

that contractors performing work for water resources development projects—

- (1) use best practices to carry out corrosion prevention activities in the field;
- (2) use industry-recognized standards and corrosion mitigation and prevention methods when—
 - (A) determining protective coatings;
 - (B) selecting materials; and
 - (C) determining methods of cathodic protection, design, and engineering for corrosion prevention;
- (3) use certified coating application specialists and cathodic protection technicians and engineers;
- (4) use best practices in environmental protection to prevent environmental degradation and to ensure careful handling of all hazardous materials;
- (5) demonstrate a history of employing industry-certified inspectors to ensure adherence to best practices and standards; and
- (6) demonstrate a history of compliance with applicable requirements of the Occupational Safety and Health Administration.

(c) Corrosion prevention activities defined

In this section, the term “corrosion prevention activities” means—

- (1) the application and inspection of protective coatings for complex work involving steel and cementitious structures, including structures that will be exposed in immersion;
- (2) the installation, testing, and inspection of cathodic protection systems; and
- (3) any other activities related to corrosion prevention the Secretary determines appropriate.

(Pub. L. 113–121, title I, §1033, June 10, 2014, 128 Stat. 1233.)

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.

“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.

§ 2351. Durability, sustainability, and resilience

In carrying out the activities of the Corps of Engineers, the Secretary, to the maximum extent practicable, shall encourage the use of durable and sustainable materials and resilient construction techniques that—

- (1) allow a water resources infrastructure project—
 - (A) to resist hazards due to a major disaster; and
 - (B) to continue to serve the primary function of the water resources infrastructure project following a major disaster;
- (2) reduce the magnitude or duration of a disruptive event to a water resources infrastructure project; and
- (3) have the absorptive capacity, adaptive capacity, and recoverability to withstand a potentially disruptive event.

(Pub. L. 113–121, title III, §3022, June 10, 2014, 128 Stat. 1301.)

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.

“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.

§ 2352. Funding to process permits

(a) Funding to process permits

(1) Definitions

In this subsection:

(A) Natural gas company

The term “natural gas company” has the meaning given the term in section 16451 of title 42, except that the term also includes a person engaged in the transportation of natural gas in intrastate commerce.

(B) Public-utility company

The term “public-utility company” has the meaning given the term in section 16451 of title 42.

(2) Permit processing

The Secretary, after public notice, may accept and expend funds contributed by a non-Federal public entity or a public-utility company or natural gas company to expedite the evaluation of a permit of that entity or company related to a project or activity for a public purpose under the jurisdiction of the Department of the Army.

(3) Limitation for public-utility and natural gas companies

The authority provided under paragraph (2) to a public-utility company or natural gas company shall expire on the date that is 7 years after June 10, 2014.

(4) Effect on other entities

To the maximum extent practicable, the Secretary shall ensure that expediting the evaluation of a permit through the use of funds accepted and expended under this section does not adversely affect the timeline for evaluation (in the Corps district in which the project or activity is located) of permits under the jurisdiction of the Department of the Army of other entities that have not contributed funds under this section.

(5) GAO study

Not later than 4 years after June 10, 2014, the Comptroller General of the United States shall carry out a study of the implementation by the Secretary of the authority provided under paragraph (2) to public-utility companies and natural gas companies.

(b) Effect on permitting

(1) In general

In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial

decisionmaking with respect to permits, either substantively or procedurally.

(2) Impartial decisionmaking

In carrying out this section, the Secretary shall ensure that the evaluation of permits carried out using funds accepted under this section shall—

(A) be reviewed by—

- (i) the District Commander, or the Commander's designee, of the Corps District in which the project or activity is located; or
- (ii) the Commander of the Corps Division in which the District is located if the evaluation of the permit is initially conducted by the District Commander; and

(B) utilize the same procedures for decisions that would otherwise be required for the evaluation of permits for similar projects or activities not carried out using funds authorized under this section.

(c) Limitation on use of funds

None of the funds accepted under this section shall be used to carry out a review of the evaluation of permits required under subsection (b)(2)(A).

(d) Public availability

(1) In general

The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public in a common format, including on the Internet, and in a manner that distinguishes final permit decisions under this section from other final actions of the Secretary.

(2) Decision document

The Secretary shall—

- (A) use a standard decision document for evaluating all permits using funds accepted under this section; and
- (B) make the standard decision document, along with all final permit decisions, available to the public, including on the Internet.

(3) Agreements

The Secretary shall make all active agreements to accept funds under this section available on a single public Internet site.

