

(c) Design

Costs of design of a water resources project shall be shared in the same percentage as the purposes of such project.

(d) Definitions

In this section, the following definitions apply:

(1) Detailed project report

The term “detailed project report” means a report for a project not specifically authorized by Congress in law or otherwise that determines the feasibility of the project with a level of detail appropriate to the scope and complexity of the recommended solution and sufficient to proceed directly to the preparation of contract plans and specifications. The term includes any associated environmental impact statement and mitigation plan. For a project for which the Federal cost does not exceed \$1,000,000, the term includes a planning and design analysis document.

(2) Feasibility study

The term “feasibility study” means a study that results in a feasibility report under section 2282 of this title, and any associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project. The term includes a study that results in a project implementation report prepared under title VI of the Water Resources Development Act of 2000 (114 Stat. 2680–2694), a general reevaluation report, and a limited reevaluation report.

(Pub. L. 99–662, title I, §105, Nov. 17, 1986, 100 Stat. 4088; Pub. L. 101–640, title III, §301, Nov. 28, 1990, 104 Stat. 4633; Pub. L. 104–303, title II, §203(a), Oct. 12, 1996, 110 Stat. 3677; Pub. L. 106–541, title II, §225, Dec. 11, 2000, 114 Stat. 2598; Pub. L. 110–114, title II, §2043(a), Nov. 8, 2007, 121 Stat. 1101.)

Editorial Notes

REFERENCES IN TEXT

The Water Resources Development Act of 2000, referred to in subsec. (d)(2), is Pub. L. 106–541, Dec. 11, 2000, 114 Stat. 2572. Title VI of the Act is not classified to the Code. For complete classification of this Act to the Code, see Short Title of 2000 Amendment note set out under section 2201 of this title and Tables.

AMENDMENTS

2007—Subsec. (a)(3). Pub. L. 110–114, §2043(a)(1), added par. (3).

Subsec. (b). Pub. L. 110–114, §2043(a)(2), struck out “authorized by this Act” before “for a water resources project”.

Subsec. (d). Pub. L. 110–114, §2043(a)(3), added subsec. (d).

2000—Subsec. (a)(1)(E). Pub. L. 106–541 substituted “The” for “Not more than ½ of the”.

1996—Subsec. (a)(1). Pub. L. 104–303, §203(a)(1), inserted heading and amended text of par. (1) generally. Prior to amendment text read as follows: “The Secretary shall not initiate any feasibility study for a water resources project after November 17, 1986, until appropriate non-Federal interests agree, by contract, to contribute 50 percent of the cost for such study during the period of such study. Not more than one-half of such non-Federal contribution may be made by the provision of services, materials, supplies, or other in-kind services necessary to prepare the feasibility report.”

Subsec. (a)(2). Pub. L. 104–303, §203(a)(2), inserted heading.

1990—Subsec. (b). Pub. L. 101–640 inserted at end “Costs of planning and engineering of projects for which non-Federal interests contributed 50 percent of the cost of the feasibility study shall be treated as costs of construction.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104–303, title II, §203(b), Oct. 12, 1996, 110 Stat. 3678, provided that: “The amendments made by subsection (a) [amending this section] shall apply notwithstanding any feasibility cost-sharing agreement entered into by the Secretary and the non-Federal interests. On request of the non-Federal interest, the Secretary shall amend any feasibility cost-sharing agreements in effect on the date of the enactment of this Act [Oct. 12, 1996] so as to conform the agreements with the amendments.”

NO REQUIREMENT OF REIMBURSEMENT

Pub. L. 104–303, title II, §203(c), Oct. 12, 1996, 110 Stat. 3678, provided that: “Nothing in this section [amending this section and enacting provisions set out above] or any amendment made by this section requires the Secretary to reimburse the non-Federal interests for funds previously contributed for a study.”

§ 2216. Rate of interest

Whenever a non-Federal interest is required or elects to repay an amount under this Act over a period of time, the amount to be repaid shall include interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period, during the month preceding the fiscal year in which costs for the construction of the project are first incurred (or in the case of recalculation the fiscal year in which the recalculation is made), plus a premium of one-eighth of one percentage point for transaction costs; except that such rates for hydroelectric power shall be in accordance with existing law.

(Pub. L. 99–662, title I, §106, Nov. 17, 1986, 100 Stat. 4089.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 99–662, Nov. 17, 1986, 100 Stat. 4082, as amended, 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.

§ 2217. Limitation on applicability of certain provisions in reports

If any provision in any report designated by this Act recommends that a State contribute in cash 5 percent of the construction costs allocated to non-vendible project purposes and 10 percent of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

(Pub. L. 99–662, title I, §107, Nov. 17, 1986, 100 Stat. 4089.)