

lation of a monitoring program, identification of any economic, legal, intergovernmental, and environmental issues and projection of planning problems associated with such systems, and recommendation of legislative and administrative actions as may be necessary to carry out phase II.

**(b) Recommendation of demonstration projects**

During phase I the Bureau is authorized and directed to recommend demonstration projects to be designed, constructed, and operated during phase II.

**(c) Preliminary selection of projects**

Within six months, after the enactment of an appropriation Act to carry out phase I, the Secretary shall make a preliminary selection of projects to receive further planning and development and shall initiate such further planning and development for those selected projects.

(Pub. L. 98-434, §3, Sept. 28, 1984, 98 Stat. 1675; Pub. L. 104-66, title I, §1081(c), Dec. 21, 1995, 109 Stat. 721.)

AMENDMENTS

1995—Subsec. (d). Pub. L. 104-66 struck out subsec. (d) which read as follows: “Within twenty-four months after the date of enactment of an appropriation Act to carry out phase I, the Secretary shall transmit a report to Congress containing the recommendations made pursuant to subsection (b) of this section and a detailed statement of his findings and conclusions.”

**§ 390g-2. Phase II of groundwater recharge demonstration program**

**(a) Design, construction, and operation of projects**

During phase II, and subject to State water laws and interstate water compacts, the Bureau is authorized and directed to design, construct, and operate demonstration projects in the High Plains States and other Reclamation Act States to recharge groundwater systems as recommended in the report referred to in subsection (c).

**(b) Alternative means of cost allocation; economic feasibility of projects**

During phase II the Secretary, acting through the Bureau, shall contract with the various High Plains States and other Reclamation Act States to conduct a study to identify and evaluate alternative means by which the costs of groundwater recharge projects could be allocated among the beneficiaries of the projects within the respective States and identify and evaluate the economic feasibility of and the legal authority for utilizing groundwater recharge in water resource development projects.

**(c) Reports to Congress**

(1) Within twelve months after the initiation of phase II, and at annual intervals thereafter, the Secretary shall submit interim reports to Congress. Each report shall contain a detailed statement of his findings and progress respecting the design, construction, and operation of the demonstration projects referred to in subsection (a) and the study referred to in subsection (b).

(2) Within five years after the initiation of phase II, the Secretary shall submit a summary

report to Congress. The summary report shall contain—

(A) a detailed evaluation of the demonstration projects referred to in subsection (a);

(B) the results of the studies referred to in subsection (b);

(C) specific recommendations regarding the location, scope, and feasibility of operational groundwater recharge projects to be constructed and maintained by the Bureau; and

(D) an evaluation of the feasibility of integrating these groundwater recharge projects into existing reclamation projects.

(3) In addition to recommendations made under section 390g-1 of this title, the Secretary shall make additional recommendations for design, construction, and operation of demonstration projects. Such projects are authorized to be designed, constructed, and operated in accordance with subsection (a).

(4) Each project under this section shall terminate five years after the date on which construction on the project is completed.

(5) At the conclusion of phase II the Secretary shall submit a final report to the Congress which shall include, but not be limited to, a detailed evaluation of the projects under this section.

(Pub. L. 98-434, §4, Sept. 28, 1984, 98 Stat. 1676; Pub. L. 102-575, title XXVI, §2601(1), (2), Oct. 30, 1992, 106 Stat. 4689.)

AMENDMENTS

1992—Subsec. (c). Pub. L. 102-575 substituted “summary report” for “final report” in two places in introductory provisions of par. (2) and added pars. (3) to (5).

**§ 390g-3. Evaluation of water quality impacts**

The Secretary, acting through the Bureau, and the Administrator of the Environmental Protection Agency (hereinafter referred to as the “Administrator”) shall enter into a memorandum-of-understanding to provide for an evaluation of the impacts to surface water and groundwater quality resulting from the groundwater recharge demonstration projects constructed pursuant to sections 390g to 390g-8 of this title. The Administrator shall consult with the United States Geological Survey and shall make maximum use of data, studies, and other technical resources and assistance available from State and local entities in conducting the evaluation. The evaluation of water quality impacts shall be completed so as to be included in the Secretary’s summary report to the Congress referred to in section 390g-2(c)(2) of this title.

(Pub. L. 98-434, §5, Sept. 28, 1984, 98 Stat. 1676; Pub. L. 102-575, title XXVI, §2601(1), Oct. 30, 1992, 106 Stat. 4689.)

AMENDMENTS

1992—Pub. L. 102-575 substituted “summary report” for “final report”.

