

within 3 years after Dec. 29, 1987, in consultation with Administrator of the National Oceanic and Atmospheric Administration and other Federal, State, and interstate agencies, to prepare and submit to Congress a New York Bight Restoration Plan and a detailed schedule and two preliminary reports at specified times, and further directed Administrator to conduct a study of problems associated with plastic debris in the New York Bight and report to Congress within 6 months after Dec. 29, 1987.

§ 2267a. Watershed and river basin assessments

(a) In general

The Secretary may assess the water resources needs of river basins and watersheds of the United States, including needs relating to—

- (1) ecosystem protection and restoration;
- (2) flood damage reduction;
- (3) navigation and ports;
- (4) watershed protection;
- (5) water supply; and
- (6) drought preparedness.

(b) Cooperation

An assessment under subsection (a) of this section shall be carried out in cooperation and coordination with—

- (1) the Secretary of the Interior;
- (2) the Secretary of Agriculture;
- (3) the Secretary of Commerce;
- (4) the Administrator of the Environmental Protection Agency; and
- (5) the heads of other appropriate agencies.

(c) Consultation

In carrying out an assessment under subsection (a) of this section, the Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities.

(d) Priority river basins and watersheds

In selecting river basins and watersheds for assessment under this section, the Secretary shall give priority to—

- (1) the Delaware River basin;
- (2) the Kentucky River basin;
- (3) the Potomac River basin;
- (4) the Susquehanna River basin;
- (5) the Willamette River basin;
- (6) Tuscarawas River Basin, Ohio;
- (7) Sauk River Basin, Snohomish and Skagit Counties, Washington;
- (8) Niagara River Basin, New York;
- (9) Genesee River Basin, New York; and
- (10) White River Basin, Arkansas and Missouri.

(e) Acceptance of contributions

In carrying out an assessment under subsection (a) of this section, the Secretary may accept contributions, in cash or in kind, from Federal, tribal, State, interstate, and local governmental entities to the extent that the Secretary determines that the contributions will facilitate completion of the assessment.

(f) Cost-sharing requirements

(1) Non-Federal share

The non-Federal share of the costs of an assessment carried out under this section on or after December 11, 2000, shall be 25 percent.

(2) Credit

(A) In general

Subject to subparagraph (B), the Secretary may credit toward the non-Federal share of

an assessment under this section the cost of services, materials, supplies, or other in-kind contributions provided by the non-Federal interests for the assessment.

(B) Maximum amount of credit

The credit under subparagraph (A) may not exceed an amount equal to 25 percent of the costs of the assessment.

(Pub. L. 99-662, title VII, § 729, Nov. 17, 1986, 100 Stat. 4164; Pub. L. 106-541, title II, § 202, Dec. 11, 2000, 114 Stat. 2587; Pub. L. 110-114, title II, § 2010, Nov. 8, 2007, 121 Stat. 1074.)

AMENDMENTS

2007—Subsec. (d)(6) to (10). Pub. L. 110-114, § 2010(1), added pars. (6) to (10).

Subsec. (f)(1). Pub. L. 110-114, § 2010(2), added par. (1) and struck out heading and text of former par. (1). Text read as follows: “The non-Federal share of the costs of an assessment carried out under this section shall be 50 percent.”

Subsec. (g). Pub. L. 110-114, § 2010(3), struck out heading and text of subsec. (g). Text read as follows: “There is authorized to be appropriated to carry out this section \$15,000,000.”

2000—Pub. L. 106-541 amended section catchline and text generally. Prior to amendment, section read as follows:

“(a) The Secretary, in coordination with the Secretary of the Interior and in consultation with appropriate Federal, State, and local agencies, is authorized to study the water resources needs of river basins and regions of the United States. The Secretaries shall report the results of such study to Congress not later than October 1, 1988.

“(b) In carrying out the studies authorized under subsection (a) of this section, the Secretaries shall consult with State, interstate, and local governmental entities.

“(c) There is authorized to be appropriated \$5,000,000 for fiscal years beginning after September 30, 1986, to carry out this section.”

