

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, 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-venible project purposes and 10 percent of the construction costs allocated to venible 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.)

#### Editorial Notes

##### REFERENCES IN TEXT

This Act, referred to in text, 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.

#### § 2218. General applicability of cost sharing

Unless otherwise specified, the cost sharing provisions of this subchapter shall apply to all projects in this Act. The Federal share of any cost of a project authorized by this Act for which cost a Federal share is not established in this subchapter, shall be the share of such cost otherwise provided by law.

(Pub. L. 99-662, title I, §108, 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, 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.

#### § 2219. Definitions

For purposes of this subchapter, terms shall have the meanings given by section 2241 of this title.

(Pub. L. 99-662, title I, §109, Nov. 17, 1986, 100 Stat. 4089.)

#### § 2220. Rivers and harbors and other waterways projects for benefit of navigation, flood control, hurricane protection, beach erosion control, and other purposes

##### (a) Congressional declaration of policy; purchase of indebtedness and loans to local interests to meet contribution requirements

In the prosecution of projects for rivers and harbors and other waterways for the benefit of navigation, the control of destructive flood waters, hurricane protection, beach erosion control, and for other purposes, authorized to be prosecuted under the direction of the Secretary of the Army under the supervision of the Chief of Engineers in accordance with plans adopted and authorized by the Congress, it is hereby declared to be the policy of the Congress, that whenever such projects are located wholly or partially within an area which is eligible for financial assistance under the Public Works and

Economic Development Act of 1965 [42 U.S.C. 3121 et seq.], the Secretary of Commerce is authorized to purchase evidences of indebtedness and to make loans for a period not exceeding fifty years to enable responsible local interests to meet the requirements of local cooperation pertaining to contributions toward the cost of construction of such projects within such areas.

**(b) Authorization of appropriations**

There is hereby authorized to be appropriated to carry out this section, not to exceed \$10,000,000 per fiscal year for the fiscal year ending June 30, 1966, and for each fiscal year thereafter through and including the fiscal year ending June 30, 1970.

(Pub. L. 89-298, title II, §217, Oct. 27, 1965, 79 Stat. 1088.)

**Editorial Notes**

REFERENCES IN TEXT

The Public Works and Economic Development Act of 1965, referred to in subsec. (a), is Pub. L. 89-136, Aug. 26, 1965, 79 Stat. 552, which is classified generally to chapter 38 (§3121 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 3121 of Title 42 and Tables.

CODIFICATION

Section was formerly classified to section 3142a of Title 42, The Public Health and Welfare.

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

**§ 2221. Cost limitations on projects**

Beginning in fiscal year 2006 and thereafter, agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after November 19, 2005, pursuant to section 560 of this title; section 561<sup>1</sup> of this title; the Civil Functions Appropriations Act, 1936, Public Law 75-208<sup>1</sup>; section 1962d-5a of title 42; sections 2214, 2231, and 2232 of this title; section 426i-1<sup>1</sup> of this title; section 701b-13<sup>1</sup> of this title; and any other specific project authority, shall be limited to total credits and reimbursements for all applicable projects not to exceed \$100,000,000 in each fiscal year.

(Pub. L. 109-103, title I, §102, Nov. 19, 2005, 119 Stat. 2253.)

**Editorial Notes**

REFERENCES IN TEXT

Section 561 of this title, referred to in text, was repealed by Pub. L. 115-270, title I, §1166(c), Oct. 23, 2018, 132 Stat. 3798.

The Civil Functions Appropriations Act, 1936, Public Law 75-208, referred to in text, may mean the War Department Civil Appropriation Act, 1938, act July 19, 1937, ch. 511, 50 Stat. 515, 518, which amended act June 22, 1936, ch. 688, §5, by adding the proviso classified to section 701h of this title.

Sections 426i-1 and 701b-13 of this title, referred to in text, were repealed by Pub. L. 113-121, title I, §1014(c)(2), (3), June 10, 2014, 128 Stat. 1222.

<sup>1</sup> See References in Text note below.

CODIFICATION

Section was enacted as part of the Energy and Water Development Appropriations Act, 2006, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 108-447, div. C, title I, §101, Dec. 8, 2004, 118 Stat. 2941; Pub. L. 109-13, div. A, title VI, §6005, May 11, 2005, 119 Stat. 282.

Pub. L. 108-137, title I, §101, Dec. 1, 2003, 117 Stat. 1833. Pub. L. 108-7, div. D, title I, §101, Feb. 20, 2003, 117 Stat. 138.

Pub. L. 107-66, title I, §103, Nov. 12, 2001, 115 Stat. 493. Pub. L. 106-377, §1(a)(2) [title I, §102], Oct. 27, 2000, 114 Stat. 1441, 1441A-65.

Pub. L. 106-60, title I, §102, Sept. 29, 1999, 113 Stat. 487.

**§ 2222. Use of other Federal funds**

The non-Federal interest for a water resources development study or project, including a study or project under a continuing authority program (as defined in section 2282d(c)(1)(D) of this title) and a study or project under an environmental infrastructure assistance program, may use, and the Secretary shall accept, funds provided by a Federal agency under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the cost of the study or project if—

(1) the statutory authority for the funds provided by the Federal agency does not expressly prohibit use of the funds for a study or project of the Corps of Engineers; and

(2) the Federal agency that provides the funds determines that the study or project activities for which the funds will be used are otherwise eligible for funding under such statutory authority.

(Pub. L. 110-114, title II, §2007, Nov. 8, 2007, 121 Stat. 1073; Pub. L. 117-263, div. H, title LXXXI, §8149, Dec. 23, 2022, 136 Stat. 3731.)

**Editorial Notes**

AMENDMENTS

2022—Pub. L. 117-263 substituted “water resources development study or project, including a study or project under a continuing authority program (as defined in section 2282d(c)(1)(D) of this title) and a study or project under an environmental infrastructure assistance program,” for “water resources study or project” and substituted “if—” and pars. (1) and (2) for “if the Federal agency that provides the funds determines that the funds are authorized to be used to carry out the study or project.”

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.