

(f) Derivation of funds

Funds to carry out the activities under this section shall be derived from amounts authorized to be appropriated to the Secretary that are enacted after January 5, 2021.

(Pub. L. 116-323, § 5, Jan. 5, 2021, 134 Stat. 5081.)

**CHAPTER 50—WESTERN WATER
INFRASTRUCTURE**

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§ 3201. Authorizations of appropriations

There are authorized to be appropriated to the Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this chapter as the “Secretary”), for the period of fiscal years 2022 through 2026—

(1) \$1,150,000,000 for water storage, groundwater storage, and conveyance projects in accordance with section 3202 of this title, of which \$100,000,000 shall be made available to provide grants to plan and construct small surface water and groundwater storage projects in accordance with section 3203 of this title;

(2) \$3,200,000,000 for the Aging Infrastructure Account established by subsection (d)(1) of section 510b of this title, to be made available for activities in accordance with that subsection, including major rehabilitation and replacement activities, as identified in the Asset Management Report of the Bureau of Reclamation dated April 2021, of which—

(A) \$100,000,000 shall be made available for Bureau of Reclamation reserved or transferred works that have suffered a critical failure, in accordance with section 3204(a) of this title; and

(B) \$100,000,000 shall be made available for the rehabilitation, reconstruction, or replacement of a dam in accordance with section 3204(b) of this title;

(3) \$1,000,000,000 for rural water projects that have been authorized by an Act of Congress before July 1, 2021, in accordance with the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2401 et seq.);

(4) \$1,000,000,000 for water recycling and reuse projects, of which—

(A) \$550,000,000 shall be made available for water recycling and reuse projects authorized in accordance with the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) that are—

(i) authorized or approved for construction funding by an Act of Congress before November 15, 2021; or

(ii) selected for funding under the competitive grant program authorized pursuant to section 1602(f) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(f)), with funding under this subparagraph to be provided in accordance with that section, notwithstanding section 4013 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114-322), except that section 1602(g)(2) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(g)(2)) shall not apply to amounts made available under this subparagraph; and

(B) \$450,000,000 shall be made available for large-scale water recycling and reuse projects in accordance with section 3205 of this title;

(5) \$250,000,000 for water desalination projects and studies authorized in accordance with the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104-298) that are—

(A) authorized or approved for construction funding by an Act of Congress before July 1, 2021; or

(B) selected for funding under the program authorized pursuant to section 4(a) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104-298), with funding 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 principally 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 Amendment 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—