

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 561¹ of this title; the Civil Functions Appropriations Act, 1936, Public Law 75-208¹; section 1962d-5a of title 42; sections 2214, 2231, and 2232 of this title; section 426i-1¹ of this title; section 701b-13¹ 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Section 561 of this title, referred to in text, was repealed by Pub.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.

¹ 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.

§ 2223. Transfer of excess credit**(a) Application of credit****(1) In general**

Subject to subsection (b), the Secretary may apply credit for in-kind contributions provided by a non-Federal interest that are in excess of the required non-Federal cost share for a water resources development study or project toward the required non-Federal cost share for a different water resources development study or project.

(2) Application prior to completion of project

On request of a non-Federal interest, the credit described in paragraph (1) may be applied prior to completion of a study or project, if the credit amount is verified by the Secretary.

(3) Studies and projects with multiple non-Federal interests

A credit described in paragraph (1) for a study or project with multiple non-Federal interests may be applied to the required non-Federal cost share for a study or project of any such non-Federal interest, if each such non-Federal interest agrees in writing to such application.

(b) Restrictions**(1) In general**

Except for subsection (a)(4)(D)(i) of that section, the requirements of section 1962d-5b of title 42 (as amended by section 1018(a)) shall apply to any credit under this section.

(2) Conditions

Credit in excess of the non-Federal share for a study or project may be approved under this section only if—

(A) the non-Federal interest submits a comprehensive plan to the Secretary that identifies—

(i) the studies and projects for which the non-Federal interest intends to provide in-kind contributions for credit that are in excess of the non-Federal cost share for the study or project; and

(ii) the authorized studies and projects to which that excess credit would be applied;

(B) the Secretary approves the comprehensive plan; and

(C) the total amount of credit does not exceed the total non-Federal share for the studies and projects in the approved comprehensive plan.

(3) Conditional approval of excess credit

Notwithstanding paragraph (2)(A)(ii), the Secretary may approve credit in excess of the non-Federal share for a study or project prior to the identification of each authorized study or project to which the excess credit will be applied, subject to the condition that the non-Federal interest agrees to submit for approval by the Secretary an amendment to the comprehensive plan prepared under paragraph (2) that identifies each authorized study or project in advance of execution of the feasibility cost-sharing agreement or project part-

nership agreement for that authorized study or project.

(c) Additional criteria

In evaluating a request to apply credit in excess of the non-Federal share for a study or project toward a different study or project, the Secretary shall consider whether applying that credit will—

(1) help to expedite the completion of a project or group of projects;

(2) reduce costs to the Federal Government; and

(3) aid the completion of a project that provides significant flood risk reduction or environmental benefits.

(d) Termination of authority

The authority provided in this section shall terminate on December 31, 2030.

(e) Report**(1) Deadlines****(A) In general**

Not later than 2 years after June 10, 2014, and once every 2 years thereafter, 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 an interim report on the use of the authority under this section.

(B) Final report

Not later than December 31, 2030, 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 final report on the use of the authority under this section.

(2) Inclusions

The reports described in paragraph (1) shall include—

(A) a description of the use of the authority under this section during the reporting period;

(B) an assessment of the impact of the authority under this section on the time required to complete projects; and

(C) an assessment of the impact of the authority under this section on other water resources projects.

(Pub. L. 113-121, title I, §1020, June 10, 2014, 128 Stat. 1227; Pub. L. 114-322, title I, §1166, Dec. 16, 2016, 130 Stat. 1670; Pub. L. 117-263, div. H, title LXXXI, §8383, Dec. 23, 2022, 136 Stat. 3829; Pub. L. 118-272, div. A, title III, §1303(g), Jan. 4, 2025, 138 Stat. 3114.)

Editorial Notes

REFERENCES IN TEXT

Section 1018(a), referred to in subsec. (b)(1), means section 1018(a) of Pub. L. 113-121.

CODIFICATION

Section was enacted as part of the Water Resources Reform and Development Act of 2014, and not as part of