

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.”

§ 2267b. Post-disaster watershed assessments

(a) Watershed assessments

(1) In general

In an area that the President has declared a major disaster in accordance with section 5170 of title 42, the Secretary may carry out a watershed assessment to identify, to the maximum extent practicable, specific flood risk reduction, hurricane and storm damage reduction, ecosystem restoration, or navigation project recommendations that will help to rehabilitate and improve the resiliency of damaged infrastructure and natural resources to reduce risks to human life and property from future natural disasters.

(2) Existing projects

A watershed assessment carried out paragraph¹ (1) may identify existing projects being carried out under 1 or more of the authorities referred to in subsection (b)(1).

(3) Duplicate watershed assessments

In carrying out a watershed assessment under paragraph (1), the Secretary shall use all existing watershed assessments and related information developed by the Secretary or other Federal, State, or local entities.

(b) Projects

(1) In general

The Secretary may carry out projects identified under a watershed assessment under subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:

(A) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(B) Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

(C) Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(D) Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(E) Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(F) Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

(2) Annual plan

For each project that does not meet the criteria under paragraph (1), the Secretary shall include a recommendation relating to the project in the annual report submitted to Congress by the Secretary in accordance with section 2282d of this title.

(3) Existing projects

In carrying out a project under paragraph (1), the Secretary shall—

(A) to the maximum extent practicable, use all existing information and studies available for the project; and

(B) not require any element of a study completed for the project prior to the disaster to be repeated.

(c) Requirements

All requirements applicable to a project under the Acts described in subsection (b) shall apply to the project.

(d) Limitations on assessments

A watershed assessment under subsection (a) shall be initiated not later than 2 years after the date on which the major disaster declaration is issued.

(Pub. L. 113-121, title III, §3025, June 10, 2014, 128 Stat. 1303.)

REFERENCES IN TEXT

The Flood Control Act of 1948, referred to in subsecs. (b)(1)(A) and (c), is act June 30, 1948, ch. 771, title II, 62 Stat. 1175. For complete classification of this Act to the Code, see Tables.

The River and Harbor Act of 1968, referred to in subsecs. (b)(1)(B) and (c), is Pub. L. 90-483, title I, Aug. 13, 1968, 82 Stat. 731. For complete classification of this Act to the Code, see Tables.

The Water Resources Development Act of 1996, referred to in subsecs. (b)(1)(C) and (c), is Pub. L. 104-303, Oct. 12, 1996, 110 Stat. 3658. For complete classification of this Act to the Code, see Short Title of 1996 Amendment note set out under section 2201 of this title and Tables.

The Water Resources Development Act of 1986, referred to in subsecs. (b)(1)(D) and (c), is Pub. L. 99-662, Nov. 17, 1986, 100 Stat. 4082. For complete classification of this Act to the Code, see Short Title note set out under section 2201 of this title and Tables.

The River and Harbor Act of 1960, referred to in subsecs. (b)(1)(E) and (c), is Pub. L. 86-645, title I, July 14, 1960, 74 Stat. 480. For complete classification of this Act to the Code, see Tables.

The Act of August 13, 1946, referred to in subsecs. (b)(1)(F) and (c), is act Aug. 13, 1946, ch. 960, 60 Stat. 1056. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Water Resources Reform and Development Act of 2014, 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. 113-121, set out as a note under section 2201 of this title.

¹ So in original. Probably should be preceded by “under”.

§ 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**(i) In general**

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

(ii) Determination

Not later than 180 days after June 10, 2014, the Secretary shall issue guidance on the procedures described in clause (i).

(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) Restrictions

The Secretary is authorized to carry out activities under this section for fiscal years 2015 through 2024.

(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; Pub. L. 113-121, title I, §1031(a), June 10, 2014, 128 Stat. 1232.)

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.