

and upon completion of the services, to conduct sediment surveys to determine the pre- and post-services sediment profile and sediment quality.

**(c) Limitation**

**(1) In general**

The Secretary may not accept services under subsection (a) if the Secretary, after consultation with the Chief of Engineers, determines that accepting the services is not advantageous to the United States.

**(2) Report to Congress**

If the Secretary makes a determination under paragraph (1), the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate written notice describing the reasoning for the determination.

**(d) Disposition of removed sediment**

In exchange for providing services under subsection (a), a non-Federal interest or commercial entity is authorized to retain, use, recycle, sell, or otherwise dispose of any sediment removed in connection with the services and the Corps of Engineers may not seek any compensation for the value of the sediment.

**(e) Congressional notification**

Prior to accepting services provided by a non-Federal interest or commercial entity under this section, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate written notice of the acceptance of the services.

**(f) Report to Congress**

Not later than 3 years after October 23, 2018, 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 describing the results of the program under this section.

(Pub. L. 106-541, title II, §215, Dec. 11, 2000, 114 Stat. 2594; Pub. L. 114-322, title I, §1115(a), Dec. 16, 2016, 130 Stat. 1638; Pub. L. 115-270, title I, §1146, Oct. 23, 2018, 132 Stat. 3786.)

**Editorial Notes**

**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.

**AMENDMENTS**

2018—Subsec. (a). Pub. L. 115-270, §1146(1), substituted “October 23, 2018” for “December 16, 2016” and “shall, using available funds, accept” for “shall establish, using available funds, a pilot program to accept”.

Subsec. (b)(4). Pub. L. 115-270, §1146(2), struck out par. (4) which read as follows: “limit the number of dams for which services are accepted to 10.”

Subsec. (f). Pub. L. 115-270, §1146(3), added subsec. (f) and struck out former subsec. (f). Prior to amendment, text read as follows: “Upon completion of services at

the 10 dams allowed under subsection (b)(4), the Secretary shall make publicly available and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report documenting the results of the services.”

2016—Pub. L. 114-322 amended section generally. Prior to amendment, section related to a program for direct marketing of dredged material and a pilot program for dredged material recycling.

**Statutory Notes and Related Subsidiaries**

**“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.

**§ 2326d. Alternative projects to maintenance dredging**

The Secretary may enter into agreements to assume the operation and maintenance costs of an alternative project to maintenance dredging for a Federal navigation channel if the costs of the operation and maintenance of the alternative project, and any remaining costs necessary for maintaining the Federal navigation channel, are less than the costs of maintaining such channel without the alternative project.

(Pub. L. 114-322, title I, §1106, 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.

**§ 2326e. Non-Federal interest dredging authority**

**(a) In general**

The Secretary may permit a non-Federal interest to carry out, for an authorized navigation project (or a separable element of an authorized navigation project), such maintenance activities as are necessary to ensure that the project is maintained to not less than the minimum project dimensions.

**(b) Cost limitations**

Except as provided in this section and subject to the availability of appropriations, the costs incurred by a non-Federal interest in performing the maintenance activities described in subsection (a) shall be eligible for reimbursement, not to exceed an amount that is equal to the estimated Federal cost for the performance of the maintenance activities, with any reimbursement subject to the non-Federal interest complying with all Federal laws and regulations that would apply to such maintenance activities if carried out by the Secretary.