

Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), every” for “Every”.

1996—Subsec. (b)(2). Pub. L. 104-303 substituted “7 full” for “10 full”, “Upon submission” for “Before submission”, and “for the planning, design, or construction” for “for construction”.

1990—Subsec. (b)(2). Pub. L. 101-640 inserted after first sentence “Before submission of such list to Congress, the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, a project (including any part thereof) on such list would be located.”

Statutory Notes and Related Subsidiaries

SAVINGS CLAUSE

Pub. L. 115-270, title I, §1332(b), Oct. 23, 2018, 132 Stat. 3835, provided that: “Notwithstanding the third sentence of section 1001(b)(2) of the Water Resources Development Act of 1986 (former 33 U.S.C. 579a(b)(2)), projects and separable elements of projects identified in the fiscal year 2017 report prepared in accordance with such section and submitted to Congress on December 15, 2016, shall not be deauthorized unless such projects and separable elements meet the requirements of section 1301(b)(1)(A) of the Water Resources Development Act of 2016 (130 Stat. 1687) [former 33 U.S.C. 579d(b)(1)(A)].”

PROJECT DEAUTHORIZATIONS; EXTENSION OF LIMITATION ON PERIOD OF AUTHORIZATION

Pub. L. 100-676, §52(a), Nov. 17, 1988, 102 Stat. 4044, which provided that subsecs. (a) and (c) of this section applied to projects authorized for construction by Pub. L. 100-676 (see Short Title of 1988 Amendment note set out under section 2201 of this title), except that the 5-year period during which funds had to be obligated to prevent deauthorization began on Nov. 17, 1988, and were also to apply to projects authorized for construction subsequent to Pub. L. 100-676, except that 5-year period during which funds had to be obligated to prevent deauthorization began on the date of the authorization of such projects, was repealed by Pub. L. 104-303, title II, §228(b)(1), Oct. 12, 1996, 110 Stat. 3703.

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2201 of this title.

§ 579b. Omitted

Editorial Notes

CODIFICATION

Section, Pub. L. 113-121, title VI, §6001, June 10, 2014, 128 Stat. 1345; Pub. L. 114-322, title I, §1301(g), Dec. 16, 2016, 130 Stat. 1690, consisted of subsecs. (a) to (f) relating to deauthorization of inactive projects authorized for construction before Nov. 8, 2007. Subsecs. (a) and (c) to (f) were repealed by Pub. L. 114-322, title I, §1301(g), Dec. 16, 2016, 130 Stat. 1690. Subsec. (b) of section 6001 of Pub. L. 113-121 amended section 579a of this title.

§ 579c. Repealed. Pub. L. 116-260, div. AA, title III, § 360(d), Dec. 27, 2020, 134 Stat. 2733

Section, Pub. L. 113-121, title VI, §6003, June 10, 2014, 128 Stat. 1349; Pub. L. 115-270, title I, §1330(a), Oct. 23, 2018, 132 Stat. 3827, related to backlog prevention pertaining to projects from Public Law 113-121.

§ 579c-1. Repealed. Pub. L. 116-260, div. AA, title III, § 360(f), Dec. 27, 2020, 134 Stat. 2733

Section, Pub. L. 114-322, title I, §1302, Dec. 16, 2016, 130 Stat. 1690, related to backlog prevention pertaining to projects from Public Law 114-322.

§ 579c-2. Repealed. Pub. L. 116-260, div. AA, title III, § 360(h), Dec. 27, 2020, 134 Stat. 2733

Section, Pub. L. 115-270, title I, §1302, Oct. 23, 2018, 132 Stat. 3817, related to backlog prevention pertaining to projects from Public Law 115-270.

§ 579d. Repealed. Pub. L. 116-260, div. AA, title III, § 360(e), Dec. 27, 2020, 134 Stat. 2733

Section, Pub. L. 114-322, title I, §1301, Dec. 16, 2016, 130 Stat. 1686, related to deauthorization of inactive projects as of Public Law 114-322.

§ 579d-1. Repealed. Pub. L. 116-260, div. AA, title III, § 360(g), Dec. 27, 2020, 134 Stat. 2733

Section, Pub. L. 115-270, title I, §1301, Oct. 23, 2018, 132 Stat. 3814, related to deauthorization of inactive projects as of Public Law 115-270.

