

(c) Deauthorized list; publication in Federal Register

The Secretary shall publish in the Federal Register a list of any projects or separable elements that are deauthorized under this section.

(Pub. L. 99-662, title X, §1001, Nov. 17, 1986, 100 Stat. 4201; Pub. L. 101-640, title I, §119(a), Nov. 28, 1990, 104 Stat. 4630; Pub. L. 104-303, title II, §228(a), Oct. 12, 1996, 110 Stat. 3703; Pub. L. 106-109, §8(d), Nov. 24, 1999, 113 Stat. 1496; Pub. L. 110-114, title II, §2046, Nov. 8, 2007, 121 Stat. 1105; Pub. L. 113-121, title VI, §6001(b), June 10, 2014, 128 Stat. 1345.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 99-662, Nov. 17, 1986, 100 Stat. 4082, known as the Water Resources Development Act of 1986. For complete classification of this Act to the Code, see Short Title note set out under section 2201 of this title and Tables.

AMENDMENTS

2014—Subsec. (b)(3), (4). Pub. L. 113-121 added pars. (3) and (4).

2007—Subsec. (b)(2). Pub. L. 110-114, §2046(3), which directed the substitution of “such period” for “such 30 month period” in last sentence, was executed by making the substitution for “such 30-month period” to reflect the probable intent of Congress.

Pub. L. 110-114, §2046(2), in last sentence, substituted “the last date of the fiscal year following the fiscal year in which” for “30 months after the date”.

Pub. L. 110-114, §2046(1), in first sentence, substituted “year” for “two years” and “5” for “7”.

1999—Subsec. (b)(2). Pub. L. 106-109, in first sentence, substituted “Notwithstanding section 3003 of Public 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.”

PROJECT DEAUTHORIZATIONS; EXTENSION OF LIMITATION ON PERIOD OF AUTHORIZATION

Pub. L. 100-676, §52(a), Nov. 17, 1988, 102 Stat. 4044, which provided that subssecs. (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. Deauthorization of inactive projects

(a) Purposes

The purposes of this section are—

(1) to identify \$18,000,000,000 in water resources development 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 to deauthorize water resources development projects that are no longer viable for construction; and

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

(b) Omitted

(c) Interim deauthorization list

(1) In general

The Secretary shall develop an interim deauthorization list that identifies each water resources development project, or separable element of a project, authorized for construction before November 8, 2007, for which—

(A) construction was not initiated before June 10, 2014; or

(B) construction was initiated before June 10, 2014, but for which no funds, Federal or non-Federal, were obligated for construction of the project or separable element of the project during the current fiscal year or any of the 6 preceding fiscal years.

(2) Special rule for projects receiving funds for post-authorization study

A project or separable element of a project may not be identified on the interim deauthorization list, or the final deauthorization list developed under subsection (d), if the project or separable element received funding for a post-authorization study during the current fiscal year or any of the 6 preceding fiscal years.

(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 interim deauthorization list developed under paragraph (1).

(B) Comment period

The public comment period shall be 90 days.

(4) Submission to Congress; publication

Not later than 90 days after the date of submission of the list required by section 579a(b)(4)(A) of this title (as added by subsection (b)), the Secretary shall—

(A) submit the interim deauthorization list to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) publish the interim deauthorization list in the Federal Register.

(d) Final deauthorization list

(1) In general

The Secretary shall develop a final deauthorization list of each water resources development project, or separable element of a project, described in subsection (c)(1) that is identified pursuant to this subsection.

(2) Deauthorization amount**(A) In general**

The Secretary shall include on the final deauthorization list projects and separable elements of projects that have, in the aggregate, an estimated Federal cost to complete that is at least \$18,000,000,000.

(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) Identification of projects**(A) Sequencing of projects****(i) In general**

The Secretary shall identify projects and separable elements of projects for inclusion on the final deauthorization list according to the order in which the projects and separable elements of the projects were authorized, beginning with the earliest authorized projects and separable elements of projects and ending once the last project or separable element of a project necessary to meet the aggregate amount under paragraph (2) is identified.

(ii) Factors to consider

The Secretary may identify projects and separable elements of projects in an order other than that established by clause (i) if the Secretary determines, on a case-by-case basis, that a project or separable element of a project is critical for interests of the United States, based on the possible impact of the project or separable element of the project on public health and safety, the national economy, or the environment.

(iii) Consideration of public comments

In making determinations under clause (ii), the Secretary shall consider any comments received under subsection (c)(3).

(B) Appendix

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

(i) identifies each project or separable element of a project on the interim deauthorization list developed under subsection (c) that is not included on the final deauthorization list; and

(ii) describes the reasons why the project or separable element is not included.

(4) Submission to Congress; publication

Not later than 120 days after the date on which the public comment period under subsection (c)(3) expires, the Secretary shall—

(A) submit the final deauthorization list and the appendix to the final deauthorization list to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) publish the final deauthorization list and the appendix to the final deauthorization list in the Federal Register.

