

plan for development of the site has been approved by appropriate local governmental authorities in the area or community in which such site is located.

(c) Conveyance to State, public or private non-profit body

The Secretary is further authorized and directed by proper deed, executed in the name of the United States, to convey any lands or interests in land acquired in any State under the provisions of this section, to the State, or such public or private nonprofit body, agency, or institution in the State as the Governor may prescribe, upon such terms and conditions as may be agreed upon by the Secretary, the Governor, and the agency to which the conveyance is to be made.

(Pub. L. 90-483, title II, §209, Aug. 13, 1968, 82 Stat. 745.)

Editorial Notes

CODIFICATION

“Sections 3114-3116 and 3118 of title 40” substituted in subsec. (a) for “the Act of February 26, 1931 (46 Stat. 1421)” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

§ 598a. Property acquisition

(a) In general

In acquiring an interest in land, or requiring a non-Federal interest to acquire an interest in land, the Secretary shall, in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. 4601 et seq.], first consider the minimum interest in real property necessary to support the water resources development project for which such interest is acquired.

(b) Determination

In determining an interest in land under subsection (a), the Secretary shall first consider a temporary easement or other interest designed to reduce the overall cost of the water resources development project for which such interest is acquired, reduce the time to complete such project, and minimize conflict with property owners related to such project.

(c) Procedures used in State

In carrying out subsection (a), the Secretary shall consider, with respect to a State, the procedures that the State uses to acquire, or require the acquisition of, interests in land, to the extent that such procedures are generally consistent with the goals of a project or action.

(Pub. L. 115-270, title I, §1115, Oct. 23, 2018, 132 Stat. 3776.)

Editorial Notes

REFERENCES IN TEXT

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subsec. (a), is Pub. L. 91-646, Jan. 2, 1971, 84 Stat. 1894, which is classified principally to chapter 61 (§4601 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 4601 of Title 42 and Tables.

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.

§ 598b. Minimum real estate interest

(a) Real estate plan

The Secretary shall provide to the non-Federal interest for an authorized water resources development project a real estate plan for the project that includes a description of the real estate interests required for construction, operation and maintenance, repair, rehabilitation, or replacement of the project, including any specific details and legal requirements necessary for implementation of the project.

(b) Identification of minimum interest

(1) In general

For each authorized water resources development project for which an interest in real property is required for any applicable construction, operation and maintenance, repair, rehabilitation, or replacement, the Secretary shall identify the minimum interest in the property necessary to carry out the applicable activity.

(2) Determination

In carrying out paragraph (1), the Secretary shall identify an interest that is less than fee simple title in cases where the Secretary determines that—

(A) such an interest is sufficient for construction, operation and maintenance, repair, rehabilitation, and replacement of the applicable project; and

(B) the non-Federal interest cannot legally make available to the Secretary an interest in fee simple title for purposes of the project.

(c) Requirement

The non-Federal interest for an authorized water resources development project shall provide for the project an interest in the applicable real property that is the minimum interest identified under subsection (b).

(d) Annual report

The Secretary shall annually submit 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 containing—

(1) a summary of all instances in which the Secretary identified under subsection (b) fee simple title as the minimum interest necessary with respect to an activity for which the non-Federal interest requested the use of an interest less than fee simple title; and

(2) with respect to each such instance, a description of the legal requirements that resulted in identifying fee simple title as the minimum interest.

(e) Existing agreements

At the request of a non-Federal interest, an agreement entered into under section 1962d-5b of title 42 between the Secretary and the non-Fed-

eral interest before January 4, 2025, may be amended to reflect the requirements of this section.

(Pub. L. 118-272, div. A, title I, §1104, Jan. 4, 2025, 138 Stat. 3000.)

Statutory Notes and Related Subsidiaries

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 1002 of div. A of Pub. L. 118-272, set out as a note under section 2201 of this title.

