

(b) Authorizations of Appropriations**(1) Emergency streambank and shoreline protection**

Notwithstanding section 701r of this title, there is authorized to be appropriated to carry out such section \$25,500,000 for each of fiscal years 2021 through 2024.

(2) Storm and hurricane restoration and impact minimization program

Notwithstanding section 426g(c) of this title, there is authorized to be appropriated to carry out such section \$38,000,000 for each of fiscal years 2021 through 2024.

(3) Small river and harbor improvement projects

Notwithstanding section 577(a) of this title, there is authorized to be appropriated to carry out such section \$63,000,000 for each of fiscal years 2021 through 2024.

(4) Regional sediment management

Notwithstanding section 2326(g) of this title, there is authorized to be appropriated to carry out such section \$63,000,000 for each of fiscal years 2021 through 2024.

(5) Small flood control projects

Notwithstanding section 701s of this title, there is authorized to be appropriated to carry out such section \$69,250,000 for each of fiscal years 2021 through 2024.

(6) Aquatic ecosystem restoration

Notwithstanding section 2330(f) of this title, there is authorized to be appropriated to carry out such section \$63,000,000 for each of fiscal years 2021 through 2024.

(7) Removal of obstructions; clearing channels

Notwithstanding section 701g of this title, there is authorized to be appropriated to carry out such section \$8,000,000 for each of fiscal years 2021 through 2024.

(8) Project modifications for improvement of environment

Notwithstanding section 2309a(h) of this title, there is authorized to be appropriated to carry out such section \$50,500,000 for each of fiscal years 2021 through 2024.

(Pub. L. 116–260, div. AA, title I, §165, Dec. 27, 2020, 134 Stat. 2668; Pub. L. 117–263, div. H, title LXXXI, §8118(b), Dec. 23, 2022, 136 Stat. 3711; Pub. L. 118–272, div. A, title I, §1107(k), Jan. 4, 2025, 138 Stat. 3006.)

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.

Section was formerly set out as a note under section 2201 of this title.

Section 1107(k) of Pub. L. 118–272, which amended this section, contains two pars. (3), the first of which amended subsec. (a)(2) of this section and the second of which amended subsec. (a)(4) of this section.

AMENDMENTS

Subsec. (a). Pub. L. 118–272, §1107(k)(1), substituted “Community revitalization program” for “Pilot Pro-

gram for Continuing Authority Projects in Small or Disadvantaged Communities” in heading.

Subsec. (a)(1). Pub. L. 118–272, §1107(k)(2), substituted “a program” for “a pilot program”.

Subsec. (a)(2). Pub. L. 118–272, §1107(k)(3)(A), struck out “pilot” before “program” in heading. See Codification note above.

Subsec. (a)(2)(A). Pub. L. 118–272, §1107(k)(3)(B), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “publish a notice in the Federal Register that requests non-Federal interest proposals for a project under a continuing authority program for an economically disadvantaged community; and”. See Codification note above.

Subsec. (a)(2)(B). Pub. L. 118–272, §1107(k)(3)(C), substituted “select projects” for “select a total of 20 projects”. See Codification note above.

Subsec. (a)(4), (5). Pub. L. 118–272, §1107(k)(3)–(6), added par. (5), redesignated former par. (5) as (4), made technical amendment to reference in original act which appears in text as reference to section 2282d(c)(1)(D) of this title, and struck out former par. (4). Prior to amendment, text of par. (4) read as follows: “The authority to commence pursuant to this subsection a project selected under paragraph (2) shall terminate on the date that is 10 years after December 27, 2020.” See Codification note above.

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.

DEFINITIONS

For definition of “economically disadvantaged community” as used in subsec. (a)(1) of this section, see section 160 of div. AA of Pub. L. 116–260, set out as a note under section 2201 of this title.

§ 2281d. Declaration of policy**(a) In general**

It is the policy of the United States for the Corps of Engineers, consistent with applicable statutory authorities—

(1) to maximize opportunities for water supply, water conservation measures, and drought resiliency efforts at and in the operation of water resources development projects;

(2) in accordance with section 390b of title 43, to participate and cooperate with States and local interests in developing water supplies for domestic, municipal, industrial, and other purposes in authorized connection with the construction, maintenance, and operation of water resources development projects; and

(3) in coordination with non-Federal interests, to enable the adoption of water conservation measures and drought resiliency measures that are in alignment with the authorized purposes of water resources development projects.

