

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.

§ 2255. Inland waterways riverbank stabilization

(a) In general

Not later than 1 year after June 10, 2014, and biennially thereafter, the Secretary shall conduct a study to determine the feasibility of—

- (1) carrying out projects for the inland and intracoastal waterways for purposes of—
 - (A) flood damage reduction;
 - (B) emergency streambank and shoreline protection; and
 - (C) prevention and mitigation of shore damages attributable to navigation improvements; and
- (2) modifying projects for the inland and intracoastal waterways for the purpose of improving the quality of the environment.

(b) Recommendations

In conducting the study, the Secretary shall develop specific project recommendations and prioritize those recommendations based on—

- (1) the extent of damage and land loss resulting from riverbank erosion;
- (2) the rate of erosion;
- (3) the significant threat of future flood risk to public property, public infrastructure, or public safety;
- (4) the destruction of natural resources or habitats; and
- (5) the potential cost savings for maintenance of the channel.

(c) Disposition

The Secretary may carry out any project identified in the study conducted pursuant to subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:

- (1) Section 701r of this title.
- (2) Section 701s of this title.
- (3) Section 426i of this title.
- (4) Section 2309a of this title.

(d) Annual report

For a project recommended pursuant to the study that cannot be carried out under any of the authorities specified in subsection (c), upon a determination by the Secretary of the feasibility of the project, the Secretary may include a recommendation concerning the project in the annual report submitted to Congress under section 2282d of this title.

(Pub. L. 113–121, title II, § 2009, June 10, 2014, 128 Stat. 1269.)

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

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§ 2255a. High water-low water preparedness

(a) Definitions

In this section:

(1) Bypass

The term “bypass” means an alternate water route adjacent to a lock and dam on a Federal inland waterway system that can be used for commercial navigation during high water conditions.

(2) Emergency condition

The term “emergency condition” means—

- (A) unsafe conditions on a Federal inland waterway system that prevent the operation of commercial vessels, resulting from a major change in water level or flows;
- (B) an obstruction in a Federal inland waterway system, including silt, sediment, rock formation, or a shallow channel;
- (C) an impaired or inoperable Federal lock and dam; or
- (D) any other condition determined appropriate by the Secretary.

(b) Emergency determination

The Secretary, in consultation with the District Commanders responsible for maintaining any Federal inland waterway system, the users of the waterway system, and the Coast Guard, may make a determination that an emergency condition exists on the waterway system.

(c) Emergency mitigation project

(1) In general

Subject to paragraph (2) and the availability of appropriations, and in accordance with all applicable Federal requirements, the Secretary may carry out an emergency mitigation project on a Federal inland waterway system with respect to which the Secretary has determined that an emergency condition exists under subsection (b), or on a bypass of such system, to remedy that emergency condition.

(2) Deadline

An emergency mitigation project under paragraph (1) shall—

- (A) be initiated by not later than 60 days after the date on which the Secretary makes the applicable determination under subsection (b); and
- (B) to the maximum extent practicable, be completed by not later than 1 year after the date on which the Secretary makes such determination.

(d) Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out this section \$25,000,000 for each of fiscal years 2022 through 2024, to remain available until expended.

(Pub. L. 116–260, div. AA, title I, § 151, Dec. 27, 2020, 134 Stat. 2657.)