

“(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 paragraph<sup>1</sup> (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.

#### (e) Assessments in territories of the United States

##### (1) In general

For any major disaster declared in a territory of the United States before October 23, 2018, all activities in the territory carried out or undertaken pursuant to the authorities described in this section shall be conducted at full Federal expense unless the President determines that the territory has the ability to pay the cost share for an assessment under this section without the use of loans.

##### (2) Territory defined

In this subsection, the term “territory of the United States” means an insular area specified in section 2310(a)(1) of this title.

(Pub. L. 113–121, title III, § 3025, June 10, 2014, 128 Stat. 1303; Pub. L. 115–270, title I, § 1139, Oct. 23, 2018, 132 Stat. 3784.)

#### REFERENCES IN TEXT

The Flood Control Act of 1948, referred to in subssecs. (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 subssecs. (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 subssecs. (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 subssecs. (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 subssecs. (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 subssecs. (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.

#### AMENDMENTS

2018—Subsec. (e). Pub. L. 115–270 added subsec. (e).

#### “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.

<sup>1</sup> 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 5304 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, or activities relating to the study, design, and construction of 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) Authorized activities**

An activity 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.

**(3) Feasibility study and reports****(A) In general**

On the request of an Indian tribe, the Secretary shall conduct a study on, and provide to the Indian tribe a report describing, the feasibility of a water resources development project described in paragraph (1).

**(B) Recommendation**

A report under subparagraph (A) may, but shall not be required to, contain a recommendation on a specific water resources development project.

**(4) Design and construction****(A) In general**

The Secretary may carry out the design and construction of a water resources development project, or separable element of a project, described in paragraph (1) that the Secretary determines is feasible if the Federal share of the cost of the project or separable element is not more than \$12,500,000.

**(B) Specific authorization**

If the Federal share of the cost of the project or separable element described in subparagraph (A) is more than \$12,500,000, the Secretary may only carry out the project or separable element if Congress enacts a law authorizing the Secretary to carry out the project or separable element.

**(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 an activity conducted under subsection (b).

**(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 an activity conducted under subsection (b).

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

Any cost-sharing agreement for an activity conducted under subsection (b) 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