

proposals did not meet the criteria for inclusion under such paragraph.”

Subsecs. (d) to (g). Pub. L. 115–270, §1332(a)(3), (4), added subsec. (d) and redesignated former subsecs. (d) to (f) as (e) to (g), respectively.

2016—Subsec. (f)(5). Pub. L. 114–322 added par. (5).

Statutory Notes and Related Subsidiaries

OVER-BUDGET CAP PROGRAMS

Pub. L. 116–260, div. AA, title I, §127(b), Dec. 27, 2020, 134 Stat. 2642, provided that: “For any project carried out under a continuing authority program, as such term is defined in section 7001(c)(1)(D) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d[(c)(1)(D)]), [sic] for which the Secretary [of the Army] is required to include a proposed modification in an annual report under such section 7001(c)(1)(D), the Secretary shall, to the extent practicable, inform the non-Federal interest of the process for carrying out the project pursuant to section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215) and whether the Secretary has the authority to complete a feasibility study for the project.”

ANNUAL REPORT ON STATUS OF FEASIBILITY STUDIES

Pub. L. 116–260, div. AA, title I, §127(c), Dec. 27, 2020, 134 Stat. 2642, provided that: “Concurrent with each report submitted under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d), the Secretary [of the Army] shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that provides for an accounting of all outstanding feasibility studies being conducted by the Secretary, including, for each such study, its length, cost, and expected completion date.”

DISSEMINATION OF INFORMATION

Pub. L. 115–270, title I, §1104, Oct. 23, 2018, 132 Stat. 3771, as amended by Pub. L. 116–260, div. AA, title II, §229, Dec. 27, 2020, 134 Stat. 2698, provided that:

“(a) FINDINGS.—Congress finds the following:

“(1) Congress plays a central role in identifying, prioritizing, and authorizing vital water resources infrastructure activities throughout the United States.

“(2) The Water Resources Reform and Development Act of 2014 (Public Law 113–121) established a new and transparent process to review and prioritize the water resources development activities of the Corps of Engineers with strong congressional oversight.

“(3) Section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) requires the Secretary [of the Army] to develop and submit to Congress each year a Report to Congress on Future Water Resources Development and, as part of the annual report process, to—

“(A) publish a notice in the Federal Register that requests from non-Federal interests proposed feasibility studies and proposed modifications to authorized water resources development projects and feasibility studies for inclusion in the report; and

“(B) review the proposals submitted and include in the report those proposed feasibility studies and proposed modifications that meet the criteria for inclusion established under such section 7001.

“(4) Congress will use the information provided in the annual Report to Congress on Future Water Resources Development to determine authorization needs and priorities for purposes of water resources development legislation.

“(5) To ensure that Congress can gain a thorough understanding of the water resources development needs and priorities of the United States, it is important that the Secretary take sufficient steps to ensure that non-Federal interests are made aware of the new annual report process, including the need for non-Federal interests to submit proposals during the

Secretary’s annual request for proposals in order for such proposals to be eligible for consideration by Congress.

“(b) DISSEMINATION OF PROCESS INFORMATION.—

“(1) IN GENERAL.—The Secretary shall develop, support, and implement education and awareness efforts for non-Federal interests with respect to the annual Report to Congress on Future Water Resources Development required under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d), including efforts to—

“(A) develop and disseminate technical assistance materials, seminars, and guidance on the annual process as it relates to non-Federal interests;

“(B) provide written notice to local elected officials and previous and potential non-Federal interests on the annual process and on opportunities to address local water resources challenges through the missions and authorities of the Corps of Engineers;

“(C) issue guidance for non-Federal interests to assist such interests in developing proposals for water resources development projects that satisfy the requirements of such section 7001; and

“(D) provide, at the request of a non-Federal interest, assistance with researching and identifying existing project authorizations and Corps of Engineers decision documents.

