

(A) 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 list of all—

(i) ongoing hurricane and storm damage reduction feasibility studies that have signed feasibility cost-share agreements and have received Federal funds since 2009; and

(ii) authorized hurricane and storm damage reduction projects;

(B) identify those projects on the list required under subparagraph (A) that meet the criteria described in paragraph (1); and

(C) provide a plan for expeditiously completing the projects identified under subparagraph (B), subject to available funding.

**(b) Prioritization of ecosystem restoration efforts**

**(1) In general**

For authorized projects with a primary purpose of ecosystem restoration, the Secretary shall give funding priority to projects—

(A) that—

(i) address an identified threat to public health, safety, or welfare;

(ii) preserve or restore ecosystems of national significance; or

(iii) preserve or restore habitats of importance for federally protected species, including migratory birds; and

(B) for which the restoration activities will contribute to other ongoing or planned Federal, State, or local restoration initiatives.

**(2) Expedited consideration of currently authorized programmatic authorities**

Not later than 180 days after December 16, 2016, 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 contains—

(A) a list of all programmatic authorities for aquatic ecosystem restoration or improvement of the environment that—

(i) were authorized or modified in the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1041) or any subsequent Act; and

(ii) that meet the criteria described in paragraph (1); and

(B) a plan for expeditiously completing the projects under the authorities described in subparagraph (A), subject to available funding.

(Pub. L. 113-121, title I, §1011, June 10, 2014, 128 Stat. 1217; Pub. L. 114-322, title I, §1322(a), Dec. 16, 2016, 130 Stat. 1706.)

REFERENCES IN TEXT

The Water Resources Development Act of 2007, referred to in subsec. (b)(2)(A)(i), is Pub. L. 110-114, Nov. 8, 2007, 121 Stat. 1041. 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.

AMENDMENTS

2016—Subsec. (a)(1)(C). Pub. L. 114-322, §1322(a)(1)(A), inserted “restore or” before “prevent the loss”.

Subsec. (a)(2). Pub. L. 114-322, §1322(a)(1)(B)(i), substituted “December 16, 2016” for “June 10, 2014” in introductory provisions.

Subsec. (a)(2)(A)(ii). Pub. L. 114-322, §1322(a)(1)(B)(ii), struck out before semicolon at end “that—

“(I) have been authorized for more than 20 years but are less than 75 percent complete; or

“(II) are undergoing a post-authorization change report, general reevaluation report, or limited reevaluation report”.

Subsec. (b). Pub. L. 114-322, §1322(a)(2), designated existing provisions as par. (1) and inserted heading, redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), redesignated former subpars. (A) to (C) of former par. (1) as cls. (i) to (iii), respectively, of subpar. (A) of par. (1), and added par. (2).

“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.

**§ 2341b. Prioritization of certain projects**

The Secretary shall give priority to a project for flood risk management if—

(1) there is an executed project partnership agreement for the project; and

(2) the project is located in an area—

(A) with respect to which—

(i) there has been a loss of life due to flood events; and

(ii) the President has declared that a major disaster or emergency exists under section 5170 of title 42; or

(B) that is at significant risk for catastrophic flooding.

(Pub. L. 114-322, title I, §1144, Dec. 16, 2016, 130 Stat. 1659.)

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2016, and also as part of the Water Infrastructure Improvements for the Nation Act, also known as the WIIN Act, 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 1002 of Pub. L. 114-322, set out as a note under section 2201 of this title.

**§ 2342. Access to water resource data**

**(a) In general**

Using available funds, the Secretary shall make publicly available, including on the Internet, all data in the custody of the Corps of Engineers on—

(1) the planning, design, construction, operation, and maintenance of water resources development projects; and

(2) water quality and water management of projects owned, operated, or managed by the Corps of Engineers.

**(b) Limitation**

Nothing in this section may be construed to compel or authorize the disclosure of data or

other information determined by the Secretary to be confidential information, privileged information, law enforcement information, national security information, infrastructure security information, personal information, or information the disclosure of which is otherwise prohibited by law.

**(c) Timing**

The Secretary shall ensure that data is made publicly available under subsection (a) as quickly as practicable after the data is generated by the Corps of Engineers.

**(d) Partnerships**

In carrying out this section, the Secretary may develop partnerships, including through cooperative agreements, with State, tribal, and local governments and other Federal agencies.

(Pub. L. 110–114, title II, §2017, Nov. 8, 2007, 121 Stat. 1077; Pub. L. 114–322, title I, §1135, Dec. 16, 2016, 130 Stat. 1656.)

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2007, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

AMENDMENTS

2016—Pub. L. 114–322 amended section generally. Prior to amendment, section related to access to water resource data.

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 110–114, set out as a note under section 2201 of this title.

**§ 2343. Independent peer review**

**(a) Project studies subject to independent peer review**

**(1) In general**

Project studies shall be subject to a peer review by an independent panel of experts as determined under this section.

**(2) Scope**

The peer review may include a review of the economic and environmental assumptions and projections, project evaluation data, economic analyses, environmental analyses, engineering analyses, formulation of alternative plans, methods for integrating risk and uncertainty, models used in evaluation of economic or environmental impacts of proposed projects, and any biological opinions of the project study.

**(3) Project studies subject to peer review**

**(A) Mandatory**

A project study shall be subject to peer review under paragraph (1) if—

- (i) the project has an estimated total cost of more than \$200,000,000, including mitigation costs, and is not determined by the Chief of Engineers to be exempt from peer review under paragraph (6);
- (ii) the Governor of an affected State requests a peer review by an independent panel of experts; or
- (iii) the Chief of Engineers determines that the project study is controversial con-

sidering the factors set forth in paragraph (4).

**(B) Discretionary**

**(i) Agency request**

A project study shall be considered by the Chief of Engineers for peer review under this section if the head of a Federal or State agency charged with reviewing the project study determines that the project is likely to have a significant adverse impact on environmental, cultural, or other resources under the jurisdiction of the agency after implementation of proposed mitigation plans and requests a peer review by an independent panel of experts.

**(ii) Deadline for decision**

A decision of the Chief of Engineers under this subparagraph whether to conduct a peer review shall be made within 21 days of the date of receipt of the request by the head of the Federal or State agency under clause (i).

**(iii) Reasons for not conducting peer review**

If the Chief of Engineers decides not to conduct a peer review following a request under clause (i), the Chief shall make publicly available, including on the Internet, the reasons for not conducting the peer review.

**(iv) Appeal to Chairman of Council on Environmental Quality**

A decision by the Chief of Engineers not to conduct a peer review following a request under clause (i) shall be subject to appeal by a person referred to in clause (i) to the Chairman of the Council on Environmental Quality if such appeal is made within the 30-day period following the date of the decision being made available under clause (iii). A decision of the Chairman on an appeal under this clause shall be made within 30 days of the date of the appeal.

**(4) Factors to consider**

In determining whether a project study is controversial under paragraph (3)(A)(iii), the Chief of Engineers shall consider if—

- (A) there is a significant public dispute as to the size, nature, or effects of the project; or
- (B) there is a significant public dispute as to the economic or environmental costs or benefits of the project.

**(5) Project studies excluded from peer review**

The Chief of Engineers may exclude a project study from peer review under paragraph (1)—

- (A) if the project study does not include an environmental impact statement and is a project study subject to peer review under paragraph (3)(A)(i) that the Chief of Engineers determines—
  - (i) is not controversial;
  - (ii) has no more than negligible adverse impacts on scarce or unique cultural, historic, or tribal resources;
  - (iii) has no substantial adverse impacts on fish and wildlife species and their habi-