

appropriate project purposes described in sections 2211 and 2213 of this title and shared in the same percentages as the purposes to which the costs are assigned.

**(5) Water-related planning activities**

**(A) In general**

The non-Federal share of costs of a watershed and river basin assessment conducted under subsection (b) shall be 25 percent.

**(B) Other costs**

The non-Federal share of costs of other water-related planning activities described in subsection (b)(1) shall be 50 percent.

**(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; Pub. L. 114-322, title I, §1121, Dec. 16, 2016, 130 Stat. 1644; Pub. L. 115-270, title I, §1157(i), Oct. 23, 2018, 132 Stat. 3794; Pub. L. 116-260, div. AA, title III, §303, Dec. 27, 2020, 134 Stat. 2703.)

**Editorial Notes**

**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**

2020—Subsec. (b)(4). Pub. L. 116-260 substituted “\$18,500,000” for “\$12,500,000” in subpars. (A) and (B).

2018—Subsec. (b)(4). Pub. L. 115-270 amended par. (4) generally. Prior to amendment, text read as follows:

“(A) IN GENERAL.—The Secretary may carry out the design and construction of a water resources development project described in paragraph (1) that the Secretary determines is feasible if the Federal share of the cost of the project is not more than \$10,000,000.

“(B) SPECIFIC AUTHORIZATION.—If the Federal share of the cost of a project described in subparagraph (A) is more than \$10,000,000, the Secretary may only carry out the project if Congress enacts a law authorizing the Secretary to carry out the project.”

2016—Subsec. (b)(1). Pub. L. 114-322, §1121(1)(A), substituted “the Secretary may carry out water-related planning activities, or activities relating to the study, design, and construction of water resources development projects,” for “the Secretary may carry out water-related planning activities and study and determine the feasibility of carrying out water resources development projects” in introductory provisions.

Subsec. (b)(2). Pub. L. 114-322, §1121(1)(B), substituted “Authorized activities” for “Matters to be studied” in heading and “An activity” for “A study” in introductory provisions.

Subsec. (b)(3), (4). Pub. L. 114-322, §1121(1)(C), added pars. (3) and (4).

Subsec. (c)(1). Pub. L. 114-322, §1121(2)(A), substituted “an activity” for “studies”.

Subsec. (c)(2)(B). Pub. L. 114-322, §1121(2)(B), substituted “an activity conducted” for “carrying out projects studied”.

Subsec. (d)(1)(A). Pub. L. 114-322, §1121(3)(A), substituted “an activity conducted” for “a study”.

Subsec. (d)(2) to (5). Pub. L. 114-322, §1121(3)(B), added pars. (2) to (5) and struck out former par. (2). Prior to amendment, text of par. (2) read as follows: “The Sec-

retary may credit toward the non-Federal share of the costs of a study under subsection (b) 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.”

2014—Subsec. (d)(1)(B). Pub. L. 113-121, §1031(a)(1), designated existing provisions as cl. (i), inserted heading, and added cl. (ii).

Subsec. (e). Pub. L. 113-121, §1031(a)(2), added subsec. (e) and struck out former subsec. (e) which authorized appropriations for fiscal years 2002 to 2012.

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”.

**Statutory Notes and Related Subsidiaries**

“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.

**§2270. Subsurface drain systems research and development**

Subject to the availability of appropriations, the Secretary, acting through the Director of the Engineer Research and Development Center and, where appropriate, in consultation with other Federal agencies, shall carry out research and development activities relating to the use of subsurface drain systems as—

- (1) a flood risk-reduction measure; or
- (2) a coastal storm risk-reduction measure.

(Pub. L. 116-260, div. AA, title II, §227, Dec. 27, 2020, 134 Stat. 2698.)

**Editorial Notes**

**CODIFICATION**

Section was enacted as part of the Water Resources Development Act of 2020, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

**Statutory Notes and Related Subsidiaries**

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of div. AA of Pub. L. 116-260, set out as a note under section 2201 of this title.

**SUBCHAPTER V—GENERAL PROVISIONS**

**§2280. Maximum cost of projects**

**(a) In general**

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 en-

acted 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 the scope or functions of the project as authorized, but not by more than 20 percent of the total cost stated for the project in this Act, in any later law, or in an amendment made by this Act or any later law; and

(2) shall be automatically increased for—

(A) changes in construction costs applied to unconstructed features (including real property acquisitions, preconstruction studies, planning, engineering, and design) from the date of enactment of this Act or any later law (unless otherwise specified) as indicated by engineering and other appropriate cost indexes; and

(B) additional studies, modifications, and actions (including mitigation and other environmental actions) authorized by this Act or any later law or required by changes in Federal law.

