

## SUBCHAPTER II—HARBOR DEVELOPMENT

**§ 2231. Study of water resources development projects by non-Federal interests****(a) Submission to Secretary****(1) In general**

A non-Federal interest may undertake a feasibility study of a proposed water resources development project and submit the study to the Secretary.

**(2) Guidelines**

To assist non-Federal interests, the Secretary, as soon as practicable, shall issue guidelines for feasibility studies of water resources development projects to provide sufficient information for the formulation of the studies.

**(b) Review by Secretary**

The Secretary shall review each feasibility study received under subsection (a)(1) for the purpose of determining whether or not the study, and the process under which the study was developed, each comply with Federal laws and regulations applicable to feasibility studies of water resources development projects.

**(c) Submission to Congress**

Not later than 180 days after the date of receipt of a feasibility study of a project under subsection (a)(1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

- (1) the results of the Secretary's review of the study under subsection (b), including a determination of whether the project is feasible;
- (2) any recommendations the Secretary may have concerning the plan or design of the project; and
- (3) any conditions the Secretary may require for construction of the project.

**(d) Credit**

If a project for which a feasibility study has been submitted under subsection (a)(1) is authorized by a Federal law enacted after the date of the submission to Congress under subsection (c), the Secretary shall credit toward the non-Federal share of the cost of construction of the project an amount equal to the portion of the cost of developing the study that would have been the responsibility of the United States if the study had been developed by the Secretary.

**(e) Technical assistance**

At the request of a non-Federal interest, the Secretary may provide to the non-Federal interest technical assistance relating to any aspect of a feasibility study if the non-Federal interest contracts with the Secretary to pay all costs of providing such technical assistance.

(Pub. L. 99-662, title II, § 203, Nov. 17, 1986, 100 Stat. 4098; Pub. L. 113-121, title I, § 1014(a), June 10, 2014, 128 Stat. 1219; Pub. L. 114-322, title I, § 1126, Dec. 16, 2016, 130 Stat. 1648.)

## AMENDMENTS

2016—Subsec. (e). Pub. L. 114-322 added subsec. (e).

2014—Pub. L. 113-121 amended section generally. Prior to amendment, section related to studies of projects by non-Federal interests.

## SHORT TITLE

For short title of title II of Pub. L. 99-662, enacting this subchapter, as the Harbor Development and Navigation Improvement Act of 1986, see section 215 of Pub. L. 99-662, set out as a note under section 2201 of this title.

**§ 2232. Construction of water resources development projects by non-Federal interests****(a) Water resources development project defined**

In this section, the term “water resources development project” means a project recommendation that results from—

- (1) a feasibility report, as such term is defined in section 2282d(f) of this title;
- (2) a completed feasibility study developed under section 2231 of this title; or
- (3) a final feasibility study for water resources development and conservation and other purposes that is specifically authorized by Congress to be carried out by the Secretary.

**(b) Authority****(1) In general**

A non-Federal interest may carry out a water resources development project, or separable element thereof—

- (A) in accordance with a plan approved by the Secretary for the project or separable element; and
- (B) subject to any conditions that the Secretary may require, including any conditions specified under section 2231(c)(3) of this title.

**(2) Conditions**

Before carrying out a water resources development project, or separable element thereof, under this section, a non-Federal interest shall—

- (A) obtain any permit or approval required in connection with the project or separable element under Federal or State law; and
- (B) ensure that a final environmental impact statement or environmental assessment, as appropriate, for the project or separable element has been filed.

**(c) Studies and engineering**

When requested by an appropriate non-Federal interest, the Secretary may undertake all necessary studies and engineering for any construction to be undertaken under subsection (b), and provide technical assistance in obtaining all necessary permits for the construction, if the non-Federal interest contracts with the Secretary to furnish the United States funds for the studies, engineering, or technical assistance in the period during which the studies and engineering are being conducted.

**(d) Credit or reimbursement****(1) General rule**

Subject to paragraph (3), a project or separable element of a project carried out by a non-Federal interest under this section shall be eligible for credit or reimbursement for the