

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)—

(1) shall be developed in cooperation with Federal and State resource agencies; and

(2) shall not impair the continued withdrawal of water for irrigation purposes.

**(c) Priority**

In providing assistance under subsection (a), the Secretary shall give priority based on—

(1) the objectives of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) cost-effectiveness; and

(3) the potential for reducing fish mortality.

**(d) Non-Federal share**

**(1) In general**

The non-Federal share of the cost of measures under subsection (a) shall be 50 percent.

**(2) In-kind contributions**

Not more than 50 percent of the non-Federal contribution may be made through the provision of services, materials, supplies, or other in-kind contributions.

**(e) No construction activity**

This section does not authorize any construction activity.

**(f) Report**

Not later than 2 years after August 17, 1999, the Secretary shall submit to Congress a report on—

(1) fish mortality caused by irrigation water intake devices;

(2) appropriate measures to reduce fish mortality;

(3) the extent to which those measures are currently being employed in arid States;

(4) the construction costs associated with those measures; and

(5) the appropriate Federal role, if any, to encourage the use of those measures.

(Pub. L. 106-53, title V, §515, Aug. 17, 1999, 113 Stat. 344.)

**Editorial Notes**

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in subsec. (c)(1), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, which is classified generally to chapter 35 (§1531 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of Title 16 and Tables.

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.

**§ 2334. Innovative technologies for watershed restoration**

The Secretary shall examine using, and, if appropriate, encourage the use of, innovative treatment technologies, including membrane

technologies, for watershed and environmental restoration and protection projects involving water quality.

(Pub. L. 106-53, title V, §516, Aug. 17, 1999, 113 Stat. 344.)

**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.

**§ 2335. Coastal aquatic habitat management**

**(a) In general**

The Secretary may cooperate with the Secretaries of Agriculture and the Interior, the Administrators of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, other appropriate Federal, State, and local agencies, and affected private entities, in the development of a management strategy to address problems associated with toxic microorganisms and the resulting degradation of ecosystems in the tidal and nontidal wetlands and waters of the United States.

**(b) Assistance**

As part of the management strategy, the Secretary may provide planning, design, and other technical assistance to each participating State in the development and implementation of non-regulatory measures to mitigate environmental problems and restore aquatic resources.

**(c) Cost sharing**

The Federal share of the cost of measures undertaken under this section shall not exceed 65 percent.

**(d) Operation and maintenance**

The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

**(e) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$7,000,000 for the period beginning with fiscal year 2000.

(Pub. L. 106-53, title V, §559, Aug. 17, 1999, 113 Stat. 354.)

**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.