

the Committee on Appropriations of the House of Representatives a report describing projects for which funding is provided under the Program, including the status and outcomes of those projects.

(h) FUNDING.—

Time period.

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the Program \$90,000,000 for each of fiscal years 2022 and 2023.

(2) ADDITIONAL FUNDS.—In addition to the funds described in paragraph (1), the Secretary may obligate available funds from accounts used to carry out the existing Joint Chiefs’ Landscape Restoration Partnership prior to the date of enactment of this Act to carry out the Program.

(3) DURATION OF AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

(4) DISTRIBUTION OF FUNDS.—Of the funds made available under paragraph (1)—

(A) not less than 40 percent shall be allocated to carry out eligible activities through the Natural Resources Conservation Service;

(B) not less than 40 percent shall be allocated to carry out eligible activities through the Forest Service; and

(C) the remaining funds shall be allocated by the Chiefs to the Natural Resources Conservation Service or the Forest Service—

(i) to carry out eligible activities; or

(ii) for other purposes, such as technical assistance, project development, or local capacity building.

TITLE IX—WESTERN WATER INFRASTRUCTURE

Time period.
43 USC 3201.

SEC. 40901. 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 title 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 40902, 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 40903;

(2) \$3,200,000,000 for the Aging Infrastructure Account established by subsection (d)(1) of section 9603 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 510b), 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 40904(a); and

(B) \$100,000,000 shall be made available for the rehabilitation, reconstruction, or replacement of a dam in accordance with section 40904(b);

(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 the date of enactment of this Act; 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 40905;

(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 9504 of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364), 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 9502 of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10362));

(8) subject to section 40906, \$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 1109 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260);

(11) \$100,000,000 for multi-benefit projects to improve watershed health in accordance with section 40907; 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).

43 USC 3202.

SEC. 40902. 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 40901(1) if—

(i) the feasibility study has been authorized by an Act of Congress before the date of enactment of this Act;

(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 the date of enactment of this Act; 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:

Arizona.

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

Oregon.

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

(2) CONSTRUCTION.—A project shall only be eligible for construction funding under section 40901(1) if—

(A) an Act of Congress enacted before the date of enactment of this Act 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 the date of enactment of this Act, except for any project for which—

<p>(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 the date of enactment of this Act; or</p> <p>(ii) State funding for the project was rescinded by the State before the date of enactment of this Act; or</p> <p>(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</p> <p>(ii) on completion of the feasibility study for the project, the Secretary—</p> <p>(I) finds the project to be technically and financially feasible in accordance with the reclamation laws;</p> <p>(II) determines that sufficient non-Federal funding is available for the non-Federal cost share of the project; and</p> <p>(III)(aa) finds the project to be in the public interest; and</p> <p>(bb) recommends the project for construction.</p>	<p>Time period.</p>
<p>(b) COST-SHARING REQUIREMENT.—</p> <p>(1) IN GENERAL.—The Federal share—</p> <p>(A) for a project authorized by an Act of Congress shall be determined in accordance with that Act;</p> <p>(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</p> <p>(C) for a project not described in subparagraph (A) or (B)—</p> <p>(i) in the case of a federally owned project, shall not exceed 50 percent of the total cost of the project; and</p> <p>(ii) in the case of a non-Federal project, shall not exceed 25 percent of the total cost of the project.</p> <p>(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.</p> <p>(3) REIMBURSABILITY.—The reimbursability of Federal funding of projects under this section shall be in accordance with the reclamation laws.</p>	<p>Recommendation.</p> <p>Determination.</p> <p>Determination.</p>
<p>(c) ENVIRONMENTAL LAWS.—In providing funding 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.).</p>	<p>Compliance.</p>
<p>SEC. 40903. SMALL WATER STORAGE AND GROUNDWATER STORAGE PROJECTS.</p> <p>(a) ESTABLISHMENT OF A COMPETITIVE GRANT PROGRAM FOR SMALL WATER STORAGE AND GROUNDWATER STORAGE PROJECTS.—The Secretary shall establish a competitive grant program, under</p>	<p>43 USC 3203.</p> <p>Alaska. Hawaii. Determination.</p>

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.—

Study.

(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.

Deadline.

(C) GUIDELINES.—Not later than 60 days after the date of enactment of this Act, the Secretary shall issue guidelines for feasibility studies for small storage projects to provide sufficient information for the formulation of the studies.

Determinations.

(2) REVIEW BY THE SECRETARY.—The Secretary shall review each feasibility study received under paragraph (1)(A) for the purpose of determining whether—

(A) the feasibility study, and the process under which the study was developed, each comply with Federal laws (including regulations) applicable to feasibility studies of small storage projects;

(B) the project is technically and financially feasible, in accordance with—

(i) the guidelines developed under paragraph (1)(C); and

(ii) the reclamation laws; and

(C) the project provides a Federal benefit, as determined by the Secretary.

Reports.

(3) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of receipt of a feasibility study received under paragraph (1)(A), the Secretary 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—

Determination.

(A) the results of the review of the study by the Secretary under paragraph (2), including a determination of whether the project is feasible and provides a Federal benefit;

Recommendations.

(B) any recommendations that the Secretary may have concerning the plan or design of the project; and

(C) any conditions the Secretary may require for construction of the project.

(4) ELIGIBILITY FOR FUNDING.—

Determination.

(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.

Determination.

(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:

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.).

Compliance.

(e) **TERMINATION OF AUTHORITY.**—The authority to carry out this section terminates on the date that is 5 years after the date of enactment of this Act.