“(2) ANNUAL REPORTING.—Not less frequently than annually, the Secretary shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written update on the progress of the implementation of paragraph (1), including a description of each education and outreach action the Secretary is taking to implement that paragraph.

“(3) GUIDANCE; COMPLIANCE.—The Secretary shall—

“(A) issue guidance on the uniform implementation by each district of the Corps of Engineers of the process for submitting proposals under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d); and

“(B) each year, ensure compliance with the guidance issued under subparagraph (A).”

“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.

§ 2282d–1. Report to Congress on authorized studies and projects

(a) In general

Not later than February 1 of each year, the Secretary shall develop and submit to Congress an annual report, to be entitled “Report to Congress on Authorized Water Resources Development Projects and Studies”, that identifies—

(1) ongoing or new feasibility studies, authorized within the previous 20 years, for which a Report of the Chief of Engineers has not been issued;

(2) authorized feasibility studies for projects in the preconstruction, engineering and design phase;

(3) ongoing or new water resources development projects authorized for construction within the previous 20 years; and

(4) authorized and constructed water resources development projects the Secretary has the responsibility to operate or maintain.

(b) Contents

(1) Inclusions

(A) Criteria

The Secretary shall include in each report submitted under this section only a feasi-

bility study or water resources development project—

(i) that has been authorized by Congress to be carried out by the Secretary and does not require any additional congressional authorization to be carried out;

(ii) that the Secretary has the capability to carry out if funds are appropriated for such study or project under any of the “Investigations”, “Construction”, “Operation and Maintenance”, or “Mississippi River and Tributaries” appropriations accounts for the Corps of Engineers; and

(iii) for which a non-Federal interest—

(I) in the case of a study or a project other than a project for which funds may be appropriated for operation and maintenance, has entered into a feasibility cost-sharing agreement, design agreement, or project partnership agreement with the Corps of Engineers, or has informed the Secretary that the non-Federal interest has the financial capability to enter into such an agreement within 1 year; and

(II) demonstrates the legal and financial capability to satisfy the requirements for local cooperation with respect to the study or project.

(B) Description of benefits

(i) Description

The Secretary shall, to the maximum extent practicable, describe in each report submitted under this section the benefits, as described in clause (ii), of each feasibility study and water resources development project included in the report.

(ii) Benefits

The benefits referred to in clause (i) are benefits to—

(I) the protection of human life and property;

(II) improvement to transportation;

(III) the national, regional, or local economy;

(IV) the environment; or

(V) the national security interests of the United States.

(2) Transparency

The Secretary shall include in each report submitted under this section, for each feasibility study and water resources development project included in the report—

(A) the name of the associated non-Federal interest, including the name of any non-Federal interest that has contributed, or is expected to contribute, a non-Federal share of the cost of the study or project;

(B) the purpose of the study or project;

(C) an estimate, to the extent practicable, of the Federal, non-Federal, and total costs of the study or project, including, to the extent practicable, the fully funded capability of the Corps of Engineers for—

(i) the 3 fiscal years following the fiscal year in which the report is submitted, in the case of a feasibility study; and

(ii) the 5 fiscal years following the fiscal year in which the report is submitted, in

the case of a water resources development project; and

(D) an estimate, to the extent practicable, of the monetary and nonmonetary benefits of the study or project.

(3) Certification

The Secretary shall include in each report submitted under this section a certification stating that each feasibility study or water resources development project included in the report meets the criteria described in paragraph (1)(A).

(4) Omissions

(A) Limitation

The Secretary shall not omit from a report submitted under this section a study or project that otherwise meets the criteria for inclusion in the report solely on the basis of a policy of the Secretary.

(B) Appendix

If the Secretary omits from a report submitted under this section a study or project that otherwise meets the criteria for inclusion in the report, the Secretary shall include with the report an appendix that lists the name of the study or project and reason for its omission.

(c) Submission to Congress; publication

(1) Submission to Congress

The Secretary may submit a report under this section in conjunction with the submission of the annual report under section 2282d of this title.

