

Stat. 3482; Pub. L. 99-662, title IX, §921, Nov. 17, 1986, 100 Stat. 4194; Pub. L. 101-640, title III, § 319, Nov. 28, 1990, 104 Stat. 4642; Pub. L. 102-580, title II, §208, Oct. 31, 1992, 106 Stat. 4829; Pub. L. 104-303, title II, § 221, Oct. 12, 1996, 110 Stat. 3697; Pub. L. 110-114, title II, § 2013, Nov. 8, 2007, 121 Stat. 1075; Pub. L. 113-121, title III, § 3015, June 10, 2014, 128 Stat. 1288; Pub. L. 114-322, title I, §§1128, 1129, Dec. 16, 2016, 130 Stat. 1649; Pub. L. 115-270, title I, § 1159, Oct. 23, 2018, 132 Stat. 3795.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1974, and not as part of the Water Resources Planning Act which comprises this chapter.

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115-270, § 1159(1), amended par. (1) generally. Prior to amendment, text read as follows: “The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State, group of States, or non-Federal interest working with a State or group of States in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins, watersheds, or ecosystems located within the boundaries of such State or group of States, including plans to comprehensively address water resources challenges, and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.”

Subsec. (a)(3). Pub. L. 115-270, § 1159(2), added par. (3).
2016—Subsec. (a)(1). Pub. L. 114-322, § 1128(1), substituted “, group of States, or non-Federal interest” for “or other non-Federal interest” and inserted “or group of States” after “working with a State” and after “boundaries of such State”.

Subsec. (c)(1). Pub. L. 114-322, § 1128(2), inserted at end “The Secretary may allow 2 or more States to combine all or a portion of the funds that the Secretary makes available to the States in carrying out subsection (a)(1).”

Subsec. (f). Pub. L. 114-322, § 1129, added subsec. (f).
2014—Subsec. (a)(1). Pub. L. 113-121, § 3015(1)(A), inserted “or other non-Federal interest working with a State” after “cooperate with any State” and “, including plans to comprehensively address water resources challenges,” after “of such State”.

Subsec. (a)(2)(A). Pub. L. 113-121, § 3015(1)(B), struck out “, at Federal expense,” after “provide”.

Subsec. (b)(1). Pub. L. 113-121, § 3015(2)(A), substituted “subsection (a)” for “subsection (a)(1)” in two places.

Subsec. (b)(2) to (4). Pub. L. 113-121, § 3015(2)(B), (C), added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

Subsec. (c)(1). Pub. L. 113-121, § 3015(3)(A), substituted “\$30,000,000” for “\$10,000,000” and “\$5,000,000 in Federal funds” for “\$2,000,000”.

Subsec. (c)(2). Pub. L. 113-121, § 3015(3)(B), substituted “\$15,000,000” for “\$5,000,000”.

2007—Subsec. (a). Pub. L. 110-114, § 2013(1), (2), designated existing provisions as par. (1), inserted headings for subsec. (a) and par. (1), and added par. (2).

Subsec. (b)(1). Pub. L. 110-114, § 2013(3), substituted “subsection (a)(1)” for “this section” in two places.

Subsec. (b)(2). Pub. L. 110-114, § 2013(4), substituted “The” for “Up to ½ of the”.

Subsec. (c). Pub. L. 110-114, § 2013(5)–(7), designated existing provisions as par. (1), inserted headings for subsec. (c) and par. (1), substituted “subsection (a)(1),” for “the provisions of this section” and “\$2,000,000” for “\$500,000” in par. (1), and added par. (2).

Subsecs. (d), (e). Pub. L. 110-114, § 2013(8), (9), added subsec. (d) and redesignated former subsec. (d) as (e).

1996—Subsec. (a). Pub. L. 104-303, § 221(1), inserted “, watersheds, or ecosystems” after “basins”.

Subsec. (b)(2) to (4). Pub. L. 104-303, § 221(2), redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out heading and text of former par. (2). Text read as follows: “The Secretary shall phase in the cost sharing program under this subsection by recovering—

“(A) approximately 10 percent of the total cost of providing assistance in fiscal year 1991;

“(B) approximately 30 percent of the total cost in fiscal year 1992; and

“(C) approximately 50 percent of the total cost in fiscal year 1993 and each succeeding fiscal year.”

Subsec. (c). Pub. L. 104-303, § 221(3), substituted “\$10,000,000” for “\$6,000,000” and “\$500,000” for “\$300,000”.

1992—Subsec. (b)(3), (4). Pub. L. 102-580, § 208(1), added par. (3) and redesignated former par. (3) as (4).

Subsec. (d). Pub. L. 102-580, § 208(2), inserted “Indian tribes,” after “States of the United States,”.

1990—Subsecs. (b) to (d). Pub. L. 101-640 added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

1986—Subsec. (b). Pub. L. 99-662 substituted “\$6,000,000” for “\$4,000,000” and “\$300,000” for “\$200,000”.

1980—Subsec. (c). Pub. L. 96-597 added subsec. (c).

1976—Subsec. (b). Pub. L. 94-587 increased limitation on annual appropriation authorization to \$4,000,000 from \$2,000,000.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-597, title VI, § 605, Dec. 24, 1980, 94 Stat. 3482, provided that the amendment made by that section is effective Oct. 1, 1981.