SEC. 40904. CRITICAL MAINTENANCE AND REPAIR.

43 USC 3204.

(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 40901(2)(A) if—

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

Effective date.

(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 the date of enactment of this Act that resulted in the failure to deliver water to project beneficiaries.

Time period.

(2) **USE OF FUNDS.**—Rehabilitation, repair, and replacement activities for a transferred or reserved work using amounts made available under section 40901(2)(A) 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 9603(b) of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 510b(b)), amounts made available to a reserved

or transferred work under section 40901(2)(A) shall be nonreimbursable to the United States.

(b) CAREY ACT PROJECTS.—The Secretary shall use amounts made available under section 40901(2)(B) to fund the rehabilitation, reconstruction, or replacement of a dam—

Effective date.

(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);

Determination.

(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.

43 USC 3205.

SEC. 40905. 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.);

- (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)).
- Compliance. (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.).
- Deadline. (h) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, 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.
- Web posting. (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 the date of enactment of this Act.
- 43 USC 3206. **SEC. 40906. DROUGHT CONTINGENCY PLAN FUNDING REQUIREMENTS.**
- (a) IN GENERAL.—Funds made available under section 40901(8) 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 40901(8) may be used for the operation of the Yuma Desalting Plant.

(c) **EFFECT.**—Nothing in section 40901(8) limits existing or future opportunities to augment the water supplies of the Colorado River.

SEC. 40907. MULTI-BENEFIT PROJECTS TO IMPROVE WATERSHED HEALTH. 43 USC 3207.

(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 the date of enactment of this Act, 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:

Deadline.
Consultation.

- (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 non-consumptive 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.

SEC. 40908. ELIGIBLE DESALINATION PROJECTS.

Section 4(a) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended by redesignating the second paragraph (1) (relating to eligible desalination projects) as paragraph (2).

SEC. 40909. CLARIFICATION OF AUTHORITY TO USE CORONAVIRUS FISCAL RECOVERY FUNDS TO MEET A NON-FEDERAL MATCHING REQUIREMENT FOR AUTHORIZED BUREAU OF RECLAMATION WATER PROJECTS.

(a) **CORONAVIRUS STATE FISCAL RECOVERY FUND.**—Section 602(c) of the Social Security Act (42 U.S.C. 802(c)) is amended by adding at the end the following:

“(4) **USE OF FUNDS TO SATISFY NON-FEDERAL MATCHING REQUIREMENTS FOR AUTHORIZED BUREAU OF RECLAMATION WATER PROJECTS.**—Funds provided under this section for an authorized Bureau of Reclamation project may be used for purposes of satisfying any non-Federal matching requirement required for the project.”

(b) **CORONAVIRUS LOCAL FISCAL RECOVERY FUND.**—Section 603(c) of the Social Security Act (42 U.S.C. 803(c)) is amended by adding at the end the following:

“(5) **USE OF FUNDS TO SATISFY NON-FEDERAL MATCHING, MAINTENANCE OF EFFORT, OR OTHER EXPENDITURE REQUIREMENT.**—Funds provided under this section for an authorized Bureau of Reclamation project may be used for purposes of satisfying any non-Federal matching requirement required for the project.”

42 USC 802 note.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of section 9901 of the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 223).

43 USC 3208.

SEC. 40910. FEDERAL ASSISTANCE FOR GROUNDWATER RECHARGE, AQUIFER STORAGE, AND WATER SOURCE SUBSTITUTION PROJECTS.

Coordination.

(a) **IN GENERAL.**—The Secretary, at the request of and in coordination with affected Indian Tribes, States (including 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 40902(a)(2)(C)(ii).

(d) **COST SHARING.**—Cost sharing for a project funded under this section shall be in accordance with section 40902(b).

(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.

Compliance.

TITLE X—AUTHORIZATION OF APPROPRIATIONS FOR ENERGY ACT OF 2020

Time periods.

SEC. 41001. ENERGY STORAGE DEMONSTRATION PROJECTS.

(a) ENERGY STORAGE DEMONSTRATION PROJECTS; PILOT GRANT PROGRAM.—There is authorized to be appropriated to the Secretary to carry out activities under section 3201(c) of the Energy Act of 2020 (42 U.S.C. 17232(c)) \$355,000,000 for the period of fiscal years 2022 through 2025.

(b) LONG-DURATION DEMONSTRATION INITIATIVE AND JOINT PROGRAM.—There is authorized to be appropriated to the Secretary to carry out activities under section 3201(d) of the Energy Act of 2020 (42 U.S.C. 17232(d)) \$150,000,000 for the period of fiscal years 2022 through 2025.

SEC. 41002. ADVANCED REACTOR DEMONSTRATION PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out activities under section 959A of the Energy Policy Act of 2005 (42 U.S.C. 16279a) pursuant to the funding opportunity announcement of the Department numbered DE-FOA-0002271 for Pathway 1, Advanced Reactor Demonstrations—

- (1) \$511,000,000 for fiscal year 2022;
- (2) \$506,000,000 for fiscal year 2023;
- (3) \$636,000,000 for fiscal year 2024;
- (4) \$824,000,000 for fiscal year 2025;
- (5) \$453,000,000 for fiscal year 2026; and
- (6) \$281,000,000 for fiscal year 2027.

(b) TECHNICAL CORRECTIONS.—

(1) DEFINITION OF ADVANCED NUCLEAR REACTOR.—Section 951(b)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)(1)) is amended—

(A) in subparagraph (A)(xi), by striking “; and” and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) a radioisotope power system that utilizes heat from radioactive decay to generate energy.”