

(4) Eligibility for funding**(A) In general**

The non-Federal project sponsor of any project determined by the Secretary to be feasible under paragraph (3)(A) shall be eligible to apply to the Secretary for a grant to cover the Federal share of the costs of planning, designing, and constructing the project pursuant to subsection (c).

(B) Required determination

Prior to awarding grants to a small storage project, the Secretary shall determine whether there is sufficient non-Federal funding available to complete the project.

(5) Priority

In awarding grants to projects under this section, the Secretary shall give priority to projects that meet 1 or more of the following criteria:

(A) Projects that are likely to provide a more reliable water supply for States, Indian Tribes, and local governments, including subdivisions of those entities.

(B) Projects that are likely to increase water management flexibility and reduce impacts on environmental resources from projects operated by Federal and State agencies.

(C) Projects that are regional in nature.

(D) Projects with multiple stakeholders.

(E) Projects that provide multiple benefits, including water supply reliability, ecosystem benefits, groundwater management and enhancements, and water quality improvements.

(c) Ceiling on Federal share

The Federal share of the costs of each of the individual projects selected under this section shall not exceed the lesser of—

- (1) 25 percent of the total project cost; or
- (2) \$30,000,000.

(d) Environmental laws

In providing funding for a grant for a project under this section, the Secretary shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) Termination of authority

The authority to carry out this section terminates on the date that is 5 years after November 15, 2021.

(Pub. L. 117–58, div. D, title IX, §40903, Nov. 15, 2021, 135 Stat. 1119; Pub. L. 117–328, div. CC, §105, Dec. 29, 2022, 136 Stat. 5574.)

Editorial Notes

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (d), 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.

AMENDMENTS

2022—Subsec. (b)(1)(B)(i). Pub. L. 117–328 substituted “200” for “2,000”.

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.

§ 3204. Critical maintenance and repair**(a) Critical failure at a reserved or transferred work****(1) In general**

A reserved or transferred work shall only be eligible for funding under section 3201(2)(A) of this title if—

(A) construction of the reserved or transferred work began on or before January 1, 1915; and

(B) a unit of the reserved or transferred work suffered a critical failure in Bureau of Reclamation infrastructure during the 2-year period ending on November 15, 2021, that resulted in the failure to deliver water to project beneficiaries.

(2) Use of funds

Rehabilitation, repair, and replacement activities for a transferred or reserved work using amounts made available under section 3201(2)(A) of this title may be used for the entire transferred or reserved work, regardless of whether the critical failure was limited to a single project of the overall work.

(3) Nonreimbursable funds

Notwithstanding section 510b(b) of this title, amounts made available to a reserved or transferred work under section 3201(2)(A) of this title shall be nonreimbursable to the United States.

(b) Carey Act projects

The Secretary shall use amounts made available under section 3201(2)(B) of this title to fund the rehabilitation, reconstruction, or replacement of a dam—

(1) the construction of which began on or after January 1, 1905;

(2) that was developed pursuant to section 4 of the Act of August 18, 1894 (commonly known as the “Carey Act”) (43 U.S.C. 641; 28 Stat. 422, chapter 301);

(3) that the Governor of the State in which the dam is located has—

(A) determined the dam has reached its useful life;

(B) determined the dam poses significant health and safety concerns; and

(C) requested Federal support; and

(4) for which the estimated rehabilitation, reconstruction, or replacement, engineering, and permitting costs would exceed \$50,000,000.

(Pub. L. 117–58, div. D, title IX, §40904, Nov. 15, 2021, 135 Stat. 1121.)

Editorial Notes

REFERENCES IN TEXT

The Carey Act, referred to in subsec. (b)(2), is Aug. 18, 1894, ch. 301, §4, 28 Stat. 422, which is classified to sec-

tion 641 of this title. For complete classification of this Act to the Code, see 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.

§ 3205. Competitive grant program for large-scale water recycling and reuse program

(a) Definitions

In this section:

(1) Eligible entity

The term “eligible entity” means—

(A) a State, Indian Tribe, municipality, irrigation district, water district, wastewater district, or other organization with water or power delivery authority;

(B) a State, regional, or local authority, the members of which include 1 or more organizations with water or power delivery authority; or

(C) an agency established under State law for the joint exercise of powers or a combination of entities described in subparagraphs (A) and (B).

(2) Eligible project

The term “eligible project” means a project described in subsection (c).

(3) Program

The term “program” means the grant program established under subsection (b).

(4) Reclamation State

The term “Reclamation State” means a State or territory described in the first section of the Act of June 17, 1902 (43 U.S.C. 391; 32 Stat. 388, chapter 1093).

(b) Establishment

The Secretary shall establish a program to provide grants to eligible entities on a competitive basis for the planning, design, and construction of large-scale water recycling and reuse projects that provide substantial water supply and other benefits to the Reclamation States in accordance with this section.

(c) Eligible project

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

(1) reclaims and reuses—

(A) municipal, industrial, domestic, or agricultural wastewater; or

(B) impaired groundwater or surface water;

(2) has a total estimated cost of \$500,000,000 or more;

(3) is located in a Reclamation State;

(4) is constructed, operated, and maintained by an eligible entity; and

(5) provides a Federal benefit in accordance with the reclamation laws.

(d) Project evaluation

The Secretary may provide a grant to an eligible project under the program if—

(1) the eligible entity determines through the preparation of a feasibility study or equivalent study, and the Secretary concurs, that the eligible project—

(A) is technically and financially feasible;

(B) provides a Federal benefit in accordance with the reclamation laws; and

(C) is consistent with applicable Federal and State laws;

(2) the eligible entity has sufficient non-Federal funding available to complete the eligible project, as determined by the Secretary;

(3) the eligible entity is financially solvent, as determined by the Secretary; and

(4) not later than 30 days after the date on which the Secretary concurs with the determinations under paragraph (1) with respect to the eligible project, the Secretary submits to Congress written notice of the determinations.

(e) Priority

In providing grants to eligible projects under the program, the Secretary shall give priority to eligible projects that meet 1 or more of the following criteria:

(1) The eligible project provides multiple benefits, including—

(A) water supply reliability benefits for drought-stricken States and communities;

(B) fish and wildlife benefits; and

(C) water quality improvements.

(2) The eligible project is likely to reduce impacts on environmental resources from water projects owned or operated by Federal and State agencies, including through measurable reductions in water diversions from imperiled ecosystems.

(3) The eligible project would advance water management plans across a multi-State area, such as drought contingency plans in the Colorado River Basin.

(4) The eligible project is regional in nature.

(5) The eligible project is collaboratively developed or supported by multiple stakeholders.

(f) Federal assistance

(1) Federal cost share

The Federal share of the cost of any project provided a grant under the program shall not exceed 25 percent of the total cost of the eligible project.

(2) Total dollar cap

The Secretary shall not impose a total dollar cap on Federal contributions for all eligible individual projects provided a grant under the program.

(3) Nonreimbursable funds

Any funds provided by the Secretary to an eligible entity under the program shall be considered nonreimbursable.

(4) Funding eligibility

An eligible project shall not be considered ineligible for assistance under the program because the eligible project has received assistance under—

(A) the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.);