

**(c) Initiation of construction clarified**

For the purposes of this section, initiation of construction for a project occurs on the date of enactment of an Act that appropriates funds for the project from 1 of the following appropriation accounts:

- (1) Construction, General.
- (2) Operation and Maintenance, General.
- (3) Flood Control, Mississippi River and Tributaries.

(Pub. L. 106–53, title II, §206, Aug. 17, 1999, 113 Stat. 286.)

**Editorial Notes**

## CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1999, 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 Pub. L. 106–53, set out as a note under section 2201 of this title.

**§ 2331a. Initiating work on separable elements**

With respect to a water resources development project that has received construction funds in the previous 6-year period, for purposes of initiating work on a separable element of the project—

- (1) no new start or new investment decision shall be required; and
- (2) the work shall be treated as ongoing work.

(Pub. L. 114–322, title I, §1146, Dec. 16, 2016, 130 Stat. 1659.)

**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.

**§ 2332. Shoreline and riverine protection and restoration****(a) In general**

The Secretary may carry out studies and projects to—

- (1) reduce flood and hurricane and storm damage hazards; or
- (2) restore the natural functions and values of rivers and shorelines throughout the United States.

**(b) Studies and projects****(1) Authority****(A) Studies**

In carrying out subsection (a), the Secretary may carry out studies to identify appropriate measures for—

- (i) the reduction of flood and hurricane and storm damage hazards, including

measures for erosion mitigation and bank stabilization; or

- (ii) the conservation and restoration of the natural functions and values of rivers and shorelines.

**(B) Projects**

Subject to subsection (f)(2), in carrying out subsection (a), the Secretary may design and implement projects described in subsection (a).

**(2) Consultation and coordination**

The studies and projects carried out under this section shall be conducted, to the maximum extent practicable, in consultation and coordination with the Federal Emergency Management Agency and other appropriate Federal agencies, and in consultation and coordination with appropriate State and local agencies and tribes.

**(3) Nonstructural approaches**

The studies and projects shall emphasize, to the maximum extent practicable and appropriate, nonstructural approaches to preventing or reducing flood and hurricane and storm damages, including the use of natural features or nature-based features.

**(4) Participation**

The studies and projects shall be conducted, to the maximum extent practicable, in cooperation with State and local agencies and tribes to ensure the coordination of local flood and hurricane and storm damage reduction or riverine, shoreline, and wetland restoration studies with projects that conserve, restore, and manage hydrologic and hydraulic regimes and restore the natural functions and values of floodplains and coastal barriers.

**(c) Cost-sharing requirements****(1) Studies**

Studies conducted under this section shall be subject to cost sharing in accordance with section 2215 of this title, except that the first \$200,000 of the costs of a study conducted under this section shall be at Federal expense.

**(2) Environmental restoration and non-structural projects****(A) In general**

Design and construction of a project under this section that includes a nonstructural measure, a natural feature or nature-based feature, or an environmental restoration measure, shall be subject to cost sharing in accordance with section 2213 of this title, except that the non-Federal share of the cost to design and construct such a project benefiting an economically disadvantaged community (including economically disadvantaged communities located in urban and rural areas) shall be 10 percent.

**(B) Items provided by non-Federal interests**

The non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for such projects.

**(C) Credit**

The value of such land, easements, rights-of-way, dredged material disposal areas, and

relocations shall be credited toward the payment required under this paragraph.

**(3) Structural flood control or hurricane and storm damage reduction projects**

Any structural flood control or hurricane and storm damage reduction projects carried out under this section shall be subject to cost sharing in accordance with section 2213 of this title, except that the non-Federal share of the cost to design and construct such a project benefitting an economically disadvantaged community (including economically disadvantaged communities located in urban and rural areas) shall be 10 percent.

**(4) Operation and maintenance**

The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

**(d) Project justification**

Notwithstanding any requirement for economic justification established under section 1962-2 of title 42, the Secretary may implement a project under this section if the Secretary determines that the project—

- (1) will significantly reduce potential flood, hurricane and storm, or erosion damages;
- (2) will improve the quality of the environment; and
- (3) is justified considering all costs and beneficial outputs of the project.

