

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 detailing the amounts expended in the previous 5 fiscal years to carry out Corps of Engineers projects under section 701n of this title.

(B) Inclusions

A report under subparagraph (A) shall, at a minimum, include a description of—

- (i) each structure, feature, or project for which amounts are expended, including the type of structure, feature, or project and cost of the work; and
- (ii) how the Secretary has repaired, restored, replaced, or modified each structure, feature, or project or intends to restore the structure, feature, or project to the design level of protection for the structure, feature, or project.

(Pub. L. 113–121, title III, §3029(c)(1), June 10, 2014, 128 Stat. 1307.)

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.

§ 701n–2. Monthly report to Congress

In fiscal year 2018, and each fiscal year thereafter, the Chief of Engineers of the U.S. Army Corps of Engineers shall transmit to the Congress, after reasonable opportunity for comment, but without change, by the Assistant Secretary of the Army for Civil Works, a monthly report, the first of which shall be transmitted to Congress not later than 2 days after the date of enactment of this subdivision [subdiv. 1 of div. B of Pub. L. 115–123] and monthly thereafter, which includes detailed estimates of damages to each Corps of Engineers project, caused by natural disasters or otherwise.

(Pub. L. 115–123, div. B, title IV, §20401, Feb. 9, 2018, 132 Stat. 79.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this subdivision, referred to in text, is the date of enactment of subdiv. 1 of div. B of Pub. L. 115–123, which was approved Feb. 9, 2018.

§ 701n–3. Permanent measures to reduce emergency flood fighting needs for communities subject to repetitive flooding

(a) Definitions

In this section:

(1) Affected community

The term “affected community” means a legally constituted public body (as that term is used in section 1962d–5b(b) of title 42)—

- (A) with jurisdiction over an area that has been subject to flooding in two or more events in any 10-year period; and
- (B) that has received emergency flood-fighting assistance, including construction of temporary barriers by the Secretary,

under section 701n of this title with respect to such flood events.

(2) Natural feature; nature-based feature

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

(b) Program

(1) In general

The Secretary is authorized to carry out a program to study, design, and construct water resources development projects through measures involving, among other things, strengthening, raising, extending, realigning, or otherwise modifying existing flood control works, designing new works, and incorporating natural features, nature-based features, or non-structural features, as appropriate to provide flood and coastal storm risk management to affected communities.

(2) Considerations

In carrying out paragraph (1), the Secretary shall, to the maximum extent practical, review and, where appropriate, incorporate natural features or nature-based features, or a combination of such features and non-structural features, that avoid or reduce at least 50 percent of flood or storm damages in one or more of the alternatives included in the final alternatives evaluated.

(3) Construction

(A) In general

The Secretary may carry out a project described in paragraph (1) without further congressional authorization if—

- (i) the Secretary determines that the project—
 - (I) is advisable to reduce the risk of flooding for an affected community; and
 - (II) produces benefits that are in excess of the estimated costs; and
- (ii) the Federal share of the cost of the construction does not exceed \$17,500,000.

(B) Specific authorization

If the Federal share of the cost of a project described in paragraph (1) exceeds \$17,500,000, the Secretary shall submit the project recommendation to Congress for authorization prior to construction, and shall include the project recommendation in the next annual report submitted under section 2282d of this title.

(C) Financing

(i) Contributions

If, based on a study carried out pursuant to paragraph (1), the Secretary determines that a project described in paragraph (1) will not produce benefits greater than cost, the Secretary shall allow the affected community to pay, or provide contributions equal to, an amount sufficient to make the remaining costs of design and construction of the project equal to the estimated value of the benefits of the project.

(ii) Effect on non-Federal share

Amounts provided by an affected community under clause (i) shall be in addi-