

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

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.

§ 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

WAGE RATE REQUIREMENTS

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