**(e) Areas for Examination**

**(1) In general**

In carrying out this section, the Secretary shall examine appropriate locations, including—

- (A) Pima County, Arizona, at Paseo De Las Iglesias and Rillito River;
- (B) Coachella Valley, Riverside County, California;
- (C) Los Angeles and San Gabriel Rivers, California;
- (D) Murrieta Creek, California;
- (E) Napa River Valley watershed, California, at Yountville, St. Helena, Calistoga, and American Canyon;
- (F) Santa Clara basin, California, at Upper Guadalupe River and Tributaries, San Francisquito Creek, and Upper Penitencia Creek;
- (G) Pond Creek, Kentucky;
- (H) Red River of the North, Minnesota, North Dakota, and South Dakota;
- (I) Connecticut River, New Hampshire;
- (J) Pine Mount Creek, New Jersey;
- (K) Southwest Valley, Albuquerque, New Mexico;
- (L) Upper Delaware River, New York;
- (M) Briar Creek, North Carolina;
- (N) Chagrin River, Ohio;
- (O) Mill Creek, Cincinnati, Ohio;
- (P) Tillamook County, Oregon;
- (Q) Willamette River basin, Oregon;
- (R) Blair County, Pennsylvania, at Altoona and Frankstown Township;
- (S) Delaware River, Pennsylvania;
- (T) Schuylkill River, Pennsylvania;

- (U) Providence County, Rhode Island;
- (V) Shenandoah River, Virginia;
- (W) Lincoln Creek, Wisconsin;
- (X) Perry Creek, Iowa;
- (Y) Lester, St. Louis, East Savanna, and Floodwood Rivers, Duluth, Minnesota;
- (Z) Lower Hudson River and tributaries, New York;
- (AA) Susquehanna River watershed, Bradford County, Pennsylvania;
- (BB) Clear Creek, Harris, Galveston, and Brazoria Counties, Texas;
- (CC) Ascension Parish, Louisiana;
- (DD) East Baton Rouge Parish, Louisiana;
- (EE) Iberville Parish, Louisiana;
- (FF) Livingston Parish, Louisiana; and
- (GG) Pointe Coupee Parish, Louisiana.

**(2) Priority projects**

In carrying out this section, the Secretary shall prioritize projects for the following locations:

- (A) Delaware beaches and watersheds, Delaware.
- (B) Louisiana Coastal Area, Louisiana.
- (C) Great Lakes Shores and Watersheds.
- (D) Oregon Coastal Area and Willamette River basin, Oregon.
- (E) Upper Missouri River Basin.
- (F) Ohio River Tributaries and their watersheds, West Virginia.
- (G) Chesapeake Bay watershed and Maryland beaches, Maryland.
- (H) City of Southport, North Carolina.
- (I) Maumee River, Ohio.
- (J) Los Angeles and San Gabriel Rivers, California.
- (K) Kentucky River and its tributaries and watersheds.
- (L) Shoreline of the State of Connecticut.
- (M) Winooski River tributary watershed, Vermont.

**(f) Procedure**

**(1) All projects**

The Secretary shall not implement any project under this section until—

- (A) the Secretary submits 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 notification describing the project and the determinations made under subsection (d)(1); and
- (B) 21 calendar days have elapsed after the date on which the notification was received by the committees.

**(2) Projects requiring specific authorization**

If the Federal share of the cost to design and construct a project under this section exceeds \$15,000,000, the Secretary may only carry out the project if Congress enacts a law authorizing the Secretary to carry out the project.

**(g) Definitions**

In this section:

**(1) Economically disadvantaged community**

The term “economically disadvantaged community” has the meaning given the term as defined by the Secretary under section 160 of

the Water Resources Development Act of 2020 (33 U.S.C. 2201 note).

**(2) Natural feature; nature-based feature**

The terms “natural feature” and “nature-based feature” have the meanings given those terms in section 2289a(a) of this title.

(Pub. L. 106–53, title II, §212, Aug. 17, 1999, 113 Stat. 288; Pub. L. 106–541, title II, §227, Dec. 11, 2000, 114 Stat. 2599; Pub. L. 110–114, title V, §5005, Nov. 8, 2007, 121 Stat. 1192; Pub. L. 117–263, div. H, title LXXXI, §8103(a), Dec. 23, 2022, 136 Stat. 3696; Pub. L. 118–272, div. A, title I, §1138, Jan. 4, 2025, 138 Stat. 3026.)

**Editorial Notes**

REFERENCES IN TEXT

Section 160 of the Water Resources Development Act of 2020, referred to in subsec. (g)(1), is section 160 of div. AA of Pub. L. 116–260, which is set out as a note under section 2201 of this title.

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1999, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

AMENDMENTS

2025—Subsec. (e)(2)(L), (M). Pub. L. 118–272 added subpars. (L) and (M).

