24 40% FY 25	Available until expended
Total Information Technology Department		**$2,259,892**	**$4,519,784**	**$3,389,838**	**$1,129,946**			**$11,299,460**		
303 - Department of Environmental Quality										
Assistance for small and disadvantaged communities	The funding is to assist public water systems in underserved, small, and disadvantaged communities to meet Safe Drinking Water Act requirements. Grant funding may be provided to underserved communities that have no household drinking water or wastewater services or are served by a public water system that violates or exceeds any maximum contaminant level, treatment technique, or action level.	$7,407,160	$7,407,160	$7,407,160	$7,407,160	$7,407,160		$37,035,800	0%	Not yet known
Clean Water State Revolving Fund: Addressing emerging contaminants	The funding is for addressing emerging contaminants in public water systems. States must use all funding to provide eligible recipients with assistance agreements with 100 percent principal forgiveness or grants.	462,691	1,052,101	1,052,101	1,052,101	1,052,101		4,671,095	0%	Not yet known
Clean Water State Revolving Fund: Existing program	The funding is for providing communities low-cost financing for water quality infrastructure projects. States must use 49 percent of funding to provide assistance agreements with 100 percent principal forgiveness or grants to eligible recipients.	8,814,392	10,312,775	11,254,132	12,190,806	12,190,806		54,762,911	10% FY 22 and FY 23 then 20%	Not yet known
Drinking Water State Revolving Fund: Addressing emerging contaminants	The funding is for addressing emerging contaminants in public water systems with a focus on per- and polyfluoroalkyl substances. States must use all of its funding to provide eligible recipients with assistance agreements with 100 percent principal forgiveness or grants.	7,540,233	7,620,236	7,620,236	7,620,236	7,620,236		38,021,177	0%	Not yet known

Agency Program	Allowable Uses of Funds	Potential Funding Available - Federal Fiscal Year Ending September 30: 2022	2023	2024	2025	2026	Timing Unknown	Total	State Matching Requirement	Deadline to Use Funding
Drinking Water State Revolving Fund: Existing program	The funding is for drinking water infrastructure projects, including treatment, transmission and distribution, source, storage, consolidation, and creation of new system projects. States must use 49 percent of funding to provide assistance agreements with 100 percent principal forgiveness or grants to eligible recipients.	17,955,435	21,007,729	22,925,329	24,833,388	24,833,388		111,555,269	10% FY 22 and FY 23 then 20%	Not yet known
Drinking Water State Revolving Fund: Lead service line replacement	The funding is to assist states and water utilities to replace lead service lines and reduce lead in drinking water. States must use 49 percent of funding to provide assistance agreements with 100 percent principal forgiveness or grants to public water systems.	28,275,874	28,575,883	28,575,883	28,575,883	28,575,883		142,579,406	0%	Not yet known
Total Department of Environmental Quality		**$70,455,785**	**$75,975,884**	**$78,834,841**	**$81,679,574**	**$81,679,574**		**$388,625,658**		
601 - Department of Commerce										
Energy efficiency revolving loan fund capitalization	The funding is for residential energy efficiency and renewable energy improvement loans.	$788,643						$788,643	0%	Available until expended
State energy program	The funding is to enhance energy security and resiliency, advance state-led energy initiatives, decrease energy waste, promote economic growth and improved environmental quality, and implement energy efficiency and renewable energy measures.	3,943,214						3,943,214	0%	September 30, 2026
Weatherization assistance	The funding is to reduce energy costs for low-income households by increasing the energy efficiency of their homes while ensuring their health and safety.	35,710,564						35,710,564	0%	Available until expended
Total Department of Commerce		**$40,442,421**						**$40,442,421**		
801 - Department of Transportation										
Bridge investment program	The funding is for eligible projects to replace, rehabilitate, preserve, or protect one or more bridges on the National Bridge Inventory to: • Improve the safety, efficiency, and reliability of the movement of people and freight over bridges; • Improve the condition of bridges in the United States by reducing the number of bridges in poor condition						$225,000,000	$225,000,000	0% - 20%	Not yet known

Agency Program	Allowable Uses of Funds	Potential Funding Available - Federal Fiscal Year Ending September 30: 2022	2023	2024	2025	2026	Timing Unknown	Total	State Matching Requirement	Deadline to Use Funding
	or fair condition and at risk of falling into poor condition within 3 years and reducing the total person miles traveled over bridges; and • Provide assistance that leverages and encourages nonfederal contributions from other sources involved in the planning, design, and construction of eligible projects. Projects on an off-system bridge owned by local governments may be eligible for federal funding with no state matching requirements.									
Carbon reduction	The funding is for reducing carbon dioxide emissions. Eligible projects include those that: • Establish or operate a traffic monitoring, management, and control facility or program, including advanced truck stop electrification systems; • Provide for the construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation; • Includes advanced transportation and congestion management technologies; • Provides for the development of infrastructure-based intelligent transportation systems capital improvements and the installation of vehicle-to-infrastructure communications equipment; • Replace street lighting and traffic control devices with energy-efficient alternatives; • Includes a strategy designed to support congestion pricing, shifting transportation demand to nonpeak hours or other transportation modes, increasing vehicle occupancy rates, or otherwise reducing demand for roads, including electronic toll collection, and travel demand management strategies and programs; • Reduce the environmental and community impacts on freight movement; and • Support deployment of alternative fuel vehicles.	$7,858,137	$8,015,300	$8,175,606	$8,339,118	$8,505,900		40,894,061	20%	Not yet known
Congestion mitigation and air quality	The funding is for transportation projects designed to reduce traffic congestion and improve air quality,	11,462,772	11,692,027	11,925,868	12,164,385	12,407,673		59,652,725	20%	Not yet known

