



November 2, 2022

All Eyes on the Midterms

Midterms are generally viewed as a referendum on incumbent leadership and there is a lot at stake related to the interests of the Coalition. President Biden and incumbent Democrats have underscored their efforts to strengthen the country's ageing infrastructure but with far too few projects heading to construction from the first year of the IIJA, it's been noticeably quiet on that front.

Congress remains in recess until **November 14th**. As previously reported, a FY23 Continuing Resolution was passed to fund the federal government until **December 16th**. This will allow more time for enactment of the regular appropriations bills.

After recess it is expected that appropriations bills will move. Details obviously depend on the outcome of the election. As previously reported, this summer the House passed a six-bill appropriations bill that included the Interior, Energy, and Transportation Appropriations bills. The House Interior Appropriations Bill provides \$1.752B for the Clean Water SRF, \$1.126B for the Safe Drinking Water SRF and \$72M for WIFIA. On the same day, the Senate Appropriations Committee released its FY23 Interior Appropriations Bill that provides \$1.689B for the Clean Water SRF, \$1.176B for the Safe Drinking Water SRF and \$66.9M for WIFIA.

IIJA: A Federal Investment Guide for Local Leaders

In partnership with Accelerator for America and the U.S. Conference of Mayors, Drexel University's Nowak Metro Finance Lab has released a guide to the IIJA focused on educating local leaders on the full scale of funded programs (formula and competitive). The guide lays out six strategies local leaders can adopt and modify to access / compete for these critical funds:

- Strategy #1: Approach IIJA Funds in Terms of Recipients and Applicants
- Strategy #2: Engage Private Financing Using Infrastructure as a Platform
- Strategy #3: Build Economic Opportunity Through Deployment
- Strategy #4: Geographically Align Spending to Support Place-Making
- Strategy #5: Use the IIJA to Address the Climate Crisis and Build Resiliency
- Strategy #6: Position Your City as a Clean Energy & Tech Innovation Hub

We are sharing this resource in the event you may find it useful.

[CLICK HERE](#) to download the full report.

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“Build America, Buy America” title of the Infrastructure Investment & Jobs Act (IIJA)

Federal agencies are implementing a key provision included within the “Build America, Buy America” title of the Infrastructure Investment & Jobs Act (IIJA). Of interest to the Coalition, pursuant to Section 70914(c) of the Act, EPA may waive Buy America preference where EPA finds that:

- Applying the domestic content procurement preference would be inconsistent with the public interest (a “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 (a “nonavailability waiver”); or
- 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 (an “unreasonable cost waiver”)

The EPA has already approved various [waivers](#) related to these provisions. [See BABA Act waivers open for public comment](#). Feel free to share with Dan Kennedy any challenges you see related to state implementation of these waivers or if your state is seeking a waiver that we may be able to show support for.

Key Advocates Report

Included with this notice is Key Advocates recent report which is current to October 31, 2022.