(e) Reporting

(1) In general

The Secretary shall prepare an annual report on the implementation of this section, which, at a minimum, shall include for each district of the Corps of Engineers that accepts funds under this section—

- (A) a comprehensive list of any funds accepted under this section during the previous fiscal year;
- (B) a comprehensive list of the permits reviewed and approved using funds accepted under this section during the previous fiscal year, including a description of the size and type of resources impacted and the mitigation required for each permit; and
- (C) a description of the training offered in the previous fiscal year for employees that is funded in whole or in part with funds accepted under this section.

(2) Submission

Not later than 90 days after the end of each fiscal year, the Secretary shall—

(A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the annual report described in paragraph (1); and

(B) make each report received under subparagraph (A) available on a single publicly accessible Internet site.

(Pub. L. 106-541, title II, §214, Dec. 11, 2000, 114 Stat. 2594; Pub. L. 108-137, title I, §114, Dec. 1, 2003, 117 Stat. 1836; Pub. L. 109-99, §1, Nov. 11, 2005, 119 Stat. 2169; Pub. L. 109-209, §1, Mar. 24, 2006, 120 Stat. 318; Pub. L. 109-434, §1, Dec. 20, 2006, 120 Stat. 3197; Pub. L. 110-114, title II, §2002, Nov. 8, 2007, 121 Stat. 1067; Pub. L. 111-120, §1, Dec. 22, 2009, 123 Stat. 3478; Pub. L. 111-315, §1, Dec. 18, 2010, 124 Stat. 3450; Pub. L. 113-121, title I, §1006, June 10, 2014, 128 Stat. 1212.)

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2000, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

Section was formerly classified as a note under section 2201 of this title.

AMENDMENTS

2014—Subsec. (a)(1), (2). Pub. L. 113-121, §1006(1)(A), (B), substituted “Funding to process permits” for “In general” in subsec. heading, added par. (1), redesignated text of subsec. (a) as par. (2), inserted heading, and inserted “or a public-utility company or natural gas company” after “non-Federal public entity” and “or company” after “that entity”.

Subsec. (a)(3) to (5). Pub. L. 113-121, §1006(1)(C), added pars. (3) to (5).

Subsecs. (d), (e). Pub. L. 113-121, §1006(2), added subsecs. (d) and (e) and struck out former subsecs. (d) and (e) which read as follows:

“(d) PUBLIC AVAILABILITY.—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public, including on the Internet.

“(e) DURATION OF AUTHORITY.—The authority provided under this section shall be in effect from October 1, 2000, through December 31, 2016.”

2010—Subsec. (a). Pub. L. 111-315, §1(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “The Secretary, after public notice, may accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army.”

Subsec. (b). Pub. L. 111-315, §1(3), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decisionmaking with respect to permits, either substantively or procedurally.”

Subsecs. (c) to (e). Pub. L. 111-315, §1(2)-(4), added subsecs. (c) and (d), redesignated former subsec. (c) as (e), and, in subsec. (e), substituted “2016” for “2010”.

2009—Subsec. (c). Pub. L. 111-120 substituted “2010” for “2009”.

2007—Subsec. (c). Pub. L. 110-114 substituted “2009” for “2008”.

2006—Subsec. (c). Pub. L. 109-434 substituted “December 31, 2008” for “December 31, 2006”.

Pub. L. 109-209 substituted “December 31, 2006” for “March 31, 2006”.

2005—Subsec. (a). Pub. L. 109-99, §1(1), substituted “The” for “In fiscal years 2001 through 2005, the”.

Subsec. (c). Pub. L. 109-99, §1(2), added subsec. (c).

2003—Subsec. (a). Pub. L. 108-137 substituted “2005” for “2003”.

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 106-541, set out as a note under section 2201 of this title.

CHAPTER 37—ORGANOTIN ANTIFOULING PAINT CONTROL

§§ 2401 to 2410. Repealed. Pub. L. 111-281, title X, § 1048, Oct. 15, 2010, 124 Stat. 3032

Section 2401, Pub. L. 100-333, §2, June 16, 1988, 102 Stat. 605, provided findings and purposes for chapter.

Section 2402, Pub. L. 100-333, §3, June 16, 1988, 102 Stat. 605, provided definitions for chapter.

Section 2403, Pub. L. 100-333, §4, June 16, 1988, 102 Stat. 606, prohibited, with exceptions, application of antifouling paint containing organotin to any vessel less than 25 meters in length.

Section 2404, Pub. L. 100-333, §5, June 16, 1988, 102 Stat. 606, prohibited certain organotin paints and additives.

