

Subsec. (c). Pub. L. 106-541, §209(a), in first sentence substituted “The” for “Within 6 months after October 12, 1996, the”, designated second sentence as par. (2), inserted heading, substituted “The guidelines developed under paragraph (1) shall—” for “Such guidelines shall”, designated remainder of sentence as subpar. (A), inserted “to be undertaken by non-Federal interests to” after “policies”, added subpar. (B), and redesignated former par. (2) as (3).

1996—Pub. L. 104-303 substituted “Floodplain management requirements” for “Compliance with flood plain management and insurance programs” in section catchline and amended text generally. Prior to amendment, text read as follows: “Before construction of any project for local flood protection or any project for hurricane or storm damage reduction, the non-Federal interests shall agree to participate in and comply with applicable Federal flood plain management and flood insurance programs.”

1988—Pub. L. 100-676 inserted “or any project for hurricane or storm damage reduction” after “local flood protection”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Administrator of the Federal Emergency Management Agency” substituted for “Director of the Federal Emergency Management Agency” in subsec. (c)(3) on authority of section 612(c) of Pub. L. 109-295, set out as a note under section 313 of Title 6, Domestic Security. Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109-295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109-295, set out as a note under section 313 of Title 6.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-541, title II, §209(b), Dec. 11, 2000, 114 Stat. 2591, provided that: “The amendments made by subsection (a) [amending this section] shall apply to any project or separable element of a project with respect to which the Secretary [of the Army] and the non-Federal interest have not entered a project cooperation agreement on or before the date of enactment of this Act [Dec. 11, 2000].”

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-303, title II, §202(c)(2), Oct. 12, 1996, 110 Stat. 3675, provided that: “The amendment made by paragraph (1) [amending this section] shall apply to any project or separable element thereof with respect to which the Secretary and the non-Federal interest have not entered into a project cooperation agreement on or before the date of the enactment of this Act [Oct. 12, 1996].”

REFERENCE TO PROJECT COOPERATION AGREEMENT DEEMED REFERENCE TO PROJECT PARTNERSHIP AGREEMENT

Reference to “project cooperation agreement” deemed to be reference to “project partnership agreement”, see section 2003(f)(2) of Pub. L. 110-114, set out as a note under section 1962d-5b of Title 42, The Public Health and Welfare.

§ 701b-13. Repealed. Pub. L. 113-121, title I, § 1014(c)(3), June 10, 2014, 128 Stat. 1222

Section, Pub. L. 104-303, title II, §211, Oct. 12, 1996, 110 Stat. 3681; Pub. L. 106-53, title II, §223, Aug. 17, 1999, 113 Stat. 296; Pub. L. 106-60, title VI, §606, Sept. 29, 1999, 113 Stat. 501; Pub. L. 110-114, title V, §5157, Nov. 8, 2007, 121 Stat. 1257, related to construction of flood control projects by non-Federal interests.

§ 701b-14. Structural integrity evaluations

(a) In general

Upon request of a non-Federal interest, the Secretary shall evaluate the structural integrity and effectiveness of a project for flood damage reduction and, if the Secretary determines that the project does not meet such minimum standards as the Secretary may establish and absent action by the Secretary the project will fail, the Secretary may take such action as may be necessary to restore the integrity and effectiveness of the project.

(b) Priority

The Secretary shall carry out an evaluation and take such actions as may be necessary under subsection (a) for the project for flood damage reduction, Arkansas River Levees, Arkansas.

(Pub. L. 110-114, title V, §5004, Nov. 8, 2007, 121 Stat. 1191.)

Statutory Notes and Related Subsidiaries

“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.

§ 701b-15. Non-Federal plans to provide additional flood risk reduction

(a) In general

If requested by a non-Federal interest, the Secretary shall carry out a locally preferred plan that provides a higher level of protection than a flood risk management project authorized under this Act if the Secretary determines that—

- (1) the plan is technically feasible and environmentally acceptable; and
- (2) the benefits of the plan exceed the costs of the plan.