(b) Full consideration

In support of subsection (a), the Secretary shall give full consideration to requests and proposals from non-Federal interests to utilize the authorities of the Corps of Engineers in furtherance of water supply features, water conservation measures, and drought resiliency efforts that are in alignment with the authorized purposes of water resources development projects.

(c) Limitation

Nothing in this section—

- (1) affects, modifies, or changes—
- (A) the authority of a State to manage, use, or allocate the water resources of that State;
- (B) any water right in existence on January 4, 2025;
- (C) any existing water supply agreements between the Secretary and the non-Federal interest;
- (D) the authorized purposes of a water resources development project; or
- (E) any existing Corps of Engineers authorities;
- (2) preempts or affects any State water law or interstate compact governing water;
- (3) diminishes the other priorities and the primary or secondary missions of the Corps of Engineers; or
- (4) shall be interpreted to supersede or modify any written agreement between the Federal Government and a non-Federal interest that is in effect on January 4, 2025.

(Pub. L. 118–272, div. A, title I, § 1161, Jan. 4, 2025, 138 Stat. 3046.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Grace F. Napolitano Priority for Water Supply, Water Conservation, and Drought Resiliency Act of 2024 and also as part of the Water Resources Development Act of 2024 and the Thomas R. Carper Water Resources Development Act of 2024, 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 1002 of div. A of Pub. L. 118–272, set out as a note under section 2201 of this title.

§ 2282. Feasibility reports

(a) Preparation of reports

(1) In general

In the case of any water resources project-related study authorized to be undertaken by the Secretary that results in recommendations concerning a project or the operation of a project and that requires specific authorization by Congress in law or otherwise, the Secretary shall prepare a feasibility report, subject to section 2215 of this title.

(2) Contents of feasibility reports

A feasibility report shall describe, with reasonable certainty, the economic, environmental, and social benefits and detriments of the recommended plan and alternative plans considered by the Secretary and the engineering features (including hydrologic and geologic information), the public acceptability, and the purposes, scope, and scale of the recommended plan. A feasibility report shall also include the views of other Federal agencies and non-Federal agencies with regard to the recommended plan, a description of a non-structural alternative to the recommended plan when such plan does not have significant

nonstructural features, and a description of the Federal and non-Federal participation in such plan, and shall demonstrate that States, other non-Federal interests, and Federal agencies have been consulted in the development of the recommended plan. A feasibility report shall include a preliminary analysis of the Federal interest and the costs, benefits, and environmental impacts of the project.

(3) Applicability

This subsection shall not apply to—

(A) any study with respect to which a report has been submitted to Congress before November 17, 1986;

(B) any study for a project, which project is authorized for construction by this Act and is not subject to section 903(b);¹

(C) any study for a project which does not require specific authorization by Congress in law or otherwise; and

(D) general studies not intended to lead to recommendation of a specific water resources project.

(4) Feasibility report defined

In this subsection, the term “feasibility report” means each feasibility report, and any associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project. The term includes a project implementation report prepared under title VI of the Water Resources Development Act of 2000 (114 Stat. 2680–2694), a general reevaluation report, and a limited reevaluation report.

(b) Federal interest determination

(1) In general

(A) Identification

As part of the submission of a work plan to Congress pursuant to the joint explanatory statement for an annual appropriations Act or as part of the submission of a spend plan to Congress for a supplemental appropriations Act under which the Corps of Engineers receives funding, the Secretary shall identify the studies in the plan—

(i) for which the Secretary plans to prepare a feasibility report under subsection (a) that will benefit—

(I) an economically disadvantaged community (as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note)); or

(II) a community other than a community described in subclause (I); and

(ii) that are designated as a new start under the work plan.

(B) Determination

(i) In general

After identifying the studies under subparagraph (A) and subject to subparagraph (C), the Secretary shall, with the consent of the applicable non-Federal interest for the study, first determine the Federal interest in carrying out the study and the

¹ See References in Text note below.