

§ 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,

at the request of the non-Federal interest for the study, shall formulate alternatives to maximize the net benefits from the reduction of the comprehensive flood risk within the geographic scope of the study from the isolated and compound effects of—

- (1) a riverine discharge of any magnitude or frequency;
- (2) inundation, wave attack, and erosion coinciding with a hurricane or coastal storm;
- (3) flooding associated with tidally influenced portions of rivers, bays, and estuaries that are hydrologically connected to the coastal water body;
- (4) a rainfall event of any magnitude or frequency;
- (5) a tide of any magnitude or frequency;
- (6) seasonal variation in water levels;
- (7) groundwater emergence;
- (8) sea level rise;
- (9) subsidence; or
- (10) any other driver of flood risk affecting the area within the geographic scope of the study.

(b) Water supply, water conservation, and drought risk reduction

In carrying out a feasibility study for any purpose, the Secretary, at the request of the non-Federal interest for the study, shall formulate alternatives—

- (1) to maximize combined net benefits for the primary purpose of the study and for the purposes of water supply or water conservation (including the use of water supply conservation measures described in section 1116 of the Water Resources Development Act of 2016 (130 Stat. 1639)); or
- (2) to include 1 or more measures for the purposes of water supply or water conservation if the Secretary determines that such measures may reduce potential adverse impacts of extreme weather events, including drought, on water resources within the geographic scope of the study.

(c) Cost sharing

All costs to carry out a feasibility study in accordance with this section shall be shared in accordance with the cost share requirements otherwise applicable to the study.

(Pub. L. 117-263, div. H, title LXXXI, § 8106, Dec. 23, 2022, 136 Stat. 3699.)

Editorial Notes

REFERENCES IN TEXT

Section 1116 of the Water Resources Development Act of 2016, referred to in subsec. (b)(1), is section 1116 of Pub. L. 114-322, title I, Dec. 16, 2016, 130 Stat. 1639, which is not classified to the Code.

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2022, and also as part of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, 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 8002 of Pub. L. 117-263, set out as a note under section 2201 of this title.

§ 2282h. Economic, hydraulic, and hydrologic modeling

(a) Model development

The Secretary, in collaboration with other Federal and State agencies, National Laboratories, and nonprofit research institutions (including institutions of higher education and centers and laboratories focused on economics or water resources), shall develop, update, and maintain economic, hydraulic, and hydrologic models, including models for compound flooding, for use in the planning, design formulation, modification, and operation of water resources development projects and water resources planning.

(b) Coordination and use of models and data

In carrying out subsection (a), to the extent practicable, the Secretary shall—

- (1) work with the non-Federal interest for a water resources development project to identify existing relevant economic, hydraulic, and hydrologic models and data;
- (2) utilize, where appropriate, economic, hydraulic, and hydrologic models and data provided to the Secretary by the agencies, laboratories, and institutions described in subsection (a); and
- (3) upon written request by a non-Federal interest for a project, provide to the non-Federal interest draft or working economic, hydraulic, and hydrologic models, and any data generated by such models with respect to the project, not later than 30 days after receiving such request; and

- (4) in accordance with section 2342 of this title, make final economic, hydraulic, and hydrologic models, and any data generated by such models, available to the public, as quickly as practicable, but not later than 30 days after receiving a written request for such models or data.

(c) Limitation

Nothing in this section may be construed to compel or authorize the disclosure of data or other information determined by the Secretary to be confidential information, privileged information, law enforcement information, national security information, infrastructure security information, personal information, or information the disclosure of which is otherwise prohibited by law.

(d) Model outputs

To the extent practicable and appropriate, the Secretary shall incorporate data generated by models developed under this section into the formulation of feasibility studies for, and the operation of, water resources development projects.

(e) Funding

The Secretary is authorized, to the extent and in the amounts provided in advance in appropriations Acts, to transfer to other Federal and State agencies, National Laboratories, and nonprofit research institutions, including institutions of higher education, such funds as may be necessary to carry out subsection (a) from amounts available to the Secretary.

(f) In-kind contribution credit

A partnership agreement entered into under section 1962d-5b of title 42 may provide, at the