§ 579d-2. Deauthorization of inactive projects

(a) Purposes

The purposes of this section are—

(1) to identify water resources development projects, and separable elements of projects, authorized by Congress that are no longer viable for construction due to—

(A) a lack of local support;

(B) a lack of available Federal or non-Federal resources; or

(C) an authorizing purpose that is no longer relevant or feasible;

(2) to create an expedited and definitive process for Congress to deauthorize water resources development projects and separable elements that are no longer viable for construction; and

(3) to allow the continued authorization of water resources development projects and separable elements that are viable for construction.

(b) Proposed deauthorization list

(1) Preliminary list of projects

(A) In general

The Secretary shall develop a preliminary list of each water resources development project, or separable element of a project, authorized for construction before June 10, 2014, for which—

(i) planning, design, or construction was not initiated before January 4, 2025; or

(ii) planning, design, or construction was initiated before January 4, 2025, but for which no funds, Federal or non-Federal, were obligated for planning, design, or construction of the project or separable element of the project during the current fiscal year or any of the 10 preceding fiscal years.

(B) Use of comprehensive construction backlog and operation and maintenance report

The Secretary may develop the preliminary list from the comprehensive construction backlog and operation and maintenance reports developed pursuant to section 579a(b)(2) of this title.

(2) Preparation of proposed deauthorization list**(A) Proposed list and estimated deauthorization amount**

The Secretary shall—

- (i) prepare a proposed list of projects for deauthorization comprised of a subset of projects and separable elements identified on the preliminary list developed under paragraph (1) that are projects or separable elements described in subsection (a)(1), as determined by the Secretary; and
- (ii) include with such proposed list an estimate, in the aggregate, of the Federal cost to complete such projects.

(B) Determination of Federal cost to complete

For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized by section 2280 of this title, as applied to the most recent project schedule and cost estimate.

(3) Public comment and consultation**(A) In general**

The Secretary shall solicit comments from the public and the Governors of each applicable State on the proposed deauthorization list prepared under paragraph (2)(A).

(B) Comment period

The public comment period shall be 90 days.

(4) Preparation of final deauthorization list**(A) In general**

The Secretary shall prepare a final deauthorization list by—

- (i) considering any comments received under paragraph (3); and
- (ii) revising the proposed deauthorization list prepared under paragraph (2)(A) as the Secretary determines necessary to respond to such comments.

(B) Appendix

The Secretary shall include as part of the final deauthorization list an appendix that—

- (i) identifies each project or separable element on the proposed deauthorization list that is not included on the final deauthorization list; and
- (ii) describes the reasons why the project or separable element is not included on the final deauthorization list.

(c) Submission of final deauthorization list to Congress for congressional review; publication**(1) In general**

Not later than 90 days after the date of the close of the comment period under subsection (b)(3), the Secretary shall—

- (A) submit the final deauthorization list and appendix prepared under subsection (b)(4) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate; and
- (B) publish the final deauthorization list and appendix in the Federal Register.

(2) Exclusions

The Secretary shall not include in the final deauthorization list submitted under paragraph (1) any project or separable element with respect to which Federal funds for planning, design, or construction are obligated after the development of the preliminary list under subsection (b)(1)(A) but prior to the submission of the final deauthorization list under paragraph (1)(A) of this subsection.

(d) Repealed. Pub. L. 117-263, div. H, title LXXXI, § 8301(b), Dec. 23, 2022, 136 Stat. 3776

(e) Special rules**(1) Post-authorization studies**

A project or separable element of a project may not be identified on the proposed deauthorization list developed under subsection (b), or the final deauthorization list developed under subsection (c), if the project or separable element received funding for a post-authorization study during the current fiscal year or any of the 10 preceding fiscal years.

(2) Treatment of project modifications

For purposes of this section, if an authorized water resources development project or separable element of the project has been modified by an Act of Congress, the date of the authorization of the project or separable element shall be deemed to be the date of the most recent such modification.

(f) Deauthorization of antiquated projects**(1) In general**

Any water resources development project, or separable element of a project, authorized for construction prior to November 17, 1986, for which construction has not been initiated prior to December 27, 2020, or for which funds have not been obligated for construction in the 10-year period prior to December 27, 2020, is hereby deauthorized.