#### (b) Contributions by non-Federal interests

Notwithstanding subsection (a), in accordance with section 701h of this title, the Secretary may accept funds from a non-Federal interest for any authorized water resources development project that has exceeded its maximum cost under subsection (a), and use such funds to carry out such project, if the use of such funds does not increase the Federal share of the cost of such project.

(Pub. L. 99-662, title IX, §902, Nov. 17, 1986, 100 Stat. 4183; Pub. L. 100-676, §3(b), Nov. 17, 1988, 102 Stat. 4014; Pub. L. 113-121, title I, §1023, June 10, 2014, 128 Stat. 1228.)

#### Editorial Notes

##### REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 99-662, Nov. 17, 1986, 100 Stat. 4082, known as the Water Resources Development Act of 1986. For complete classification of this Act to the Code, see Short Title note set out under section 2201 of this title and Tables.

The date of enactment of this Act, referred to in subsec. (a), is the date of enactment of Pub. L. 99-662, which was approved Nov. 17, 1986.

The Water Resources Development Act of 1988, referred to in subsec. (a), is Pub. L. 100-676, Nov. 17, 1988, 102 Stat. 4012. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 2201 of this title and Tables.

##### AMENDMENTS

2014—Pub. L. 113-121 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1988—Pub. L. 100-676, §3(b)(1), substituted “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” for “in this Act, or an amendment made by this Act, for a project”.

Par. (1). Pub. L. 100-676, §3(b)(2), inserted “, in any later law,” after “in this Act”, and “or any later law” after “by this Act”.

Par. (2). Pub. L. 100-676, §3(b)(3), (4), inserted “or any later law” after “of this Act” in subpars. (A) and (B).

#### § 2281. Matters to be addressed in planning

##### (a) In general

Enhancing national economic development (including benefits to particular regions of the Nation not involving the transfer of economic activity to such regions from other regions), the quality of the total environment (including preservation and enhancement of the environment), the well-being of the people of the United States, the prevention of loss of life, and the preservation of cultural and historical values shall be addressed in the formulation and evaluation of water resources projects to be carried out by the Secretary, and the associated benefits and costs, both quantifiable and unquantifiable, and information regarding potential loss of human life that may be associated with flooding and coastal storm events, shall be displayed in the benefits and costs of such projects.

##### (b) Assessments

For all feasibility reports for water resources projects completed after December 31, 2007, the Secretary shall assess whether—

(1) the water resources project and each separable element is cost-effective; and

(2) the water resources project complies with Federal, State, and local laws (including regulations) and public policies.

(Pub. L. 99-662, title IX, §904, Nov. 17, 1986, 100 Stat. 4185; Pub. L. 101-640, title III, §315, Nov. 28, 1990, 104 Stat. 4641; Pub. L. 104-303, title II, §231, Oct. 12, 1996, 110 Stat. 3704; Pub. L. 110-114, title II, §2033(a), Nov. 8, 2007, 121 Stat. 1084.)

#### Editorial Notes

##### AMENDMENTS

2007—Pub. L. 110-114 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1996—Pub. L. 104-303 inserted “and information regarding potential loss of human life that may be associated with flooding and coastal storm events,” after “unquantifiable.”.

1990—Pub. L. 101-640 inserted “(including preservation and enhancement of the environment)” after “environment”.

#### Statutory Notes and Related Subsidiaries

##### RURAL PROJECT EVALUATION AND SELECTION CRITERIA

Pub. L. 102-580, title II, §214, Oct. 31, 1992, 106 Stat. 4831, directed Comptroller General, not later than 18 months after Oct. 31, 1992, to report to Congress with specific legislative and other recommendations on improving the equitable distribution of water resources development projects in rural areas, prior to repeal by Pub. L. 104-316, title I, §117, Oct. 19, 1996, 110 Stat. 3835.

#### § 2282. Feasibility reports

##### (a) Preparation of reports

###### (1) In general

In the case of any water resources project-related study authorized to be undertaken by the Secretary that results in recommendations concerning a project or the operation of a project and that requires specific authoriza-