

the fiscal year and subject to the availability of funds to carry out this section, as is necessary for proper administration by the Department of Agriculture and equitable for all local organizations. The approval process shall be in writing, and made known to all local organizations and appropriate State agencies.

(g) Prohibition on certain rehabilitation assistance

The Secretary may not approve a rehabilitation request if the need for rehabilitation of the structure is the result of a lack of adequate maintenance by the party responsible for the maintenance.

(h) Funding

(1) Funds of Commodity Credit Corporation

In carrying out this section, of the funds of the Commodity Credit Corporation, the Secretary shall make available, to remain available until expended—

- (A) \$45,000,000 for fiscal year 2003;
- (B) \$50,000,000 for fiscal year 2004;
- (C) \$55,000,000 for fiscal year 2005;
- (D) \$60,000,000 for fiscal year 2006;
- (E) \$65,000,000 for fiscal year 2007; and¹
- (F) \$0 for fiscal year 2008.²
- (G) \$100,000,000 for fiscal year 2009, to be available until expended.

(2) Authorization of appropriations

In addition to amounts made available under paragraph (1), there are authorized to be appropriated to the Secretary to carry out this section, to remain available until expended—

- (A) \$45,000,000 for fiscal year 2003;
- (B) \$55,000,000 for fiscal year 2004;
- (C) \$65,000,000 for fiscal year 2005;
- (D) \$75,000,000 for fiscal year 2006; and
- (E) \$85,000,000 for each of fiscal years 2008 through 2012.

(i) Assessment of rehabilitation needs

The Secretary, in concert with the responsible State agencies, shall conduct an assessment of the rehabilitation needs of covered water resource projects in all States in which such projects are located.

(j) Recordkeeping and reports

(1) Secretary

The Secretary shall maintain a data base to track the benefits derived from rehabilitation projects supported under this section and the expenditures made under this section. On the basis of such data and the reports submitted under paragraph (2), the Secretary shall prepare and submit to Congress an annual report providing the status of activities conducted under this section.

(2) Grant recipients

Not later than 90 days after the completion of a specific rehabilitation project for which assistance is provided under this section, the local organization that received the assistance shall make a report to the Secretary giving the status of any rehabilitation effort under-

taken using financial assistance provided under this section.

(Aug. 4, 1954, ch. 656, §14, as added Pub. L. 106-472, title III, §313, Nov. 9, 2000, 114 Stat. 2077; amended Pub. L. 107-171, title II, §2505, May 13, 2002, 116 Stat. 274; Pub. L. 110-234, title II, §2803, May 22, 2008, 122 Stat. 1086; Pub. L. 110-246, §4(a), title II, §2803, June 18, 2008, 122 Stat. 1664, 1814.)

REFERENCES IN TEXT

Section 13 of the Act of December 22, 1944, referred to in subsec. (a)(2)(B), is section 13 of act Dec. 22, 1944, ch. 665, 58 Stat. 905, as amended, which is not classified to the Code.

The Department of Agriculture Appropriation Act, 1954, referred to in subsec. (a)(2)(C), is act July 28, 1953, ch. 251, 67 Stat. 205. Provisions under the heading "FLOOD PREVENTION" are not classified to the Code. For complete classification of this Act to the Code, see Tables.

The Agriculture and Food Act of 1981, referred to in subsec. (a)(2)(D), is Pub. L. 97-98, Dec. 22, 1981, 95 Stat. 1213, as amended. Subtitle H of title XV of the Act is classified generally to subchapter V (§3451 et seq.) of chapter 54 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (h)(1)(G). Pub. L. 110-246, §2803(a), added subpar. (G).

Subsec. (h)(2)(E). Pub. L. 110-246, §2803(b), substituted "each of fiscal years 2008 through 2012" for "fiscal year 2007".

2002—Subsec. (h). Pub. L. 107-171 added subsec. (h) and struck out heading and text of former subsec. (h). Text read as follows: "There is authorized to be appropriated to the Secretary to provide financial and technical assistance under this section—

- "(1) \$5,000,000 for fiscal year 2001;
- "(2) \$10,000,000 for fiscal year 2002;
- "(3) \$15,000,000 for fiscal year 2003;
- "(4) \$25,000,000 for fiscal year 2004; and
- "(5) \$35,000,000 for fiscal year 2005."

