

(B) section 4(a) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104-298) for eligible desalination projects; or

(C) section 1602(e) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(e)).

(g) Environmental laws

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

(h) Guidance

Not later than 1 year after November 15, 2021, the Secretary shall issue guidance on the implementation of the program, including guidelines for the preparation of feasibility studies or equivalent studies by eligible entities.

(i) Reports

(1) Annual report

At the end of each fiscal year, the Secretary shall make available on the website of the Department of the Interior an annual report that lists each eligible project for which a grant has been awarded under this section during the fiscal year.

(2) Comptroller general

(A) Assessment

The Comptroller General of the United States shall conduct an assessment of the administrative establishment, solicitation, selection, and justification process with respect to the funding of grants under this section.

(B) Report

Not later than 1 year after the date of the initial award of grants under this section, the Comptroller General shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(i) the adequacy and effectiveness of the process by which each eligible project was selected, if applicable; and

(ii) the justification and criteria used for the selection of each eligible project, if applicable.

(j) Treatment of conveyance

The Secretary shall consider the planning, design, and construction of a conveyance system for an eligible project to be eligible for grant funding under the program.

(k) 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, § 40905, Nov. 15, 2021, 135 Stat. 1122.)

Editorial Notes

REFERENCES IN TEXT

The Reclamation Wastewater and Groundwater Study and Facilities Act, referred to in subsec.

(f)(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.

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

§ 3206. Drought contingency plan funding requirements

(a) In general

Funds made available under section 3201(8) of this title for use in the Lower Colorado River Basin may be used for projects—

(1) to establish or conserve recurring Colorado River water that contributes to supplies in Lake Mead and other Colorado River water reservoirs in the Lower Colorado River Basin; or

(2) to improve the long-term efficiency of operations in the Lower Colorado River Basin.

(b) Limitation

None of the funds made available under section 3201(8) of this title may be used for the operation of the Yuma Desalting Plant.

(c) Effect

Nothing in section 3201(8) of this title limits existing or future opportunities to augment the water supplies of the Colorado River.

(Pub. L. 117-58, div. D, title IX, § 40906, Nov. 15, 2021, 135 Stat. 1124.)

Statutory Notes and Related Subsidiaries

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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.

§ 3207. Multi-benefit projects to improve watershed health

(a) Definition of eligible applicant

In this section, the term “eligible applicant” means—

- (1) a State;
- (2) a Tribal or local government;
- (3) an organization with power or water delivery authority;
- (4) a regional authority; or
- (5) a nonprofit conservation organization.

(b) Establishment of competitive grant program

Not later than 1 year after November 15, 2021, the Secretary, in consultation with the heads of

relevant agencies, shall establish a competitive grant program under which the Secretary shall award grants to eligible applicants for the design, implementation, and monitoring of conservation outcomes of habitat restoration projects that improve watershed health in a river basin that is adversely impacted by a Bureau of Reclamation water project by accomplishing 1 or more of the following:

- (1) Ecosystem benefits.
- (2) Restoration of native species.
- (3) Mitigation against the impacts of climate change to fish and wildlife habitats.
- (4) Protection against invasive species.
- (5) Restoration of aspects of the natural ecosystem.
- (6) Enhancement of commercial, recreational, subsistence, or Tribal ceremonial fishing.
- (7) Enhancement of river-based recreation.

(c) Requirements

(1) In general

In awarding a grant to an eligible applicant under subsection (b), the Secretary—

(A) shall give priority to an eligible applicant that would carry out a habitat restoration project that achieves more than 1 of the benefits described in that subsection; and

(B) may not provide a grant to carry out a habitat restoration project the purpose of which is to meet existing environmental mitigation or compliance obligations under Federal or State law.

(2) Compliance

A habitat restoration project awarded a grant under subsection (b) shall comply with all applicable Federal and State laws.

(d) Cost-sharing requirement

The Federal share of the cost of any habitat restoration project that is awarded a grant under subsection (b)—

(1) shall not exceed 50 percent of the cost of the habitat restoration project; or

(2) in the case of a habitat restoration project that provides benefits to ecological or recreational values in which the nonconsumptive water conservation benefit or habitat restoration benefit accounts for at least 75 percent of the cost of the habitat restoration project, as determined by the Secretary, shall not exceed 75 percent of the cost of the habitat restoration project.

(Pub. L. 117-58, div. D, title IX, § 40907, Nov. 15, 2021, 135 Stat. 1125.)

Statutory Notes and Related Subsidiaries

WAGE RATE REQUIREMENTS

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§ 3208. Federal assistance for groundwater recharge, aquifer storage, and water source substitution projects

(a) In general

The Secretary, at the request of and in coordination with affected Indian Tribes, States (in-

cluding subdivisions and departments of a State), or a public agency organized pursuant to State law, may provide technical or financial assistance for, participate in, and enter into agreements (including agreements with irrigation entities) for—

- (1) groundwater recharge projects;
- (2) aquifer storage and recovery projects; or
- (3) water source substitution for aquifer protection projects.

(b) Limitation

Nothing in this section authorizes additional technical or financial assistance for, or participation in an agreement for, a surface water storage facility to be constructed or expanded.

(c) Requirement

A construction project shall only be eligible for financial assistance under this section if the project meets the conditions for funding under section 3202(a)(2)(C)(ii) of this title.

(d) Cost sharing

Cost sharing for a project funded under this section shall be in accordance with section 3202(b) of this title.

(e) Environmental laws

In providing funding for a project under this section, the Secretary shall comply with all applicable environmental laws, including —

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) any obligations for fish, wildlife, or water quality protection in permits or licenses granted by a Federal agency or a State; and

(3) any applicable Federal or State laws (including regulations).

(f) Authorization by Congress for major project construction

A project with a total estimated cost of \$500,000,000 or more shall only be eligible for construction funding under this section if the project is authorized for construction by an Act of Congress.

(Pub. L. 117-58, div. D, title IX, § 40910, Nov. 15, 2021, 135 Stat. 1126.)

Editorial Notes

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (e)(1), 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

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