§ 2268. Marine technology review

(a) Dredging needs

The Secretary is authorized to conduct such studies as are necessary to provide a report to Congress on the dredging needs of the national ports and harbors of the United States. The report shall include existing and projected future project depths, types and sizes of ships in use, and world trade patterns, an assessment of the future national waterside infrastructure needs, and a comparison of drafts of United States and selected world ports.

(b) Authorization of appropriations

There is authorized to be appropriated \$2,500,000 to carry out this section for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

(Pub. L. 102-580, title IV, § 402, Oct. 31, 1992, 106 Stat. 4862.)

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1992, 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 3 of Pub. L. 102-580, set out as a note under section 2201 of this title.

§ 2269. Tribal partnership program**(a) Definition of Indian tribe**

In this section, the term “Indian tribe” has the meaning given the term in section 450b of title 25.

(b) Program**(1) In general**

In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may carry out water-related planning activities and study and determine the feasibility of carrying out water resources development projects that—

(A) will substantially benefit Indian tribes; and

(B) are located primarily within Indian country (as defined in section 1151 of title 18, and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations) or in proximity to Alaska Native villages.

(2) Matters to be studied

A study conducted under paragraph (1) may address—

(A) projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources;

(B) watershed assessments and planning activities; and

(C) such other projects as the Secretary, in cooperation with Indian tribes and the heads of other Federal agencies, determines to be appropriate.

(c) Consultation and coordination with Secretary of the Interior**(1) In general**

In recognition of the unique role of the Secretary of the Interior concerning trust responsibilities with Indian tribes and in recognition of mutual trust responsibilities, the Secretary shall consult with the Secretary of the Interior concerning studies conducted under subsection (b) of this section.

(2) Integration of activities

The Secretary shall—

(A) integrate civil works activities of the Department of the Army with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects on Indian tribes; and

(B) consider the authorities and programs of the Department of the Interior and other Federal agencies in any recommendations concerning carrying out projects studied under subsection (b) of this section.

(d) Cost sharing**(1) Ability to pay****(A) In general**

Any cost-sharing agreement for a study under subsection (b) of this section shall be

subject to the ability of the non-Federal interest to pay.

(B) Use of procedures

The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

(2) Credit

The Secretary may credit toward the non-Federal share of the costs of a study under subsection (b) of this section the cost of services, studies, supplies, or other in-kind contributions provided by the non-Federal interest if the Secretary determines that the services, studies, supplies, and other in-kind contributions will facilitate completion of the study.

(e) Authorization of appropriations

There is authorized to be appropriated to carry out subsection (b) of this section \$5,000,000 for each of fiscal years 2002 through 2012, of which not more than \$1,000,000 may be used with respect to any 1 Indian tribe.

(Pub. L. 106-541, title II, §203, Dec. 11, 2000, 114 Stat. 2588; Pub. L. 110-114, title II, §2011, Nov. 8, 2007, 121 Stat. 1074.)

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2000, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

AMENDMENTS

2007—Subsec. (b)(1). Pub. L. 110-114, §2011(a)(1), inserted “carry out water-related planning activities and” after “the Secretary may” in introductory provisions.

Subsec. (b)(1)(B). Pub. L. 110-114, §2011(a)(2), inserted “, and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations” after “section 1151 of title 18”.

Subsec. (b)(2). Pub. L. 110-114, §2011(a)(3), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (e). Pub. L. 110-114, §2011(b), substituted “2012” for “2006”.

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 106-541, set out as a note under section 2201 of this title.

SUBCHAPTER V—GENERAL PROVISIONS

§ 2280. Maximum cost of projects

In order to insure against cost overruns, each total cost set forth with respect to a project for water resources development and conservation and related purposes authorized to be carried out by the Secretary in this Act or in a law enacted after the date of the enactment of this Act, including the Water Resources Development Act of 1988, or in an amendment made by this Act or any later law with respect to such a project shall be the maximum cost of that project, except that such maximum amount—

(1) may be increased by the Secretary for modifications which do not materially alter