

“(F) regularly monitor and audit each eligible project being constructed by an Indian Tribe under this section to ensure that the construction activities are carried out in compliance with the plans approved by the Secretary and that the construction costs are reasonable.

“(2) DETAILED PROJECT SCHEDULE.—Not later than 180 days after entering into an agreement under paragraph (1)(D), each Indian Tribe, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on estimated funding levels, that lists all deadlines for each milestone in the construction of the eligible project.

“(3) TECHNICAL ASSISTANCE.—On the request of an Indian Tribe, the Secretary may provide technical assistance to the Indian Tribe, if the Indian Tribe contracts with and compensates the Secretary for the technical assistance relating to—

“(A) any study, engineering activity, and design activity for construction carried out by the Indian Tribe under this section; and

“(B) expeditiously obtaining any permits necessary for the eligible project.

“(e) COST SHARE.—Nothing in this section affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to an eligible project carried out under this section.

“(f) IMPLEMENTATION GUIDANCE.—

“(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue guidance for the implementation of the pilot program under this section that, to the extent practicable, identifies—

“(A) the metrics for measuring the success of the pilot program;

“(B) a process for identifying future eligible projects to participate in the pilot program;

“(C) measures to address the risks of an Indian Tribe constructing eligible projects under the pilot program, including which entity bears the risk for eligible projects that fail to meet Corps of Engineers standards for design or quality;

“(D) the laws and regulations that an Indian Tribe must follow in carrying out an eligible project under the pilot program; and

“(E) which entity bears the risk in the event that an eligible project carried out under the pilot program fails to be carried out in accordance with the project authorization or this section.

“(2) NEW PROJECT PARTNERSHIP AGREEMENTS.—The Secretary may not enter into a project partnership agreement under this section until the date on which the Secretary issues the guidance under paragraph (1).

“(g) REPORT.—

“(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, 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 report detailing the results of the pilot program under this section, including—

“(A) a description of the progress of Indian Tribes in meeting milestones in detailed project schedules developed pursuant to subsection (d)(2); and

“(B) any recommendations of the Secretary concerning whether the pilot program or any component of the pilot program should be implemented on a national basis.

“(2) UPDATE.—Not later than 5 years after the date of enactment of this Act, 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 an update to the report under paragraph (1).

“(3) FAILURE TO MEET DEADLINE.—If the Secretary fails to submit a report by the required deadline under this subsection, 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 detailed explanation of why the deadline was missed and a projected date for submission of the report.

“(h) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the eligible project shall apply to an Indian Tribe carrying out an eligible project under this section.

“(i) TERMINATION OF AUTHORITY.—The authority to commence an eligible project under this section terminates on December 31, 2029.

“(j) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific eligible project, there is authorized to be appropriated to the Secretary to carry out this section, including the costs of administration of the Secretary, \$15,000,000 for each of fiscal years 2024 through 2029.”

“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.

§ 2270. Subsurface drain systems research and development

Subject to the availability of appropriations, the Secretary, acting through the Director of the Engineer Research and Development Center and, where appropriate, in consultation with other Federal agencies, shall carry out research and development activities relating to the use of subsurface drain systems as—

- (1) a flood risk-reduction measure; or
- (2) a coastal storm risk-reduction measure.

(Pub. L. 116–260, div. AA, title II, § 227, Dec. 27, 2020, 134 Stat. 2698.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2020, 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 div. AA of Pub. L. 116–260, set out as a note under section 2201 of this title.

SUBCHAPTER V—GENERAL PROVISIONS

§ 2280. Maximum cost of projects

(a) In general

In order to insure against cost overruns, each total cost set forth with respect to a project for water resources development and conservation and related purposes authorized to be carried out by the Secretary in this Act or in a law enacted after the date of the enactment of this Act, including the Water Resources Development Act of 1988, or in an amendment made by this Act or any later law with respect to such a project shall be the maximum cost of that project, except that such maximum amount—

- (1) may be increased by the Secretary for modifications which do not materially alter the scope or functions of the project as authorized, but not by more than 20 percent of the total cost stated for the project in this Act, in