(e) Deauthorization; congressional review**(1) In general**

After the expiration of the 180-day period beginning on the date of submission of the final deauthorization report under subsection (d), a project or separable element of a project identified in the report is hereby deauthorized, unless Congress passes a joint resolution disapproving the final deauthorization report prior to the end of such period.

(2) Non-Federal contributions**(A) In general**

A project or separable element of a project identified in the final deauthorization report under subsection (d) shall not be deauthorized under this subsection if, before the expiration of the 180-day period referred to in paragraph (1), the non-Federal interest for the project or separable element of the project provides sufficient funds to complete the project or separable element of the project.

(B) Treatment of projects

Notwithstanding subparagraph (A), each project and separable element of a project identified in the final deauthorization report shall be treated as deauthorized for purposes of the aggregate deauthorization amount specified in subsection (d)(2).

(f) General provisions**(1) Definitions**

In this section:

(A) Post-authorization study

The term “post-authorization study” means—

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

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

(iii) 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.

(B) Water resources development project

The term “water resources development project” includes an environmental infrastructure assistance project or program of the Corps of Engineers.

(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.

(Pub. L. 113–121, title VI, §6001, June 10, 2014, 128 Stat. 1345.)

REFERENCES IN TEXT

Subsection (b), referred to in subsec. (c)(4), is subsection (b) of section 6001 of Pub. L. 113–121.

CODIFICATION

Section is comprised of section 6001 of Pub. L. 113–121. Subsec. (b) of section 6001 of Pub. L. 113–121 amended section 579a of this title.

“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.

§ 579c. Backlog prevention**(a) Project deauthorization****(1) In general**

A water resources development project, or separable element of such a project, authorized for construction by this Act shall not be authorized after the last day of the 7-year period beginning on June 10, 2014, unless funds have been obligated for construction of such project during that period.

(2) Identification of projects

Not later than 60 days after the expiration of the 7-year period referred to in paragraph (1), 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 identifies the projects deauthorized under paragraph (1).

(b) Report to Congress

Not later than 60 days after the expiration of the 12-year period beginning on June 10, 2014, 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, and make available to the public, a report that contains—

- (1) a list of any water resources development projects authorized by this Act for which construction has not been completed during that period;
- (2) a description of the reasons the projects were not completed;
- (3) a schedule for the completion of the projects based on expected levels of appropriations; and
- (4) a 5-year and 10-year projection of construction backlog and any recommendations to Congress regarding how to mitigate current problems and the backlog.

(Pub. L. 113–121, title VI, § 6003, June 10, 2014, 128 Stat. 1349.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 113–121, June 10, 2014, 128 Stat. 1193, known as the Water Resources Reform and Development Act of 2014. For complete classification of this Act to the Code, see Short Title note set out under section 2201 of this title and Tables.

“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.

SUBCHAPTER II—PAY AND ALLOWANCES;
TRAVELING EXPENSES AND SUBSISTENCE**§ 581. Hiring special means of transportation**

In their execution and inspection of river and harbor improvement work, at points beyond

easy reach of ordinary regular transportation lines, Engineer officers are authorized to hire and use such transportation as they may consider desirable and advantageous to the progress of work.

(July 25, 1912, ch. 253, § 9, 37 Stat. 233.)

CODIFICATION

Section is from act July 25, 1912, popularly known as the “Rivers and Harbors Appropriation Act of 1912”.

§ 582. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 644

Section, act July 18, 1918, ch. 155, § 9, 40 Stat. 912, related to subsistence allowance to persons engaged in field work.

§ 583. Payment of allowances, etc., incident to change of station of Engineer officers from appropriation for improvements

When in the opinion of the Secretary of the Army the changes of a station of an officer of the Corps of Engineers is primarily in the interest of river and harbor improvement, the mileage and other allowances to which he may be entitled incident to such change of station may be paid from appropriations for such improvements.

(Mar. 3, 1925, ch. 467, § 5, 43 Stat. 1191; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted “Title 10, Armed Forces” which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

§ 583a. Payment of pay and allowances of officers of Corps of Engineers from appropriation for improvements

Regular officers of the Corps of Engineers of the Army, and reserve officers of the Army who are assigned to the Corps of Engineers, who are employed primarily on duty connected with non-military public works prosecuted under the direction of the Chief of Engineers, including river and harbor improvements, flood control, and other such works, shall, while so employed, be paid their pay and allowances from the appropriation for the works upon which they are employed.

(Aug. 10, 1956, ch. 1041, § 36, 70A Stat. 634.)

CODIFICATION

Section is derived from the third proviso of Act June 26, 1936, ch. 839, 49 Stat. 1974, which was classified to section 181a of Title 10 prior to the general revision and enactment of Title 10, Armed Forces, by act Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 1.

§§ 584, 584a. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 647, 648

Section 584, act Jan. 21, 1927, ch. 47, § 5(d), 44 Stat. 1021, related to expenses incident to transportation of household effects of civilian employees.

Section 584a, act July 3, 1930, ch. 847, § 6, 46 Stat. 948, related to travel expenses of civilian employees on river and harbor works.