

118-272, div. A, title I, §1119(a), Jan. 4, 2025, 138 Stat. 3012.)

Editorial Notes

REFERENCES IN TEXT

The Budget Act, referred to in subsec. (d)(2)(E) heading, probably means the Congressional Budget Act of 1974, titles I through IX of Pub. L. 93-344, July 12, 1974, 88 Stat. 297. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2, The Congress, and Tables.

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1996, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

AMENDMENTS

2025—Subsec. (b)(1). Pub. L. 118-272, §1119(a)(1), amended par. (1) generally. Prior to amendment, text read as follows: “The Secretary—

“(A) may permit the use of any dredged material disposal facility under the jurisdiction of, or managed by, the Secretary by a non-Federal interest if the Secretary determines that such use will not reduce the availability of the facility for project purposes; and

“(B) may impose fees to recover capital, operation, and maintenance costs associated with such use.”

Subsec. (b)(2). Pub. L. 118-272, §1119(a)(2), substituted “Fees” for “Use of fees” in par. heading, designated existing provisions as subpar. (A) and inserted subpar. heading, and added subpar. (B).

Subsec. (b)(3), (4). Pub. L. 118-272, §1119(a)(3), added pars. (3) and (4).

2020—Subsec. (a). Pub. L. 116-260, §145(1), inserted “or replacement capacity” after “Additional capacity” in heading.

Subsec. (a)(1). Pub. L. 116-260, §145(2), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: “At the request of a non-Federal interest with respect to a project, the Secretary may provide additional capacity at a dredged material disposal facility constructed by the Secretary beyond the capacity that would be required for project purposes if the non-Federal interest agrees to pay, during the period of construction, all costs associated with the construction of the additional capacity.”

Subsec. (a)(2). Pub. L. 116-260, §145(3), inserted “under paragraph (1)(A)(i)” after “additional capacity”.

Subsec. (a)(3), (4). Pub. L. 116-260, §145(4), added pars. (3) and (4).

2007—Subsec. (c). Pub. L. 110-114, §2005(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 110-114, §2005(1), redesignated subsec. (c) as (d).

Subsec. (d)(1). Pub. L. 110-114, §2005(3), inserted “and maintenance” after “operation” and “processing, treatment, contaminant reduction, or” after “dredged material”.

Subsec. (d)(2)(A). Pub. L. 110-114, §2005(3), inserted “and maintenance” after “operation” and “processing, treatment, contaminant reduction, or” after “of a dredged material”.

Statutory Notes and Related Subsidiaries

SAVINGS PROVISION

Pub. L. 118-272, div. A, title I, §1119(b), Jan. 4, 2025, 138 Stat. 3014, provided that: “Nothing in the amendments made by subsection (a) [amending this section] shall affect—

“(1) an agreement between the Secretary [of the Army] and a non-Federal interest that is in effect on the date of enactment of this Act [Jan. 4, 2025], except that, upon request by the non-Federal interest

party to such agreement, the Secretary and the non-Federal interest may modify such agreement; or

“(2) the inclusion in an agreement between the Secretary and a non-Federal interest entered into after the date of enactment of this Act of a dredged material disposal facility that is included in an agreement between the Secretary and a non-Federal interest in effect on the date of enactment of this Act, unless the non-Federal interest is notified and agrees.”

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 104-303, set out as a note under section 2201 of this title.

§ 2326b. Sediment management

(a) In general

The Secretary may enter into cooperation agreements with non-Federal interests with respect to navigation projects, or other appropriate non-Federal entities, for the development of long-term management strategies for controlling sediments at such projects.

(b) Contents of strategies

Each strategy developed under subsection (a) shall—

(1) include assessments of sediment rates and composition, sediment reduction options, dredging practices, long-term management of any dredged material disposal facilities, remediation of such facilities, and alternative disposal and reuse options;

(2) include a timetable for implementation of the strategy; and

(3) incorporate relevant ongoing planning efforts, including remedial action planning, dredged material management planning, harbor and waterfront development planning, and watershed management planning.

(c) Consultation

In developing strategies under subsection (a), the Secretary shall consult with interested Federal agencies, States, and Indian tribes and provide an opportunity for public comment.

(d) Dredged material disposal

(1) Study

The Secretary shall conduct a study to determine the feasibility of constructing and operating an underwater confined dredged material disposal site in the Port of New York-New Jersey that could accommodate as much as 250,000 cubic yards of dredged material for the purpose of demonstrating the feasibility of an underwater confined disposal pit as an environmentally suitable method of containing certain sediments.

(2) Report

The Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1), together with any recommendations of the Secretary that may be developed in a strategy under subsection (a).

