

(3) local and regional economic opportunities;

(4) welfare of the regional population to be served by the project; or

(5) social and cultural value to the local community and communities that are located in the region to be served by the project and that will rely on the project.

(c) Prioritization

Projects recommended by the Secretary under subsection (a) shall be given equivalent budget consideration and priority as projects recommended solely by national economic development benefits.

(d) Disposition

(1) In general

The Secretary may carry out any project identified in the study carried out pursuant to subsection (a) in accordance with the criteria for projects carried out under the authority of the Secretary under section 577 of this title.

(2) Non-Federal interests

In evaluating and implementing a project under this section, the Secretary shall allow a non-Federal interest to participate in the financing of a project in accordance with the criteria established for flood control projects under section 903(c) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4184).

(e) Annual report

For a project that cannot be carried out under the authority specified in subsection (d), on a determination by the Secretary of the feasibility of the project under subsection (a), the Secretary may include a recommendation concerning the project in the annual report submitted to Congress under section 2282d of this title.

(Pub. L. 110-114, title II, § 2006, Nov. 8, 2007, 121 Stat. 1073; Pub. L. 113-121, title II, § 2104, June 10, 2014, 128 Stat. 1279; Pub. L. 114-322, title I, § 1105, Dec. 16, 2016, 130 Stat. 1633; Pub. L. 118-272, div. A, title I, § 1147, Jan. 4, 2025, 138 Stat. 3038.)

Editorial Notes

REFERENCES IN TEXT

Section 903(c) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4184), referred to in subsec. (d)(2), is not classified to the Code.

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

2025—Subsec. (a)(1). Pub. L. 118-272, § 1147(1), added par. (1) and struck out former par. (1) which read as follows:

“(1)(A) the community to be served by the project is at least 70 miles from the nearest surface accessible commercial port and has no direct rail or highway link to another community served by a surface accessible port or harbor; or

“(B) the project would be located in the State of Hawaii or Alaska, the Commonwealth of Puerto Rico,

Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, or American Samoa;”.

Subsec. (a)(2). Pub. L. 118-272, § 1147(1), added par. (2) and struck out former par. (2) which read as follows: “the harbor is economically critical such that over 80 percent of the goods transported through the harbor would be consumed within the region served by the harbor and navigation improvement, as determined by the Secretary, including consideration of information provided by the non-Federal interest; and”.

Subsec. (a)(3). Pub. L. 118-272, § 1147(1), struck out par. (3) which read as follows: “the long-term viability of the community in which the project is located, or the long-term viability of a community that is located in the region that is served by the project and that will rely on the project, would be threatened without the harbor and navigation improvement.”

Subsec. (b). Pub. L. 118-272, § 1147(2)(A), in introductory provisions, substituted “benefits of the project to any of” for “benefits of the project to”.

Subsec. (b)(4). Pub. L. 118-272, § 1147(2)(B), substituted “; or” for “; and”.

2016—Subsec. (a)(3). Pub. L. 114-322, § 1105(1), inserted “in which the project is located, or the long-term viability of a community that is located in the region that is served by the project and that will rely on the project,” after “the community”.

Subsec. (b)(1). Pub. L. 114-322, § 1105(2)(A), inserted “and communities that are located in the region to be served by the project and that will rely on the project” after “local community”.

Subsec. (b)(4). Pub. L. 114-322, § 1105(2)(B), substituted “regional population to be served by the project” for “local population”.

Subsec. (b)(5). Pub. L. 114-322, § 1105(2)(C), substituted “local community and communities that are located in the region to be served by the project and that will rely on the project” for “community”.

2014—Subsec. (a)(1)(B). Pub. L. 113-121, § 2104(1)(A), inserted “or Alaska” after “Hawaii”.

Subsec. (a)(2). Pub. L. 113-121, § 2104(1)(B), substituted “region” for “community” and inserted “, as determined by the Secretary, including consideration of information provided by the non-Federal interest” after “improvement”.

Subsecs. (c) to (e). Pub. L. 113-121, § 2104(2), added subsecs. (c) to (e).

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.

§ 2243. Arctic deep draft port development partnerships

(a) In general

The Secretary may provide technical assistance to non-Federal public entities, including Indian tribes (as defined in section 5304 of title 25) and a Native village, Regional Corporation, or Village Corporation (as those terms are defined in section 1602 of title 43¹, for the development, construction, operation, and maintenance of channels, harbors, and related infrastructure associated with deep draft ports for purposes of dealing with Arctic development and security needs.

(b) Acceptance of funds

The Secretary is authorized to accept and expend funds provided by non-Federal public enti-

¹So in original. Probably should be followed by a closing parenthesis.

ties, including Indian tribes (as defined in section 5304 of title 25) and a Native village, Regional Corporation, or Village Corporation (as those terms are defined in section 1602 of title 43¹, to carry out the technical assistance activities described in subsection (a).

