

tation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the findings of the review conducted under this subsection with any recommendations concerning continuation of the program.

**(g) Maximum Federal cost per project**

Not more than \$30,000,000 may be expended by the United States on any single project under this section.

**(h) Procedure**

**(1) All projects**

The Secretary shall not implement any project under this section until—

(A) the Secretary submits to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written notification describing the project and the determinations made under subsection (d)(1) of this section; and

(B) 21 calendar days have elapsed after the date on which the notification was received by the committees.

**(2) Projects exceeding \$15,000,000**

**(A) Limitation on appropriations**

No appropriation shall be made to construct any project under this section the total Federal cost of construction of which exceeds \$15,000,000 if the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

**(B) Report**

For the purpose of securing consideration of approval under this paragraph, the Secretary shall submit a report on the proposed project, including all relevant data and information on all costs.

**(i) Authorization of appropriations**

**(1) In general**

There are authorized to be appropriated to carry out this section \$20,000,000.

**(2) Full funding**

All studies and projects carried out under this section from Army Civil Works appropriations shall be fully funded within the program funding levels provided in this subsection.

(Pub. L. 106-53, title II, §212, Aug. 17, 1999, 113 Stat. 288; Pub. L. 106-541, title II, §227, Dec. 11, 2000, 114 Stat. 2599; Pub. L. 110-114, title V, §5005, Nov. 8, 2007, 121 Stat. 1192.)

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1999, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

AMENDMENTS

2007—Subsec. (e)(23). Pub. L. 110-114, §5005(a)(1), struck out “and” at end.

Subsec. (e)(29) to (33). Pub. L. 110-114, §5005(a), added pars. (29) to (33).

Subsec. (i)(1). Pub. L. 110-114, §5005(b), substituted “section \$20,000,000” for “section—

“(A) \$20,000,000 for fiscal year 2001;

“(B) \$30,000,000 for fiscal year 2002; and

“(C) \$50,000,000 for each of fiscal years 2003 through 2005”.

2000—Subsec. (e)(24) to (28). Pub. L. 106-541 added pars. (24) to (28).

TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 106-53, set out as a note under section 2201 of this title.

**§ 2333. Irrigation diversion protection and fisheries enhancement assistance**

**(a) In general**

The Secretary may provide technical planning and design assistance to non-Federal interests and may conduct other site-specific studies to formulate and evaluate fish screens, fish passages devices, and other measures to decrease the incidence of juvenile and adult fish inadvertently entering irrigation systems.

**(b) Cooperation**

Measures under subsection (a) of this section—

(1) shall be developed in cooperation with Federal and State resource agencies; and

(2) shall not impair the continued withdrawal of water for irrigation purposes.

**(c) Priority**

In providing assistance under subsection (a) of this section, the Secretary shall give priority based on—

(1) the objectives of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) cost-effectiveness; and

(3) the potential for reducing fish mortality.

**(d) Non-Federal share**

**(1) In general**

The non-Federal share of the cost of measures under subsection (a) of this section shall be 50 percent.

**(2) In-kind contributions**

Not more than 50 percent of the non-Federal contribution may be made through the provision of services, materials, supplies, or other in-kind contributions.

**(e) No construction activity**

This section does not authorize any construction activity.

**(f) Report**

Not later than 2 years after August 17, 1999, the Secretary shall submit to Congress a report on—

- (1) fish mortality caused by irrigation water intake devices;
- (2) appropriate measures to reduce fish mortality;
- (3) the extent to which those measures are currently being employed in arid States;
- (4) the construction costs associated with those measures; and
- (5) the appropriate Federal role, if any, to encourage the use of those measures.

(Pub. L. 106-53, title V, §515, Aug. 17, 1999, 113 Stat. 344.)

## REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in subsec. (c)(1), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§1531 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of Title 16 and Tables.

## CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1999, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

## “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 106-53, set out as a note under section 2201 of this title.

**§ 2334. Innovative technologies for watershed restoration**

The Secretary shall examine using, and, if appropriate, encourage the use of, innovative treatment technologies, including membrane technologies, for watershed and environmental restoration and protection projects involving water quality.

(Pub. L. 106-53, title V, §516, Aug. 17, 1999, 113 Stat. 344.)

## CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1999, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

## “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 106-53, set out as a note under section 2201 of this title.

**§ 2335. Coastal aquatic habitat management****(a) In general**

The Secretary may cooperate with the Secretaries of Agriculture and the Interior, the Administrators of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, other appropriate Federal, State, and local agencies, and affected private entities, in the development of a management strategy to address problems associated with toxic microorganisms and the resulting degradation of ecosystems in the tidal and nontidal wetlands and waters of the United States.

**(b) Assistance**

As part of the management strategy, the Secretary may provide planning, design, and other technical assistance to each participating State in the development and implementation of non-regulatory measures to mitigate environmental problems and restore aquatic resources.

**(c) Cost sharing**

The Federal share of the cost of measures undertaken under this section shall not exceed 65 percent.

**(d) Operation and maintenance**

The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

**(e) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$7,000,000 for the period beginning with fiscal year 2000.

(Pub. L. 106-53, title V, §559, Aug. 17, 1999, 113 Stat. 354.)

## CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1999, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

## “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 106-53, set out as a note under section 2201 of this title.

**§ 2336. Abandoned and inactive noncoal mine restoration****(a) In general**

The Secretary may provide technical, planning, and design assistance to Federal and non-Federal interests for carrying out projects to address water quality problems caused by drainage and related activities from abandoned and inactive noncoal mines.

**(b) Specific measures**

Assistance provided under subsection (a) of this section may be in support of projects for the purposes of—

- (1) managing drainage from abandoned and inactive noncoal mines;
- (2) restoring and protecting streams, rivers, wetlands, other waterbodies, and riparian areas degraded by drainage from abandoned and inactive noncoal mines; and
- (3) demonstrating management practices and innovative and alternative treatment technologies to minimize or eliminate adverse environmental effects associated with drainage from abandoned and inactive noncoal mines.

(c) **Non-Federal share**  
The non-Federal share of the cost of assistance under subsection (a) of this section shall be 50 percent, except that the Federal share with respect to projects located on land owned by the United States shall be 100 percent.

(d) **Effect on authority of Secretary of the Interior**  
Nothing in this section affects the authority of the Secretary of the Interior under title IV of