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

CHAPTER 18A—COOPERATIVE WATERSHED MANAGEMENT PROGRAM

Sec.	
1015.	Definitions.
1015a.	Program.
1015b.	Effect of chapter.

§ 1015. Definitions

In this chapter:

(1) Affected stakeholder

The term "affected stakeholder" means an entity that significantly affects, or is significantly affected by, the quality or quantity of water in a watershed, as determined by the Secretary.

(2) Grant recipient

The term "grant recipient" means a watershed group that the Secretary has selected to

¹ So in original. The word "and" probably should not appear.

² So in original. The period probably should be "; and"

receive a grant under section 1015a(c)(2) of this title.

(3) Program

The term “program” means the Cooperative Watershed Management Program established by the Secretary under section 1015a(a) of this title.

(4) Secretary

The term “Secretary” means the Secretary of the Interior.

(5) Watershed group

The term “watershed group” means a self-sustaining, cooperative watershed-wide group that—

(A) is comprised of representatives of the affected stakeholders of the relevant watershed;

(B) incorporates the perspectives of a diverse array of stakeholders, including, to the maximum extent practicable—

(i) representatives of—

(I) hydroelectric production;

(II) livestock grazing;

(III) timber production;

(IV) land development;

(V) recreation or tourism;

(VI) irrigated agricultural production;

(VII) the environment;

(VIII) potable water purveyors and industrial water users; and

(IX) private property owners within the watershed;

(ii) any Federal agency that has authority with respect to the watershed;

(iii) any State agency that has authority with respect to the watershed;

(iv) any local agency that has authority with respect to the watershed; and

(v) any Indian tribe that—

(I) owns land within the watershed; or

(II) has land in the watershed that is held in trust;

(C) is a grassroots, nonregulatory entity that addresses water availability and quality issues within the relevant watershed;

(D) is capable of promoting the sustainable use of the water resources of the relevant watershed and improving the functioning condition of rivers and streams through—

(i) water conservation;

(ii) improved water quality;

(iii) ecological resiliency; and

(iv) the reduction of water conflicts; and

(E) makes decisions on a consensus basis, as defined in the bylaws of the watershed group.

(6) Watershed management project

The term “watershed management project” means any project (including a demonstration project) that—

(A) enhances water conservation, including alternative water uses;

(B) improves water quality;

(C) improves ecological resiliency of a river or stream;

(D) reduces the potential for water conflicts; or

(E) advances any other goals associated with water quality or quantity that the Secretary determines to be appropriate.

(Pub. L. 111–11, title VI, §6001, Mar. 30, 2009, 123 Stat. 1165.)

§ 1015a. Program

(a) Establishment

Not later than 180 days after March 30, 2009, the Secretary shall establish a program, to be known as the “Cooperative Watershed Management Program”, under which the Secretary shall provide grants—

(1)(A) to form a watershed group; or

(B) to enlarge a watershed group; and

(2) to conduct 1 or more projects in accordance with the goals of a watershed group.

(b) Application

(1) Establishment of application process; criteria

Not later than 1 year after March 30, 2009, the Secretary shall establish—

(A) an application process for the program; and

(B) in consultation with the States, prioritization and eligibility criteria for considering applications submitted in accordance with the application process.

(c) Distribution of grant funds

(1) In general

In distributing grant funds under this section, the Secretary—

(A) shall comply with paragraph (2); and

(B) may give priority to watershed groups that—

(i) represent maximum diversity of interests; or

(ii) serve subbasin-sized watersheds with an 8-digit hydrologic unit code, as defined by the United States Geological Survey.

(2) Funding procedure

(A) First phase

(i) In general

The Secretary may provide to a grant recipient a first-phase grant in an amount not greater than \$100,000 each year for a period of not more than 3 years.

(ii) Mandatory use of funds

A grant recipient that receives a first-phase grant shall use the funds—

(I) to establish or enlarge a watershed group;

(II) to develop a mission statement for the watershed group;

(III) to develop project concepts; and

(IV) to develop a restoration plan.

(iii) Annual determination of eligibility

(I) Determination

For each year of a first-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.