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(Pub. L. 117–263, div. H, title LXXXI, § 8134, Dec. 23, 2022, 136 Stat. 3721.)

#### Editorial Notes

##### REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (a)(5), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

##### CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2022, and also as part of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, 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 8002 of Pub. L. 117–263, set out as a note under section 2201 of this title.

#### § 2349. Categorical exclusions in emergencies

For the repair, reconstruction, or rehabilitation of a water resources project that is in operation or under construction when damaged by an event or incident that results in a declaration by the President of a major disaster or emergency pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary shall treat such repair, reconstruction, or rehabilitation activity as a class of action categorically excluded from the requirements relating to environmental assessments or environmental impact statements under section 1508.4 of title 40, Code of Federal Regulations (or successor regulations), if the repair or reconstruction activity is—

- (1) in the same location with the same capacity, dimensions, and design as the original water resources project as before the declaration described in this section;<sup>1</sup> and
- (2) commenced within a 2-year period beginning on the date of a declaration described in this section.

(Pub. L. 113–121, title I, § 1005(b), June 10, 2014, 128 Stat. 1212.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in text, is Pub. L. 93–288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§ 5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

This section, referred to in par. (1), means section 1005 of title I of Pub. L. 113–121, which amended this section and section 2348 of this title.

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

##### 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.

#### § 2350. Corrosion prevention

##### (a) In general

To the greatest extent practicable, the Secretary shall encourage and incorporate corrosion prevention activities at water resources development projects.

##### (b) Activities

In carrying out subsection (a), the Secretary, to the greatest extent practicable, shall ensure that contractors performing work for water resources development projects—

- (1) use best practices to carry out corrosion prevention activities in the field;
- (2) use industry-recognized standards and corrosion mitigation and prevention methods when—
  - (A) determining protective coatings;
  - (B) selecting materials; and
  - (C) determining methods of cathodic protection, design, and engineering for corrosion prevention;
- (3) use certified coating application specialists and cathodic protection technicians and engineers;
- (4) use best practices in environmental protection to prevent environmental degradation and to ensure careful handling of all hazardous materials;
- (5) demonstrate a history of employing industry-certified inspectors to ensure adherence to best practices and standards; and
- (6) demonstrate a history of compliance with applicable requirements of the Occupational Safety and Health Administration.

##### (c) Corrosion prevention activities defined

In this section, the term “corrosion prevention activities” means—

- (1) the application and inspection of protective coatings for complex work involving steel and cementitious structures, including structures that will be exposed in immersion;
- (2) the installation, testing, and inspection of cathodic protection systems;
- (3) the carrying out of an activity described in paragraph (1) or (2) through a program in corrosion prevention that is—
  - (A) offered or accredited by an organization that sets industry standards for corrosion mitigation and prevention; or
  - (B) an industrial coatings applicator program that is—
    - (i) an employment and training activity (as defined in section 3102 of title 29); or
    - (ii) registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); and

(4) any other activities related to corrosion prevention the Secretary determines appropriate.

**(d) Report**

In the first annual report submitted to Congress after December 16, 2016, in accordance with section 556 of this title, and section 2295(b) of this title, the Secretary shall report on the corrosion prevention activities encouraged under this section, including—

- (1) a description of the actions the Secretary has taken to implement this section; and
- (2) a description of the projects utilizing corrosion prevention activities, including which activities were undertaken.

(Pub. L. 113–121, title I, §1033, June 10, 2014, 128 Stat. 1233; Pub. L. 114–322, title I, §1142, Dec. 16, 2016, 130 Stat. 1658; Pub. L. 118–272, div. A, title I, §1135, Jan. 4, 2025, 138 Stat. 3025.)

**Editorial Notes**

REFERENCES IN TEXT

The National Apprenticeship Act, referred to in subsec. (c)(3)(B)(ii), is act Aug. 16, 1937, ch. 663, 50 Stat. 664, which is classified generally to chapter 4C (§50 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 50 of Title 29 and 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.

AMENDMENTS

2025—Subsec. (c)(3), (4). Pub. L. 118–272 added par. (3) and redesignated former par. (3) as (4).

2016—Subsec. (d). Pub. L. 114–322 added subsec. (d).

**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.

**§ 2351. Durability, sustainability, and resilience**

In carrying out the activities of the Corps of Engineers, the Secretary, to the maximum extent practicable, shall encourage the use of durable and sustainable materials and resilient construction techniques that—

- (1) allow a water resources infrastructure project—
  - (A) to resist hazards due to a major disaster; and
  - (B) to continue to serve the primary function of the water resources infrastructure project following a major disaster;
- (2) reduce the magnitude or duration of a disruptive event to a water resources infrastructure project; and
- (3) have the absorptive capacity, adaptive capacity, and recoverability to withstand a potentially disruptive event.

(Pub. L. 113–121, title III, §3022, June 10, 2014, 128 Stat. 1301.)

**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.

**§ 2351a. Operation and maintenance of existing infrastructure**

The Secretary shall improve the reliability, and operation and maintenance of, existing infrastructure of the Corps of Engineers, and, as necessary, improve its resilience to cyber-related threats.

(Pub. L. 115–270, title I, §1113, Oct. 23, 2018, 132 Stat. 3775.)

**Editorial Notes**

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2018, and also as part of the America’s Water Infrastructure Act of 2018, 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 102 of Pub. L. 115–270, set out as a note under section 2201 of this title.

**§ 2351b. Federal breakwaters and jetties**

**(a) In general**

In carrying out repair or maintenance activity of a Federal jetty, pile dike, or breakwater associated with an authorized navigation project, the Secretary shall, notwithstanding the authorized dimensions of the jetty, pile dike, or breakwater, ensure that such repair or maintenance activity is sufficient to meet the authorized purpose of such project, including ensuring that any harbor or inland harbor associated with the project is protected from projected changes in wave action or height (including changes that result from relative sea level change over the useful life of the project).

**(b) Classification of activity**

The Secretary may not classify any repair or maintenance activity of a Federal jetty, pile dike, or breakwater carried out under subsection (a) as major rehabilitation of such jetty, pile dike, or breakwater—

- (1) if the Secretary determines that—
  - (A) projected changes in wave action or height, including changes that result from relative sea level change, will diminish the functionality of the jetty, pile dike, or breakwater to meet the authorized purpose of the project; and
  - (B) such repair or maintenance activity is necessary to restore such functionality; or