(2) Publication

On submission of each report under this section, the Secretary shall make the report publicly available, including through publication on the internet.

(d) Definitions

In this section:

(1) Non-Federal interest

The term “non-Federal interest” has the meaning given that term in section 1962d-5b of title 42.

(2) Water resources development project

The term “water resources development project” includes a separable element of a project, a project under an environmental infrastructure assistance program, and a project the authorized purposes of which include water supply.

(Pub. L. 116-260, div. AA, title II, §222, Dec. 27, 2020, 134 Stat. 2694.)

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.

§ 2282e. Post-authorization change reports**(a) In general**

The completion of a post-authorization change report prepared by the Corps of Engineers for a water resources development project—

(1) may not be delayed as a result of consideration being given to changes in policy or priority with respect to project consideration; and

(2) shall be submitted, upon completion, to—

(A) the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) Completion review

With respect to a post-authorization change report subject to review by the Secretary, the Secretary shall, not later than 120 days after the date of completion of such report—

(1) review the report; and

(2) provide to Congress any recommendations of the Secretary regarding modification of the applicable water resources development project.

(c) Prior reports

Not later than 120 days after December 16, 2016, with respect to any post-authorization change report that was completed prior to December 16, 2016, and is subject to a review by the Secretary that has yet to be completed, the Secretary shall complete review of, and provide recommendations to Congress with respect to, the report.

(d) Post-authorization change report inclusions

In this section, the term “post-authorization change report” includes—

(1) a general reevaluation report;

(2) a limited reevaluation report; and

(3) any other report that recommends the modification of an authorized water resources development project.

(Pub. L. 114-322, title I, § 1132, Dec. 16, 2016, 130 Stat. 1653.)

Editorial Notes**CODIFICATION**

Section was enacted as part of the Water Resources Development Act of 2016, and also as part of the Water Infrastructure Improvements for the Nation Act, also known as the WIIN Act, 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 Pub. L. 114-322, set out as a note under section 2201 of this title.

§ 2282f. Review of resiliency assessments**(a) Resiliency assessment****(1) In general**

Not later than 180 days after December 27, 2020, and in conjunction with the development of procedures under section 1962-4 of title 42,

the Secretary is directed to review, and where appropriate, revise the existing planning guidance documents and regulations of the Corps of Engineers on the assessment of the effects of sea level rise or inland flooding on future water resources development projects to ensure that such guidance documents and regulations are based on the best available, peer-reviewed science and data on the current and future effects of sea level rise or inland flooding on relevant communities.

(2) Coordination

In carrying out this subsection, the Secretary shall—

(A) coordinate the review with the Engineer Research and Development Center, other Federal and State agencies, and other relevant entities; and

(B) to the maximum extent practicable and where appropriate, utilize data provided to the Secretary by such agencies.

(b) Assessment of benefits from addressing sea level rise and inland flooding resiliency in feasibility reports**(1) In general**

Upon the request of a non-Federal interest, in carrying out a feasibility study for a project for flood risk mitigation, hurricane and storm damage risk reduction, or ecosystem restoration under section 2282 of this title, the Secretary shall consider whether the need for the project is predicated upon or exacerbated by conditions related to sea level rise or inland flooding.

(2) Addressing sea level rise and inland flooding resiliency benefits

To the maximum extent practicable, in carrying out a study pursuant to paragraph (1), the Secretary shall document the potential effects of sea level rise or inland flooding on the project, and the expected benefits of the project relating to sea level rise or inland flooding, during the 50-year period after the date of completion of the project.

(Pub. L. 116-260, div. AA, title I, § 113, Dec. 27, 2020, 134 Stat. 2626.)

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.

§ 2282g. Scope of feasibility studies**(a) Flood risk management or hurricane and storm damage risk reduction**

In carrying out a feasibility study for a project for flood risk management or hurricane and storm damage risk reduction, the Secretary,