(e) Great Lakes tributary model

(1) In general

In consultation and coordination with the Great Lakes States, the Secretary shall develop a tributary sediment transport model for each major river system or set of major

river systems depositing sediment into a Great Lakes federally authorized commercial harbor, channel maintenance project site, or Area of Concern identified under the Great Lakes Water Quality Agreement of 1978. Such model may be developed as a part of a strategy developed under subsection (a).

(2) Requirements for models

In developing a tributary sediment transport model under this subsection, the Secretary shall build on data and monitoring information generated in earlier studies and programs of the Great Lakes and their tributaries.

(3) Report

Not later than December 31, 2003, the Secretary shall transmit to Congress a report on the Secretary's activities under this subsection.

(f) "Great Lakes States" defined

In this section, the term "Great Lakes States" means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

(g) Coastal mapping

The Secretary shall develop and carry out a plan for the recurring mapping of coastlines that are experiencing rapid change, including such coastlines in—

- (1) Alaska;
- (2) Hawaii; and
- (3) any territory or possession of the United States.

(h) Authorization of appropriations

(1) In general

There is authorized to be appropriated to the Secretary to carry out this section \$5,000,000 for each of fiscal years 1998 through 2001.

(2) Great Lakes tributary model

In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) \$5,000,000 for each of fiscal years 2002 through 2012.

(3) Coastal mapping

In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (g) with respect to Alaska, Hawaii, and the territories and possessions of the United States, \$10,000,000, to remain available until expended.

(Pub. L. 104-303, title V, § 516, Oct. 12, 1996, 110 Stat. 3763; Pub. L. 106-541, title V, § 505, Dec. 11, 2000, 114 Stat. 2645; Pub. L. 110-114, title V, § 5013, Nov. 8, 2007, 121 Stat. 1195; Pub. L. 116-260, div. AA, title I, § 148, Dec. 27, 2020, 134 Stat. 2656.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1996, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

AMENDMENTS

2020—Subsecs. (g), (h). Pub. L. 116-260, § 148(1), (2), added subsec. (g) and redesignated former subsec. (g) as (h).

Subsec. (h)(3). Pub. L. 116-260, § 148(3), added par. (3).
2007—Subsec. (g)(2). Pub. L. 110-114 substituted "through 2012" for "through 2006".

2000—Subsec. (e)(3). Pub. L. 106-541, § 505(1), added par. (3).

Subsec. (g). Pub. L. 106-541, § 505(2), designated existing provisions as par. (1), inserted heading, realigned margins, and added par. (2).

Statutory Notes and Related Subsidiaries

DREDGED MATERIAL MANAGEMENT PLANS

Pub. L. 115-270, title I, § 1116, Oct. 23, 2018, 132 Stat. 3776, provided that:

"(a) IN GENERAL.—For purposes of dredged material management plans initiated after the date of enactment of this Act [Oct. 23, 2018], the Secretary [of the Army] shall expedite the dredged material management plan process in order that such plans make maximum use of existing information, studies, and innovative dredged material management practices, and avoid any redundant information collection and studies.

"(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on how the Corps of Engineers intends to meet the requirements of subsection (a)."

NEW YORK-NEW JERSEY HARBOR, NEW YORK AND NEW JERSEY

Pub. L. 106-53, title V, § 540, Aug. 17, 1999, 113 Stat. 350, provided that:

"(a) IN GENERAL.—The Secretary shall conduct a study to analyze the economic and environmental benefits and costs of potential sediment management and contaminant reduction measures.

"(b) COOPERATIVE AGREEMENTS.—In conducting the study, the Secretary may enter into cooperative agreements with non-Federal interests to investigate, develop, and support measures for sediment management and reduction of sources of contaminant that affect navigation in the Port of New York-New Jersey and the environmental conditions of the New York-New Jersey Harbor estuary."

"SECRETARY" DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 104-303, set out as a note under section 2201 of this title.

§ 2326c. Reservoir sediment

(a) In general

Not later than 180 days after October 23, 2018, and after providing public notice, the Secretary shall, using available funds, accept services provided by a non-Federal interest or commercial entity for removal of sediment captured behind a dam owned or operated by the United States and under the jurisdiction of the Secretary for the purpose of restoring the authorized storage capacity of the project concerned.

(b) Requirements

In carrying out this section, the Secretary shall—

(1) review the services of the non-Federal interest or commercial entity to ensure that the services are consistent with the authorized purposes of the project concerned;

(2) ensure that the non-Federal interest or commercial entity will indemnify the United States for, or has entered into an agreement approved by the Secretary to address, any adverse impact to the dam as a result of such services; and

(3) require the non-Federal interest or commercial entity, prior to initiating the services