2022—Pub. L. 117–263, §8103(a)(1), substituted “Shoreline and riverine protection and restoration” for “Flood mitigation and riverine restoration program” in section catchline.

Subsec. (a). Pub. L. 117–263, §8103(a)(2), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “The Secretary may undertake a program for the purpose of conducting projects to reduce flood hazards and restore the natural functions and values of rivers throughout the United States.”

Subsec. (b)(1). Pub. L. 117–263, §8103(a)(3)(A) added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: “In carrying out the program, the Secretary may conduct studies to identify appropriate flood damage reduction, conservation, and restoration measures and may design and implement projects described in subsection (a).”

Subsec. (b)(3). Pub. L. 117–263, §8103(a)(3)(B), substituted “flood and hurricane and storm damages, including the use of natural features or nature-based features” for “flood damages”.

Subsec. (b)(4). Pub. L. 117–263, §8103(a)(3)(C), inserted “and hurricane and storm” after “flood”, “, shoreline,” after “riverine”, and “and coastal barriers” after “floodplains”.

Subsec. (c)(1). Pub. L. 117–263, §8103(a)(4)(A), inserted “, except that the first \$200,000 of the costs of a study conducted under this section shall be at Federal expense” before period at end.

Subsec. (c)(2). Pub. L. 117–263, §8103(a)(4)(B)(i), struck out “flood control” after “nonstructural” in heading.

Subsec. (c)(2)(A). Pub. L. 117–263, §8103(a)(4)(B)(ii), added subpar. (A) and struck out former subpar. (A). Prior to amendment, text read as follows: “The non-Federal interests shall pay 35 percent of the cost of any environmental restoration or nonstructural flood control project carried out under this section.”

Subsec. (c)(3). Pub. L. 117–263, §8103(a)(4)(C), inserted “or hurricane and storm damage reduction” after “flood control” in heading and text, and substituted “section 2213 of this title, except that the non-Federal share of the cost to design and construct such a project benefitting an economically disadvantaged community (including economically disadvantaged communities

located in urban and rural areas) shall be 10 percent” for “section 2213(a) of this title” in text.

Subsec. (d). Pub. L. 117–263, §8103(a)(5), added subsec. (d) and struck out former subsec. (d) which related to project justification.

Subsec. (e). Pub. L. 117–263, §8103(a)(6), substituted “Areas for Examination” for “Priority areas” in subsec. heading, designated existing provisions as par. (1) and inserted par. heading, redesignated former pars. (1) to (33) as subpars. (A) to (GG), respectively, of par. (1) and realigned margins, and added par. (2).

Subsec. (f). Pub. L. 117–263, §8103(a)(7), (8), redesignated subsec. (h) as (f) and struck out former subsec. (f) which related to program review.

Subsec. (f)(2). Pub. L. 117–263, §8103(a)(9), added par. (2) and struck out former par. (2) which related to projects exceeding \$15,000,000.

Subsec. (g). Pub. L. 117–263, §8103(a)(7), (10), added subsec. (g) and struck out former subsec. (g). Prior to amendment, text read as follows: “Not more than \$30,000,000 may be expended by the United States on any single project under this section.”

Subsec. (h). Pub. L. 117–263, §8103(a)(8), redesignated subsec. (h) as (f).

Subsec. (i). Pub. L. 117–263, §8103(a)(7), struck out subsec. (i) which related to authorization of appropriations.

2007—Subsec. (e)(23). Pub. L. 110–114, §5005(a)(1), struck out “and” at end.

Subsec. (e)(29) to (33). Pub. L. 110–114, §5005(a), added pars. (29) to (33).

Subsec. (i)(1). Pub. L. 110–114, §5005(b), substituted “section \$20,000,000” for “section—

“(A) \$20,000,000 for fiscal year 2001;

“(B) \$30,000,000 for fiscal year 2002; and

“(C) \$50,000,000 for each of fiscal years 2003 through 2005”.

2000—Subsec. (e)(24) to (28). Pub. L. 106–541 added pars. (24) to (28).

**Statutory Notes and Related Subsidiaries**

TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 106–53, set out as a note under section 2201 of this title.

**§ 2333. Irrigation diversion protection and fisheries enhancement assistance**

**(a) In general**

The Secretary may provide technical planning and design assistance to non-Federal interests and may conduct other site-specific studies to formulate and evaluate fish screens, fish passages devices, and other measures to decrease the incidence of juvenile and adult fish inadvertently entering irrigation systems.

**(b) Cooperation**

Measures under subsection (a)—