**§ 390g-4. Authorization of appropriations to carry out phase I**

There is authorized to be appropriated \$500,000 for fiscal years beginning after September 30, 1983, to carry out phase I. Amounts shall be made available pursuant to the authorization

contained in this section in a single sum for all demonstration project sites, and it shall be within the discretion of the Secretary to apportion such sum among such sites.

(Pub. L. 98-434, § 6, Sept. 28, 1984, 98 Stat. 1677.)

**§ 390g-5. Authorization of appropriations to carry out phase II**

There is authorized to be appropriated for fiscal years beginning after September 30, 1983, \$31,000,000 (October 1990 price levels) plus or minus such amounts, if any, as may be required by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein to carry out phase II. Amounts shall be made available pursuant to the authorization contained in this section in sums for individual projects based on findings of feasibility by the Secretary.

(Pub. L. 98-434, § 7, Sept. 28, 1984, 98 Stat. 1677; Pub. L. 102-575, title XXVI, § 2601(3), Oct. 30, 1992, 106 Stat. 4689.)

AMENDMENTS

1992—Pub. L. 102-575 substituted “\$31,000,000 (October 1990 price levels) plus or minus such amounts, if any, as may be required by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein” for “\$20,000,000 (October 1983 price levels)”.

**§ 390g-6. Matching basis for funding phase II from non-Federal sources**

The funds authorized to be appropriated pursuant to section 390g-5 of this title shall match on a four-to-one basis funds made available by the States, their political subdivisions, or other non-Federal entities to meet the cost of phase II: *Provided*, That, in-kind services or other contributions by the States, their political subdivisions, or other non-Federal entities shall be considered in the determination of the matching non-Federal share. The Secretary is authorized to enter into memoranda of agreement with any appropriate agencies or departments of the High Plains States and other Reclamation Act States to share the costs of phase II.

(Pub. L. 98-434, § 8, Sept. 28, 1984, 98 Stat. 1677.)

**§ 390g-7. New spending authority**

Any new spending authority described in subsection (c)(2)(A) or (B) of section 651<sup>1</sup> of title 2 which is provided under sections 390g to 390g-8 of this title (or under any amendment made by sections 390g to 390g-8 of this title) shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

(Pub. L. 98-434, § 9, Sept. 28, 1984, 98 Stat. 1677.)

REFERENCES IN TEXT

Section 651 of title 2, referred to in text, was amended by Pub. L. 105-33, title X, § 10116(a)(3), (5), Aug. 5, 1997, 111 Stat. 691, by striking out subsec. (c) and redesignating former subsec. (d) as (c).

<sup>1</sup> See References in Text note below.

**§ 390g-8. Interstate transfer of water from Arkansas**

No funds authorized to be appropriated by sections 390g to 390g-8 of this title shall be used for any activities associated with:

- (1) the interstate transfer of water from the State of Arkansas; or
- (2) the study or demonstration of the potential for the interstate transfer of water from the State of Arkansas.

(Pub. L. 98-434, § 10, Sept. 28, 1984, 98 Stat. 1677.)

**§ 390h. Program to investigate reclamation and reuse of wastewater and groundwater; general authority**

**(a) Program established**

The Secretary of the Interior (hereafter “Secretary”), acting pursuant to the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) and Acts amendatory thereof and supplementary thereto (hereafter “Federal reclamation laws”), is directed to undertake a program to investigate and identify opportunities for reclamation and reuse of municipal, industrial, domestic, and agricultural wastewater, and naturally impaired ground and surface waters, for the design and construction of demonstration and permanent facilities to reclaim and reuse wastewater, and to conduct research, including desalting, for the reclamation of wastewater and naturally impaired ground and surface waters.

**(b) States included**

Such program shall be limited to the States and areas referred to in section 1 of the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) [43 U.S.C. 391] as amended, and the State of Hawaii.

**(c) Agreements and regulations**

The Secretary is authorized to enter into such agreements and promulgate such regulations as may be necessary to carry out the purposes and provisions of sections 390h to 390h-39 of this title.

**(d) San Luis Unit of Central Valley Project, California**

The Secretary shall not investigate, promote or implement, pursuant to sections 390h to 390h-39 of this title, any project intended to reclaim and reuse agricultural wastewater generated in the service area of the San Luis Unit of the Central Valley Project, California, except those measures recommended for action by the San Joaquin Valley Drainage Program in the report entitled A Management Plan for Agricultural Subsurface Drainage and Related Problems on the Westside San Joaquin Valley (September 1990).

**(e) Authorization of new water recycling and reuse projects**

**(1) Submission to the Secretary**

**(A) In general**

Non-Federal interests may submit proposals for projects eligible to be authorized pursuant to this section in the form of completed feasibility studies to the Secretary.