Agency Program	Allowable Uses of Funds	Potential Funding Available - Federal Fiscal Year Ending September 30: 2022	2023	2024	2025	2026	Timing Unknown	Total	State Matching Requirement	Deadline to Use Funding
	particularly in areas of the country that do not attain national air quality standards.									
Highway safety improvement	The funding is for projects that provide for the safety of all road users, including those involving construction or installation of features, measurers, and road designs to calm traffic and reduce vehicle speeds and projects that install or upgrade traffic control devices for pedestrians and bicyclists.	16,590,909	17,002,176	17,421,668	17,849,550	18,285,990		87,150,293	10%	Not yet known
Metropolitan transportation planning	The funding is for the integration of housing, transportation, and economic development strategies for new and existing transportation facilities in metropolitan planning areas.	2,214,912	2,259,210	2,304,394	2,350,482	2,397,492		11,526,490	20%	Not yet known
National electric vehicle formula	The funding is for: • The acquisition and installation of electric vehicle charging infrastructure to connect to a network to facilitate data collection, access, and reliability; • Proper operation and maintenance of electric vehicle charging infrastructure; and • Data sharing about electric vehicle charging infrastructure to ensure the long-term success of investments.						25,952,484	25,952,484	20%	Available until expended
National highway freight	The funding is to improve the efficient movement of freight on the national highway freight network by investing in infrastructure and operational improvements that strengthen economic competitiveness, reduce congestion, reduce the cost of freight transportation, improve reliability, and increase productivity while improving safety, security, efficiency, and resiliency of freight transportation.	8,610,008	8,782,209	8,957,853	9,137,010	9,319,750		44,806,830	20%	Not yet known
National highway performance	The funding is for the construction of new facilities and infrastructure on the national highway system, including: • Installation of vehicle-to-infrastructure communication equipment; • Reconstruction, resurfacing, restoration, rehabilitation, or preservation of a bridge on a non-national highway system federal-aid highway; • Projects reducing the risk of failure of critical national highway system infrastructure;	180,921,314	184,544,380	188,239,907	192,009,346	195,854,172		941,569,119	20%	Not yet known

Agency Program	Allowable Uses of Funds	Potential Funding Available - Federal Fiscal Year Ending September 30: 2022	2023	2024	2025	2026	Timing Unknown	Total	State Matching Requirement	Deadline to Use Funding
	• To mitigate the cost of damages to infrastructure from sea level rise, extreme weather events, flooding, or other natural disasters; • Undergrounding public utility infrastructure; and • Resiliency improvements on the national highway system.									
Promoting resilient operations for transformative, efficient, and cost-saving transportation (PROTECT) program	The funding is for providing resilience improvement grants to enable communities to assess vulnerabilities to current and future weather events, natural disasters, and changing conditions, including sea level rise, and plan transportation improvements and emergency response strategies to address those vulnerabilities.	8,935,265	9,113,971	9,296,250	9,482,175	9,671,818		46,499,479	20%	Not yet known
Railway-highway crossings	The funding is for the elimination of hazards at railway-highway crossings, including roadways, bike trails, and pedestrian paths through the installation of protective devices at crossings.	3,950,147	3,950,147	3,950,147	3,950,147	3,950,147		19,750,735	0%	Not yet known
Surface transportation block grant	The funding is for projects to preserve and improve the conditions and performance of any federal-aid highway, bridge, and tunnel on any public road, pedestrian and bicycle infrastructure, and transit capital projects, including intercity bus terminals.	88,128,642	89,891,215	91,689,040	93,522,821	95,393,277		458,624,995	20%	Not yet known
Transit formula grants	The funding is to create and enhance local pubic transit systems, including buses, subways, light rail, commuter rail, trolleys, and ferries.	22,169,755	22,617,418	23,208,757	23,688,804	24,291,771		115,976,505	0%	Not yet known
Total Department of Transportation		**$350,841,861**	**$357,868,053**	**$365,169,490**	**$372,493,838**	**$380,077,990**	**$250,952,484**	**$2,077,403,716**		
Total for North Dakota		**$463,999,959**	**$438,363,721**	**$447,394,169**	**$455,303,358**	**$461,757,564**	**$250,952,484**	**$2,517,771,255**		