

Pub. L. 114-322, §1110(1)(A), redesignated par. (2) as (3). Former par. (3) redesignated (4).

Subsec. (a)(4). Pub. L. 114-322, §1110(1)(A), redesignated par. (3) as (4). Former par. (4) redesignated (5).

Subsec. (a)(5). Pub. L. 114-322, §1110(1)(A), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Subsec. (a)(5)(A). Pub. L. 114-322, §1110(1)(D), substituted “Code of Federal Regulations” for “Code of Federal Regulation”.

Subsec. (a)(6), (7). Pub. L. 114-322, §1110(1)(A), redesignated pars. (5) and (6) as (6) and (7), respectively.

Subsec. (a)(8). Pub. L. 114-322, §1110(1)(E), added par. (8).

Subsec. (b)(1). Pub. L. 114-322, §1110(2)(A), substituted “donor ports, medium-sized donor ports,” for “donor ports”.

Subsec. (b)(2)(B), (C). Pub. L. 114-322, §1110(2)(B), added subpars. (B) and (C) and struck out former subpar. (B) which read as follows: “shall be made available to a port as either a donor port or an energy transfer port and no port may receive amounts as both a donor port and an energy transfer port.”

Subsec. (c). Pub. L. 114-322, §1110(3)(A), substituted “donor port, a medium-sized donor port,” for “donor port” in introductory provisions.

Subsec. (c)(1). Pub. L. 114-322, §1110(3)(B), struck out “or shippers transporting cargo” after “entering cargo” and substituted “the Secretary” for “U.S. Customs and Border Protection” and “value of discretionary cargo” for “amount of harbor maintenance taxes collected”.

Subsec. (d). Pub. L. 114-322, §1110(4), added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: “If a donor port or an energy transfer port elects to provide payments to importers or shippers under subsection (c), the Secretary shall transfer the amount that would otherwise be provided to the port under this section that is equal to those payments to the Commissioner of U.S. Customs and Border Protection to provide the payments to the importers or shippers.”

Subsec. (f)(1). Pub. L. 114-322, §1110(5)(A), substituted “2020” for “2018”.

Subsec. (f)(2). Pub. L. 114-322, §1110(5)(B), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “For each fiscal year, amounts made available to carry out this section shall be provided in equal amounts to donor ports and energy transfer ports.”

Subsec. (f)(3). Pub. L. 114-322, §1110(5)(C), substituted “2016 through 2020” for “2015 through 2018” and “2021 through 2025” for “2019 through 2022”.

Subsec. (g). Pub. L. 114-322, §1110(6), added subsec. (g).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2020 AMENDMENT

Pub. L. 116-260, div. AA, title I, §104(b)(3), Dec. 27, 2020, 134 Stat. 2622, provided that: “The amendments made by this subsection [amending this section] shall take effect on October 1, 2022.”

“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.

§ 2238d. Maintenance of harbors of refuge

The Secretary is authorized to maintain federally authorized harbors of refuge to restore and maintain the authorized dimensions of the harbors.

(Pub. L. 114-322, title I, §1109, Dec. 16, 2016, 130 Stat. 1634.)

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.

§ 2238e. Additional projects for underserved community harbors

(a) In general

Subject to the availability of appropriations designated by statute as being for the purpose of carrying out this section, the Secretary may carry out projects for underserved community harbors for purposes of sustaining water-dependent commercial and recreational activities at such harbors and for purposes of contributing to ecosystem restoration.

(b) Beneficial use

(1) Justification

The Secretary may carry out a project under this section involving a disposal option for the beneficial use of dredged material that is not the least cost disposal option if the Secretary determines that the incremental cost of the disposal option is reasonable pursuant to the standard described in section 2326(d)(1) of this title.

(2) Cost share

The non-Federal share of the incremental cost of a project carried out under this section involving a disposal option for the beneficial use of dredged material that is not the least cost disposal option shall be determined as provided under subsections (a) through (d) of section 2213 of this title.

(c) Prioritization

The Secretary shall prioritize carrying out projects using funds made available under this section based on an assessment of—

(1) the local or regional economic benefits of the project;

(2) the environmental benefits of the project, including the benefits to the aquatic environment to be derived from the creation of wetland and control of shoreline erosion; and

(3) other social effects of the project, including protection against loss of life and contributions to local or regional cultural heritage.

(d) Clarification

The Secretary shall not require the non-Federal interest for a project carried out under this section to perform additional operation and maintenance activities at the beneficial use placement site or the disposal site for such project as a condition of receiving assistance under this section.

(e) Federal participation limit

The Federal share of the cost of a project under this section shall not exceed \$10,000,000.

(f) Statutory construction

Projects carried out under this section shall be in addition to operation and maintenance ac-