(c) Limitation

No assistance may be provided under this section until after the date on which the entity to which that assistance is to be provided enters into a written agreement with the Secretary that includes such terms and conditions as the Secretary determines to be appropriate and in the public interest.

(d) Prioritization

The Secretary shall prioritize technical assistance provided under this section for Arctic deep draft ports identified by the Secretary, the Secretary of the department in which the Coast Guard is operating, and the Secretary of Defense as important for Arctic development and security.

(e) Consideration of national security interests

In carrying out a study of the feasibility of an Arctic deep draft port, the Secretary—

- (1) shall consult with the Secretary of the department in which the Coast Guard is operating to identify benefits in carrying out the missions specified in section 468 of title 6 associated with an Arctic deep draft port;
- (2) shall consult with the Secretary of Defense to identify national security benefits associated with an Arctic deep draft port; and
- (3) may consider such benefits in determining whether an Arctic deep draft port is feasible.

(Pub. L. 113–121, title II, §2105, June 10, 2014, 128 Stat. 1279; Pub. L. 114–322, title I, §1202(c), Dec. 16, 2016, 130 Stat. 1684.)

Editorial Notes

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—Subsecs. (a), (b). Pub. L. 114–322, §1202(c)(1), inserted “and a Native village, Regional Corporation, or Village Corporation (as those terms are defined in section 1602 of title 43” after “title 25)” and made technical amendment to reference in original act which appears in text as reference to section 5304 of title 25.

Subsec. (d). Pub. L. 114–322, §1202(c)(2), substituted “the Secretary of the department in which the Coast Guard is operating” for “the Secretary of Homeland Security”.

Subsec. (e). Pub. L. 114–322, §1202(c)(3), added subsec. (e).

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.

**SUBCHAPTER III—INLAND WATERWAY
TRANSPORTATION SYSTEM**

Statutory Notes and Related Subsidiaries

INLAND WATERWAYS REGIONAL DREDGE PILOT PROGRAM

Pub. L. 117–263, div. H, title LXXXI, §8133, Dec. 23, 2022, 136 Stat. 3720, as amended by Pub. L. 118–272, div. A, title I, §1118, Jan. 4, 2025, 138 Stat. 3012, provided that:

“(a) IN GENERAL.—The Secretary [of the Army] is authorized to establish a pilot program (referred to in this section as the ‘pilot program’) to conduct a multiyear demonstration program to award contracts with a duration of up to 5 years for dredging projects on inland waterways of the United States described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).

“(b) PURPOSES.—The purposes of the pilot program shall be to—

“(1) increase the reliability, availability, and efficiency of federally owned and federally operated inland waterways projects;

“(2) decrease operational risks across the inland waterways system; and

“(3) provide cost savings by combining work across multiple projects across different accounts of the Corps of Engineers.

“(c) PROJECTS.—In awarding contracts under subsection (a), the Secretary shall consider projects that—

“(1) improve navigation reliability on inland waterways that are accessible year-round;

“(2) increase freight capacity on inland waterways; and

“(3) have the potential to enhance the availability of containerized cargo on inland waterways.

“(d) SAVINGS CLAUSE.—Nothing in this section affects the responsibility of the Secretary with respect to the construction and operation and maintenance of projects on the inland waterways system.

“(e) REPORT TO CONGRESS.—Not later than 1 year after the date on which the first contract is awarded pursuant to the pilot program, 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 evaluates, with respect to the pilot program and any contracts awarded under the pilot program—

“(1) cost-effectiveness;

“(2) reliability and performance;

“(3) cost savings attributable to mobilization and demobilization of dredge equipment; and

“(4) response times to address navigational impediments.

“(f) SUNSET.—The authority of the Secretary to enter into contracts pursuant to the pilot program shall expire on the date that is 10 years after the date of enactment of this Act [Dec. 23, 2022].”

INLAND WATERWAYS PILOT PROGRAM

Pub. L. 116–260, div. AA, title I, §159, Dec. 27, 2020, 134 Stat. 2663, provided that:

“(a) DEFINITIONS.—In this section:

“(1) AUTHORIZED PROJECT.—The term ‘authorized project’ means a federally authorized water resources development project for navigation on the inland waterways.

“(2) MODERNIZATION ACTIVITIES.—The term ‘modernization activities’ means construction or major rehabilitation activities for any authorized project.

“(3) NON-FEDERAL INTEREST.—The term ‘non-Federal interest’ means any public body described in section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)).

“(b) AUTHORIZATION OF PILOT PROGRAM.—The Secretary [of the Army] is authorized to carry out a pilot program for modernization activities on the inland waterways system.