

to be made available under this paragraph in accordance with that subsection, notwithstanding section 4013 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114-322), except that paragraph (2)(F) of section 4(a) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104-298) (as redesignated by section 40908) shall not apply to amounts made available under this paragraph;

(6) \$500,000,000 for the safety of dams program, in accordance with the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506 et seq.);

(7) \$400,000,000 for WaterSMART grants in accordance with section 10364 of title 42, of which \$100,000,000 shall be made available for projects that would improve the condition of a natural feature or nature-based feature (as those terms are defined in section 10362 of title 42);

(8) subject to section 3206 of this title, \$300,000,000 for implementing the Colorado River Basin Drought Contingency Plan, consistent with the obligations of the Secretary under the Colorado River Drought Contingency Plan Authorization Act (Public Law 116-14; 133 Stat. 850) and related agreements, of which \$50,000,000 shall be made available for use in accordance with the Drought Contingency Plan for the Upper Colorado River Basin;

(9) \$100,000,000 to provide financial assistance for watershed management projects in accordance with subtitle A of title VI of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1015 et seq.);

(10) \$250,000,000 for design, study, and construction of aquatic ecosystem restoration and protection projects in accordance with section 2330c of title 33;

(11) \$100,000,000 for multi-benefit projects to improve watershed health in accordance with section 3207 of this title; and

(12) \$50,000,000 for endangered species recovery and conservation programs in the Colorado River Basin in accordance with—

(A) Public Law 106-392 (114 Stat. 1602);

(B) the Grand Canyon Protection Act of 1992 (Public Law 102-575; 106 Stat. 4669); and

(C) subtitle E of title IX of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1327).

(Pub. L. 117-58, div. D, title IX, §40901, Nov. 15, 2021, 135 Stat. 1116.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in introductory provisions, was in the original “this title”, meaning title IX of div. D of Pub. L. 117-58, which is classified principally to this chapter. For complete classification of title IX of div. D of Pub. L. 117-58 to the Code, see Tables.

The Reclamation Rural Water Supply Act of 2006, referred to in par. (3), is title I of Pub. L. 109-451, Dec. 22, 2006, 120 Stat. 3346, which is classified generally to subchapter I (§2401 et seq.) of chapter 42 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2401 of this title and Tables.

The Reclamation Wastewater and Groundwater Study and Facilities Act, referred to in par. (4)(A), is title XVI of Pub. L. 102-575, Oct. 30, 1992, 106 Stat. 4663, which enacted sections 390h to 390h-15 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 390h of this title and Tables.

Section 40908, referred to in par. (5)(B), is section 40908 of Pub. L. 117-58, div. D, title IX, Nov. 15, 2021, 135 Stat. 1126, which amended section 4(a) of Pub. L. 104-298, which is set out in a note under section 10301 of Title 42, The Public Health and Welfare.

The Reclamation Safety of Dams Act of 1978, referred to in par. (6), is Pub. L. 95-578, Nov. 2, 1978, 92 Stat. 2471, which is classified generally to subchapter XI-A (§506 et seq.) of chapter 12 of this title. For complete classification of this Act to the Code, see Short Title of 1978 note set out under section 506 of this title and Tables.

The Colorado River Drought Contingency Plan Authorization Act, referred to in par. (8), is Pub. L. 116-14, Apr. 16, 2019, 133 Stat. 850, which is not classified to the Code.

The Omnibus Public Land Management Act of 2009, referred to in pars. (9) and (12)(C), is Pub. L. 111-11, Mar. 30, 2009, 123 Stat. 991. Subtitle A of title VI of the Act is classified generally to chapter 18A (§1015 et seq.) of Title 16, Conservation. Subtitle E of title IX of the Act is not classified to the Code. For complete classification of this Act to the Code, see Tables.

The Grand Canyon Protection Act of 1992, referred to in par. (12)(B), is Pub. L. 102-575, title XVIII, Oct. 30, 1992, 106 Stat. 4669, which is not classified to the Code.

Statutory Notes and Related Subsidiaries

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of Title 42, The Public Health and Welfare.

