

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

(E)(i) which is initially funded before October 1, 1994, and will require at least \$5,000,000 in capital outlays; or

(ii) which is initially funded on or after such date and will require at least \$20,000,000 in capital outlays; and

(2) structural modification of a major project component (not exhibiting reliability problems)—

(A) which will enhance the operational efficiency of such component or any other major component of the project by increasing benefits beyond the original project design; and

(B) which will require at least \$1,000,000 in capital outlays.

Such term does not include routine or deferred maintenance. The dollar amounts referred to in paragraphs (1) and (2) shall be adjusted annually according to the economic assumption published each year as guidance in the Annual Program and Budget Request for Civil Works Activities of the Corps of Engineers.

(Pub. L. 102-580, title II, §205, Oct. 31, 1992, 106 Stat. 4827; Pub. L. 113-121, title II, §2006(a)(4), June 10, 2014, 128 Stat. 1268.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1992, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

AMENDMENTS

2014—Par. (1)(E)(ii). Pub. L. 113-121 substituted “\$20,000,000” for “\$8,000,000”.

§ 2327a. Rehabilitation of Corps of Engineers constructed pump stations

(a) Definitions

In this section:

(1) Eligible pump station

The term “eligible pump station” means a pump station—

(A) that is a feature of—

(i) a federally authorized flood or coastal storm risk management project; or

(ii) an integrated flood risk reduction system that includes a federally authorized flood or coastal storm risk management project; and

(B) the failure of which the Secretary has determined would demonstrably impact the function of the federally authorized flood or coastal storm risk management project.

(2) Rehabilitation

(A) In general

The term “rehabilitation”, with respect to an eligible pump station, means to address a major deficiency of the eligible pump station caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the eligible pump station.

(B) Inclusions

The term “rehabilitation”, with respect to an eligible pump station, includes—

(i) the incorporation into the eligible pump station of—

(I) current design standards;

(II) efficiency improvements; and

(III) associated drainage; and

(ii) increasing the capacity of the eligible pump station, subject to the condition that the increase shall—

(I) significantly decrease the risk of loss of life and property damage; or

(II) decrease total lifecycle rehabilitation costs for the eligible pump station.

(b) Authorization

The Secretary may carry out rehabilitation of an eligible pump station, if the Secretary determines that—

(1) the eligible pump station has a major deficiency; and

(2) the rehabilitation is feasible.

(c) Cost sharing

The non-Federal interest for the eligible pump station shall—

(1) provide 35 percent of the cost of rehabilitation of an eligible pump station carried out under this section; and

(2) provide all land, easements, rights-of-way, and necessary relocations associated with the rehabilitation described in subparagraph (A), at no cost to the Federal Government.

(d) Agreement required

The rehabilitation of an eligible pump station pursuant to this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary—

(1) to pay the non-Federal share of the costs of rehabilitation under subsection (c); and

(2) to pay 100 percent of the operation and maintenance costs of the rehabilitated eligible pump station, in accordance with regulations promulgated by the Secretary.

(e) Treatment

The rehabilitation of an eligible pump station pursuant to this section shall not be considered to be a separable element of the associated flood risk management project constructed by the Corps of Engineers.

(f) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$60,000,000, to remain available until expended.

(g) Prioritization

To the maximum extent practicable, the Secretary shall prioritize the rehabilitation of eligible pump stations under this section that benefit economically disadvantaged communities, as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note), including economically disadvantaged communities located in urban and rural areas.

(Pub. L. 116-260, div. AA, title I, §133, Dec. 27, 2020, 134 Stat. 2647; Pub. L. 117-263, div. H, title LXXXI, §8152, Dec. 23, 2022, 136 Stat. 3733.)