

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

2014—Subsec. (e)(3). Pub. L. 113-121 added par. (3).

Statutory Notes and Related Subsidiaries

“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.

§ 2282b. Submission of reports to Congress

Beginning on January 17, 2014, and hereafter, not later than 120 days after the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

(Pub. L. 113-76, div. D, title I, §104, Jan. 17, 2014, 128 Stat. 157.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Energy and Water Development and Related Agencies Appropriations Act, 2014, and also as part of the Consolidated Appropriations Act, 2014, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

§ 2282c. Vertical integration and acceleration of studies

(a) In general

To the extent practicable, a feasibility study initiated by the Secretary, after June 10, 2014, under section 2282(a) of this title shall—

- (1) result in the completion of a final feasibility report not later than 3 years after the date of initiation;
- (2) have a maximum Federal cost of \$3,000,000; and
- (3) ensure that personnel from the district, division, and headquarters levels of the Corps of Engineers concurrently conduct the review required under that section.

(b) Extension

If the Secretary determines that a feasibility study described in subsection (a) will not be conducted in accordance with subsection (a), the Secretary, not later than 30 days after the date of making the determination, shall—

- (1) prepare an updated feasibility study schedule and cost estimate;
- (2) notify the non-Federal feasibility cost-sharing partner that the feasibility study has been delayed; and
- (3) provide written notice to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives as to the reasons the requirements of subsection (a) are not attainable.

(c) Exception

(1) In general

The Secretary may extend the timeline of a study by a period not to exceed 3 years, if the

Secretary determines that the feasibility study is too complex to comply with the requirements of subsection (a).

(2) Factors

In making a determination that a study is too complex to comply with the requirements of subsection (a), the Secretary shall consider—

- (A) the type, size, location, scope, and overall cost of the project;
- (B) whether the project will use any innovative design or construction techniques;
- (C) whether the project will require significant action by other Federal, State, or local agencies;
- (D) whether there is significant public dispute as to the nature or effects of the project; and
- (E) whether there is significant public dispute as to the economic or environmental costs or benefits of the project.

(3) Notification

Each time the Secretary makes a determination under this subsection, the Secretary shall provide written notice to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives as to the results of that determination, including an identification of the specific 1 or more factors used in making the determination that the project is complex.

(d) Reviews

Not later than 90 days after the date of the initiation of a study described in subsection (a) for a project, the Secretary shall—

- (1) take all steps necessary to initiate the process for completing federally mandated reviews that the Secretary is required to complete as part of the study, including the environmental review process under section 1005;
- (2) convene a meeting of all Federal, tribal, and State agencies identified under section 2348(e) of this title that may be required by law to conduct or issue a review, analysis, or opinion on or to make a determination concerning a permit or license for the study; and
- (3) take all steps necessary to provide information that will enable required reviews and analyses related to the project to be conducted by other agencies in a thorough and timely manner.

(e) Interim report

Not later than 18 months after June 10, 2014, 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 and make publicly available a report that describes—

- (1) the status of the implementation of the planning process under this section, including the number of participating projects;
- (2) a review of project delivery schedules, including a description of any delays on those studies participating in the planning process under this section; and
- (3) any recommendations for additional authority necessary to support efforts to expe-

dite the feasibility study process for water resource projects.

(f) Final report

Not later than 4 years after June 10, 2014, 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 and make publicly available a report that describes—

- (1) the status of the implementation of this section, including a description of each feasibility study subject to the requirements of this section;
- (2) the amount of time taken to complete each feasibility study; and
- (3) any recommendations for additional authority necessary to support efforts to expedite the feasibility study process, including an analysis of whether the limitation established by subsection (a)(2) needs to be adjusted to address the impacts of inflation.

(Pub. L. 113-121, title I, §1001, June 10, 2014, 128 Stat. 1196; Pub. L. 115-270, title I, §1330(b), Oct. 23, 2018, 132 Stat. 3827; Pub. L. 116-260, div. AA, title III, §360(c), Dec. 27, 2020, 134 Stat. 2733.)

Editorial Notes

REFERENCES IN TEXT

Section 1005, referred to in subsec. (d)(1), is section 1005 of Pub. L. 113-121, which enacted section 2349 of this title and amended generally section 2348 of this title.

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

2020—Subsec. (c). Pub. L. 116-260, §360(c)(2), redesignated subsec. (d) as (c) and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows: “A feasibility study for which the Secretary has issued a determination under subsection (b) is not authorized after the last day of the 1-year period beginning on the date of the determination if the Secretary has not completed the study on or before such last day.”

Subsec. (d). Pub. L. 116-260, §360(c)(2), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

Subsec. (d)(1). Pub. L. 116-260, §360(c)(1)(A), (B), substituted “The Secretary” for “Notwithstanding the requirements of subsection (c), the Secretary” and “subsection (a)” for “subsections (a) and (c)”.

Subsec. (d)(2). Pub. L. 116-260, §360(c)(1)(B), substituted “subsection (a)” for “subsections (a) and (c)” in introductory provisions.

Subsec. (d)(4). Pub. L. 116-260, §360(c)(1)(C), struck out par. (4). Text read as follows: “The Secretary shall not extend the timeline for a feasibility study for a period of more than 10 years, and any feasibility study that is not completed before that date shall no longer be authorized.”

Subsecs. (e) to (g). Pub. L. 116-260, §360(c)(2), redesignated subsecs. (f) and (g) as (e) and (f), respectively. Former subsec. (e) redesignated (d).

2018—Subsec. (d)(4). Pub. L. 115-270 substituted “10 years” for “7 years”.

Statutory Notes and Related Subsidiaries

“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.

§ 2282d. Annual report to Congress

(a) In general

Not later than February 1 of each year, the Secretary shall develop and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an annual report, to be entitled “Report to Congress on Future Water Resources Development”, that identifies the following:

(1) Feasibility reports

Each feasibility report that meets the criteria established in subsection (c)(1)(A).

(2) Proposed feasibility studies

Any proposed feasibility study submitted to the Secretary by a non-Federal interest pursuant to subsection (b) that meets the criteria established in subsection (c)(1)(A).

(3) Proposed modifications

Any proposed modification to an authorized water resources development project or feasibility study that meets the criteria established in subsection (c)(1)(A) that—

(A) is submitted to the Secretary by a non-Federal interest pursuant to subsection (b); or

(B) is identified by the Secretary for authorization.

(4) Programmatic modifications

Any programmatic modification for an environmental infrastructure assistance program.

(b) Requests for proposals

(1) Publication

Not later than May 1 of each year, the Secretary shall publish in the Federal Register a notice requesting proposals from non-Federal interests for proposed feasibility studies, proposed modifications to authorized water resources development projects and feasibility studies, and proposed modifications for an environmental infrastructure program to be included in the annual report.

(2) Deadline for requests

The Secretary shall include in each notice required by this subsection a requirement that non-Federal interests submit to the Secretary any proposals described in paragraph (1) by not later than 120 days after the date of publication of the notice in the Federal Register in order for the proposals to be considered for inclusion in the annual report.

(3) Notification

On the date of publication of each notice required by this subsection, the Secretary shall—

(A) make the notice publicly available, including on the Internet; and

(B) provide written notification of the publication to the Committee on Environment