

acted this section and sections 2253, 2254, and 2255 of this title, amended sections 2212, 2251, and 2327 of this title, and enacted provisions set out as a note under this section. For complete classification of subtitle A to the Code, see Tables.

#### 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.

Section is comprised of section 2002 of Pub. L. 113–121. Subsec. (d) of section 2002 of Pub. L. 113–121 amended section 2251 of this title.

#### Statutory Notes and Related Subsidiaries

##### DEFINITIONS

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.

Pub. L. 113–121, title II, §2001, June 10, 2014, 128 Stat. 1260, provided that: “In this title [enacting this section and sections 2211a, 2238b, 2238c, 2243, 2253, 2254, and 2255 of this title and amending sections 2211, 2212, 2238, 2242, 2251, 2282a, and 2327 of this title and section 9505 of Title 26, Internal Revenue Code]:

“(1) INLAND WATERWAYS TRUST FUND.—The term ‘Inland Waterways Trust Fund’ means the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986 [26 U.S.C. 9506(a)].

“(2) QUALIFYING PROJECT.—The term ‘qualifying project’ means any construction or major rehabilitation project for navigation infrastructure of the inland and intracoastal waterways that is—

“(A) authorized before, on, or after the date of enactment of this Act [June 10, 2014];

“(B) not completed on the date of enactment of this Act; and

“(C) funded at least in part from the Inland Waterways Trust Fund.”

#### § 2253. Annual financial review

For any inland waterways project that the Secretary carries out that has an estimated total cost of \$500,000,000 or more, the Secretary shall submit to the congressional committees referred to in subsection (a)<sup>1</sup> an annual financial plan for the project. The plan shall be based on detailed annual estimates of the cost to complete the remaining elements of the project and on reasonable assumptions, as determined by the Secretary, of any future increases of the cost to complete the project.

(Pub. L. 113–121, title II, §2007(b), June 10, 2014, 128 Stat. 1268.)

#### Editorial Notes

##### REFERENCES IN TEXT

The congressional committees referred to in subsection (a), referred to in text, mean the congressional committees referred to in subsec. (a) of section 2007 of Pub. L. 113–121, which are the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

##### 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.

<sup>1</sup> See References in Text note below.

#### 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.

#### § 2254. Assessment of operation and maintenance needs of the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway

##### (a) In general

Not later than 90 days after June 10, 2014, the Secretary shall assess the operation and maintenance needs of the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway.

##### (b) Types of activities

In carrying out subsection (a), the Secretary shall assess the operation and maintenance needs of the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway as used for the following purposes:

(1) Commercial navigation.

(2) Commercial fishing.

(3) Subsistence, including utilization by Indian tribes (as defined in section 5304 of title 25) for subsistence and ceremonial purposes.

(4) Use as ingress and egress to harbors of refuge.

(5) Transportation of persons.

(6) Purposes relating to domestic energy production, including fabrication, servicing, and supply of domestic offshore energy production facilities.

(7) Activities of the Secretary of the department in which the Coast Guard is operating.

(8) Public health and safety related equipment for responding to coastal and inland emergencies.

(9) Recreation purposes.

(10) Any other authorized purpose.

##### (c) Report to Congress

For fiscal year 2015, and biennially thereafter, in conjunction with the annual budget submission by the President to Congress under section 1105(a) of title 31, 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 and make publicly available a report that, with respect to the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway—

(1) identifies the operation and maintenance costs required to achieve the authorized length, width, and depth;

(2) identifies the amount of funding requested in the President’s budget for operation and maintenance costs; and

(3) identifies the unmet operation and maintenance needs of the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway.

(Pub. L. 113–121, title II, §2008, June 10, 2014, 128 Stat. 1268.)

#### 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.

#### 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.

#### § 2255. Inland waterways riverbank stabilization

##### (a) In general

Not later than 1 year after June 10, 2014, and biennially thereafter, the Secretary shall conduct a study to determine the feasibility of—

- (1) carrying out projects for the inland and intracoastal waterways for purposes of—
  - (A) flood damage reduction;
  - (B) emergency streambank and shoreline protection; and
  - (C) prevention and mitigation of shore damages attributable to navigation improvements; and
- (2) modifying projects for the inland and intracoastal waterways for the purpose of improving the quality of the environment.

##### (b) Recommendations

In conducting the study, the Secretary shall develop specific project recommendations and prioritize those recommendations based on—

- (1) the extent of damage and land loss resulting from riverbank erosion;
- (2) the rate of erosion;
- (3) the significant threat of future flood risk to public property, public infrastructure, or public safety;
- (4) the destruction of natural resources or habitats; and
- (5) the potential cost savings for maintenance of the channel.

##### (c) Disposition

The Secretary may carry out any project identified in the study conducted pursuant to subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:

- (1) Section 701r of this title.
- (2) Section 701s of this title.
- (3) Section 426i of this title.
- (4) Section 2309a of this title.

##### (d) Annual report

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

(Pub. L. 113–121, title II, § 2009, June 10, 2014, 128 Stat. 1269.)

#### 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.

#### 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.

#### § 2255a. High water-low water preparedness

##### (a) Definitions

In this section:

##### (1) Bypass

The term “bypass” means an alternate water route adjacent to a lock and dam on a Federal inland waterway system that can be used for commercial navigation during high water conditions.

##### (2) Emergency condition

The term “emergency condition” means—

- (A) unsafe conditions on a Federal inland waterway system that prevent the operation of commercial vessels, resulting from a major change in water level or flows;
- (B) an obstruction in a Federal inland waterway system, including silt, sediment, rock formation, or a shallow channel;
- (C) an impaired or inoperable Federal lock and dam; or
- (D) any other condition determined appropriate by the Secretary.

##### (b) Emergency determination

The Secretary, in consultation with the District Commanders responsible for maintaining any Federal inland waterway system, the users of the waterway system, and the Coast Guard, may make a determination that an emergency condition exists on the waterway system.

##### (c) Emergency mitigation project

##### (1) In general

Subject to paragraph (2) and the availability of appropriations, and in accordance with all applicable Federal requirements, the Secretary may carry out an emergency mitigation project on a Federal inland waterway system with respect to which the Secretary has determined that an emergency condition exists under subsection (b), or on a bypass of such system, to remedy that emergency condition.

##### (2) Deadline

An emergency mitigation project under paragraph (1) shall—

- (A) be initiated by not later than 60 days after the date on which the Secretary makes the applicable determination under subsection (b); and
- (B) to the maximum extent practicable, be completed by not later than 1 year after the date on which the Secretary makes such determination.

##### (d) Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out this section \$25,000,000 for each of fiscal years 2022 through 2024, to remain available until expended.

(Pub. L. 116–260, div. AA, title I, § 151, Dec. 27, 2020, 134 Stat. 2657.)