

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.

§ 2339a. Cooperative agreements with Indian tribes

The Secretary may enter into a cooperative agreement with an Indian tribe (or a designated representative of an Indian tribe) to carry out authorized activities of the Corps of Engineers to protect fish, wildlife, water quality, and cultural resources.

(Pub. L. 113-121, title I, § 1031(b), June 10, 2014, 128 Stat. 1233.)

Editorial Notes

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.

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.

§ 2340. Revision of project partnership agreement; cost sharing**(a) Federal allocation**

Upon authorization by law of an increase in the maximum amount of Federal funds that may be allocated for a water resources project or an increase in the total cost of a water resources project authorized to be carried out by the Secretary, the Secretary shall enter into a revised partnership agreement for the project to take into account the change in Federal participation in the project.

(b) Cost sharing

An increase in the maximum amount of Federal funds that may be allocated for a water resources project, or an increase in the total cost of a water resources project, authorized to be carried out by the Secretary shall not affect any cost-sharing requirement applicable to the project.

(c) Cost estimates

The estimated Federal and non-Federal costs of water resources projects authorized to be carried out by the Secretary before, on, or after November 8, 2007, are for informational purposes only and shall not be interpreted as affecting the cost-sharing responsibilities established by law.

(Pub. L. 110-114, title II, § 2008, Nov. 8, 2007, 121 Stat. 1073.)

Editorial Notes

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.

Statutory Notes and Related SubsidiariesREFERENCE TO PARTNERSHIP AGREEMENT DEEMED
REFERENCE TO COOPERATION AGREEMENT

Reference to partnership agreement deemed to be reference to cooperation agreement, see section 2003(f)(3) of Pub. L. 110-114, set out as a note under section 1962d-5b of Title 42, The Public Health and Welfare.

“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.

§ 2341. Expedited actions for emergency flood damage reduction

The Secretary shall expedite any authorized planning, design, and construction of any project for flood damage reduction for an area that, within the preceding 5 years, has been subject to flooding that resulted in the loss of life and caused damage of sufficient severity and magnitude to warrant a declaration of a major disaster by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(Pub. L. 110-114, title II, § 2009, Nov. 8, 2007, 121 Stat. 1074.)

Editorial Notes

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in text, is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

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.

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.

§ 2341a. Prioritization**(a) Prioritization of hurricane and storm damage risk reduction efforts****(1) Priority**

For authorized projects and ongoing feasibility studies with a primary purpose of hurricane and storm damage risk reduction, the Secretary shall give funding priority to projects and ongoing studies that—

(A) address an imminent threat to life and property;

(B) prevent storm surge from inundating populated areas;

(C) restore or prevent the loss of coastal wetlands that help reduce the impact of storm surge;

- (D) protect emergency hurricane evacuation routes or shelters;
- (E) prevent adverse impacts to publicly owned or funded infrastructure and assets;
- (F) minimize disaster relief costs to the Federal Government; and
- (G) address hurricane and storm damage risk reduction in an area for which the President declared a major disaster in accordance with section 5170 of title 42.

(2) Expedited consideration of currently authorized projects

Not later than 180 days after December 16, 2016, the Secretary shall—

(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.)

Editorial Notes

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).

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.

§ 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.)

Editorial Notes

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.