§ 598c. Easements for hurricane and storm damage reduction projects

(a) In general

With respect to a project for hurricane and storm damage reduction for which the Secretary is requiring a perpetual easement, the Secretary shall, upon request by the non-Federal interest for the project, certify real estate availability and proceed to construction of such project with a nonperpetual easement if—

(1) such certification and construction are in compliance with the terms of the report of the Chief of Engineers for the project and the applicable project partnership agreement; and

(2) the Secretary provides the non-Federal interest with formal notice that, in the event in which the nonperpetual easement expires and is not extended, the Secretary will be unable to—

(A) fulfill the Federal responsibility with respect to the project or carry out any required nourishment of the project under the existing project authorization;

(B) carry out repair and rehabilitation of the project under section 701n of this title; and

(C) provide any other relevant Federal assistance with respect to the project.

(b) Disclosure

For any project for hurricane storm damage risk reduction, or a proposal to modify such a project, that is authorized after January 4, 2025, for which a perpetual easement is required for Federal participation in the project, the Secretary shall include in the report of the Chief of Engineers for the project a disclosure of such requirement.

(c) Management

To the maximum extent practicable, the Secretary shall, at the request of the non-Federal interest for a project for hurricane storm damage risk reduction, identify and accept the minimum real estate interests necessary to carry out the project, in accordance with section 598b of this title.

(d) Hurricane and storm damage reduction project implementation

(1) In general

During the 2-year period beginning on January 4, 2025, notwithstanding any requirement of the Secretary for a covered project to comply with the memorandum of the Corps of Engineers entitled “Standard Estates – Perpetual Beach Nourishment and Perpetual Restrictive Dune Easement” and dated August 4, 1995, the

Secretary shall carry out each covered project in a manner consistent with the previously completed initial construction and periodic nourishments of the project, including repair and restoration work on the project under section 701n(a) of this title.

(2) Covered project defined

In this subsection, the term “covered project” means an authorized project for hurricane and storm damage reduction in any one of the following locations:

(A) Brevard County, Canaveral Harbor, Florida – Mid Reach.

(B) Brevard County, Canaveral Harbor, Florida – North Reach.

(C) Brevard County, Canaveral Harbor, Florida – South Reach.

(D) Broward County, Florida – Segment II.

(E) Broward County, Florida – Segment III.

(F) Dade County, Florida – Main Segment.

(G) Dade County, Florida – Sunny Isles Segment.

(H) Duval County, Florida.

(I) Fort Pierce Beach, Florida.

(J) Lee County, Florida – Captiva.

(K) Lee County, Florida – Gasparilla.

(L) Manatee County, Florida.

(M) Martin County, Florida.

(N) Nassau County, Florida.

(O) Palm Beach County, Florida – Jupiter/Carlin Segment.

(P) Palm Beach County, Florida – Delray Segment.

(Q) Palm Beach County, Florida – Mid Town.

(R) Palm Beach County, Florida – North Boca.

(S) Palm Beach County, Florida – Ocean Ridge.

(T) Panama City Beaches, Florida.

(U) Pinellas County, Florida – Long Key.

(V) Pinellas County, Florida – Sand Key Segment.

(W) Pinellas County, Florida – Treasure Island.

(X) Sarasota, Lido Key, Florida.

(Y) Sarasota County, Florida – Venice Beach.

(Z) St. Johns County, Florida – St. Augustine Beach.

(AA) St. Johns County, Florida – Vilano Segment.

(BB) St. Lucie County, Florida – Hutchinson Island.

(3) Sense of Congress

It is the sense of Congress that, for the purpose of constructing and maintaining a project for hurricane and storm damage risk reduction, the minimum estate necessary for easements may not exceed the life of the project nor be less than 50 years.

(e) Savings clause

Nothing in this section may be construed to affect the requirements of section 2213(d) of this title.

(Pub. L. 118-272, div. A, title I, §1145, Jan. 4, 2025, 138 Stat. 3035.)