(b) Non-Federal cost share

If the Secretary carries out a locally preferred plan under subsection (a), the Federal share of the cost of the project shall be not greater than the share as provided by law for elements of the national economic development plan.

(Pub. L. 113-121, title I, §1036, June 10, 2014, 128 Stat. 1234.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 113-121, June 10, 2014, 128 Stat. 1193, known as the Water Resources Reform and Development Act of 2014. For complete classification of this Act to the Code, see Short Title note set out under section 2201 of this title and Tables.

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.

§ 701b–16. Management of flood risk reduction projects

(a) In general

If 2 or more flood control projects are located within the same geographic area, the Secretary shall, at the request of the non-Federal interests for the affected projects, consider those projects as a single program for budgetary or project management purposes, if the Secretary determines that doing so would not be incompatible with the authorized project purposes.

(b) Cost share

(1) In general

If any work on a project to which subsection (a) applies is required solely because of impacts to that project from a navigation project, the cost of carrying out that work shall be shared in accordance with the cost-sharing requirements for the navigation project.

(2) Use of amounts

Work described in paragraph (1) may be carried out using amounts made available under subsection (a).

(Pub. L. 113–121, title III, § 3012, June 10, 2014, 128 Stat. 1284.)

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.

§ 701b–17. Corps of Engineers Western Water Cooperative Committee

(a) Establishment

(1) In general

Not later than 90 days after December 23, 2022, the Secretary shall establish a Western Water Cooperative Committee (referred to in this section as the “Cooperative Committee”).

(2) Purpose

The purpose of the Cooperative Committee is to ensure that Corps of Engineers flood control projects in Western States are operated consistent with congressional directives by identifying opportunities to avoid or minimize conflicts between the operation of Corps of Engineers projects and water rights and water laws in such States.

(3) Membership

The Cooperative Committee shall be composed of—

- (A) the Assistant Secretary of the Army for Civil Works (or a designee);
- (B) the Chief of Engineers (or a designee);
- (C) 1 representative from each of the Western States, who may serve on the Western States Water Council, to be appointed by the Governor of each State;
- (D) 1 representative with legal experience from each of the Western States, to be appointed by the attorney general of each State; and
- (E) 1 employee from each of the impacted regional offices of the Bureau of Indian Affairs.

(4) Meetings

(A) In general

The Cooperative Committee shall meet not less than once each year in one of the Western States.

(B) Available to public

Each meeting of the Cooperative Committee shall be open and accessible to the public.

(C) Notification

The Cooperative Committee shall publish in the Federal Register adequate advance notice of a meeting of the Cooperative Committee.

(5) Duties

(A) In general

The Cooperative Committee shall develop and make recommendations to avoid or minimize conflicts between the operation of Corps of Engineers projects and the water rights and water laws of Western States.

(B) Limitation

In carrying out subparagraph (A), the Cooperative Committee shall—

- (i) make recommendations that only apply to Western States; and
- (ii) ensure that any recommended changes or modifications to policy or regulations for Corps of Engineers projects would not adversely affect water resources within the State of Missouri.

(6) Status updates

(A) In general

On an annual basis, the Secretary shall provide 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 report that includes—

- (i) a summary of the contents of meetings of the Cooperative Committee;
- (ii) any legislative proposal from a Western State proposed to the Cooperative Committee; and
- (iii) a description of any recommendations made by the Cooperative Committee under paragraph (5), including actions taken by the Secretary in response to such recommendations.

(B) Comment

(i) In general

Not later than 45 days following the conclusion of a meeting of the Cooperative Committee, the Secretary shall provide to members of the Cooperative Committee an opportunity to comment on the contents of the meeting and any recommendations made under paragraph (5).

(ii) Inclusion

Comments provided under clause (i) shall be included in the report provided under subparagraph (A).

(7) Compensation

(A) In general

Except as provided in subparagraph (B), the members of the Cooperative Committee shall serve without compensation.