Section 2405, Pub. L. 100-333, §6, June 16, 1988, 102 Stat. 607, related to certification of antifouling paints containing organotin.

Section 2406, Pub. L. 100-333, §7, June 16, 1988, 102 Stat. 607; Pub. L. 104-106, div. A, title X, §1064(f), Feb. 10, 1996, 110 Stat. 445, related to monitoring and research of ecological effects.

Section 2407, Pub. L. 100-333, §8, June 16, 1988, 102 Stat. 608, provided for alternative antifouling research.

Section 2408, Pub. L. 100-333, §9, June 16, 1988, 102 Stat. 608, related to issuance of a final water quality criteria document.

Section 2409, Pub. L. 100-333, §10, June 16, 1988, 102 Stat. 608, provided for civil and criminal penalties for violations of certain sections of chapter.

Section 2410, Pub. L. 100-333, §11, June 16, 1988, 102 Stat. 608, related to other authorities and State laws.

EFFECTIVE DATE; USE OF EXISTING STOCKS

Pub. L. 100-333, §12, June 16, 1988, 102 Stat. 609, which provided that this chapter would take effect on June 16, 1988, and provided for a limited amount of time after that date to sell and use existing stocks of organotin paints and additives, was repealed by Pub. L. 111-281, title X, §1048, Oct. 15, 2010, 124 Stat. 3032.

SHORT TITLE

Pub. L. 100-333, §1, June 16, 1988, 102 Stat. 605, which provided that this chapter could be cited as the “Organotin Antifouling Paint Control Act of 1988”, was repealed by Pub. L. 111-281, title X, §1048, Oct. 15, 2010, 124 Stat. 3032.

CHAPTER 38—DUMPING OF MEDICAL WASTE BY PUBLIC VESSELS

Sec.	
2501.	Findings.
2502.	Definitions.
2503.	Prohibition.
2504.	Guidance.

§ 2501. Findings

The Congress finds the following:

(1) The washing ashore of potentially infectious medical wastes from public vessels of the United States may pose serious and widespread risks to public health and to the welfare of coastal communities.

(2) Current Federal law provides inadequate protections against the disposal of such wastes from such vessels into ocean waters.

(3) Operators of such vessels must take immediate action to stop disposing of such wastes into ocean waters.

(Pub. L. 100-688, title III, §3102, Nov. 18, 1988, 102 Stat. 4152.)

SHORT TITLE

Pub. L. 100-688, title III, §3101, Nov. 18, 1988, 102 Stat. 4152, provided that: “This subtitle [subtitle A (§§3101-3105) of title III of Pub. L. 100-688, enacting this chapter] may be cited as the ‘United States Public Vessel Medical Waste Anti-Dumping Act of 1988’.”

§ 2502. Definitions

For the purposes of this chapter:

(1) Potentially infectious medical waste

The term “potentially infectious medical waste” includes isolation wastes; infectious agents; human blood and blood products; pathological wastes; sharps; body parts; contaminated bedding; surgical wastes; and other disposable medical equipment and material that may pose a risk to the public health, welfare or the marine environment.

(2) Public vessel

The term “public vessel” means a vessel of any type whatsoever (including hydrofoils, air-cushion vehicles, submersibles, floating craft whether propelled or not, and fixed or floating platforms) that is owned, or demise chartered, and operated by the United States Government, and is not engaged in commercial service.

(Pub. L. 100-688, title III, §3103, Nov. 18, 1988, 102 Stat. 4152.)

§ 2503. Prohibition

After 6 months after November 18, 1988, no public vessel shall dispose of potentially infectious medical waste into ocean waters unless—

(1)(A) the health or safety of individuals on board the vessel is threatened; or

(B) during time of war or a declared national emergency;

(2) the waste is disposed of beyond 50 nautical miles from the nearest land; and

(3)(A) in the case of a public vessel which is not a submersible, the waste is sterilized, properly packaged, and sufficiently weighted to prevent the waste from coming ashore after disposal; and

(B) in the case of a public vessel which is a submersible, the waste is properly packaged and sufficiently weighted to prevent the waste from coming ashore after disposal.

(Pub. L. 100-688, title III, §3104, Nov. 18, 1988, 102 Stat. 4152.)

§ 2504. Guidance

Not later than 3 months after November 18, 1988, the Secretary of Defense and the head of each affected agency, in consultation with the Administrator of the Environmental Protection Agency, shall each issue guidance for public vessels under the jurisdiction of their agency regarding implementation of section 2503 of this title.

(Pub. L. 100-688, title III, §3105, Nov. 18, 1988, 102 Stat. 4153.)