

(A) that—

- (i) address an identified threat to public health, safety, or welfare;
- (ii) preserve or restore ecosystems of national significance; or
- (iii) preserve or restore habitats of importance for federally protected species, including migratory birds; and

(B) for which the restoration activities will contribute to other ongoing or planned Federal, State, or local restoration initiatives.

(2) Expedited consideration of currently authorized programmatic authorities

Not later than 180 days after December 16, 2016, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—

(A) a list of all programmatic authorities for aquatic ecosystem restoration or improvement of the environment that—

- (i) were authorized or modified in the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1041) or any subsequent Act; and
- (ii) that meet the criteria described in paragraph (1); and

(B) a plan for expeditiously completing the projects under the authorities described in subparagraph (A), subject to available funding.

(Pub. L. 113–121, title I, §1011, June 10, 2014, 128 Stat. 1217; Pub. L. 114–322, title I, §1322(a), Dec. 16, 2016, 130 Stat. 1706.)

Editorial Notes

REFERENCES IN TEXT

The Water Resources Development Act of 2007, referred to in subsec. (b)(2)(A)(i), is Pub. L. 110–114, Nov. 8, 2007, 121 Stat. 1041. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Water Resources Reform and Development Act of 2014, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

AMENDMENTS

2016—Subsec. (a)(1)(C). Pub. L. 114–322, §1322(a)(1)(A), inserted “restore or” before “prevent the loss”.

Subsec. (a)(2). Pub. L. 114–322, §1322(a)(1)(B)(i), substituted “December 16, 2016” for “June 10, 2014” in introductory provisions.

Subsec. (a)(2)(A)(ii). Pub. L. 114–322, §1322(a)(1)(B)(ii), struck out before semicolon at end “that—

“(I) have been authorized for more than 20 years but are less than 75 percent complete; or

“(II) are undergoing a post-authorization change report, general reevaluation report, or limited reevaluation report”.

Subsec. (b). Pub. L. 114–322, §1322(a)(2), designated existing provisions as par. (1) and inserted heading, redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), redesignated former subpars. (A) to (C) of former par. (1) as cls. (i) to (iii), respectively, of subpar. (A) of par. (1), and added par. (2).

Statutory Notes and Related Subsidiaries

“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.

§ 2341b. Prioritization of certain projects

The Secretary shall give priority to a project for flood risk management if—

- (1) there is an executed project partnership agreement for the project; and
- (2) the project is located in an area—

(A) with respect to which—

- (i) there has been a loss of life due to flood events; and
- (ii) the President has declared that a major disaster or emergency exists under section 5170 of title 42; or

(B) that is at significant risk for catastrophic flooding.

(Pub. L. 114–322, title I, §1144, 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.

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.

§ 2341c. Criteria for funding environmental infrastructure projects

(a) In general

Not later than 180 days after December 27, 2020, the Secretary shall develop specific criteria for the evaluation and ranking of individual environmental assistance projects authorized by Congress (including projects authorized pursuant to environmental assistance programs) for the Secretary to carry out.

(b) Minimum criteria

For the purposes of carrying out this section, the Secretary shall evaluate, at a minimum—

- (1) the nature and extent of the positive and negative local economic impacts of the project, including—

(A) the benefits of the project to the local economy;

(B) the extent to which the project will enhance local development;

(C) the number of jobs that will be directly created by the project; and

(D) the ability of the non-Federal interest to pay the applicable non-Federal share of the cost of the project;

- (2) the demographics of the location in which the project is to be carried out, including whether the project serves—

(A) a rural community; or

(B) an economically disadvantaged community, including an economically disadvantaged minority community;

(3) the amount of appropriations a project has received;

(4) the funding capability of the Corps of Engineers with respect to the project;

(5) whether the project could be carried out under other Federal authorities at an equivalent cost to the non-Federal interest; and

(6) any other criteria that the Secretary considers to be appropriate.

(c) Inclusion in guidance

The Secretary shall include the criteria developed under subsection (a) in the annual Civil Works Direct Program Development Policy Guidance of the Secretary.

(d) Report to Congress

For fiscal year 2022, and biennially thereafter, in conjunction with the President's annual budget submission to Congress under section 1105(a) of title 31, the Secretary shall submit to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that identifies the Secretary's ranking of individual environmental assistance projects authorized by Congress for the Secretary to carry out, in accordance with the criteria developed under this section.

(Pub. L. 116-260, div. AA, title I, § 137, Dec. 27, 2020, 134 Stat. 2650.)

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.

DEFINITIONS

For definition of “economically disadvantaged community” as used in this section, see section 160 of div. AA of Pub. L. 116-260, set out as a note under section 2201 of this title.

§ 2342. Access to water resource data

(a) In general

Using available funds, the Secretary shall make publicly available, including on the Internet, all data in the custody of the Corps of Engineers on—

(1) the planning, design, construction, operation, and maintenance of water resources development projects; and

(2) water quality and water management of projects owned, operated, or managed by the Corps of Engineers.

(b) 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.

(c) Timing

The Secretary shall ensure that data is made publicly available under subsection (a) as quickly as practicable after the data is generated by the Corps of Engineers.

(d) Partnerships

In carrying out this section, the Secretary may develop partnerships, including through cooperative agreements, with State, tribal, and local governments and other Federal agencies.

(Pub. L. 110-114, title II, § 2017, Nov. 8, 2007, 121 Stat. 1077; Pub. L. 114-322, title I, § 1135, Dec. 16, 2016, 130 Stat. 1656.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2007, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

AMENDMENTS

2016—Pub. L. 114-322 amended section generally. Prior to amendment, section related to access to water resource data.

Statutory Notes and Related Subsidiaries

DATA TRANSPARENCY

Pub. L. 116-260, div. AA, title I, § 158(b), Dec. 27, 2020, 134 Stat. 2662, provided that: “The Secretary [of the Army] shall prioritize making publicly available water resources data in the custody of the Corps of Engineers, as authorized by section 2017 of the Water Resources Development Act of 2007 (33 U.S.C. 2342).”

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 110-114, set out as a note under section 2201 of this title.

§ 2343. Independent peer review

(a) Project studies subject to independent peer review

(1) In general

Project studies shall be subject to a peer review by an independent panel of experts as determined under this section.

(2) Scope

The peer review may include a review of the economic and environmental assumptions and projections, project evaluation data, economic analyses, environmental analyses, engineering analyses, formulation of alternative plans, methods for integrating risk and uncertainty, models used in evaluation of economic or environmental impacts of proposed projects, and any biological opinions of the project study.