

(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

(2) if the Secretary has not carried out regular and routine Federal maintenance activity at the jetty, pile dike, or breakwater and—

(A) the structural integrity of the jetty, pile dike, or breakwater is degraded as a result of a lack of such regular and routine Federal maintenance activity; or

(B) the pile dike has disconnected from an authorized navigation project as a result of a lack of such regular and routine Federal maintenance activity.

(Pub. L. 117–263, div. H, title LXXXI, §8101, Dec. 23, 2022, 136 Stat. 3695; Pub. L. 118–272, div. A, title I, §1136, Jan. 4, 2025, 138 Stat. 3025.)

#### Editorial Notes

##### 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.

##### AMENDMENTS

2025—Subsec. (a). Pub. L. 118–272, §1136(1), inserted “, pile dike,” after “jetty” in two places.

Subsec. (b). Pub. L. 118–272, §1136(1), inserted “, pile dike,” after “jetty” wherever appearing.

Subsec. (b)(2). Pub. L. 118–272 substituted “if the Secretary” for “if—” and “(A) the Secretary”, “breakwater and—” for “breakwater; and”, redesignated former subpar. (B) as (A), and added subpar. (B).

#### 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.

### § 2352. Funding to process permits

#### (a) Funding to process permits

##### (1) Definitions

In this subsection:

##### (A) Natural gas company

The term “natural gas company” has the meaning given the term in section 16451 of title 42, except that the term also includes a person engaged in the transportation of natural gas in intrastate commerce.

##### (B) Public-utility company

The term “public-utility company” has the meaning given the term in section 16451 of title 42.

##### (C) Railroad carrier

The term “railroad carrier” has the meaning given the term in section 20102 of title 49.

##### (D) Indian Tribe

The term “Indian Tribe” means—

(i) an Indian Tribe, as such term is defined in section 5304 of title 25; and

(ii) any entity formed under the authority of one or more Indian Tribes, as so defined.

##### (2) Permit processing

##### (A) In general

The Secretary, after public notice, may accept and expend funds contributed by a non-

Federal public entity or a public-utility company, Indian Tribe, natural gas company, or railroad carrier to expedite the evaluation of a permit of that entity, company, or carrier related to a project or activity for a public purpose under the jurisdiction of the Department of the Army, including an aquatic ecosystem restoration project.

##### (B) Mitigation bank instrument processing

An activity carried out by the Secretary to expedite evaluation of a permit described in subparagraph (A) may include the evaluation of an instrument for a mitigation bank if—

(i) the non-Federal public entity, public-utility company, Indian Tribe, natural gas company, or railroad carrier applying for the permit described in that subparagraph is the sponsor of the mitigation bank; and

(ii) expediting evaluation of the instrument is necessary to expedite evaluation of the permit described in that subparagraph.

##### (3) Effect on other entities

To the maximum extent practicable, the Secretary shall ensure that expediting the evaluation of a permit through the use of funds accepted and expended under this section does not adversely affect the timeline for evaluation (in the Corps district in which the project or activity is located) of permits under the jurisdiction of the Department of the Army of other entities that have not contributed funds under this section.

##### (b) Effect on permitting

##### (1) In general

In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decisionmaking with respect to permits, either substantively or procedurally.

##### (2) Impartial decisionmaking

In carrying out this section, the Secretary shall ensure that the evaluation of permits carried out using funds accepted under this section shall—

(A) be reviewed by—

(i) the District Commander, or the Commander’s designee, of the Corps District in which the project or activity is located; or

(ii) the Commander of the Corps Division in which the District is located if the evaluation of the permit is initially conducted by the District Commander; and

(B) utilize the same procedures for decisions that would otherwise be required for the evaluation of permits for similar projects or activities not carried out using funds authorized under this section.

##### (c) Limitation on use of funds

None of the funds accepted under this section shall be used to carry out a review of the evaluation of permits required under subsection (b)(2)(A).

##### (d) Public availability

##### (1) In general

The Secretary shall ensure that all final permit decisions carried out using funds author-