

Code of Federal Regulations), the Secretary may not require the non-Federal interest to bear the additional cost of such activities.

(f) Report

Not later than 2 years after December 16, 2016, and annually thereafter, 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 includes—

- (1) a description of the projects selected to be carried out under this section;
- (2) documentation supporting each of the projects selected;
- (3) the findings of regional beneficial use teams regarding project selection; and
- (4) any recommendations of the Secretary or regional beneficial use teams with respect to the implementation of this section.

(g) Exemption from other standards

The projects carried out under this section shall be carried out notwithstanding the definition of the term “Federal standard” in section 335.7 of title 33, Code of Federal Regulations.

(h) Redesignated (g)

(i), (j) Omitted

(Pub. L. 114–322, title I, §1122, Dec. 16, 2016, 130 Stat. 1645; Pub. L. 115–270, title I, §1130, Oct. 23, 2018, 132 Stat. 3780; Pub. L. 116–260, div. AA, title I, §125(b)(1), Dec. 27, 2020, 134 Stat. 2638; Pub. L. 118–272, div. A, title I, §1130(a), Jan. 4, 2025, 138 Stat. 3018.)

Editorial Notes

CODIFICATION

Section was formerly set out as a note under section 2326 of this title.

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.

Section is based on section 1122 of Pub. L. 114–322. Subsecs. (i) and (j) of section 1122 of Pub. L. 114–322 amended section 2326 of this title and section 1962d–5f of Title 42, The Public Health and Welfare, respectively.

AMENDMENTS

2025—Subsec. (a). Pub. L. 118–272, §1130(a)(1)(A), substituted “The Secretary is authorized” for “Not later than 90 days after December 16, 2016, the Secretary shall establish a pilot program” in introductory provisions.

Subsec. (a)(1). Pub. L. 118–272, §1130(a)(1)(B), added par. (1) and struck out former par. (1) which read as follows: “reducing storm damage to property and infrastructure;”.

Subsec. (b). Pub. L. 118–272, §1130(a)(2)(A), substituted “this section” for “the pilot program” in introductory provisions.

Subsec. (b)(1). Pub. L. 118–272, §1130(a)(2)(B), added par. (1) and struck out former par. (1) which read as follows: “identify for inclusion in the pilot program and carry out 35 projects for the beneficial use of dredged material;”.

Subsec. (c)(1). Pub. L. 118–272, §1130(a)(3), substituted “The” for “In carrying out the pilot program, the” and “under this section” for “under the pilot program”.

Subsec. (d). Pub. L. 118–272, §1130(a)(4), substituted “this section” for “the pilot program” in introductory provisions.

Subsec. (f)(1). Pub. L. 118–272, §1130(a)(5)(A), substituted “this section” for “the pilot program”.

Subsec. (f)(4). Pub. L. 118–272, §1130(a)(5)(B), substituted “the implementation of this section” for “the pilot program”.

Subsecs. (g), (h). Pub. L. 118–272, §1130(a)(6), redesignated subsec. (h) as (g) and struck out former subsec. (g) which provided that the pilot program would terminate after completion of the 35 projects carried out pursuant to subsec. (b)(1).

2020—Subsec. (a)(8). Pub. L. 116–260, §125(b)(1)(A), added par. (8).

Subsecs. (b)(1), (g). Pub. L. 116–260, §125(b)(1)(B), (C), substituted “35” for “20”.

2018—Subsecs. (b)(1), (g). Pub. L. 115–270 substituted “20” for “10”.

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.

§ 2326j. Transfer of suitable dredged material

(1) In general

The Secretary is authorized to make available to a non-Federal interest, at no additional cost, dredged material that the Secretary has determined is in excess of the amounts identified as needed for use by the Secretary.

(2) Responsibility

The non-Federal interest shall be responsible for all costs to remove and transport such material, and shall certify that the non-Federal interest is responsible for any and all liability related to the removal of such material or the use of such material once it is removed.

(Pub. L. 118–272, div. A, title I, §1130(e), Jan. 4, 2025, 138 Stat. 3020.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2024, and also as part of the Thomas R. Carper Water Resources Development Act of 2024, 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. 118–272, set out as a note under section 2201 of this title.

§ 2327. Definition of rehabilitation for inland waterway projects

For purposes of laws relating to navigation on inland and intracoastal waterways of the United States, the term “rehabilitation” means—

(1) major project feature restoration—

(A) which consists of structural work on an inland navigation facility operated and maintained by the Corps of Engineers;

(B) which will significantly extend the physical life of the feature;

(C) which is economically justified by a benefit-cost analysis;

(D) which will take at least 2 years to complete; and