(2) Identification

Not later than 60 days after December 27, 2020, the Secretary shall issue 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 that identifies—

- (A) the name of each project, or separable element of a project, deauthorized by paragraph (1); and
- (B) the estimated current value of each such project or separable element of a project.

(g) Economic and environmental review of inactive water resources development projects

The Secretary or the non-Federal interest may not carry out any authorized water resources development project, or separable element of such project, for which construction has not been initiated in the 20-year period following the date of the authorization of such project or separable element, until—

- (1) the Secretary provides to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Sen-

ate a post-authorization change report that updates the economic and environmental analysis of the project or separable element; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate take appropriate action to address any modifications to the economic and environmental analysis for the project or separable element of the project contained in the post-authorization change report.

(h) Definitions

In this section:

(1) Post-authorization change report

The term “post-authorization change report” has the meaning given such term in section 2282e(d) of this title.

(2) Post-authorization study

The term “post-authorization study” means—

(A) a feasibility report developed under section 2282 of this title;

(B) a feasibility study, as defined in section 2215(d) of this title; or

(C) a review conducted under section 549a of this title, including an initial appraisal that—

(i) demonstrates a Federal interest; and

(ii) requires additional analysis for the project or separable element.

(Pub. L. 116–260, div. AA, title III, § 301, Dec. 27, 2020, 134 Stat. 2699; Pub. L. 117–263, div. H, title LXXXI, § 8301, Dec. 23, 2022, 136 Stat. 3775; Pub. L. 118–272, div. A, title III, § 1301, Jan. 4, 2025, 138 Stat. 3107.)

Editorial Notes

AMENDMENTS

2025—Subsecs. (a) to (c). Pub. L. 118–272 added subsecs. (a) to (c) and struck out former subsecs. (a) to (c) which related to purposes of this section, proposed deauthorization list, and submission for congressional review and publication of final deauthorization list, respectively.

2022—Subsecs. (a) to (c). Pub. L. 117–263, § 8301(a), added subsecs. (a) to (c) and struck out former subsecs. (a) to (c) which related to purposes of this section, development of proposed deauthorization list, and submission to Congress and publication of final deauthorization list, respectively.

Subsec. (d). Pub. L. 117–263, § 8301(b), struck out subsec. (d) which provided for deauthorization of projects on final deauthorization list subject to congressional review and non-Federal contributions.

Statutory Notes and Related Subsidiaries

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of div. AA of Pub. L. 116–260, set out as a note under section 2201 of this title.

§ 579e. Access to real estate data

(a) In general

Using available funds, the Secretary shall make publicly available, including on a publicly accessible website, information on all Federal real estate assets in the United States that are

owned, operated, or managed by, or in the custody of, the Corps of Engineers.

(b) Requirements

(1) In general

The real estate information made available under subsection (a) shall include—

(A) existing standardized real estate plat descriptions of assets described in subsection (a); and

(B) existing geographic information systems and geospatial information associated with such assets.

(2) Collaboration

In making information available under subsection (a), the Secretary shall consult with the Administrator of General Services. Such information may be made available, in whole or in part, in the Federal real property database published under section 21 of the Federal Assets Sale and Transfer Act of 2016 (Public Law 114–287), as determined appropriate by the Administrator of General Services. Nothing in this paragraph shall be construed as requiring the Administrator of General Services to add additional data elements or features to such Federal real property database if such additions are impractical or would add additional costs to such database.

(c) Limitation

Nothing in this section shall compel or authorize the disclosure of data or other information determined by the Secretary to be confidential, privileged, national security information, personal information, or information the disclosure of which is otherwise prohibited by law.

(d) Timing

The Secretary shall ensure that the implementation of subsection (a) occurs as soon as practicable.

(e) Effect on other laws

Nothing in this section shall be construed as modifying, or exempting the Corps of Engineers from, the requirements of the Federal real property database published under section 21 of the Federal Assets Sale and Transfer Act of 2016 (Public Law 114–287).

(Pub. L. 115–270, title I, § 1107, Oct. 23, 2018, 132 Stat. 3773.)

Editorial Notes

REFERENCES IN TEXT

Section 21 of the Federal Assets Sale and Transfer Act of 2016, referred to in subsecs. (b)(2) and (e), is section 21 of Pub. L. 114–287, which is set out in a note under section 1303 of Title 40, Public Buildings, Property, and Works.

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.