

(2) Use of natural and nature-based features

In carrying out a project under this section, the Secretary shall, to the maximum extent practicable, seek to incorporate natural features and nature-based features (as those terms are defined in section 2289a(a) of this title).

(3) Consideration

In carrying out a project under this section, the Secretary shall, where appropriate, maximize the use of features for the reclamation, recycling, and reuse of flood water and stormwater associated with the project.

(4) Items provided by non-Federal interest**(A) In general**

The non-Federal interest for a project carried out under this section shall provide all land, easements, rights-of-way, and relocations necessary for the project.

(B) Credit

The value of the land, easements, rights-of-way, and relocations provided under subparagraph (A) shall be credited toward the non-Federal share of the cost of the project.

(5) Agreements

Construction of a project under this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(A) the non-Federal share of the costs of construction required under this section; and

(B) 100 percent of any operation, maintenance, replacement, and rehabilitation costs associated with the project, in accordance with regulations prescribed by the Secretary.

(c) Cost-share**(1) Study**

Subject to paragraph (3), the Federal share of the cost of a study carried out under this section shall be 50 percent, except that the first \$100,000 of the cost of the study shall be at Federal expense.

(2) Construction

Subject to paragraph (3), the non-Federal share of the cost of a project carried out under this section shall be 35 percent.

(3) Limitation

The total Federal amount expended for a study or project under this section shall be not more than \$10,000,000.

(d) Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out this section \$50,000,000 for each fiscal year.

(Pub. L. 118-272, div. A, title I, §1108, Jan. 4, 2025, 138 Stat. 3006.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2024, and also as part of the Thom-

as 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.

§ 2290. Flood control in Trust Territory of the Pacific Islands

The Secretary is authorized to use the authority contained in section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g), section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), section 3 of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946 (33 U.S.C. 426g), and section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) in the Trust Territory of the Pacific Islands.

(Pub. L. 99-662, title IX, §915(h), Nov. 17, 1986, 100 Stat. 4191.)

Executive Documents

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 2291. Federal Project Repayment District

(a) The Secretary may enter into a contract providing for the payment or recovery of an appropriate share of the costs of a project under his responsibility with a Federal Project Repayment District or other political subdivision of a State prior to the construction, operation, improvement, or financing of such project. The Federal Project Repayment District shall include lands and improvements which receive identifiable benefits from the construction or operation of such project. Such districts shall be established in accordance with State law, shall have specific boundaries which may be changed from time to time based upon further evaluations of benefits, and shall have the power to recover benefits through any cost-recovery approach that is consistent with State law and satisfies the applicable cost-recovery requirement under subsection (b).

(b) Prior to execution of an agreement pursuant to subsection (a) of this section, the Secretary shall require and approve a study from the State or political subdivision demonstrating that the revenues to be derived from a contract under this section, or an agreement with a Federal Project Repayment District, will be sufficient to equal or exceed the cost recovery requirements over the term of repayment required by Federal law.

(Pub. L. 99-662, title IX, §916, Nov. 17, 1986, 100 Stat. 4191; Pub. L. 100-676, §15, Nov. 17, 1988, 102 Stat. 4026.)