§ 3202. Water storage, groundwater storage, and conveyance projects

(a) Eligibility for funding

(1) Feasibility studies

(A) In general

A feasibility study shall only be eligible for funding under section 3201(1) of this title if—

(i) the feasibility study has been authorized by an Act of Congress before November 15, 2021;

(ii) Congress has approved funding for the feasibility study in accordance with section 4007 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114-322) before November 15, 2021; or

(iii) the feasibility study is authorized under subparagraph (B).

(B) Feasibility study authorizations

The Secretary may carry out feasibility studies for the following projects:

(i) The Verde Reservoirs Sediment Mitigation Project in the State of Arizona.

(ii) The Tualatin River Basin Project in the State of Oregon.

(2) Construction

A project shall only be eligible for construction funding under section 3201(1) of this title if—

(A) an Act of Congress enacted before November 15, 2021, authorizes construction of the project;

(B) Congress has approved funding for construction of the project in accordance with section 4007 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114–322) before November 15, 2021, except for any project for which—

(i) Congress did not approve the recommendation of the Secretary for funding under subsection (h)(2) of that section for at least 1 fiscal year before November 15, 2021; or

(ii) State funding for the project was rescinded by the State before November 15, 2021; or

(C)(i) Congress has authorized or approved funding for a feasibility study for the project in accordance with clause (i) or (ii) of paragraph (1)(A) (except that projects described in clauses (i) and (ii) of subparagraph (B) shall not be eligible); and

(ii) on completion of the feasibility study for the project, the Secretary—

(I) finds the project to be technically and financially feasible in accordance with the reclamation laws;

(II) determines that sufficient non-Federal funding is available for the non-Federal cost share of the project; and

(III)(aa) finds the project to be in the public interest; and

(bb) recommends the project for construction.

(b) Cost-sharing requirement

(1) In general

The Federal share—

(A) for a project authorized by an Act of Congress shall be determined in accordance with that Act;

(B) for a project approved by Congress in accordance with section 4007 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114–322) (including construction resulting from a feasibility study authorized under that Act) shall be as provided in that Act; and

(C) for a project not described in subparagraph (A) or (B)—

(i) in the case of a federally owned project, shall not exceed 50 percent of the total cost of the project; and

(ii) in the case of a non-Federal project, shall not exceed 25 percent of the total cost of the project.

(2) Federal benefits

Before funding a project under this section, the Secretary shall determine that, in return for the Federal investment in the project, at least a proportionate share of the benefits are Federal benefits.

(3) Reimbursability

The reimbursability of Federal funding of projects under this section shall be in accordance with the reclamation laws.

(c) Environmental laws

In providing funding for a project under this section, the Secretary shall comply with all ap-

plicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(Pub. L. 117–58, div. D, title IX, § 40902, Nov. 15, 2021, 135 Stat. 1118.)

Editorial Notes

REFERENCES IN TEXT

The Water Infrastructure Improvements for the Nation Act, referred to in subsec. (b)(1)(B), is Pub. L. 114–322, Dec. 16, 2016, 130 Stat. 1628, also known as the WIIN Act. For complete classification of this Act to the Code, see Short Title note set out under section 2201 of Title 33, Navigation and Navigable Waters, and Tables.

The National Environmental Policy Act of 1969, referred to in subsec. (c), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

Statutory Notes and Related Subsidiaries

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117–58, including authority of Secretary of Labor, see section 18851 of Title 42, The Public Health and Welfare.

§ 3203. Small water storage and groundwater storage projects

(a) Establishment of a competitive grant program for small water storage and groundwater storage projects

The Secretary shall establish a competitive grant program, under which the non-Federal project sponsor of any project in a Reclamation State, including the State of Alaska or Hawaii, determined by the Secretary to be feasible under subsection (b)(2)(B) shall be eligible to apply for funding for the planning, design, and construction of the project.

(b) Eligibility and selection

(1) Submission to the Secretary

(A) In general

A non-Federal project sponsor described in subsection (a) may submit to the Secretary a proposal for a project eligible to receive a grant under this section in the form of a completed feasibility study.

(B) Eligible projects

A project shall be considered eligible for consideration for a grant under this section if the project—

(i) has water storage capacity of not less than 2,000 acre-feet and not more than 30,000 acre-feet; and

(ii)(I) increases surface water or groundwater storage; or

(II) conveys water, directly or indirectly, to or from surface water or groundwater storage.

(C) Guidelines

Not later than 60 days after November 15, 2021, the Secretary shall issue guidelines for