

United States Senate  
WASHINGTON, DC 20510

September 27, 2021

The Honorable Janet Yellen  
Secretary, U.S. Department of the Treasury  
1500 Pennsylvania Avenue NW  
Washington, DC 20220

Dear Secretary Yellen,

We write to request that the U.S. Department of the Treasury include dam and reservoir projects within the eligible water infrastructure for the State and Local Fiscal Recovery Funds Final Rule, in response to Question 21 on the interim final rule. Congress provided that these funds could be used for “necessary investments in water, sewer, and broadband infrastructure,” and dam and reservoir projects provide such necessary investments for the West’s recovery from drought.

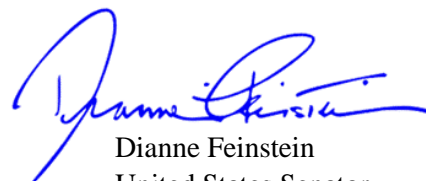
Rural communities across the West still recovering from the impacts of COVID-19 are now dealing with severe drought highlighting the importance of reliable water supply. Dams and reservoirs are the lifelines of many communities – providing municipal water supply, irrigation to farm land, food security, and sustaining wildlife. Furthermore, western and rural communities have experienced an influx in population throughout the pandemic placing more stress on our water infrastructure and systems.

We believe the interim final rule is narrower than Congressional intent as expressed in the American Rescue Plan Act (ARPA). Congress allowed the use of funds for “necessary investments in *water*, sewer, and broadband infrastructure,” not just in “*drinking* water, sewer, and broadband infrastructure.” Sections 602(c)(1), 603(c)(1) of ARPA (emphasis added). Yet the effect of the interim final rule’s restriction of eligibility to the Drinking Water and Clean Water State Revolving Funds is to limit funding to drinking water and sewer infrastructure. Allowing funds to go towards the construction and rehabilitation of dams and reservoirs reflects Congressional intent to fund necessary water projects for public health and safety, the environment, and rural economies to mitigate the impacts of COVID and drought. We urge you to broaden the Interim Final Rule to address these critical water infrastructure needs and provide much needed clarity to states. Thank you for considering this request.

Sincerely,



Steve Daines  
United States Senator



Dianne Feinstein  
United States Senator



Mike Crapo  
United States Senator



Jon Tester  
United States Senator



James E. Risch  
United States Senator



Kyrsten Sinema  
United States Senator



Cynthia M. Lummis  
United States Senator



Mark Kelly  
United States Senator