PLANNING ASSISTANCE TO STATES

Pub. L. 116-260, div. AA, title I, § 156, Dec. 27, 2020, 132 Stat. 2661, provided that: “In carrying out section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16), the Secretary [of the Army] shall provide equal priority for all mission areas of the Corps of Engineers, including water supply and water conservation.”

Executive Documents

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 1962d-17. Regional or river basin plans and Federal water and related land resources projects; preparation, formulation, and evaluation

(a) Interest rate formula for discounting future benefits and cost computations; repeal of conflicting provisions and administrative actions

The interest rate formula to be used in plan formulation and evaluation for discounting future benefits and computing costs by Federal officers, employees, departments, agencies, and instrumentalities in the preparation of comprehensive regional or river basin plans and the formulation and evaluation of Federal water and related land resources projects shall be the formula set forth in the “Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources” approved by the President on May 15, 1962, and published as Senate Document 97 of the Eighty-seventh Congress on May 29, 1962, as amended by the regula-

tion issued by the Water Resources Council and published in the Federal Register on December 24, 1968 (33 F.R. 19170; 18 C.F.R. 704.39), until otherwise provided by a statute enacted after March 7, 1974. Every provision of law and every administrative action in conflict with this section is hereby repealed to the extent of such conflict.

(b) Interest rate for prior authorized projects assured of non-Federal share of project costs; continuation of rate

In the case of any project authorized before January 3, 1969, if the appropriate non-Federal interests have, prior to December 31, 1969, given satisfactory assurances to pay the required non-Federal share of project costs, the discount rate to be used in the computation of benefits and costs for such project shall be the rate in effect immediately prior to December 24, 1968, and that rate shall continue to be used for such project until construction has been completed, unless otherwise provided by a statute enacted after March 7, 1974.

(c) Water and related resources projects; Presidential study; scope of study; report to Congress

The President shall make a full and complete investigation and study of principles and standards for planning and evaluating water and related resources projects. Such investigation and study shall include, but not be limited to, consideration of enhancing regional economic development, the quality of the total environment including its protection and improvement, the well-being of the people of the United States, and the national economic development, as objectives to be included in federally-financed water and related resources projects and in the evaluation of costs and benefits attributable to such projects, as intended in section 1962-2 of this title, the interest rate formula to be used in evaluating and discounting future benefits for such projects, and appropriate Federal and non-Federal cost sharing for such projects. He shall report the results of such investigation and study, together with his recommendations, to Congress not later than one year after funds are first appropriated to carry out this subsection.

(Pub. L. 93-251, title I, §80, Mar. 7, 1974, 88 Stat. 34.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1974, and not as part of the Water Resources Planning Act which comprises this chapter.

Statutory Notes and Related Subsidiaries

RATES USED TO ASSESS RETURN ON FEDERAL GOVERNMENT'S INVESTMENT IN PROJECTS OF ARMY CORPS OF ENGINEERS AND BUREAU OF RECLAMATION

Pub. L. 95-28, title II, §204, May 13, 1977, 91 Stat. 121, provided that: "It is hereby reiterated that the interest rates or rates of discount to be used to assess the return on the Federal Government's investment in projects of the United States Army Corps of Engineers or the Department of the Interior Bureau of Reclamation, shall be those interest rates or rates of discount established by Public Law 93-251, the Water Resources

Development Act of 1974 [see Short Title of 1974 Amendment note set out under section 1962 of this title] or by any prior law authorizing projects of the United States Army Corps of Engineers or the Department of the Interior Bureau of Reclamation."

§ 1962d-18. Study of depletion of natural resources of regions of Colorado, Kansas, New Mexico, Oklahoma, Texas, and Nebraska utilizing Ogallala aquifer; plans; reports to Congress; authorization of appropriation

In order to assure an adequate supply of food to the Nation and to promote the economic vitality of the High Plains Region, the Secretary of Commerce (hereinafter referred to in this section as the "Secretary"), acting through the Economic Development Administration, in cooperation with the Secretary of the Army, acting through the Chief of Engineers, and appropriate Federal, State, and local agencies, and the private sector, is authorized and directed to study the depletion of the natural resources of those regions of the States of Colorado, Kansas, New Mexico, Oklahoma, Texas, and Nebraska presently utilizing the declining water resources of the Ogallala aquifer,¹ and to develop plans to increase water supplies in the area and report thereon to Congress, together with any recommendations for further congressional action. In formulating these plans, the Secretary is directed to consider all past and ongoing studies, plans, and work on depleted water resources in the region, and to examine the feasibility of various alternatives to provide adequate water supplies in the area including, but not limited to, the transfer of water from adjacent areas, such portion to be conducted by the Chief of Engineers to assure the continued economic growth and vitality of the region. The Secretary shall report on the costs of reasonably available options, the benefits of various options, and the costs of inaction. If water transfer is found to be a part of a reasonable solution, the Secretary, as part of his study, shall include a recommended plan for allocating and distributing water in an equitable fashion, taking into account existing water rights and the needs for future growth of all affected areas. An interim report, with recommendations, shall be transmitted to the Congress no later than October 1, 1978, and a final report, with recommendations, shall be transmitted to Congress not later than July 1, 1980. A sum of \$6,000,000 is authorized to be appropriated for the purposes of carrying out this section.

(Pub. L. 94-587, §193, Oct. 22, 1976, 90 Stat. 2943.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1976, and not as part of the Water Resources Planning Act which comprises this chapter.

¹ So in original. Probably should be "aquifer".